

1 ~~controlling person controlling the professional employer group~~ shall guarantee the
2 obligations of the professional employer organizations in the professional employer
3 group.

4 *~~0221/P3.69~~**SECTION 2289.** 461.02 (7) of the statutes is renumbered 202.22
5 (7), and 202.22 (7) (a), (b) and (c), as renumbered, are amended to read:

6 202.22 (7) (a) The department shall by rule provide for registration of a
7 professional employer organization or professional employer group on acceptance by
8 the department of a registration form, financial statement, or any other information
9 or documentation required under sub. (2), (4), (5), or (6), s. ~~461.03~~ 202.23, or rules
10 promulgated under s. ~~461.06~~ 202.095 or 202.26 in the form of an electronic record,
11 as defined in s. 137.11 (7) and, if a signature is required, on acceptance of an
12 electronic signature, as defined in s. 137.11 (8).

13 (b) The department may by rule provide for registration of a professional
14 employer organization or professional employer group without compliance with sub.
15 (2), (4), (5), or (6), s. ~~461.03~~ 202.23, or rules promulgated under s. ~~461.06~~ 202.095
16 or 202.26 on acceptance by the department of assurance, provided by a bonded,
17 independent, and qualified assurance organization that has been approved by the
18 department, ~~that provides assurance~~ satisfactory to the department that the
19 professional employer organization or professional employer group is qualified to
20 operate as a professional employer organization or a professional employer group in
21 this state.

22 (c) This subsection does not limit the authority of the department to require a
23 professional employer organization or professional employer group to register as
24 provided in sub. (2), (4), (5), or (6), to maintain proof of financial capability as
25 required under s. ~~461.03~~ 202.23, or to comply with this chapter and the rules

1 promulgated under s. ~~461.06~~ 202.095 or 202.26; to investigate an applicant or
2 registrant and deny registration or renewal registration under sub. (8), or to
3 investigate an applicant, registrant, or controlling person and take disciplinary
4 action under s. ~~461.05~~ 202.06.

5 ***-0221/P3.70*SECTION 2290.** 461.02 (8) of the statutes is renumbered 202.22
6 (8) and amended to read:

7 **202.22 (8) ISSUANCE OF REGISTRATION.** The department shall investigate each
8 applicant or registrant who submits to the department an application for
9 registration or registration renewal under this section, together with the applicable
10 registration or registration renewal fee, to determine whether the applicant or
11 registrant is qualified for registration or for renewal registration. Except as provided
12 in s. ~~440.12 and 440.13~~ ss. 202.03 and 202.035, the department shall issue a
13 registration or renewal registration if, after completing the investigation, the
14 department determines that the applicant or registrant meets the applicable
15 requirements under this chapter and rules promulgated under s. ~~461.06~~ 202.095 or
16 202.26 for issuance or renewal of a registration and is satisfied that the applicant or
17 registrant will comply with this chapter and those rules.

18 ***-0221/P3.71*SECTION 2291.** 461.02 (9) of the statutes is renumbered 202.22
19 (9).

20 ***-0221/P3.72*SECTION 2292.** 461.03 of the statutes is renumbered 202.23 and
21 amended to read:

22 **202.23 Financial capability.** Except as provided in s. ~~461.02~~ 202.22 (5) (e)
23 or (7) (b), a professional employer organization or professional employer group shall
24 maintain one of the following:

1 (1) **WORKING CAPITAL REQUIREMENT.** Working capital, as defined by generally
2 accepted accounting principals, of not less than \$100,000, as shown in the financial
3 statement submitted to the department under s. ~~461.02~~ 202.22 (2) (f) 1., (4), or (6).
4 If a professional employer organization or professional employer group has less than
5 \$100,000 in working capital, the department may issue a registration or renewal
6 registration contingent on the registrant meeting the working capital requirement
7 of this subsection no later than 180 days after the issuance of the registration or
8 renewal registration. During the period of contingent registration, the registrant
9 shall submit quarterly financial statements to the department accompanied by an
10 attestation by the chief executive officer of the registrant that all wages, salaries,
11 employee benefits, worker's compensation insurance premiums, payroll taxes,
12 unemployment insurance contributions, and other amounts that are payable to or
13 with respect to an employee of the registrant performing services for a client were
14 paid by the registrant when due.

15 (2) **ALTERNATIVE COMMITMENT.** A bond, certificate of deposit, escrow account, or
16 irrevocable letter of credit in an amount that is not less than \$100,000 or, if the
17 financial statement submitted to the department under s. ~~461.02~~ 202.22 (2) (f) 1.,
18 (4), or (6) indicates a deficit in working capital, a bond, certificate of deposit, escrow
19 account, or irrevocable letter of credit in an amount that is not less than \$100,000
20 plus an amount that is sufficient to cover that deficit. The commitment described in
21 this subsection shall be in a form approved by the department, shall be held in a
22 depository designated by the department, and shall secure the payment by the
23 professional employer organization or professional employer group of any wages,
24 salaries, employee benefits, worker's compensation insurance premiums, payroll
25 taxes, unemployment insurance contributions, or other amounts that are payable to

1 or with respect to an employee performing services for a client if the professional
2 employer organization or professional employer group does not make those
3 payments when due. The commitment shall be established in favor of or be made
4 payable to the department, for the benefit of the state and any employee to whom or
5 with respect to whom the professional employer organization or professional
6 employer group does not make a payment described in this subsection when due. The
7 professional employer organization or professional employer group shall file with the
8 department any agreement, instrument, or other document that is necessary to
9 enforce the commitment against the professional employer organization or
10 professional employer group, or against any relevant 3rd party, or both.

11 *~~0221/P3.73~~*SECTION 2293. 461.04 of the statutes is renumbered 202.24, and
12 202.24 (3), as renumbered, is amended to read:

13 202.24 (3) LICENSING. Nothing in this ~~chapter~~ subchapter or in any contract for
14 the provision of the nontemporary, ongoing workforce of a client may be construed
15 to affect or impair any federal, state, or local licensing, registration, or certification
16 requirement that is applicable to a client or to an employee performing services for
17 a client.

18 *~~0221/P3.74~~*SECTION 2294. 461.05 of the statutes is repealed.

19 *~~0221/P3.75~~*SECTION 2295. 461.06 of the statutes is renumbered 202.26, and
20 202.26 (intro.), (1) and (3), as renumbered, are amended to read:

21 **202.26 Rules.** (intro.) The rules the department shall promulgate ~~rules to~~
22 promulgates under s. 202.095 that implement this chapter. ~~Those rules~~ subchapter
23 shall include rules providing for all of the following:

24 (1) Alternative registration of professional employer organizations under s.
25 461.02 ~~202.22~~ (7) (a) and (b).

1 **(3)** Minimum requirements for issuance or renewal of a registration under s.
2 ~~461.02~~ 202.22 (8).

3 *~~0221/P3.76~~***SECTION 2296.** 461.10 of the statutes is renumbered 202.29 and
4 amended to read:

5 **202.29 Short title.** This ~~chapter~~ subchapter shall be known as the “Wisconsin
6 Professional Employer Organizations Act.”

7 *~~0707/1.6~~***SECTION 2297.** 562.025 (1) (intro.) of the statutes is amended to
8 read:

9 562.025 (1) (intro.) No employee in the division of gaming who performs any
10 duty related to racing or ~~the executive assistant or the secretary or, deputy secretary,~~
11 or assistant deputy secretary of administration and no member of such a person’s
12 immediate family, as defined in s. 19.42 (7), may, while that person is employed or
13 serves in such a capacity or for 2 years following the termination of his or her
14 employment with the department after having served in such a capacity, do any of
15 the following:

16 *~~0707/1.7~~***SECTION 2298.** 563.05 (5) (intro.) of the statutes is amended to
17 read:

18 563.05 (5) (intro.) No employee in the division of gaming who performs any
19 duty related to bingo or raffles or ~~the executive assistant or the secretary or, deputy~~
20 secretary, or assistant deputy secretary of administration and no member of such a
21 person’s immediate family, as defined in s. 19.42 (7), may, while that person is
22 employed or serves in such a capacity or for 2 years following the termination of his
23 or her employment with the department after having served in such a capacity, do
24 any of the following:

25 *~~0222/P1.2~~***SECTION 2299.** Chapter 564 of the statutes is repealed.

SECTION 2300

1 *~~0707/1.8~~*SECTION 2300. 564.02 (2m) (intro.) of the statutes is amended to
2 read:

3 564.02 (2m) CONFLICTS OF INTEREST. (intro.) No employee in the division of
4 gaming who performs any duty related to crane games or ~~the executive assistant or~~
5 ~~the secretary or, deputy secretary, or assistant deputy secretary~~ of administration
6 and no member of such a person's immediate family, as defined in s. 19.42 (7), may,
7 while that person is employed in such a capacity or for 2 years following the
8 termination of his or her employment with the department, do any of the following:

9 *~~0229/5.1~~*SECTION 2301. 565.01 (4n) of the statutes is created to read:

10 565.01 (4n) "Personal representative" has the meaning given in s. 851.23.

11 *~~0707/1.9~~*SECTION 2302. 565.05 (1) (intro.) of the statutes is amended to
12 read:

13 565.05 (1) (intro.) No employee in the lottery division of the department or ~~the~~
14 ~~executive assistant or~~ the secretary or, deputy secretary, or assistant deputy
15 secretary of revenue may do any of the following:

16 *~~0707/1.10~~*SECTION 2303. 565.05 (1) (a) of the statutes is amended to read:

17 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any
18 vendor while serving as an employee in the lottery division of the department or as
19 ~~the executive assistant or~~ as secretary or, deputy secretary, or assistant deputy
20 secretary of revenue or for 2 years following the person's termination of service.

21 *~~0707/1.11~~*SECTION 2304. 565.17 (5) (a) of the statutes is amended to read:

22 565.17 (5) (a) No employee in the lottery division of the department or ~~the~~
23 ~~executive assistant or~~ the secretary or, deputy secretary, or assistant deputy
24 secretary of revenue and no member of such a person's immediate family, as defined
25 in s. 19.42 (7), may purchase a lottery ticket or lottery share.

1 ***-0229/5.2*SECTION 2305.** 565.30 (1) of the statutes is renumbered 565.30 (1)
2 (a) and amended to read:

3 565.30 (1) (a) The administrator shall direct the payment of a prize, in the form
4 elected under s. 565.28, if applicable, to the holder of the winning lottery ticket or
5 lottery share or to a person designated under sub. (2), except that a prize may be paid
6 to another person under a court order or, upon the death of a prize winner, any prize
7 money that has not been paid shall be paid to the prize winner's estate of a deceased
8 prize winner.

9 (e) The department, administrator, state and any contractor for materials,
10 equipment or services of the game in which the prize is won are discharged of all
11 liability upon payment of the prize to the holder of a winning lottery ticket or lottery
12 share.

13 ***-0229/5.3*SECTION 2306.** 565.30 (1) (b) of the statutes is created to read:

14 565.30 (1) (b) If prize money, other than prize money from a multijurisdictional
15 lottery, is being paid in the form of an annuity to a person at the time of his or her
16 death, and if the personal representative of the deceased person's estate petitions the
17 administrator within 18 months after the effective date of this paragraph [LRB
18 inserts date], or within 18 months after the date of death of the person, whichever
19 is later, to have the remaining prize money paid in the form of a lump sum, the
20 administrator shall direct that the payment be made as a lump sum.

21 ***-0229/5.4*SECTION 2307.** 565.30 (1) (c) of the statutes is created to read:

22 565.30 (1) (c) If prize money, other than prize money from a multijurisdictional
23 lottery, is being paid in the form of an annuity to a person, other than a prize winner,
24 and if the person petitions the administrator within 18 months after the effective
25 date of this paragraph [LRB inserts date], or within 18 months after the date of

1 the receipt of the first annuity payment by the person, whichever is later, to have the
2 remaining prize money paid in the form of a lump sum, the administrator shall direct
3 that the payment be made in a lump sum.

4 ***-0229/5.5*SECTION 2308.** 565.30 (1) (d) of the statutes is created to read:

5 565.30 (1) (d) The administrator shall establish a procedure for submitting
6 petitions under pars. (b) and (c).

7 ***-1092/1.109*SECTION 2309.** 601.415 (10) of the statutes is amended to read:

8 601.415 (10) PETROLEUM PRODUCT STORAGE REMEDIAL ACTION PROGRAM RULES.
9 The commissioner shall promulgate the rules required under s. ~~101.143~~ 292.63 (1m).

10 ***-0617/2.55*SECTION 2310.** 632.697 of the statutes is created to read:

11 **632.697 Benefits subject to department's right to recover.** Death
12 benefits payable under a life insurance policy or an annuity are subject to the right
13 of the department of health services to recover under s. 46.27 (7g), 49.496, 49.682,
14 or 49.849 an amount equal to the medical assistance that is recoverable under s.
15 49.496 (3) (a), an amount equal to aid under s. 49.68, 49.683, or 49.685 that is
16 recoverable under s. 49.682 (2) (a), or an amount equal to long-term community
17 support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that
18 was paid on behalf of the deceased policyholder or annuitant.

19 ***-0221/P3.77*SECTION 2311.** 635.02 (7) (b) 3. of the statutes is amended to
20 read:

21 635.02 (7) (b) 3. A professional employer organization, as defined in s. ~~461.01~~
22 202.21 (5), or a professional employer group, as defined in s. ~~461.01~~ 202.21 (4), that
23 provides health care benefits to more than 50 employees performing services for a
24 client, as defined in s. ~~461.01~~ 202.21 (2).

25 ***-0617/2.56*SECTION 2312.** 700.24 of the statutes is amended to read:

1 **700.24 Death of a joint tenant; effect of liens.** A real estate mortgage, a
2 security interest under ch. 409, or a lien under s. 72.86 (2), 1985 stats., or s. 71.91 (5)
3 (b), ~~or ch. 49 or 779 or rules promulgated under s. 46.286 (7)~~ on or against the interest
4 of a joint tenant does not defeat the right of survivorship in the event of the death
5 of such joint tenant, but the surviving joint tenant or tenants take the interest such
6 deceased joint tenant could have transferred prior to death subject to such mortgage,
7 security interest, or statutory lien.

8 *~~0617/2.57~~**SECTION 2313.** 701.065 (1) (b) 1. of the statutes is amended to
9 read:

10 701.065 (1) (b) 1. The claim is a claim based on tort, on a marital property
11 agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on
12 Wisconsin income, franchise, sales, withholding, gift, or death taxes, or on
13 unemployment compensation contributions due or benefits overpaid; a claim for
14 funeral or administrative expenses; a claim of this state under s. 46.27 (7g), 49.496
15 ~~or, 49.682, or rules promulgated under s. 46.286 (7)~~ 49.849; or a claim of the United
16 States.

17 *~~0617/2.58~~**SECTION 2314.** 701.065 (5) of the statutes is created to read:

18 701.065 (5) CLAIMS OF DEPARTMENT OF HEALTH SERVICES. (a) *Definitions.* In this
19 subsection:

20 1. “Department” means the department of health services.

21 2. “Long-term care program” has the meaning given in s. 49.496 (1) (bk).

22 (b) *Living trusts.* 1. Notwithstanding sub. (1) (a), if a settlor of a living trust,
23 or if the predeceased spouse of a settlor of a living trust, at anytime received any
24 services provided as a benefit under a long-term care program, medical assistance
25 under subch. IV of ch. 49, long-term community support services funded under s.

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1 46.27 (7), or aid under s. 49.68, 49.683, or 49.685, the trustee shall provide written
2 notice to the department by registered or certified mail, within 30 days after the
3 death of the settlor and before any property held in the trust is distributed. The
4 notice shall include demographic information about the settlor and the settlor's
5 predeceased spouse, if any, information about how to file a claim, a copy of the trust
6 document, and documentation supporting the value of the trust on the settlor's date
7 of death.

8 2. After the death of a settlor who, or whose predeceased spouse, received
9 services, medical assistance, long-term community support services, or aid
10 described in subd. 1., the department may recover under s. 46.27 (7g), 49.496, 49.682,
11 or 49.849, from property held in the living trust immediately before the settlor's
12 death, an amount equal to the medical assistance that is recoverable under s. 49.496
13 (3) (a), an amount equal to aid under s. 49.68, 49.683, or 49.685 that is recoverable
14 under s. 49.682 (2) (a), or an amount equal to long-term community support services
15 under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf
16 of the settlor or the settlor's predeceased spouse. The deadline for the department
17 to file a claim for recovery under this subdivision shall be the date that is 4 months
18 after the date of the trustee's notice under subd. 1.

19 3. Within 90 days after receipt of a claim for recovery from the department, a
20 trustee under subd. 1. shall pay to the department any amount that the department
21 may recover under subd. 2. If the trustee distributes property from the trust before
22 the department makes a claim to the trustee for the recovery of any amount specified
23 in subd. 2., the trustee shall provide the department with information about the
24 distributed property and to whom it was distributed or transferred. The department

1 is entitled to recover any amounts specified in subd. 2. from the persons to whom the
2 property was distributed or transferred.

3 (c) *Special needs or pooled trusts.* 1. Notwithstanding sub. (1) (a), within 30
4 days after the death of a beneficiary under a trust described in 42 USC 1396p (d) (4)
5 (A) or (C), the trustee shall provide written notice to the department by registered
6 or certified mail. The notice shall include demographic information about the
7 decedent, information about how to file a claim, a copy of the trust document, and
8 documentation supporting the value of the decedent's property held in the trust on
9 the decedent's date of death. Within 90 days after receipt of a claim from the
10 department, the trustee shall repay the department for any medical assistance paid
11 on behalf of the decedent, as required under the terms of the trust.

12 2. If a trustee under subd. 1. fails to comply with the notice and repayment
13 requirements under subd. 1., the trustee is personally liable to the department for
14 any costs the department incurs in recovering medical assistance amounts paid on
15 behalf of the decedent from property distributed from the trust before any repayment
16 is made and for any recoverable amounts that the department is unable to recover
17 from persons to whom the property was distributed.

18 3. After the death of a beneficiary under a trust described in 42 USC 1396p (d)
19 (4) (C), the trustee may retain up to 30 percent of the balance in the decedent's
20 account, unless the trustee fails to comply with the notice and repayment
21 requirements under subd. 1., in which case the trustee may not retain any of the
22 balance in the decedent's account.

23 ***-0617/2.59*SECTION 2315.** 705.04 (2g) of the statutes is amended to read:

24 705.04 (2g) Notwithstanding subs. (1) and (2), the department of health
25 services may collect, from funds of a decedent that are held by the decedent

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1 immediately before death in a joint account or a P.O.D. account, an amount equal to
2 the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal
3 to aid under s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a), or
4 an amount equal to long-term community support services under s. 46.27 that is
5 recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or
6 the decedent's spouse ~~or an amount equal to the family care benefit under s. 46.286~~
7 ~~that is recoverable under rules promulgated under s. 46.286 (7) and that was paid~~
8 ~~on behalf of the decedent or the decedent's spouse.~~

9 *~~1464/P1.1~~**SECTION 2316.** 710.02 (9) of the statutes is renumbered 710.02
10 (9) (a) and amended to read:

11 710.02 (9) (a) ~~This~~ Except as provided in par. (b), this section applies to
12 interests in land acquired after July 1, 1982. No interest acquired before July 1,
13 1982, is subject to divestiture or forfeiture under this section.

14 *~~1464/P1.2~~**SECTION 2317.** 710.02 (9) (b) of the statutes is created to read:

15 710.02 (9) (b) This section does not apply to the extent it conflicts with a treaty
16 or international agreement entered into by the United States, including the General
17 Agreement on Trade in Services.

18 *~~0617/2.60~~**SECTION 2318.** 766.55 (2) (bm) of the statutes is created to read:

19 766.55 (2) (bm) An obligation incurred by a spouse that is recoverable under
20 s. 46.27 (7g), 49.496, 49.682, or 49.849 may be satisfied from all property that was
21 the property of that spouse immediately before that spouse's death and from all
22 property that was marital property at any time within 5 years before that spouse
23 applied for public assistance, as defined in s. 49.849 (1) (e), or while that spouse was
24 eligible for public assistance, as defined in s. 49.849 (1) (e).

1 *~~0060/3.1~~**SECTION 2319.** 767.511 (6) (intro.) of the statutes is amended to
2 read:

3 767.511 (6) INTEREST ON ARREARAGE. (intro.) ~~A~~ Subject to sub. (6m), a party
4 ordered to pay child support under this section shall pay simple interest at the rate
5 of 1% per month on any amount in arrears that is equal to or greater than the amount
6 of child support due in one month. ~~If Subject to sub. (6m), if~~ the party no longer has
7 a current obligation to pay child support, interest at the rate of 1% per month shall
8 accrue on the total amount of child support in arrears, if any. Interest under this
9 subsection is in lieu of interest computed under s. 807.01 (4), 814.04 (4), or 815.05 (8)
10 and is paid to the department or its designee under s. 767.57. Except as provided in
11 s. 767.57 (1m) and except as required under federal statutes or regulations, the
12 department or its designee shall apply all payments received for child support as
13 follows:

14 *~~0060/3.2~~**SECTION 2320.** 767.511 (6m) of the statutes is created to read:

15 767.511 (6m) PILOT PROGRAM ON INTEREST RATE. The department may conduct
16 a pilot program under which the interest that accrues on the amounts in arrears
17 specified in sub. (6) and in s. 767.531 shall be at the rate of 0.5 percent per month
18 instead of 1 percent per month. If the department conducts a pilot program under
19 this subsection, the program may begin at any time after December 31, 2013, but
20 shall end on June 30, 2015, and the new rate shall apply to interest that accrues
21 during that time. At the end of the pilot program, if any, the interest rate shall revert
22 to 1 percent per month, unless the department of administration approves the
23 continuation of the lower rate.

24 *~~0060/3.3~~**SECTION 2321.** 767.531 (intro.) of the statutes is amended to read:

1 **767.531 Family support.** (intro.) The court may make a financial order
2 designated “family support” as a substitute for child support orders under s. 767.511
3 and maintenance payment orders under s. 767.56. ~~A. Subject to s. 767.511 (6m), a~~
4 party ordered to pay family support under this section shall pay simple interest at
5 the rate of 1% per month on any amount in arrears that is equal to or greater than
6 the amount of child support due in one month. ~~If Subject to s. 767.511 (6m), if the~~
7 party no longer has a current obligation to pay child support, interest at the rate of
8 1% per month shall accrue on the total amount of child support in arrears, if any.
9 Interest under this section is in lieu of interest computed under s. 807.01 (4), 814.04
10 (4), or 815.05 (8) and is paid to the department or its designee under s. 767.57. Except
11 as provided in s. 767.57 (1m), the department or its designee shall apply all payments
12 received for family support as follows:

13 *~~0060/3.4~~**SECTION 2322.** 767.57 (1m) (intro.) of the statutes is amended to
14 read:

15 **767.57 (1m) OVERPAYMENT.** (intro.) ~~Notwithstanding ss. 767.511 (6) and~~
16 ~~767.531, if~~ If the department or its designee receives support or maintenance money
17 that exceeds the amount due in the month in which it is received and the department
18 or its designee determines that the excess amount is for support or maintenance due
19 in a succeeding month, the department or its designee may hold the amount of
20 overpayment that does not exceed the amount due in the next month for
21 disbursement in the next month if any of the following applies:

22 *~~1092/1.110~~**SECTION 2323.** 788.01 of the statutes is amended to read:

23 **788.01 Arbitration clauses in contracts enforceable.** A provision in any
24 written contract to settle by arbitration a controversy thereafter arising out of the
25 contract, or out of the refusal to perform the whole or any part of the contract, or an

1 agreement in writing between 2 or more persons to submit to arbitration any
2 controversy existing between them at the time of the agreement to submit, shall be
3 valid, irrevocable and enforceable except upon such grounds as exist at law or in
4 equity for the revocation of any contract. This chapter shall not apply to contracts
5 between employers and employees, or between employers and associations of
6 employees, except as provided in s. 111.10, nor to agreements to arbitrate disputes
7 under s. ~~101.143~~ 292.63 (6s) or 230.44 (4) (bm).

8 *~~1062/P5.3~~**SECTION 2324.** 813.12 (8) (a) of the statutes, as affected by 2011
9 Wisconsin Act 266, is amended to read:

10 813.12 (8) (a) Whoever knowingly violates a temporary restraining order or
11 injunction issued under sub. (3) or (4) shall be fined not more than \$10,000 or
12 imprisoned for not more than 9 months or both, and may be subject to an order under
13 s. 813.129 (1) (b). If the court issues an order under s. 813.129 (1) (b), the court shall
14 report the violation to the department of corrections immediately upon the person's
15 conviction.

16 *~~1062/P5.4~~**SECTION 2325.** 813.125 (7) of the statutes, as affected by 2011
17 Wisconsin Act 266, is amended to read:

18 813.125 (7) PENALTY. Whoever violates a temporary restraining order or
19 injunction issued under this section shall be fined not more than \$10,000 or
20 imprisoned not more than ~~90 days~~ 9 months or both, and may be subject to an order
21 under s. 813.129 (1) (b). If the court issues an order under s. 813.129 (1) (b), the court
22 shall report the violation to the department of corrections immediately upon the
23 person's conviction.

24 *~~1062/P5.5~~**SECTION 2326.** 813.129 (1) of the statutes, as created by 2011
25 Wisconsin Act 266, is repealed and recreated to read:

1 813.129 (1) A court may order a person to submit to global positioning system
2 tracking if any of the following occurs:

3 (a) In a jurisdiction that has established a program under sub. (6), the court
4 issues a temporary restraining order or injunction under s. 813.12 or 813.125.

5 (b) The person is convicted of knowingly violating a temporary restraining
6 order or injunction issued under s. 813.12 or 813.125.

7 *~~1062/P5.6~~**SECTION 2327.** 813.129 (5) of the statutes, as created by 2011
8 Wisconsin Act 266, is amended to read:

9 813.129 (5) If, after weighing the factors set forth under sub. (2), the court
10 determines that a person is more likely than not to cause serious bodily harm to the
11 person who petitioned for the restraining order or injunction, and the court
12 determines that another alternative, including imprisonment, is more likely to
13 protect the person who petitioned for the restraining order or injunction, the court
14 may not enter an order under sub. (1) (b).

15 *~~1062/P5.7~~**SECTION 2328.** 813.129 (6) of the statutes is created to read:

16 813.129 (6) A local unit of government, a law enforcement agency, or a tribal
17 law enforcement agency may establish a global positioning tracking program for
18 persons subject to a temporary restraining order or injunction under s. 813.12 or
19 813.125. A local unit of government, a law enforcement agency, or a tribal law
20 enforcement agency may apply for a grant under s. 165.94 (1) to establish and
21 administer a program established pursuant to this subsection. Any program
22 established pursuant to this subsection shall comply with the guidelines established
23 under s. 165.94 (2), regardless of whether the local unit of government, law
24 enforcement agency, or tribal law enforcement agency receives a grant under s.
25 165.94 (1).

1 *~~0432/P2.1~~**SECTION 2329.** 814.67 (1) (c) (intro.) of the statutes is renumbered
2 814.67 (1) (c) 1. a. and amended to read:

3 814.67 (1) (c) 1. a. ~~For traveling, going and returning~~ Traveling from his or her
4 residence ~~if within the state; or, if without the state, from the point where he or she~~
5 ~~crosses the state boundary~~ to the place of attendance, and returning by the usually
6 traveled route between such points: if his or her residence is within the state.

7 *~~0432/P2.2~~**SECTION 2330.** 814.67 (1) (c) 1. of the statutes is renumbered
8 814.67 (1) (c) 1. (intro.) and amended to read:

9 814.67 (1) (c) 1. (intro.) For witnesses a witness, the rate of 20 cents per mile.
10 for either of the following:

11 *~~0432/P2.3~~**SECTION 2331.** 814.67 (1) (c) 1. b. of the statutes is created to read:
12 814.67 (1) (c) 1. b. Traveling from the point where he or she crosses the state
13 boundary to the place of attendance and returning by the usually traveled route
14 between such points if his or her residence is outside the state.

15 *~~0432/P2.4~~**SECTION 2332.** 814.67 (1) (c) 2. of the statutes is renumbered
16 814.67 (1) (c) 2. a. and amended to read:

17 814.67 (1) (c) 2. a. ~~For interpreters~~ Except as provided in subd. 2. b., for an
18 interpreter, the mileage rate set under s. 20.916 (8) for traveling from his or her
19 residence to the place of attendance and returning by the usually traveled route
20 between such points.

21 *~~0432/P2.5~~**SECTION 2333.** 814.67 (1) (c) 2. b. of the statutes is created to read:

22 814.67 (1) (c) 2. b. For an interpreter traveling to the place of attendance from
23 his or her place of residence outside the state, the number of miles between the
24 interpreter's residence and the point at which he or she crosses the state boundary

SECTION 2333

1 for which the interpreter may receive reimbursement under this subdivision may not
2 exceed 100 miles each way, following the usually traveled route between such points.

3 ***-0422/P4.39*SECTION 2334.** 814.75 (7) of the statutes is amended to read:

4 814.75 (7) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

5 ***-0422/P4.40*SECTION 2335.** 814.76 (5) of the statutes is amended to read:

6 814.76 (5) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

7 ***-0617/2.61*SECTION 2336.** 859.02 (2) (a) of the statutes is amended to read:

8 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
9 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
10 franchise, sales, withholding, gift, or death taxes, or on unemployment insurance
11 contributions due or benefits overpaid; a claim for funeral or administrative
12 expenses; a claim of this state under s. 46.27 (7g), 49.496 ~~or~~, 49.682, or rules
13 promulgated under s. 46.286 (7) 49.849; or a claim of the United States; or

14 ***-0617/2.62*SECTION 2337.** 859.07 (2) (a) 3. of the statutes is amended to read:

15 859.07 (2) (a) 3. The decedent or the decedent's spouse received ~~the family care~~
16 ~~benefit under s. 46.286~~ services provided as a benefit under a long-term care
17 program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch.
18 49, long-term community support services funded under s. 46.27 (7), or aid under s.
19 49.68, 49.683, or 49.685.

20 ***-0617/2.63*SECTION 2338.** 867.01 (3) (am) 4. of the statutes is amended to
21 read:

22 867.01 (3) (am) 4. Whether the decedent or the decedent's spouse received ~~the~~
23 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term
24 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of

1 ch. 49, long-term community support services funded under s. 46.27 (7) or aid under
2 s. 49.68, 49.683 or 49.685.

3 ***-0617/2.64*SECTION 2339.** 867.01 (3) (d) of the statutes is amended to read:

4 867.01 (3) (d) *Notice.* The court may hear the matter without notice or order
5 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
6 ~~the family care benefit under s. 46.286~~ services provided as a benefit under a
7 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under
8 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),
9 or aid under s. 49.68, 49.683, or 49.685, the petitioner shall give notice by certified
10 mail to the department of health services as soon as practicable after filing the
11 petition with the court.

12 ***-0617/2.65*SECTION 2340.** 867.02 (2) (am) 6. of the statutes is amended to
13 read:

14 867.02 (2) (am) 6. Whether the decedent or the decedent's spouse received ~~the~~
15 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term
16 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of
17 ch. 49, long-term community support services funded under s. 46.27 (7), or aid under
18 s. 49.68, 49.683, or 49.685.

19 ***-0617/2.66*SECTION 2341.** 867.03 (1g) (c) of the statutes is amended to read:

20 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received ~~the~~
21 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term
22 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of
23 ch. 49, long-term community support services funded under s. 46.27 (7) or aid under
24 s. 49.68, 49.683 or 49.685.

25 ***-0617/2.67*SECTION 2342.** 867.03 (1m) (a) of the statutes is amended to read:

SECTION 2342

1 867.03 (1m) (a) Whenever an heir, trustee, or person who was guardian of the
2 decedent at the time of the decedent's death intends to transfer a decedent's property
3 by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received
4 ~~the family care benefit under s. 46.286~~ services provided as a benefit under a
5 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under
6 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),
7 or aid under s. 49.68, 49.683, or 49.685, the heir, trustee, or person who was guardian
8 of the decedent at the time of the decedent's death shall give notice to the department
9 of health services of his or her intent. The notice shall include the information in the
10 affidavit under sub. (1g) and the heir, trustee, or person who was guardian of the
11 decedent at the time of the decedent's death shall give the notice by certified mail,
12 return receipt requested.

13 *~~0617/2.68~~***SECTION 2343.** 867.03 (1m) (b) of the statutes is amended to read:

14 867.03 (1m) (b) An heir, trustee, or person who was guardian of the decedent
15 at the time of the decedent's death who files an affidavit under sub. (1g) that states
16 that the decedent or the decedent's spouse received ~~the family care benefit under s.~~
17 ~~46.286~~ services provided as a benefit under a long-term care program, as defined in
18 s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community
19 support services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, or 49.685
20 shall attach to the affidavit the proof of mail delivery of the notice required under par.
21 (a) showing ~~a~~ the delivery date ~~that is not less than 10 days before the day on which~~
22 ~~the heir, trustee, or person who was guardian of the decedent at the time of the~~
23 ~~decedent's death files the affidavit.~~

24 *~~0617/2.69~~***SECTION 2344.** 867.03 (2g) of the statutes is renumbered 867.03
25 (2g) (a) and amended to read:

1 867.03 (2g) (a) By accepting the decedent's property under this section the heir,
2 trustee, or guardian assumes a duty to apply the property transferred for the
3 payment of obligations according to priorities established under s. 859.25 and to
4 distribute any balance to those persons designated in the appropriate governing
5 instrument, as defined in s. 854.01, of the decedent or if there is no governing
6 instrument, according to the rules of intestate succession under ch. 852, subject to
7 par. (b). An heir or guardian may publish a notice to creditors in the same manner
8 and with the same effect as a trustee under s. 701.065. ~~This subsection~~ paragraph
9 does not prohibit any appropriate person from requesting administration of the
10 decedent's estate under s. 856.07 or ch. 865.

11 *~~0617/2.70~~***SECTION 2345.** 867.03 (2g) (b) of the statutes is created to read:

12 867.03 (2g) (b) Property transferred under this section to or by an heir, trustee,
13 or guardian is subject to the right of the department of health services to recover
14 under s. 46.27 (7g), 49.496, 49.682, or 49.849 an amount equal to the medical
15 assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under
16 s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a), or an amount
17 equal to long-term community support services under s. 46.27 that is recoverable
18 under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's
19 spouse. Upon request, the heir, trustee, or guardian shall provide to the department
20 of health services information about any of the decedent's property that the heir,
21 trustee, or guardian has distributed and information about the persons to whom the
22 property was distributed.

23 *~~0617/2.71~~***SECTION 2346.** 867.035 (title) of the statutes is repealed.

24 *~~0617/2.72~~***SECTION 2347.** 867.035 (1) (a) (intro.) of the statutes is
25 renumbered 49.849 (2) (a) (intro.) and amended to read:

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1 49.849 (2) (a) (intro.) Subject to par. ~~(bm)~~ (b), the department of health services
2 may collect from the property of a decedent, ~~including funds of a decedent that are~~
3 ~~held by the decedent immediately before death in a joint account or a P.O.D. account,~~
4 by affidavit under sub. ~~(2)~~ (3) (b) or by lien under sub. ~~(2m)~~ (4) (a) an amount equal
5 to the medical assistance that is recoverable under s. 49.496 (3) (a), the long-term
6 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
7 1., ~~the family care benefit that is recoverable under rules promulgated under s.~~
8 ~~46.286 (7),~~ or the aid under s. 49.68, 49.683, or 49.685 that is recoverable under s.
9 49.682 (2) (a), and that was paid on behalf of the decedent or the decedent's spouse,
10 if all of the following conditions are satisfied:

11 *~~0617/2.73~~SECTION 2348. 867.035 (1) (a) 1. of the statutes is repealed.

12 *~~0617/2.74~~SECTION 2349. 867.035 (1) (a) 2. of the statutes is renumbered
13 49.849 (2) (a) 1.

14 *~~0617/2.75~~SECTION 2350. 867.035 (1) (a) 3. of the statutes is renumbered
15 49.849 (2) (a) 2.

16 *~~0617/2.76~~SECTION 2351. 867.035 (1) (a) 4. of the statutes is repealed.

17 *~~0617/2.77~~SECTION 2352. 867.035 (1) (bm) of the statutes is renumbered
18 49.849 (2) (b), and 49.849 (2) (b) (intro.), as renumbered, is amended to read:

19 49.849 (2) (b) (intro.) The department of health services shall reduce the
20 amount of its recovery under par. (a) by up to the amount specified in s. 861.33 (2)
21 if necessary to allow the decedent's heirs or beneficiaries under the decedent's will
22 to retain the following personal property of the decedent:

23 *~~0617/2.78~~SECTION 2353. 867.035 (2) of the statutes is renumbered 49.849
24 (3) (b) and amended to read:

1 49.849 (3) (b) A person who possesses or receives property of a decedent shall
2 transmit the property to the department ~~of health services~~, if the conditions in sub.
3 ~~(1) (a) 1. to 4.~~ (2) (a) 1. and 2. are satisfied, upon receipt of an affidavit by a person
4 designated by the secretary of health services to administer this section showing that
5 the department paid on behalf of the decedent or the decedent's spouse recoverable
6 benefits specified in sub. ~~(1) (2) (a)~~. Upon transmittal, the person is released from
7 any obligation to other creditors or heirs of the decedent.

8 *~~0617/2.79~~***SECTION 2354.** 867.035 (2m) (a) of the statutes is renumbered
9 49.849 (4) (a), and 49.849 (4) (a) (intro.), as renumbered, is amended to read:

10 49.849 (4) (a) (intro.) If the ~~conditions~~ condition in sub. ~~(1) (a) 1., 2., and 4. are~~
11 (2) (a) 1. is satisfied, the department ~~of health services~~ shall have a lien in the amount
12 that it may recover under sub. ~~(1) (2) (a)~~ on any interest in ~~the decedent's~~ any
13 property of the decedent that is real property, including a home, as defined in s.
14 49.496 (1) (b), ~~transferred under s. 867.03 (1g)~~. The department may record the lien
15 in the office of the register of deeds of the county in which the real property is located.

16 **(b)** The department may enforce ~~the a~~ a lien under par. (a) by foreclosure in the
17 same manner as a mortgage on real property, unless any of the following is alive:

18 *~~0617/2.80~~***SECTION 2355.** 867.035 (2m) (b) of the statutes is repealed.

19 *~~0617/2.81~~***SECTION 2356.** 867.035 (3) of the statutes is renumbered 49.849
20 (5) and amended to read:

21 49.849 (5) OTHER VALID CLAIMS. If a person has a valid claim against ~~the~~
22 ~~decedent's estate~~ property of the decedent that would have a higher priority under
23 s. 859.25 (1) if the ~~estate were administered~~ property were subject to administration
24 than the department ~~of health services~~ would have under s. 859.25 (1) (e) and the
25 person demands payment in writing within one year of the date on which the

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1 property was transmitted to the department, the department shall pay to the person
2 the value of the property collected under sub. ~~(2)~~ (3) or the amount of the claim,
3 whichever is less. The department may authorize any person who possesses
4 property of the decedent to honor higher priority claims with the decedent's property
5 before transmitting property to the department.

6 ***-0617/2.82*SECTION 2357.** 867.035 (4) of the statutes is renumbered 49.849
7 (6) (a) and amended to read:

8 49.849 **(6)** (a) From the appropriation under s. 20.435 (4) (im), with respect to
9 funds collected by the department under sub. ~~(1)~~ (2) related to medical assistance
10 paid on behalf of the decedent or the decedent's spouse, the department of health
11 services shall pay claims under sub. ~~(3)~~ (5), shall pay to the federal government from
12 the amount recovered under this section and not paid out as claims under sub. ~~(3)~~
13 (5) an amount equal to the amount of federal funds used to pay the benefits recovered
14 under this section and shall spend the remainder of the amount recovered under this
15 section for medical assistance benefits under subch. IV of ch. 49.

16 ***-0617/2.83*SECTION 2358.** 867.035 (4m) of the statutes is renumbered 49.849
17 (6) (b) and amended to read:

18 49.849 **(6)** (b) From the appropriation under s. 20.435 (7) (im), with respect to
19 funds collected by the department under sub. ~~(1)~~ (2) related to long-term community
20 support services funded under s. 46.27 (7) paid on behalf of the decedent or the
21 decedent's spouse, the department of health services shall pay claims under sub. ~~(3)~~
22 (5) and shall spend the remainder of the funds recovered under this section for
23 long-term community support services funded under s. 46.27 (7).

24 ***-0617/2.84*SECTION 2359.** 867.035 (5) of the statutes is renumbered 49.849
25 (7) and amended to read:

1 49.849 (7) RULES FOR HARDSHIP WAIVER. The department of health services shall
2 promulgate rules establishing standards to determine whether the application of
3 this section would work an undue hardship in individual cases. If the department
4 of health services determines that the application of this section would work an
5 undue hardship in a particular case, the department shall waive the application of
6 this section in that case. This subsection does not apply with respect to collecting
7 from the property of a decedent if the decedent is a deceased nonrecipient surviving
8 spouse.

9 *~~0617/2.85~~***SECTION 2360.** 893.33 (4r) of the statutes is created to read:

10 893.33 (4r) This section applies to liens of the department of health services
11 on real property under ss. 46.27 (7g), 49.496, 49.682, 49.848, and 49.849.

12 *~~0068/4.28~~***SECTION 2361.** 938.06 (1) (title) of the statutes is amended to read:

13 938.06 (1) (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

14 *~~0068/4.29~~***SECTION 2362.** 938.06 (1) (a) 1. of the statutes is amended to read:

15 938.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the
16 county board of supervisors shall provide the court with the services necessary for
17 investigating and supervising cases under this chapter by operating a children's
18 court center under the supervision of a director who is appointed as provided in s.
19 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the
20 chief administrative officer of the center and of the intake and probation sections and
21 juvenile detention facilities of the center. The director is responsible for managing
22 the personnel of, and administering the services of, the sections and the juvenile
23 detention facilities, and for supervising operation of the physical plant and
24 maintenance and improvement of the buildings and grounds of the center.

25 *~~0068/4.30~~***SECTION 2363.** 938.06 (2) (title) of the statutes is amended to read:

SECTION 2363

1 938.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

2 *~~0068/4.31~~***SECTION 2364.** 938.06 (2) (a) of the statutes is amended to read:

3 938.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the
4 county board of supervisors shall authorize the county department or the court, or
5 both, to provide intake services under s. 938.067 and the staff needed to provide
6 dispositional services under s. 938.069. Intake services shall be provided by
7 employees of the court or the county department and may not be subcontracted to
8 other individuals or agencies, except as provided in par. (am). Intake workers shall
9 be governed in their intake work, including their responsibilities for requesting the
10 filing of a petition and entering into a deferred prosecution agreement, by general
11 written policies established by the circuit judges for the county, subject to the
12 approval of the chief judge of the judicial administrative district.

13 *~~0068/4.32~~***SECTION 2365.** 938.06 (4) of the statutes is amended to read:

14 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
15 court services under this section shall be at the same net effective rate that each
16 county is reimbursed for county administration under s. 48.569, except as provided
17 in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use
18 funds received under ss. 48.569 (1) (d) and 301.26, including county or federal
19 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for
20 the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50
21 percent of the cost of providing court attached intake services or \$30,000 per county
22 per calendar year, whichever is less.

23 *~~0422/P4.41~~***SECTION 2366.** 938.21 (1m) of the statutes is created to read:

24 938.21 (1m) BIOLOGICAL SPECIMEN. If the juvenile has been taken into custody
25 on the basis of a violation that would be a felony if committed by an adult in this state

1 or of a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1),
2 946.52, or 948.10 (1) (b), the court shall determine if a biological specimen has been
3 obtained from the juvenile under s. 165.84 (7), and if not, the court shall direct that
4 a law enforcement agency or tribal law enforcement agency obtain a biological
5 specimen from the juvenile and submit it to the state crime laboratories as specified
6 in rules promulgated by the department of justice under s. 165.76 (4).

7 ***-0422/P4.42*SECTION 2367.** 938.30 (2m) of the statutes is created to read:

8 938.30 (2m) BIOLOGICAL SPECIMEN. If the juvenile is before the court on the basis
9 of a violation that would be a felony if committed by an adult in this state or of a
10 violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or
11 948.10 (1) (b), the court shall determine if a biological specimen has been obtained
12 from the juvenile under s. 165.84 (7), and if not, the court shall direct that a law
13 enforcement agency or tribal law enforcement agency obtain a biological specimen
14 from the juvenile and submit it to the state crime laboratories as specified in rules
15 promulgated by the department of justice under s. 165.76 (4).

16 ***-1221/1.26*SECTION 2368.** 938.34 (6m) of the statutes is amended to read:

17 938.34 (6m) COORDINATED SERVICES PLAN OF CARE. If the report prepared under
18 s. 938.33 (1) recommends that the juvenile is in need of a coordinated services plan
19 of care and if an initiative under s. 46.56 has been established ~~in~~ for the county or,
20 if applicable, ~~by~~ for a tribe, order that an assessment of the juvenile and the juvenile's
21 family for eligibility for and appropriateness of the initiative, and if eligible for
22 enrollment in the initiative, that a coordinated services plan of care be developed and
23 implemented.

24 ***-0422/P4.43*SECTION 2369.** 938.34 (15) (a) 1. and 3. of the statutes are
25 consolidated, renumbered 938.34 (15) (a) and amended to read:

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1 938.34 (15) (a) If the juvenile is adjudicated delinquent on the basis of a
2 violation that would be a felony if committed by an adult in this state or of a violation
3 of s. 940.225, 948.02 (1) or (2), 948.025, or 948.085 (2) (3m), 941.20 (1), 944.20, 944.30,
4 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the juvenile to
5 provide comply with the requirement under s. 165.76 (1) (am) by providing a
6 biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.
7 ~~3. The results from deoxyribonucleic acid analysis of a specimen under subd. 1. or~~
8 ~~2. this paragraph may be used only as authorized under s. 165.77 (3). The state crime~~
9 ~~laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

10 *~~0422/P4.44~~**SECTION 2370.** 938.34 (15) (a) 2. of the statutes is repealed.

11 *~~0422/P4.45~~**SECTION 2371.** 938.34 (15) (b) of the statutes is amended to read:

12 938.34 (15) (b) ~~The department of justice shall promulgate rules providing~~
13 ~~procedures for juveniles to provide specimens~~ Biological samples required under par.
14 (a) ~~and for the transportation of the specimens to the state crime laboratories under~~
15 ~~s. 165.77 shall be obtained and submitted as specified in rules promulgated by the~~
16 department of justice under s. 165.76 (4).

17 *~~0841/2.13~~**SECTION 2372.** 938.355 (4) (a) of the statutes is amended to read:

18 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under
19 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
20 that places or continues the placement of the juvenile in his or her home shall
21 terminate ~~at the end of one year after the date on which the order is granted unless~~
22 the court specifies a shorter period of time or the court terminates the order sooner.

23 (am) Except as provided in par. (b) or s. 938.368, an order under this section
24 or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places
25 or continues the placement of the juvenile in a foster home, group home, or

1 residential care center for children and youth or in the home of a relative other than
2 a parent shall terminate when on the latest of the following dates, unless the court
3 specifies a shorter period or the court terminates the order sooner:

4 1. The date on which the juvenile attains 18 years of age, at the end of

5 2. The date that is one year after the date on which the order is granted, or, if,

6 3. If the juvenile is a full-time student at a secondary school or its vocational
7 or technical equivalent and is reasonably expected to complete the program before
8 attaining 19 years of age, when the date on which the juvenile attains 19 years of age,
9 whichever is later, unless the court specifies a shorter period of time or the court
10 terminates the order sooner.

11 ***-0841/2.14*SECTION 2373.** 938.355 (4) (am) 4. of the statutes is created to
12 read:

13 938.355 (4) (am) 4. If the juvenile is a full-time student at a secondary school
14 or its vocational or technical equivalent and if an individualized education program
15 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains
16 21 years of age.

17 ***-0841/2.15*SECTION 2374.** 938.357 (6) of the statutes is renumbered 938.357
18 (6) (a) and amended to read:

19 938.357 (6) (a) No change in placement may extend the expiration date of the
20 original order, except that if the change in placement is from a placement in the
21 juvenile's home to a placement in a foster home, group home, or residential care
22 center for children and youth or in the home of a relative who is not a parent, the court
23 may extend the expiration date of the original order to the latest of the following
24 dates, unless the court specifies a shorter period:

25 1. The date on which the juvenile attains 18 years of age, to the

1 2. The date that is one year after the date of on which the change in placement
2 order, ~~or, if is granted.~~

3 3. If the juvenile is a full-time student at a secondary school or its vocational
4 or technical equivalent and is reasonably expected to complete the program before
5 attaining 19 years of age, to the date on which the juvenile attains 19 years of age,
6 whichever is later, or for a shorter period of time as specified by the court.

7 (b) If the change in placement is from a placement in a foster home, group home,
8 or residential care center for children and youth or in the home of a relative to a
9 placement in the juvenile's home and if the expiration date of the original order is
10 more than one year after the date of the change in placement order, the court shall
11 shorten the expiration date of the original order to the date that is one year after the
12 date of on which the change in placement order is granted or to an earlier date as
13 specified by the court.

14 *~~0841/2.16~~*SECTION 2375. 938.357 (6) (a) 4. of the statutes is created to read:

15 938.357 (6) (a) 4. If the juvenile is a full-time student at a secondary school or
16 its vocational or technical equivalent and if an individualized education program
17 under s. 115.787 is in effect for the juvenile, the date on which the juvenile reaches
18 21 years of age.

19 *~~0841/2.17~~*SECTION 2376. 938.365 (5) of the statutes is renumbered 938.365
20 (5) (a) and amended to read:

21 938.365 (5) (a) Except as provided in s. 938.368, an order under this section that
22 continues the placement of a juvenile in his or her home or that extends an order
23 under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
24 exceed one year after its the date of entry on which the order is granted.

1 (b) Except as provided in s. 938.368, an order under this section that continues
2 the placement of a juvenile in a foster home, group home, or residential care center
3 for children and youth or in the home of a relative other than a parent shall be for
4 a specified length of time not to exceed the latest of the following dates:

5 1. The date on which the juvenile attains 18 years of age,

6 2. The date that is one year after the date on which the order is granted,~~or, if,~~

7 3. If the juvenile is a full-time student at a secondary school or its vocational
8 or technical equivalent and is reasonably expected to complete the program before
9 attaining 19 years of age, the date on which the juvenile attains 19 years of age,
10 whichever is later.

11 *~~0841/2.18~~**SECTION 2377.** 938.365 (5) (b) 4. of the statutes is created to read:

12 938.365 (5) (b) 4. If the juvenile is a full-time student at a secondary school or
13 its vocational or technical equivalent and if an individualized education program
14 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains
15 21 years of age.

16 *~~0238/2.4~~**SECTION 2378.** 938.48 (4) of the statutes is amended to read:

17 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
18 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
19 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
20 them in licensed foster homes or licensed group homes under s. 48.63 or in
21 independent living situations as provided in s. 938.34 (3) (e), contracting for their
22 care by licensed child welfare agencies, or replacing them in juvenile correctional
23 facilities or secured residential care centers for children and youth in accordance
24 with rules promulgated under ch. 227, except that the department may not purchase
25 the educational component of private day treatment programs for a juvenile in its

SECTION 2378

1 custody unless the department, the school board, as defined in s. 115.001 (7), and the
2 state superintendent of public instruction all determine that an appropriate public
3 education program is not available for the juvenile. Disputes between the
4 department and the school district shall be resolved by the state superintendent of
5 public instruction.

6 ***-0469/1.71*SECTION 2379.** 944.21 (8) (b) 3. a. of the statutes is amended to
7 read:

8 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
9 approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)
10 (e) 6., 7. or 8.; and

11 ***-0469/1.72*SECTION 2380.** 948.11 (4) (b) 3. a. of the statutes is amended to
12 read:

13 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
14 approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)
15 (e) 6., 7. or 8.; and

16 ***-0538/P6.7*SECTION 2381.** 950.06 (2) of the statutes is amended to read:

17 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
18 the county, but the county is eligible to receive reimbursement from the state for not
19 more than 90% of the costs incurred in providing those services. The department
20 shall determine the level of services for which a county may be reimbursed. The
21 county board shall file a claim for reimbursement with the department. The
22 department shall reimburse counties under this subsection from the ~~appropriation~~
23 appropriations under s. 20.455 (5) (k), ~~(kk)~~ and (kp) and, on a semiannual basis, from
24 the ~~appropriations~~ appropriation under s. 20.455 (5) ~~(e)~~ and (g).

1 *~~0839/P3.78~~***SECTION 2382.** 961.41 (5) (c) 2. of the statutes is amended to
2 read:

3 961.41 (5) (c) 2. All moneys in excess of \$850,000 and up to \$1,275,000 plus
4 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
5 surcharges under this subsection shall be credited to the appropriation account
6 under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv).

7 *~~0839/P3.79~~***SECTION 2383.** 961.472 (5) (b) of the statutes is amended to read:

8 961.472 (5) (b) The person is participating in a substance abuse treatment
9 program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined
10 by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (i)~~ 165.95
11 (9) and (10).

12 *~~0839/P3.80~~***SECTION 2384.** 967.11 (1) of the statutes is amended to read:

13 967.11 (1) In this section, “approved substance abuse treatment program”
14 means a substance abuse treatment program that meets the requirements of s.
15 ~~16.964 (12) (e)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department
16 of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

17 *~~0422/P4.46~~***SECTION 2385.** 970.02 (8) of the statutes is created to read:

18 970.02 (8) If the offense charged is a felony or an offense under s. 940.225 (3m),
19 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the judge shall
20 determine if a biological specimen has been obtained from the defendant under s.
21 165.84 (7), and, if not, the judge shall direct that a law enforcement agency or tribal
22 law enforcement agency obtain a biological specimen from the defendant and submit
23 it to the state crime laboratories as specified in rules promulgated by the department
24 of justice under s. 165.76 (4).

SECTION 2386

1 *~~0422/P4.47~~***SECTION 2386.** 971.17 (1m) (a) of the statutes is amended to
2 read:

3 971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of
4 mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or of
5 s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1)
6 (b), the court shall require the person to provide a biological specimen to the state
7 crime laboratories for deoxyribonucleic acid analysis. Biological specimens required
8 under this paragraph shall be obtained and submitted as specified in rules
9 promulgated by the department of justice under s. 165.76 (4).

10 *~~0839/P3.81~~***SECTION 2387.** 973.042 (3) of the statutes is repealed.

11 *~~0839/P3.82~~***SECTION 2388.** 973.042 (5) of the statutes is amended to read:

12 973.042 (5) The secretary of administration shall credit ~~part A of the surcharge~~
13 ~~to the appropriation account under s. 20.410 (1) (gj).~~ The secretary of administration
14 shall credit ~~part B of the surcharge~~ to the appropriation account under s. 20.455 (2)
15 ~~(5) (gj).~~ The secretary of administration shall credit ~~part C of the surcharge to the~~
16 ~~appropriation account under s. 20.505 (6) (gj).~~

17 *~~0839/P3.83~~***SECTION 2389.** 973.043 (3) of the statutes is amended to read:

18 973.043 (3) All moneys collected from drug offender diversion surcharges shall
19 be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv) and
20 used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

21 *~~0395/P2.1~~***SECTION 2390.** 973.045 (1) of the statutes is amended to read:

22 973.045 (1) If a court imposes a sentence or places a person on probation, the
23 court shall impose a crime victim and witness assistance surcharge. A surcharge
24 imposed under this subsection may not be waived, reduced, or forgiven for any

1 reason. The surcharge is the total amount calculated by adding up the amount for
2 every misdemeanor count and every felony count as follows:

3 (a) For each misdemeanor ~~offense or count~~ on which a conviction occurred, \$67.

4 (b) For each felony ~~offense or count~~ on which a conviction occurred, \$92.

5 ~~*-0538/P6.8~~**SECTION 2391.** 973.045 (1r) of the statutes is repealed.

6 ~~*-0538/P6.9~~**SECTION 2392.** 973.045 (2) of the statutes is amended to read:

7 973.045 (2) After the clerk determines the amount due, the clerk of court shall
8 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
9 county treasurer shall then make payment to the secretary of administration under
10 s. 59.25 (3) (f) 2. The secretary of administration shall credit to the appropriation
11 account under s. 20.455 (5) (g) the amount paid to the secretary by the county
12 treasurer under this subsection and any amount collected under sub. (4).

13 ~~*-0538/P6.10~~**SECTION 2393.** 973.045 (2m) of the statutes is repealed.

14 ~~*-0538/P6.11~~**SECTION 2394.** 973.045 (3) of the statutes is repealed.

15 ~~*-0422/P4.48~~**SECTION 2395.** 973.046 (1g) of the statutes is repealed.

16 ~~*-0422/P4.49~~**SECTION 2396.** 973.046 (1r) of the statutes is renumbered
17 973.046 (1r) (intro.) and amended to read:

18 973.046 (1r) (intro.) If a court imposes a sentence or places a person on
19 probation ~~for a violation of s. 940.225, 948.02 (1) or (2), 948.025, 948.085~~, the court
20 shall impose a deoxyribonucleic acid analysis surcharge ~~of \$250.~~ calculated as
21 follows:

22 ~~*-0422/P4.50~~**SECTION 2397.** 973.046 (1r) (a) and (b) of the statutes are
23 created to read:

24 973.046 (1r) (a) For each conviction for a felony, \$250.

25 (b) For each conviction for a misdemeanor, \$200.

SECTION 2398

1 *~~0422/P4.51~~***SECTION 2398.** 973.047 (1f) of the statutes is amended to read:

2 973.047 (1f) If a court imposes a sentence or places a person on probation for
3 ~~a felony conviction or for a conviction for a violation of s. 165.765 (1), 940.225 (3m),~~
4 ~~944.20, or 948.10 (1) (b),~~ the court shall require the person to provide a biological
5 specimen to the state crime laboratories for deoxyribonucleic acid analysis.

6 *~~0422/P4.52~~***SECTION 2399.** 973.047 (1m) of the statutes is amended to read:

7 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
8 provided under this section may be used only as authorized under s. 165.77 (3). ~~The~~
9 ~~state crime laboratories shall destroy any such specimen in accordance with s. 165.77~~
10 ~~(3).~~

11 *~~0422/P4.53~~***SECTION 2400.** 973.047 (2) of the statutes is amended to read:

12 973.047 (2) ~~The department of justice shall promulgate rules providing for~~
13 ~~procedures for defendants to provide specimens when Biological samples required~~
14 ~~to do so under this section and for the transportation of those specimens to the state~~
15 ~~crime laboratories for analysis under s. 165.77 sub. (1f) shall be obtained and~~
16 ~~submitted as specified in rules promulgated by the department of justice under s.~~
17 ~~165.76 (4).~~

18 *~~0395/P2.2~~***SECTION 2401.** 973.09 (3) (bg) of the statutes is created to read:

19 973.09 (3) (bg) 1. At least 90 days before the expiration date of a probationer's
20 period of probation, the department shall notify the sentencing court and district
21 attorney that a probationer owes an unpaid surcharge imposed under s. 973.045.
22 Upon receiving notice from the department, the court shall schedule a probation
23 review hearing to be held before the expiration date of the period of probation unless
24 the probationer either pays the unpaid surcharge before the scheduled hearing date
25 or voluntarily waives the hearing. A waiver of a probation review hearing under this

1 paragraph must include an acknowledgment by the probationer that waiver may
2 result in an extension of the probation period, a modification of the terms and
3 conditions of probation, or a revocation of probation.

4 2. If the court does not extend probation, the court shall issue a judgment for
5 the unpaid surcharge and direct the clerk of circuit court to file and enter the
6 judgment in the judgment and lien docket. The judgment has the same force and
7 effect as judgments entered under s. 806.10.

8 3. At a probation review hearing scheduled under subd. 1., the department has
9 the burden of proving that the probationer owes an unpaid surcharge imposed under
10 s. 973.045 and the amount of the unpaid surcharge. If the department proves by a
11 preponderance of the evidence that the probationer owes an unpaid surcharge under
12 s. 973.045, the court may, by order, extend the period of probation for a stated period
13 or modify the terms and conditions of probation.

14 4. If the court does not extend or modify the terms of probation under subd. 3.,
15 the court shall issue a judgment for the unpaid surcharge and direct the clerk of
16 circuit court to file and enter the judgment in the judgment and lien docket without
17 fee. If the court issues a judgment for the unpaid surcharge, the court shall send to
18 the department a written notification that a civil judgment has been issued for the
19 unpaid fees. The judgment has the same force and effect as judgments entered under
20 s. 806.10.

****NOTE: Please review this section. Under current law, the court has the authority, when considering unpaid restitution at the the end of a probation period, to extend probation or convert the unpaid restitution into a civil judgment. This provision allows the court the same authority when considering unpaid crime victim and witness assistance surcharges. The instructions request that this authority “could be expanded” when a person is to be released from parole or extended supervision. Please review this section and confirm that you would like similar provisions for parole and ES — I wasn’t sure if the “could be expanded” was being suggested by DOJ to you or was part of the drafting request from you.

SECTION 2402

1 *~~0839/P3.84~~**SECTION 2402.** 973.155 (1m) of the statutes is amended to read:

2 973.155 (1m) A convicted offender shall be given credit toward the service of
3 his or her sentence for all days spent in custody as part of a substance abuse
4 treatment program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as
5 determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~
6 ~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that
7 led to the person's placement in that program.

8 *~~0422/P4.54~~**SECTION 2403.** 980.063 (1) (b) of the statutes is amended to read:

9 980.063 (1) (b) The results from deoxyribonucleic acid analysis of a specimen
10 under par. (a) may be used only as authorized under s. 165.77 (3). ~~The state crime~~
11 ~~laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

12 *~~0422/P4.55~~**SECTION 2404.** 980.063 (2) of the statutes is amended to read:

13 980.063 (2) ~~The department of justice shall promulgate rules providing for~~
14 ~~procedures for defendants to provide specimens~~ Biological samples required under
15 sub. (1) ~~and for the transportation of those specimens to the state crime laboratories~~
16 ~~for analysis under s. 165.77 (a) shall be obtained and submitted as specified in rules~~
17 promulgated by the department of justice under s. 165.76 (4).

18 *~~0360/P2.3~~**SECTION 2405.** 995.10 (1) (i) 1. d. of the statutes is created to read:

19 995.10 (1) (i) 1. d. Owns an automated roll-your-own machine that is used to
20 make cigarettes, not including an individual who owns a roll-your-own machine and
21 uses the machine in his or her home solely to make cigarettes for his or her personal
22 use or for the use of other individuals who live in his or her home.

23 *~~0449/1.1~~**SECTION 2406.** 2011 Wisconsin Act 32, section 9219 (1u) is
24 amended to read:

1 [2011 Wisconsin Act 32] Section 9219 (1u) APPROPRIATION LAPSES AND
2 REESTIMATES. The governor shall take actions during the 2011–13 and ~~2013–15~~ fiscal
3 ~~biennia~~ fiscal biennium to ensure that from general purpose revenue appropriations
4 to the office of the governor under section 20.525 of the statutes an amount equal to
5 \$582,200 is lapsed from sum certain appropriation accounts or is subtracted from the
6 expenditure estimates for any other types of appropriations, or both, in each that
7 fiscal biennium.

8 *~~0971/3.1~~***SECTION 2407.** 2011 Wisconsin Act 32, section 9255 (1) (b) is
9 amended to read:

10 [2011 Wisconsin Act 32] Section 9255 (1) (b) Notwithstanding section 20.001
11 (3) (a) to (c) of the statutes, but subject to paragraph (e), the secretary of
12 administration shall lapse to the general fund from the unencumbered balances of
13 general purpose revenue and program revenue appropriations to executive branch
14 state agencies, other than sum sufficient appropriations and appropriations of
15 federal revenues, an amount equal to \$174,300,000 in the 2011–13 fiscal biennium
16 ~~and \$174,300,000 in the 2013–15 fiscal biennium~~. Before lapsing any moneys under
17 this paragraph, the secretary shall develop a plan for lapsing the moneys and shall
18 submit the plan to the joint committee on finance. If the cochairpersons of the joint
19 committee on finance do not notify the secretary within 14 working days after the
20 date of the submittal of the plan that the committee has scheduled a meeting to
21 review the plan, the plan may be implemented by the secretary. If, within 14 days
22 after the date of the submittal of the plan, the cochairpersons of the committee notify
23 the secretary that the committee has scheduled a meeting to review the plan, moneys
24 may be lapsed only after the plan has been approved by the committee.

1 *~~1167/P1.2~~*SECTION 2408. 2011 Wisconsin Act 212, section 13 (1) of the
2 statutes is repealed.

3 *~~0839/P3.9101~~*SECTION **9101. Nonstatutory provisions;**
4 **Administration.**

5 *~~0839/P3.9101~~*(1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

6 *~~0839/P3.9101~~*(a) *Assets and liabilities.* On the effective date of this
7 paragraph, the assets and liabilities of the office of justice assistance, except those
8 that are primarily related to administering federal homeland security moneys, or to
9 reintegrating American Indians who have been incarcerated, as determined by the
10 department of administration become the assets and liabilities of the department of
11 justice. On the effective date of this paragraph, the assets and liabilities of the office
12 of justice assistance that are primarily related to administering federal homeland
13 security moneys, and not related to interoperable communications, as determined by
14 the department of administration, become the assets and liabilities of the
15 department of military affairs. On the effective date of this paragraph, the assets
16 and liabilities of the office of justice assistance that are primarily related to the
17 reintegration of American Indians who have been incarcerated, as determined by the
18 department of administration, become the assets and liabilities of the department
19 of corrections.

20 *~~0839/P3.9101~~*(b) *Employee transfers.* On the effective date of this
21 paragraph, the incumbents holding those positions in the department of
22 administration performing duties that are primarily related to the office of justice
23 assistance, except those positions performing duties that are primarily related to
24 administering federal homeland security moneys, or to reintegrating American
25 Indians who have been incarcerated, as determined by the department of

1 administration, are transferred to the department of justice. On the effective date
2 of this paragraph, the incumbents holding those positions that are primarily related
3 to administering federal homeland security moneys, and not related to interoperable
4 communications, as determined by the department of administration, are
5 transferred to the department of military affairs. On the effective date of this
6 paragraph, the incumbents holding those positions that are primarily related to
7 reintegrating American Indians who have been incarcerated, as determined by the
8 department of administration, are transferred to the department of corrections.

9 *–0839/P3.9101*(c) *Employee status.* Employees transferred under
10 paragraph (b) have all the rights and the same status under subchapter V of chapter
11 111 and chapter 230 of the statutes in the department of justice, the department of
12 military affairs, or the department of corrections, whichever is applicable, that they
13 enjoyed in the office of justice assistance immediately before the transfer.
14 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
15 has attained permanent status in class is required to serve a probationary period.

16 *–0839/P3.9101*(d) *Tangible personal property.* On the effective date of this
17 paragraph, all tangible personal property, including records, of the office of justice
18 assistance, except property that is primarily related to administering federal
19 homeland security moneys, or property that is primarily related to reintegrating
20 American Indians who have been incarcerated, as determined by the department of
21 administration, is transferred to the department of justice. On the effective date of
22 this paragraph, all tangible personal property, including records, of the office of
23 justice assistance that is primarily related to administering federal homeland
24 security moneys, and not related to interoperable communications, as determined by
25 the department of administration, is transferred to the department of military

SECTION 9101

1 affairs. On the effective date of this paragraph, all tangible personal property,
2 including records, of the office of justice assistance that is primarily related to
3 reintegrating American Indians who have been incarcerated, as determined by the
4 department of administration, is transferred to the department of corrections.

5 ***-0839/P3.9101***(e) *Contracts.*

6 ***-0839/P3.9101***1. All contracts entered into by the office of justice assistance
7 in effect on the effective date of this subdivision, except contracts that are primarily
8 related to administering federal homeland security moneys, or are primarily related
9 to reintegrating American Indians who have been incarcerated, as determined by the
10 department of administration, remain in effect and are transferred to the
11 department of justice. The department of justice shall carry out any such contractual
12 obligations unless modified or rescinded by the department of justice to the extent
13 allowed under the contract.

14 ***-0839/P3.9101***2. All contracts entered into by the office of justice assistance
15 in effect on the effective date of this subdivision that are primarily related to
16 administering federal homeland security moneys, and not related to interoperable
17 communications, as determined by the department of administration, remain in
18 effect and are transferred to the department of military affairs. The department of
19 military affairs shall carry out any such contractual obligations unless modified or
20 rescinded by the department of military affairs to the extent allowed under the
21 contract.

22 ***-0839/P3.9101***3. All contracts entered into by the office of justice assistance
23 in effect on the effective date of this subdivision that are primarily related to
24 reintegrating American Indians who have been incarcerated, as determined by the
25 department of administration, remain in effect and are transferred to the

1 department of corrections. The department of corrections shall carry out any such
2 contractual obligations unless modified or rescinded by the department of
3 corrections to the extent allowed under the contract.

4 *~~0839/P3.9101~~*(f) *Pending matters.* Any matter pending with the office of
5 justice assistance on the effective date of this paragraph, except matters that are
6 primarily related to administering federal homeland security moneys, or to
7 reintegrating American Indians who have been incarcerated, as determined by the
8 department of administration, is transferred to the department of justice, and all
9 materials submitted to or actions taken by the office of justice assistance with respect
10 to the pending matter are considered as having been submitted to or taken by the
11 department of justice. Any matter pending with the office of justice assistance on the
12 effective date of this paragraph that is primarily related to administering federal
13 homeland security moneys, and not related to interoperable communications, as
14 determined by the department of administration, is transferred to the department
15 of military affairs, and all materials submitted to or actions taken by the office of
16 justice assistance with respect to the pending matter are considered as having been
17 submitted to or taken by the department of military affairs. Any matter pending
18 with the office of justice assistance on the effective date of this paragraph that is
19 primarily related to reintegrating American Indians who have been incarcerated, as
20 determined by the department of administration, is transferred to the department
21 of corrections, and all materials submitted to or actions taken by the office of justice
22 assistance with respect to the pending matter are considered as having been
23 submitted to or taken by the department of corrections.

24 *~~0839/P3.9101~~*(g) *Rules and orders.*

SECTION 9101

1 ***-0839/P3.9101***1. All rules promulgated for the office of justice assistance,
2 except rules that are primarily related to administering federal homeland security
3 moneys, or to reintegrating American Indians who have been incarcerated, as
4 determined by the department of administration, that are in effect on the effective
5 date of this subdivision remain in effect until their specified expiration dates or until
6 amended or repealed by the department of justice. All orders issued by the office of
7 justice assistance, except orders that are primarily related to administering federal
8 homeland security moneys, or to reintegrating American Indians who have been
9 incarcerated, as determined by the department of administration, that are in effect
10 on the effective date of this subdivision remain in effect until their specified
11 expiration dates or until modified or rescinded by the department of justice.

12 ***-0839/P3.9101***2. All rules promulgated for the office of justice assistance
13 that are primarily related to administering federal homeland security moneys, and
14 not related to interoperable communications, as determined by the department of
15 administration, and that are in effect on the effective date of this subdivision remain
16 in effect until their specified expiration dates or until amended or repealed by the
17 department of military affairs. All orders issued by the office of justice assistance
18 that are primarily related to administering federal homeland security moneys, and
19 not related to interoperable communications, as determined by the department of
20 administration, and that are in effect on the effective date of this subdivision remain
21 in effect until their specified expiration dates or until modified or rescinded by the
22 department of military affairs.

23 ***-0839/P3.9101***3. All rules promulgated for the office of justice assistance
24 that are primarily related to reintegrating American Indians who have been
25 incarcerated, as determined by the department of administration, and that are in

1 effect on the effective date of this subdivision remain in effect until their specified
2 expiration dates or until amended or repealed by the department of corrections. All
3 orders issued by the office of justice assistance that are primarily related to
4 reintegrating American Indians who have been incarcerated, as determined by the
5 department of administration, and that are in effect on the effective date of this
6 subdivision remain in effect until their specified expiration dates or until modified
7 or rescinded by the department of corrections.

8 ***-1022/P5.9101*(2)** GENERAL PRIME CONTRACTOR CONTRACT. When the
9 department of administration develops a contract under section 16.855 (14m) (a) of
10 the statutes, as created by this act, the department shall provide public notice of the
11 contract development, review written comments, and hold at least one public
12 hearing, allowing for testimony. The building commission must approve the contract
13 before the department may use the contract.

14 ***-1122/4.9102*SECTION 9102. Nonstatutory provisions; Agriculture,**
15 **Trade and Consumer Protection.**

16 ***-1122/4.9102*(1)** TRANSFER OF FACILITY DESIGN SERVICES.

17 ***-1122/4.9102*(a)** *Assets and liabilities.* On the effective date of this
18 paragraph, the assets and liabilities of the department of agriculture, trade and
19 consumer protection that are primarily related to facility design services, as
20 determined by the secretary of administration, shall become assets and liabilities of
21 the department of administration.

22 ***-1122/4.9102*(b)** *Positions and employees.*

23 ***-1122/4.9102*1.** On the effective date of this subdivision, 1.0 FED position in
24 the department of agriculture, trade and consumer protection having primary
25 responsibility for facility design services, as determined by the secretary of

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1 administration, is transferred to the department of administration and shall become
2 1.0 PR-S position in the department of administration.

3 *~~1122/4.9102~~*2. The incumbent employee in the position specified in
4 subdivision 1. is transferred on the effective date of this subdivision to the
5 department of administration.

6 *~~1122/4.9102~~*3. The employee transferred under subdivision 2. has all the
7 rights and the same status under subchapter V of chapter 111 of the statutes and
8 chapter 230 of the statutes that the employee enjoyed in the department of
9 agriculture, trade and consumer protection immediately before the transfer.
10 Notwithstanding section 230.28 (4) of the statutes, if the employee has attained
11 permanent status in class immediately before the transfer, the employee is not
12 required to serve a probationary period.

13 *~~1122/4.9102~~*(c) *Tangible personal property.* On the effective date of this
14 paragraph, all tangible personal property, including records, of the department of
15 agriculture, trade and consumer protection that is primarily related to facility design
16 services, as determined by the secretary of administration, is transferred to the
17 department of administration.

18 *~~1122/4.9102~~*(d) *Contracts.* All contracts entered into by the department of
19 agriculture, trade and consumer protection that are primarily related to facility
20 design services, as determined by the secretary of administration, are transferred to
21 the department of administration. The department of administration shall carry out
22 any contractual obligations under such a contract until the contract is modified or
23 rescinded by the department of administration to the extent allowed under the
24 contract.

1 ***-1122/4.9102***(e) *Pending matters.* Any matter pending with the department
2 of agriculture, trade and consumer protection that is primarily related to facility
3 design services on the effective date of this paragraph is transferred to the
4 department of administration and all materials submitted to and actions taken by
5 the department of agriculture, trade and consumer protection with respect to the
6 pending matter are considered as having been submitted to or taken by the
7 department of administration.

8 ***-0124/P1.9103*****SECTION 9103. Nonstatutory provisions; Arts Board.**

9 ***-0124/P1.9104*****SECTION 9104. Nonstatutory provisions; Building**
10 **Commission.**

11 ***-0124/P1.9105*****SECTION 9105. Nonstatutory provisions; Child Abuse**
12 **and Neglect Prevention Board.**

13 ***-0124/P1.9106*****SECTION 9106. Nonstatutory provisions; Children and**
14 **Families.**

15 ***-0124/P1.9107*****SECTION 9107. Nonstatutory provisions; Circuit Courts.**

16 ***-0124/P1.9108*****SECTION 9108. Nonstatutory provisions; Corrections.**

17 ***-0124/P1.9109*****SECTION 9109. Nonstatutory provisions; Court of**
18 **Appeals.**

19 ***-0124/P1.9110*****SECTION 9110. Nonstatutory provisions; District**
20 **Attorneys.**

21 ***-0124/P1.9111*****SECTION 9111. Nonstatutory provisions; Educational**
22 **Communications Board.**

23 ***-0250/3.9112*****SECTION 9112. Nonstatutory provisions; Employee Trust**
24 **Funds.**

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1 ***-0250/3.9112***(1) POSITION AUTHORIZATIONS FOR THE DEPARTMENT OF EMPLOYEE
2 TRUST FUNDS.

3 ***-0250/3.9112***(a) During the 2013–15 fiscal biennium, the secretary of
4 employee trust funds may request the governor to create or abolish a full–time
5 equivalent position or portion thereof that is funded from revenues deposited in the
6 public employee trust fund if the employee holding the position would perform duties
7 relating to modernizing business processes or integrating information technology
8 systems of the department of employee trust funds. Upon receiving such a request,
9 the governor may approve or modify the request. If the governor proposes to approve
10 or modify the request, the governor shall notify the joint committee on finance in
11 writing of his or her proposed action. If, within 14 working days after the date of the
12 governor’s notification, the cochairpersons of the committee do not notify the
13 governor that the committee has scheduled a meeting for the purpose of reviewing
14 the proposed action, the position changes may be made as proposed by the governor.
15 If the cochairpersons notify the governor that the committee has scheduled a meeting
16 for the purpose of reviewing the proposed action, the position changes may be made
17 only upon approval of the committee.

18 ***-0250/3.9112***(b) If a full–time equivalent position or portion thereof is
19 created under paragraph (a), the appropriation that is used to pay salary and fringe
20 benefit costs for the position is supplemented to cover the salary and fringe benefit
21 costs for the position.

22 ***-1025/9.9112***(2) SURCHARGE FOR HEALTH INSURANCE FOR USE OF TOBACCO
23 PRODUCTS. During 2014 and 2015, the group insurance board, under section 40.03 (6)
24 (cm) of the statutes, as created by this act, shall impose a premium surcharge of \$50
25 a month for health care coverage under sections 40.51 (6) and 40.515 of the statutes,

1 as affected by this act, for eligible employees, as defined in section 40.02 (25) of the
2 statutes, who use tobacco products.

3 ***-0124/P1.9113*SECTION 9113. Nonstatutory provisions; Employment**
4 **Relations Commission.**

5 ***-0215/2.9114*SECTION 9114. Nonstatutory provisions; Financial**
6 **Institutions.**

7 ***-0215/2.9114*(1) NOTICE IN DISSOLUTION AND REVOCATION PROCEEDINGS.** In
8 addition to posting the notices described in sections 180.1421 (2m) (b), 180.1531 (2m)
9 (b), 181.1421 (2) (b), 181.1531 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the
10 statutes, as affected by this act, the department of financial institutions shall, for 6
11 months after the effective date of this subsection, publish a monthly class 1 notice
12 under chapter 985 of the statutes in the official state newspaper informing the public
13 that notices described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2)
14 (b), 181.1531 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the statutes, as
15 affected by this act, are posted on the department's Internet site.

16 ***-0124/P1.9115*SECTION 9115. Nonstatutory provisions; Government**
17 **Accountability Board.**

18 ***-0124/P1.9116*SECTION 9116. Nonstatutory provisions; Governor.**

19 ***-0124/P1.9117*SECTION 9117. Nonstatutory provisions; Health and**
20 **Educational Facilities Authority.**

21 ***-1096/3.9118*SECTION 9118. Nonstatutory provisions; Health Services.**

22 ***-1096/3.9118*(1) ELIGIBILITY AND PREMIUMS UNDER THE MEDICAL ASSISTANCE**
23 **PURCHASE PLAN.**

24 ***-1096/3.9118*(a) Notification of federal approval.** The department of health
25 services shall request from the federal government approval of the treatment of

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1 section 49.472 (3) (a) and (f), (3m), (4) (a) (intro.), 1., 1m., 2. (intro.), 2m., and 3. and
2 (b) (by SECTIONS 1186 and 1187), and (5) of the statutes by this act, and shall notify
3 the legislative reference bureau when each provision is approved. The legislative
4 reference bureau shall publish each notice in the Wisconsin Administrative Register.

5 ***-1096/3.9118*(b) Void provisions.**

6 ***-1096/3.9118*1.** Notwithstanding SECTION 9418 (3) of this act, if, by January
7 1, 2015, the department of health services has not notified the legislative reference
8 bureau under paragraph (a) that federal approval has been given with respect to the
9 treatment of section 49.472 (4) (b) (by SECTION 1186) of the statutes by this act, that
10 treatment is void.

11 ***-1096/3.9118*2.** Notwithstanding SECTION 9418 (3) and (5) of this act, if, by
12 January 1, 2016, the department of health services has not notified the legislative
13 reference bureau under paragraph (a) that federal approval has been given with
14 respect to the treatment of section 49.472 (3) (a) or (f), (3m), (4) (a) (intro.), 1., 1m.,
15 2. (intro.), 2m., or 3. or (b) (by SECTION 1187), or (5) of the statutes by this act, that
16 treatment is void.

17 ***-0124/P1.9119*SECTION 9119. Nonstatutory provisions; Higher**
18 **Educational Aids Board.**

19 ***-0124/P1.9120*SECTION 9120. Nonstatutory provisions; Historical**
20 **Society.**

21 ***-0124/P1.9121*SECTION 9121. Nonstatutory provisions; Housing and**
22 **Economic Development Authority.**

23 ***-0124/P1.9122*SECTION 9122. Nonstatutory provisions; Insurance.**

24 ***-0124/P1.9123*SECTION 9123. Nonstatutory provisions; Investment**
25 **Board.**