

ASSEMBLY BILL 40

1 938.365 (5) (a) Except as provided in s. 938.368, an order under this section that
2 continues the placement of a juvenile in his or her home or that extends an order
3 under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to
4 exceed one year after its the date of entry on which the order is granted.

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

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

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

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

15 **SECTION 2335.** 938.365 (5) (b) 4. of the statutes is created to read:

16 938.365 (5) (b) 4. If the juvenile is a full-time student at a secondary school or
17 its vocational or technical equivalent and if an individualized education program
18 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains
19 21 years of age.

20 **SECTION 2336.** 938.48 (4) of the statutes is amended to read:

21 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
22 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
23 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
24 them in licensed foster homes or licensed group homes under s. 48.63 or in
25 independent living situations as provided in s. 938.34 (3) (e), contracting for their

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1 care by licensed child welfare agencies, or replacing them in juvenile correctional
2 facilities or secured residential care centers for children and youth in accordance
3 with rules promulgated under ch. 227, except that the department may not purchase
4 the educational component of private day treatment programs for a juvenile in its
5 custody unless the department, the school board, as defined in s. 115.001 (7), and the
6 state superintendent of public instruction all determine that an appropriate public
7 education program is not available for the juvenile. Disputes between the
8 department and the school district shall be resolved by the state superintendent of
9 public instruction.

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503-2Y 10 **SECTION 2337.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

11 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
12 approval board under s. 38.50 440.55, or is a school described in s. 38.50 440.55 (1)
13 (e) 6., 7. or 8.; and

14 **SECTION 2338.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

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

18 **SECTION 2339.** 950.06 (2) of the statutes is amended to read:

19 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
20 the county, but the county is eligible to receive reimbursement from the state for not
21 more than 90% of the costs incurred in providing those services. The department
22 shall determine the level of services for which a county may be reimbursed. The
23 county board shall file a claim for reimbursement with the department. The
24 department shall reimburse counties under this subsection from the appropriation

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1 appropriations under s. 20.455 (5) (k), ~~(kk)~~ and (kp) and, on a semiannual basis, from
2 the ~~appropriations~~ appropriation under s. 20.455 (5) ~~(e)~~ and (g).

3 **SECTION 2340.** 961.41 (5) (c) 2. of the statutes is amended to read:

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

8 **SECTION 2341.** 961.472 (5) (b) of the statutes is amended to read:

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

13 **SECTION 2342.** 967.11 (1) of the statutes is amended to read:

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

18 **SECTION 2343.** 970.02 (8) of the statutes is created to read:

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

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SECTION 2344

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SECTION 2344. 971.17 (1m) (a) of the statutes is amended to read:

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971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of

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mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or of

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s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1)

5

(b), the court shall require the person to provide a biological specimen to the state

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crime laboratories for deoxyribonucleic acid analysis. Biological specimens required

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under this paragraph shall be obtained and submitted as specified in rules

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promulgated by the department of justice under s. 165.76 (4).

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SECTION 2345. 973.042 (3) of the statutes is repealed.

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SECTION 2346. 973.042 (5) of the statutes is amended to read:

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973.042 (5) The secretary of administration shall credit ~~part A~~ of the surcharge

12

to the appropriation account under s. 20.410 (1) (gj). ~~The secretary of administration~~

13

shall credit ~~part B~~ of the surcharge to the appropriation account under s. 20.455 (2)

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(5) (gj). ~~The secretary of administration shall credit part C~~ of the surcharge to the

15

appropriation account under s. 20.505 (6) (gj).

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SECTION 2347. 973.043 (3) of the statutes is amended to read:

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973.043 (3) All moneys collected from drug offender diversion surcharges shall

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be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv) and

19

used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

20

SECTION 2348. 973.045 (1) of the statutes is amended to read:

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973.045 (1) If a court imposes a sentence or places a person on probation, the

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court shall impose a crime victim and witness assistance surcharge. A surcharge

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imposed under this subsection may not be waived, reduced, or forgiven for any

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reason. The surcharge is the total amount calculated by adding up the amount for

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every misdemeanor count and every felony count as follows:

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SECTION 2348

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

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

3 **SECTION 2349.** 973.045 (1r) of the statutes is repealed.

4 **SECTION 2350.** 973.045 (2) of the statutes is amended to read:

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

11 **SECTION 2351.** 973.045 (2m) of the statutes is repealed.

12 **SECTION 2352.** 973.045 (3) of the statutes is repealed.

13 **SECTION 2353.** 973.046 (1g) of the statutes is repealed.

14 **SECTION 2354.** 973.046 (1r) of the statutes is renumbered 973.046 (1r) (intro.)
15 and amended to read:

16 973.046 (1r) (intro.) If a court imposes a sentence or places a person on
17 probation for a violation of s. 940.225, 948.02 (1) or (2), 948.025, 948.085, the court
18 shall impose a deoxyribonucleic acid analysis surcharge of \$250., calculated as
19 follows:

20 **SECTION 2355.** 973.046 (1r) (a) and (b) of the statutes are created to read:

21 973.046 (1r) (a) For each conviction for a felony, \$250.

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

23 **SECTION 2356.** 973.047 (1f) of the statutes is amended to read:

24 973.047 (1f) If a court imposes a sentence or places a person on probation for
25 a ~~felony conviction or for a conviction for a violation of s. 165.765 (1), 940.225 (3m),~~

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SECTION 2356

1 944.20, or 948.10 (1) (b), the court shall require the person to provide a biological
2 specimen to the state crime laboratories for deoxyribonucleic acid analysis. *K*

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3 **SECTION 2357.** 973.047 (1m) of the statutes is amended to read:

4 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
5 provided under this section may be used only as authorized under s. 165.77 (3). The
6 state crime laboratories shall destroy any such specimen in accordance with s. 165.77
7 (3).

8 **SECTION 2358.** 973.047 (2) of the statutes is amended to read:

9 973.047 (2) ~~The department of justice shall promulgate rules providing for~~
10 ~~procedures for defendants to provide specimens when Biological samples required~~
11 ~~to do so under this section and for the transportation of those specimens to the state~~
12 ~~crime laboratories for analysis under s. 165.77 sub. (1f) shall be obtained and~~
13 ~~submitted as specified in rules promulgated by the department of justice under s.~~
14 165.76 (4).

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15 **SECTION 2359.** 973.09 (3) (bg) of the statutes is created to read:

16 973.09 (3) (bg) 1. At least 90 days before the expiration date of a probationer's
17 period of probation, the department shall notify the sentencing court and district
18 attorney that a probationer owes an unpaid surcharge imposed under s. 973.045.
19 Upon receiving notice from the department, the court shall schedule a probation
20 review hearing to be held before the expiration date of the period of probation unless
21 the probationer either pays the unpaid surcharge before the scheduled hearing date
22 or voluntarily waives the hearing. A waiver of a probation review hearing under this
23 paragraph must include an acknowledgment by the probationer that waiver may
24 result in an extension of the probation period, a modification of the terms and
25 conditions of probation, or a revocation of probation.

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

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

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

18 **SECTION 2360.** 973.155 (1m) of the statutes is amended to read:

19 973.155 (1m) A convicted offender shall be given credit toward the service of
20 his or her sentence for all days spent in custody as part of a substance abuse
21 treatment program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as
22 determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~
23 ~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that
24 led to the person's placement in that program.

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25 **SECTION 2361.** 980.063 (1) (b) of the statutes is amended to read:

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SECTION 2361

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

4 **SECTION 2362.** 980.063 (2) of the statutes is amended to read:

5 980.063 (2) ~~The department of justice shall promulgate rules providing for~~
6 ~~procedures for defendants to provide specimens~~ Biological samples required under
7 sub. (1) ~~and for the transportation of those specimens to the state crime laboratories~~
8 ~~for analysis under s. 165.77 (a) shall be obtained and submitted as specified in rules~~
9 promulgated by the department of justice under s. 165.76 (4).

10 **SECTION 2363.** 995.10 (1) (i) 1. d. of the statutes is created to read:

11 995.10 (1) (i) 1. d. Owns an automated roll-your-own machine that is used to
12 make cigarettes, not including an individual who owns a roll-your-own machine and
13 uses the machine in his or her home solely to make cigarettes for his or her personal
14 use or for the use of other individuals who live in his or her home.

15 **SECTION 2364.** 2011 Wisconsin Act 32, section 9219 (1u) is amended to read:

16 [2011 Wisconsin Act 32] Section 9219 (1u) APPROPRIATION LAPSES AND
17 REESTIMATES. The governor shall take actions during the 2011-13 and 2013-15 fiscal
18 biennia fiscal biennium to ensure that from general purpose revenue appropriations
19 to the office of the governor under section 20.525 of the statutes an amount equal to
20 \$582,200 is lapsed from sum certain appropriation accounts or is subtracted from the
21 expenditure estimates for any other types of appropriations, or both, in each that
22 fiscal biennium.

23 **SECTION 2365.** 2011 Wisconsin Act 32, section 9255 (1) (b) is amended to read:

24 [2011 Wisconsin Act 32] Section 9255 (1) (b) Notwithstanding section 20.001
25 (3) (a) to (c) of the statutes, but subject to paragraph (e), the secretary of

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1 administration shall lapse to the general fund from the unencumbered balances of
2 general purpose revenue and program revenue appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
4 federal revenues, an amount equal to \$174,300,000 in the 2011-13 fiscal biennium
5 and \$174,300,000 in the 2013-15 fiscal biennium. Before lapsing any moneys under
6 this paragraph, the secretary shall develop a plan for lapsing the moneys and shall
7 submit the plan to the joint committee on finance. If the cochairpersons of the joint
8 committee on finance do not notify the secretary within 14 working days after the
9 date of the submittal of the plan that the committee has scheduled a meeting to
10 review the plan, the plan may be implemented by the secretary. If, within 14 days
11 after the date of the submittal of the plan, the cochairpersons of the committee notify
12 the secretary that the committee has scheduled a meeting to review the plan, moneys
13 may be lapsed only after the plan has been approved by the committee.

14 **SECTION 2366.** 2011 Wisconsin Act 212, section 13 (1) of the statutes is
15 repealed.

SECTION 9101. Nonstatutory provisions; Administration.

17 (1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the office of justice assistance, except those that are primarily related
20 to administering federal homeland security moneys, or to reintegrating American
21 Indians who have been incarcerated, as determined by the department of
22 administration become the assets and liabilities of the department of justice. On the
23 effective date of this paragraph, the assets and liabilities of the office of justice
24 assistance that are primarily related to administering federal homeland security
25 moneys, and not related to interoperable communications, as determined by the

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1 department of administration, become the assets and liabilities of the department
2 of military affairs. On the effective date of this paragraph, the assets and liabilities
3 of the office of justice assistance that are primarily related to the reintegration of
4 American Indians who have been incarcerated, as determined by the department of
5 administration, become the assets and liabilities of the department of corrections.

6 (b) *Employee transfers.* On the effective date of this paragraph, the incumbents
7 holding those positions in the department of administration performing duties that
8 are primarily related to the office of justice assistance, except those positions
9 performing duties that are primarily related to administering federal homeland
10 security moneys, or to reintegrating American Indians who have been incarcerated,
11 as determined by the department of administration, are transferred to the
12 department of justice. On the effective date of this paragraph, the incumbents
13 holding those positions that are primarily related to administering federal homeland
14 security moneys, and not related to interoperable communications, as determined by
15 the department of administration, are transferred to the department of military
16 affairs. On the effective date of this paragraph, the incumbents holding those
17 positions that are primarily related to reintegrating American Indians who have
18 been incarcerated, as determined by the department of administration, are
19 transferred to the department of corrections.

20 (c) *Employee status.* Employees transferred under paragraph (b) have all the
21 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
22 statutes in the department of justice, the department of military affairs, or the
23 department of corrections, whichever is applicable, that they enjoyed in the office of
24 justice assistance immediately before the transfer. Notwithstanding section 230.28

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1 (4) of the statutes, no employee so transferred who has attained permanent status
2 in class is required to serve a probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the office of justice assistance,
5 except property that is primarily related to administering federal homeland security
6 moneys, or property that is primarily related to reintegrating American Indians who
7 have been incarcerated, as determined by the department of administration, is
8 transferred to the department of justice. On the effective date of this paragraph, all
9 tangible personal property, including records, of the office of justice assistance that
10 is primarily related to administering federal homeland security moneys, and not
11 related to interoperable communications, as determined by the department of
12 administration, is transferred to the department of military affairs. On the effective
13 date of this paragraph, all tangible personal property, including records, of the office
14 of justice assistance that is primarily related to reintegrating American Indians who
15 have been incarcerated, as determined by the department of administration, is
16 transferred to the department of corrections.

17 (e) *Contracts.*

18 1. All contracts entered into by the office of justice assistance in effect on the
19 effective date of this subdivision, except contracts that are primarily related to
20 administering federal homeland security moneys, or are primarily related to
21 reintegrating American Indians who have been incarcerated, as determined by the
22 department of administration, remain in effect and are transferred to the
23 department of justice. The department of justice shall carry out any such contractual
24 obligations unless modified or rescinded by the department of justice to the extent
25 allowed under the contract.

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1 2. All contracts entered into by the office of justice assistance in effect on the
2 effective date of this subdivision that are primarily related to administering federal
3 homeland security moneys, and not related to interoperable communications, as
4 determined by the department of administration, remain in effect and are
5 transferred to the department of military affairs. The department of military affairs
6 shall carry out any such contractual obligations unless modified or rescinded by the
7 department of military affairs to the extent allowed under the contract.

8 3. All contracts entered into by the office of justice assistance in effect on the
9 effective date of this subdivision that are primarily related to reintegrating
10 American Indians who have been incarcerated, as determined by the department of
11 administration, remain in effect and are transferred to the department of
12 corrections. The department of corrections shall carry out any such contractual
13 obligations unless modified or rescinded by the department of corrections to the
14 extent allowed under the contract.

15 (f) *Pending matters.* Any matter pending with the office of justice assistance
16 on the effective date of this paragraph, except matters that are primarily related to
17 administering federal homeland security moneys, or to reintegrating American
18 Indians who have been incarcerated, as determined by the department of
19 administration, is transferred to the department of justice, and all materials
20 submitted to or actions taken by the office of justice assistance with respect to the
21 pending matter are considered as having been submitted to or taken by the
22 department of justice. Any matter pending with the office of justice assistance on the
23 effective date of this paragraph that is primarily related to administering federal
24 homeland security moneys, and not related to interoperable communications, as
25 determined by the department of administration, is transferred to the department

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1 of military affairs, and all materials submitted to or actions taken by the office of
2 justice assistance with respect to the pending matter are considered as having been
3 submitted to or taken by the department of military affairs. Any matter pending
4 with the office of justice assistance on the effective date of this paragraph that is
5 primarily related to reintegrating American Indians who have been incarcerated, as
6 determined by the department of administration, is transferred to the department
7 of corrections, and all materials submitted to or actions taken by the office of justice
8 assistance with respect to the pending matter are considered as having been
9 submitted to or taken by the department of corrections.

10 (g) *Rules and orders.*

11 1. All rules promulgated for the office of justice assistance, except rules that are
12 primarily related to administering federal homeland security moneys, or to
13 reintegrating American Indians who have been incarcerated, as determined by the
14 department of administration, that are in effect on the effective date of this
15 subdivision remain in effect until their specified expiration dates or until amended
16 or repealed by the department of justice. All orders issued by the office of justice
17 assistance, except orders that are primarily related to administering federal
18 homeland security moneys, or to reintegrating American Indians who have been
19 incarcerated, as determined by the department of administration, that are in effect
20 on the effective date of this subdivision remain in effect until their specified
21 expiration dates or until modified or rescinded by the department of justice.

22 2. All rules promulgated for the office of justice assistance that are primarily
23 related to administering federal homeland security moneys, and not related to
24 interoperable communications, as determined by the department of administration,
25 and that are in effect on the effective date of this subdivision remain in effect until

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1 their specified expiration dates or until amended or repealed by the department of
2 military affairs. All orders issued by the office of justice assistance that are primarily
3 related to administering federal homeland security moneys, and not related to
4 interoperable communications, as determined by the department of administration,
5 and that are in effect on the effective date of this subdivision remain in effect until
6 their specified expiration dates or until modified or rescinded by the department of
7 military affairs.

8 3. All rules promulgated for the office of justice assistance that are primarily
9 related to reintegrating American Indians who have been incarcerated, as
10 determined by the department of administration, and that are in effect on the
11 effective date of this subdivision remain in effect until their specified expiration
12 dates or until amended or repealed by the department of corrections. All orders
13 issued by the office of justice assistance that are primarily related to reintegrating
14 American Indians who have been incarcerated, 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 modified or rescinded by the
17 department of corrections.

18 (2) GENERAL PRIME CONTRACTOR CONTRACT. When the department of
19 administration develops a contract under section 16.855 (14m) (a) of the statutes, as
20 created by this act, the department shall provide public notice of the contract
21 development, review written comments, and hold at least one public hearing,
22 allowing for testimony. The building commission must approve the contract before
23 the department may use the contract.

24 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
25 **Consumer Protection.**

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SECTION 9102

1 (1) TRANSFER OF FACILITY DESIGN SERVICES.

2 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
3 liabilities of the department of agriculture, trade and consumer protection that are
4 primarily related to facility design services, as determined by the secretary of
5 administration, shall become assets and liabilities of the department of
6 administration.

7 (b) *Positions and employees.*

8 1. On the effective date of this subdivision, 1.0 FED position in the department
9 of agriculture, trade and consumer protection having primary responsibility for
10 facility design services, as determined by the secretary of administration, is
11 transferred to the department of administration and shall become 1.0 PR-S position
12 in the department of administration.

13 2. The incumbent employee in the position specified in subdivision 1. is
14 transferred on the effective date of this subdivision to the department of
15 administration.

16 3. The employee transferred under subdivision 2. has all the rights and the
17 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
18 statutes that the employee enjoyed in the department of agriculture, trade and
19 consumer protection immediately before the transfer. Notwithstanding section
20 230.28 (4) of the statutes, if the employee has attained permanent status in class
21 immediately before the transfer, the employee is not required to serve a probationary
22 period.

23 (c) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the department of agriculture, trade
25 and consumer protection that is primarily related to facility design services, as

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1 determined by the secretary of administration, is transferred to the department of
2 administration.

3 (d) *Contracts.* All contracts entered into by the department of agriculture,
4 trade and consumer protection that are primarily related to facility design services,
5 as determined by the secretary of administration, are transferred to the department
6 of administration. The department of administration shall carry out any contractual
7 obligations under such a contract until the contract is modified or rescinded by the
8 department of administration to the extent allowed under the contract.

9 (e) *Pending matters.* Any matter pending with the department of agriculture,
10 trade and consumer protection that is primarily related to facility design services on
11 the effective date of this paragraph is transferred to the department of
12 administration and all materials submitted to and actions taken by the department
13 of agriculture, trade and consumer protection with respect to the pending matter are
14 considered as having been submitted to or taken by the department of
15 administration.

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16 **SECTION 9103. Nonstatutory provisions; Arts Board.**

17 **SECTION 9104. Nonstatutory provisions; Building Commission.**

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18 **SECTION 9105. Nonstatutory provisions; Child Abuse and Neglect**
19 **Prevention Board.**

20 **SECTION 9106. Nonstatutory provisions; Children and Families.**

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21 **SECTION 9107. Nonstatutory provisions; Circuit Courts.**

22 **SECTION 9108. Nonstatutory provisions; Corrections.**

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23 **SECTION 9109. Nonstatutory provisions; Court of Appeals.**

24 **SECTION 9110. Nonstatutory provisions; District Attorneys.**

ASSEMBLY BILL 40**SECTION 9111**

1 **SECTION 9111. Nonstatutory provisions; Educational Communications**
2 **Board.**

3 **SECTION 9112. Nonstatutory provisions; Employee Trust Funds.**

4 (1) POSITION AUTHORIZATIONS FOR THE DEPARTMENT OF EMPLOYEE TRUST FUNDS.

5 (a) ~~(During the 2013–15 fiscal biennium)~~ ^{Before July 1, 2019} the secretary of employee trust funds
6 may request the governor to create or abolish a full-time equivalent position or
7 portion thereof that is funded from revenues deposited in the public employee trust
8 fund if the employee holding the position would perform duties relating to
9 modernizing business processes or integrating information technology systems of
10 the department of employee trust funds. Upon receiving such a request, the governor
11 may approve or modify the request. If the governor proposes to approve or modify
12 the request, the governor shall notify the joint committee on finance in writing of his
13 or her proposed action. If, within 14 working days after the date of the governor's
14 notification, the cochairpersons of the committee do not notify the governor that the
15 committee has scheduled a meeting for the purpose of reviewing the proposed action,
16 the position changes may be made as proposed by the governor. If the cochairpersons
17 notify the governor that the committee has scheduled a meeting for the purpose of
18 reviewing the proposed action, the position changes may be made only upon approval
19 of the committee.

20 (b) If a full-time equivalent position or portion thereof is created under
21 paragraph (a), the appropriation that is used to pay salary and fringe benefit costs
22 for the position is supplemented to cover the salary and fringe benefit costs for the
23 position.

24 (2) SURCHARGE FOR HEALTH INSURANCE FOR USE OF TOBACCO PRODUCTS. During
25 2014 and 2015, the group insurance board, under section 40.03 (6) (cm) of the

ASSEMBLY BILL 40**SECTION 9112**

1 statutes, as created by this act, shall impose a premium surcharge of \$50 a month
2 for health care coverage under sections 40.51 (6) and 40.515 of the statutes, as
3 affected by this act, for eligible employees, as defined in section 40.02 (25) of the
4 statutes, who use tobacco products.

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5 **SECTION 9113. Nonstatutory provisions; Employment Relations**
6 **Commission.**

7 **SECTION 9114. Nonstatutory provisions; Financial Institutions.**

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

17 **SECTION 9115. Nonstatutory provisions; Government Accountability**
18 **Board.**

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19 **SECTION 9116. Nonstatutory provisions; Governor.**

20 **SECTION 9117. Nonstatutory provisions; Health and Educational**
21 **Facilities Authority.**

22 **SECTION 9118. Nonstatutory provisions; Health Services.**

23 (1) ELIGIBILITY AND PREMIUMS UNDER THE MEDICAL ASSISTANCE PURCHASE PLAN.

24 (a) *Notification of federal approval.* The department of health services shall
25 request from the federal government approval of the treatment of section 49.472 (3)

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SECTION 9118

1 (a) and (f), (3m), (4) (a) (intro.), 1., 1m., 2. (intro.), 2m., and 3. and (b) (by SECTIONS
 2 1167 and 1168), and (5) of the statutes by this act, and shall notify the legislative
 3 reference bureau when each provision is approved. The legislative reference bureau
 4 shall publish each notice in the Wisconsin Administrative Register.

5 (b) *Void provisions.*

6 1. Notwithstanding SECTION 9418 (3) of this act, if, by January 1, 2015, the
 7 department of health services has not notified the legislative reference bureau under
 8 paragraph (a) that federal approval has been given with respect to the treatment of
 9 section 49.472 (4) (b) (by SECTION 1167) of the statutes by this act, that treatment is
 10 void.

11 2. Notwithstanding SECTION 9418 (3) and (5) of this act, if, by January 1, 2016,
 12 the department of health services has not notified the legislative reference bureau
 13 under paragraph (a) that federal approval has been given with respect to the
 14 treatment of section 49.472 (3) (a) or (f), (3m), (4) (a) (intro.), 1., 1m., 2. (intro.), 2m.,
 15 or 3. or (b) (by SECTION 1168), or (5) of the statutes by this act, that treatment is void.

16 **SECTION 9119. Nonstatutory provisions; Higher Educational Aids**
 17 **Board.**

18 **SECTION 9120. Nonstatutory provisions; Historical Society.**

19 **SECTION 9121. Nonstatutory provisions; Housing and Economic**
 20 **Development Authority.**

21 **SECTION 9122. Nonstatutory provisions; Insurance.**

22 **SECTION 9123. Nonstatutory provisions; Investment Board.**

23 **SECTION 9124. Nonstatutory provisions; Joint Committee on Finance.**

24 **SECTION 9125. Nonstatutory provisions; Judicial Commission.**

25 **SECTION 9126. Nonstatutory provisions; Justice.**

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SECTION 9126

1 (1) BIOLOGICAL SPECIMEN; LEGISLATIVE FINDINGS AND RULES.

2 (a) *Legislative findings.*

3 1. The legislative findings in this paragraph relate exclusively to the treatment
4 in this act of sections 20.455 (2) (jb), 51.20 (13) (cr), 165.76 (1) (am), (as), (av), (aw),
5 (b), (bg), (br), (cr), and (g), (1m), (2m), (2r), (3), and (4), 165.765 (title), (1), (1g), (1m),
6 and (2) (a), (b), and (bm), 165.77 (1) (am), (2) (a) 2. and (b), (2m) (c), (3), (4) (intro.),
7 (a), (am) 1., 2., and 3., and (b), and (7m), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34
8 (15) (a) 1., 2., and 3. and (b), 970.02 (8), 971.17 (1m) (a), 973.047 (1f), (1m), and (2),
9 and 980.063 (1) (b) and (2) of the statutes.

10 2. The legislature finds that the state has a compelling interest in the accurate
11 identification of criminal offenders and that there is a critical and urgent need to
12 provide law enforcement officers and agencies with the latest scientific technology
13 available for accurately and expeditiously identifying, apprehending, arresting, and
14 convicting criminal offenders and exonerating individuals wrongly suspected or
15 accused of a crime. The legislature further finds that deoxyribonucleic acid testing
16 allows a more certain and rapid identification of offenders as well as the exoneration
17 of those wrongfully suspected or accused and that deoxyribonucleic acid data banks
18 are an important tool in criminal investigations and in deterring and detecting
19 recidivist acts. The legislature further finds that deoxyribonucleic acid testing at the
20 earliest stages of criminal and juvenile proceedings will help prevent perpetrators
21 from concealing their identities and will prevent time-consuming and expensive
22 investigations of innocent individuals. The legislature further finds that the degree
23 of intrusion on an individual's privacy interests is minimized by the method of
24 collection of the biological sample, by the policy of using only deoxyribonucleic acid
25 sequences not currently associated with any known physical or medical

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SECTION 9126

1 characteristics in the creation of a deoxyribonucleic acid profile, by the limited
2 purposes for which a deoxyribonucleic acid profile may be used under state and
3 federal law, and by the availability of expungement for individuals who are not
4 charged with or convicted of the offenses for which the deoxyribonucleic acid sample
5 was collected.

(S) study and rules

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6 (b) *Rules*. The department of justice may, in rules it promulgates under section
7 165.76 of the statutes, as affected by this act, bring the method to obtain or to submit
8 a biological specimen in conformity with the act of Congress known as the Katie
9 Sepich Enhanced DNA Collection Act of 2012 (HR-6014) to apply for nonsupplanting
10 grant funding under that act.

11 (2) YOUTH DIVERSION GRANT REDUCTIONS.

12 (a) Notwithstanding the amount specified under section 165.987 (1) of the
13 statutes, as affected by this act, the department of justice shall reduce the amount
14 of money allocated under section 165.987 (1) of the statutes, as affected by this act,
15 by \$85,900 in each of fiscal years 2013–14 and 2014–15.

16 (b) Notwithstanding the amount specified under section 165.987 (2) of the
17 statutes, as affected by this act, the department of justice shall reduce the amount
18 of money allocated under section 165.987 (2) of the statutes, as affected by this act,
19 by \$18,400 in each of fiscal years 2013–14 and 2014–15.

20 (c) Notwithstanding the amounts specified under section 165.987 (3) of the
21 statutes, as affected by this act, the department of justice shall reduce the amount
22 of money allocated for each of the 4 contracts that are funded with moneys from the
23 appropriation accounts under section 20.455 (2) (cr) and (kj) of the statutes, as
24 affected by this act, by \$25,650 in each of fiscal years 2013–14 and 2014–15 and shall
25 reduce the amount of money allocated for the contract that is funded only with

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SECTION 9126

1 moneys from the appropriation account under section 20.455 (2) (kj) of the statutes,
2 as affected by this act, by \$18,100 in each of fiscal years 2013-14 and 2014-15.

3 **SECTION 9127. Nonstatutory provisions; Legislature.**

4 **SECTION 9128. Nonstatutory provisions; Lieutenant Governor.**

5 **SECTION 9129. Nonstatutory provisions; Local Government.**

6 **SECTION 9130. Nonstatutory provisions; Medical College of Wisconsin.**

7 **SECTION 9131. Nonstatutory provisions; Military Affairs.**

8 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

9 (1) TRANSFER OF FACILITY DESIGN SERVICES.

10 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
11 liabilities of the department of natural resources that are primarily related to facility
12 design services, as determined by the secretary of administration, shall become
13 assets and liabilities of the department of administration.

14 (b) *Positions and employees.*

15 1. On the effective date of this subdivision, 1.0 SEG position in the department
16 of natural resources having primary responsibility for facility design services, as
17 determined by the secretary of administration, is transferred to the department of
18 administration and shall become 1.0 PR-S position in the department of
19 administration.

20 2. The incumbent employee in the position specified in subdivision 1. is
21 transferred on the effective date of this subdivision to the department of
22 administration.

23 3. The employee transferred under subdivision 2. has all the rights and the
24 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
25 statutes that the employee enjoyed in the department of natural resources

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SECTION 9132

1 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
 2 if the employee attained permanent status in class immediately before the transfer,
 3 the employee is not required to serve a probationary period.

4 (c) *Tangible personal property.* On the effective date of this paragraph, all
 5 tangible personal property, including records, of the department of natural resources
 6 that is primarily related to facility design services, as determined by the secretary
 7 of administration, is transferred to the department of administration.

8 (d) *Contracts.* All contracts entered into by the department of natural resources
 9 that are primarily related to facility design services, as determined by the secretary
 10 of administration, are transferred to the department of administration. The
 11 department of administration shall carry out any contractual obligations under such
 12 a contract until the contract is modified or rescinded by the department of
 13 administration to the extent allowed under the contract.

14 (e) *Pending matters.* Any matter pending with the department of natural
 15 resources that is primarily related to facility design services on the effective date of
 16 this paragraph is transferred to the department of administration and all materials
 17 submitted to and actions taken by the department of natural resources with respect
 18 to the pending matter are considered as having been submitted to or taken by the
 19 department of administration.

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 20 (2) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources
 21 may use the procedure under section 227.24 of the statutes to promulgate rules
 22 under sections 29.040 and 29.181 (4) of the statutes, as created by this act.
 23 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
 24 promulgated under this subsection remain in effect until June 30, 2015, or the date
 25 on which permanent rules take effect, whichever is sooner. Notwithstanding section

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227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

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(3) DEER MANAGEMENT ASSISTANCE PROGRAM. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under section 29.020 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2015, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this subsection as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this subsection.

SECTION 9133. Nonstatutory provisions; Public Defender Board.

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) CHARTER SCHOOL OVERSIGHT BOARD. Notwithstanding section 15.375 (1) of the statutes, as created by this act, the initial members appointed to the charter school oversight board under section 15.375 (1) (a) of the statutes, as created by this act, shall be appointed as follows:

(a) One member under section 15.375 (1) (a) 1. of the statutes, as created by this act, shall be appointed for a term expiring on May 1, 2016, and one member shall be appointed for a term expiring on May 1, 2017.