

1 ***-0536/1.7*** SECTION 3059. 767.265 (2h) of the statutes, as affected by 1999
2 Wisconsin Act (this act), is amended to read:

3 767.265 (2h) If a court-ordered assignment, including the assignment
4 specified under sub. (1) for the payment of any arrearages due, does not require
5 immediately effective withholding and a payer fails to make a required maintenance,
6 child support, spousal support ~~or~~ family support or annual receiving and disbursing
7 fee payment within 10 days after its due date, within 20 days after the payment's due
8 date the court, family court commissioner or county child support agency under s.
9 59.53 (5) shall cause the assignment to go into effect by providing notice of the
10 assignment in the manner provided under sub. (2r) and shall send a notice by regular
11 mail to the last-known address of the payer. The notice sent to the payer shall inform
12 the payer that an assignment is in effect and that the payer may, within a 10-day
13 period, by motion request a hearing on the issue of whether the assignment should
14 remain in effect. The court or family court commissioner shall hold a hearing
15 requested under this subsection within 10 working days after the date of the request.
16 If at the hearing the payer establishes that the assignment is not proper because of
17 a mistake of fact, the court or family court commissioner may direct that the
18 assignment be withdrawn. Either party may, within 15 working days after the date
19 of a decision by a family court commissioner under this subsection, seek review of the
20 decision by the court with jurisdiction over the action.

21 ***-0536/1.8*** SECTION 3060. 767.265 (2m) of the statutes is created to read:

22 767.265 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.29 (1) (dm)
23 1m. constitutes an assignment of all commissions, earnings, salaries, wages, pension
24 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
25 and other money due or to be due in the future to the department or its designee.

1 2. An obligation to pay unpaid fees under s. 767.29 (1) (dm) 2m. constitutes an
2 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits
3 under ch. 102 or 108, lottery prizes that are payable in instalments and other money
4 due or to be due in the future to the clerk of court to whom the fees are owed, or to
5 his or her successor.

6 (b) The county child support agency under s. 59.53 (5) may cause an assignment
7 under par. (a) to go into effect by providing notice of the assignment in the manner
8 provided under sub. (2r) and sending a notice by regular mail to the last-known
9 address of the payer. The notice sent to the payer shall inform the payer that an
10 assignment is in effect and that the payer may, within a 10-day period, by motion
11 request a hearing on the issue of whether the assignment should remain in effect.
12 The court or family court commissioner shall hold a hearing requested under this
13 paragraph within 10 working days after the date of the request. If at the hearing the
14 payer establishes that the assignment is not proper because of a mistake of fact, the
15 court or family court commissioner may direct that the assignment be withdrawn.
16 The payer or the county child support agency may, within 15 working days after the
17 date of a decision by a family court commissioner under this paragraph, seek review
18 of the decision by the court with jurisdiction over the action.

19 *~~0536/1.9~~* SECTION 3061. 767.265 (2r) of the statutes, as affected by 1997
20 Wisconsin Act 191, section 414, is amended to read:

21 767.265 (2r) Upon entry of each order for child support, maintenance, family
22 support ~~or~~, support by a spouse or the annual receiving and disbursing fee, and upon
23 approval of each stipulation for child support, unless the court finds that income
24 withholding is likely to cause the payer irreparable harm or unless s. 767.267
25 applies, the court, family court commissioner or county child support agency under

1 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
2 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known
3 address of the person from whom the payer receives or will receive money. The notice
4 shall provide that the amount withheld may not exceed the maximum amount that
5 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its
6 designee, whichever is appropriate, does not receive the money from the person
7 notified, the court, family court commissioner or county child support agency under
8 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
9 payer receives or will receive money. Notice under this subsection may be a notice
10 of the court, a copy of the executed assignment or a copy of that part of the court order
11 directing payment.

12 ***-0536/1.10*** SECTION 3062. 767.29 (1) (d) (intro.) and 1. of the statutes, as
13 created by 1997 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and
14 amended to read:

15 767.29 (1) (d) For receiving and disbursing maintenance, child support or
16 family support payments, and for maintaining the records required under par. (c),
17 the department or its designee shall collect an annual fee of \$25 ~~to be paid by each~~
18 ~~party ordered to make payments~~. The court or family court commissioner shall order
19 each party ordered to make payments to pay the annual fee under this paragraph at
20 ~~the time of, and in addition to, the first payment to the department or its designee~~
21 in each year for which payments are ordered. In directing the manner of payment
22 of the annual fee, the court or family court commissioner shall order that the annual
23 fee be withheld from income and sent to the department or its designee, as provided
24 under s. 767.265. All fees collected under this paragraph shall be deposited in the
25 appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment

1 of an annual fee under this paragraph, the court or family court commissioner shall
2 notify each party ordered to make payments of the requirement to pay the annual
3 fee and of the amount of the annual fee. If the annual fee under this ~~section~~
4 paragraph is not paid when due, the department or its designee may not deduct the
5 annual fee from the maintenance or child or family support payment, but may ~~do any~~
6 ~~of the following:~~ 1. Move move the court for a remedial sanction under ch. 785.

7 *~~0536/1.11~~* SECTION 3063. 767.29 (1)(d) 2. of the statutes, as created by 1997
8 Wisconsin Act 27, is repealed.

9 *~~0536/1.12~~* SECTION 3064. 767.29 (1) (dm) of the statutes is created to read:
10 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
11 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
12 payment and collection system on December 31, 1998, and shall deposit all fees
13 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
14 The department or its designee may collect unpaid fees under this subdivision
15 through income withholding under s. 767.265 (2m). If the department or its designee
16 determines that income withholding is inapplicable, ineffective or insufficient for the
17 collection of any unpaid fees under this subdivision, the department or its designee
18 may move the court for a remedial sanction under ch. 785. The department or its
19 designee may contract with or employ a collection agency or other person for the
20 collection of any unpaid fees under this subdivision and, notwithstanding s. 20.930,
21 may contract with or employ an attorney to appear in any action in state or federal
22 court to enforce the payment obligation. The department or its designee may not
23 deduct the amount of unpaid fees from any maintenance or child or family support
24 payment.

1 2m. A clerk of court may collect any unpaid fees under s. 814.61 (12) (b), 1997
2 stats., that are owed to the clerk of court, or to his or her predecessor, and that were
3 not shown on the department's automated payment and collection system on
4 December 31, 1998, through income withholding under s. 767.265 (2m). If the clerk
5 of court determines that income withholding is inapplicable, ineffective or
6 insufficient for the collection of any unpaid fees under this subdivision, the clerk of
7 court may move the court for a remedial sanction under ch. 785.

8 *~~0063/2.13~~* SECTION 3066. 778.02 of the statutes is amended to read:

9 **778.02 Action in name of state; complaint; attachment.** Every such
10 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
11 allege in the complaint that the defendant is indebted to the plaintiff in the amount
12 of the forfeiture claimed, according to the provisions of the statute that imposes it,
13 specifying the statute and for the penalty assessment imposed by s. 165.87 757.05,
14 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
15 enforcement assessment imposed by s. 165.755, the enforcement assessment
16 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
17 assessment imposed by s. 100.261 and any applicable domestic abuse assessment
18 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or
19 delinquencies the complaint shall specify the particular offense or delinquency for
20 which the action is brought, with a demand for judgment for the amount of the
21 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
22 enforcement assessment, any applicable enforcement assessment, any applicable
23 consumer information assessment and any applicable domestic abuse assessment.
24 If the defendant is a nonresident of the state, an attachment may issue.

25 *~~0063/2.14~~* SECTION 3067. 778.03 of the statutes is amended to read:

1 **778.03 Complaint to recover forfeited goods.** In an action to recover
2 property forfeited by any statute it shall be sufficient to allege in the complaint that
3 the property has been forfeited, specifying the statute, with a demand of judgment
4 for the delivery of the property, or the value thereof and for payment of the penalty
5 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
6 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
7 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
8 consumer information assessment imposed by s. 100.261 and any applicable
9 domestic abuse assessment imposed by s. 973.055 (1).

10 *~~0063/2.15~~* **SECTION 3068.** 778.06 of the statutes is amended to read:

11 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
12 specific sum or when it is not less than one sum or more than another, the action may
13 be brought for the highest sum specified and for the penalty assessment imposed by
14 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
15 and drug law enforcement assessment imposed by s. 165.755, the enforcement
16 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer
17 information assessment imposed by s. 100.261 and any applicable domestic abuse
18 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
19 as the court or jury shall assess or determine to be proportionate to the offense.

20 *~~0063/2.16~~* **SECTION 3069.** 778.10 of the statutes is amended to read:

21 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
22 any ordinance or regulation of any county, town, city or village, or of any other
23 domestic corporation may be sued for and recovered, under this chapter, in the name
24 of the county, town, city, village or corporation. It is sufficient to allege in the
25 complaint that the defendant is indebted to the plaintiff in the amount of the

1 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
2 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
3 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
4 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
5 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
6 ordinance or regulation imposes a penalty or forfeiture for several offenses or
7 delinquencies the complaint shall specify the particular offenses or delinquency for
8 which the action is brought, with a demand for judgment for the amount of the
9 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
10 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
11 assessment imposed by s. 165.755, any applicable consumer information assessment
12 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
13 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of
14 the county, town, city, village or corporation, except that all jail assessments shall be
15 paid to the county treasurer.

16 *~~0063/2.17~~* SECTION 3070. 778.105 of the statutes is amended to read:

17 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
18 any court or any branch thereof for the violation of any municipal or county
19 ordinance shall be paid to the municipality or county. Penalty assessment payments
20 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
21 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
22 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
23 assessments shall be made as provided in s. 973.055. Consumer information
24 assessment payments shall be made as provided in s. 100.261.

25 *~~0063/2.18~~* SECTION 3071. 778.13 of the statutes is amended to read:

1 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
2 of the state for forfeiture, except the portion to be paid to any person who sues with
3 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
4 county within which the forfeiture was incurred within 20 days after its receipt. In
5 case of any failure in the payment the county treasurer may collect the payment of
6 the officer by action, in the name of the office and upon the official bond of the officer,
7 with interest at the rate of 12% per year from the time when it should have been paid.
8 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
9 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
10 and drug law enforcement assessment payments shall be paid as provided in s.
11 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
12 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
13 information assessment payments shall be made as provided in s. 100.261.

14 *~~0063/2.19~~* SECTION 3072. 778.18 of the statutes is amended to read:

15 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
16 own will, dismisses any action brought before the judge under this chapter, unless
17 by order of the district attorney or attorney general or the person joined as plaintiff
18 with the state, or renders a less judgment therein than is prescribed by law, or
19 releases or discharges any such judgment or part thereof without payment or
20 collection, the judge and the judge's sureties shall be liable, in an action upon the
21 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
22 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
23 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
24 enforcement assessment imposed by s. 165.755, any applicable consumer
25 information assessment imposed by s. 100.261 and any applicable domestic abuse

1 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which
2 any such judgment or any part thereof is released or discharged. If any municipal
3 judge gives time or delay to any person against whom any such judgment is rendered
4 by the judge, or takes any bond or security for its future payment, the judge and the
5 judge's sureties shall also be liable for the payment of the judgment upon the judge's
6 bond.

7 ***b0238/4.17* SECTION 3072m.** 779.85 (6) of the statutes is amended to read:

8 779.85 (6) "Prepayment" means any full or partial payment received by a seller
9 or an obligation incurred by a customer to a creditor or to a seller or to a seller's
10 assignee for maintenance to be performed by a seller if payment is made before the
11 maintenance is rendered or received. This term does not include prepayment for
12 maintenance under an insurance policy. Except with regard to a warranty under s.
13 ~~218.14~~ 101.953, this term does not include prepayment for maintenance to be
14 provided under a manufacturer's warranty on goods or maintenance unless there is
15 a prepayment made for maintenance to be rendered under the warranty separate
16 from the payment for the goods themselves.

17 ***-0063/2.20* SECTION 3074.** 800.02 (2)(a) 8. of the statutes is amended to read:

18 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear
19 in court at the time fixed in the citation, the defendant is deemed to have tendered
20 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment
21 and crime laboratories and drug law enforcement assessment, any applicable
22 consumer information assessment and any applicable domestic abuse assessment
23 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of
24 the deposit. The notice shall also state that the court may decide to summon the
25 defendant rather than accept the deposit and plea.

1 *~~0063/2.21~~* **SECTION 3075.** 800.02 (3)(a) 5. of the statutes is amended to read:

2 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
3 event or occurrence from which the violation arose and showing that the plaintiff is
4 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
5 is based and a demand for a forfeiture, the amount of which shall not exceed the
6 maximum set by the statute involved, the penalty assessment, the jail assessment,
7 the crime laboratories and drug law enforcement assessment, any applicable
8 consumer information assessment, any applicable domestic abuse assessment and
9 such other relief that is sought by the plaintiff.

10 *~~0063/2.22~~* **SECTION 3076.** 800.03 (3) of the statutes is amended to read:

11 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
12 shall not be effective until approved by the governing body of the municipality. The
13 amount shall not exceed the maximum penalty for the offense, including any penalty
14 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
15 would be applicable under s. 302.46 (1), any crime laboratories and drug law
16 enforcement assessment that would be applicable under s. 165.755, any consumer
17 information assessment that would be applicable under s. 100.261 and any domestic
18 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
19 including the fee prescribed in s. 814.65 (1).

20 *~~0063/2.23~~* **SECTION 3077.** 800.04 (2) (b) of the statutes is amended to read:

21 800.04 (2) (b) If the municipal judge determines that the defendant should not
22 be released under par. (a) and the defendant is charged with a traffic or boating
23 violation, the municipal judge shall release the defendant on a deposit in the amount
24 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
25 For other violations, the municipal judge shall establish a deposit in an amount not

1 to exceed the maximum penalty for the offense, including any penalty assessment
2 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be
3 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
4 assessment that would be applicable under s. 165.755, any consumer information
5 assessment that would be applicable under s. 100.261 and any domestic abuse
6 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class
7 city determines that a defendant appearing before the judge through interactive
8 video and audio transmission should not be released under par. (a), the judge shall
9 inform the defendant that he or she has the right to appear personally before a judge
10 for a determination, not prejudiced by the first appearance, as to whether he or she
11 should be released without a deposit. On failure of the defendant to make a deposit
12 under this paragraph, he or she may be committed to jail pending trial only if the
13 judge finds that there is a reasonable basis to believe the person will not appear in
14 court.

15 *~~0063/2.24~~* **SECTION 3078.** 800.04 (2) (c) of the statutes is amended to read:
16 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
17 and does not appear, he or she is deemed to have tendered a plea of no contest and
18 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
19 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
20 assessment imposed by s. 165.755, any applicable consumer information assessment
21 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
22 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
23 amount of the deposit. The court may either accept the plea of no contest and enter
24 judgment accordingly, or reject the plea and issue a summons. If the court finds that
25 the violation meets the conditions in s. 800.093 (1), the court may summon the

1 alleged violator into court to determine if restitution shall be ordered under s.
2 800.093. If the defendant fails to appear in response to the summons, the court shall
3 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
4 the court shall allow the defendant to withdraw the plea of no contest.

5 ***-0063/2.25* SECTION 3079.** 800.09 (1) (intro.) of the statutes is amended to
6 read:

7 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
8 may render judgment by ordering restitution under s. 800.093 and payment of a
9 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
10 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
11 assessment imposed by s. 165.755, any applicable consumer information assessment
12 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
13 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The
14 court shall apply any payment received on a judgment that includes restitution to
15 first satisfy any payment of restitution ordered, then to pay the forfeiture,
16 assessments and costs. If the judgment is not paid, the court may proceed under par.
17 (a), (b) or (c) or any combination of those paragraphs, as follows:

18 ***-0063/2.26* SECTION 3080.** 800.09 (1) (a) of the statutes is amended to read:

19 800.09 (1) (a) The court may defer payment of any judgment or provide for
20 instalment payments. At the time the judgment is rendered, the court shall inform
21 the defendant, orally and in writing, of the date by which restitution and the
22 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
23 laboratories and drug law enforcement assessment, any applicable consumer
24 information assessment and any applicable domestic abuse assessment plus costs
25 must be made, and of the possible consequences of failure to do so in timely fashion,

1 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
2 motor vehicle operating privilege, as provided in par. (c), if applicable. If the
3 defendant is not present, the court shall ensure that the information is sent to the
4 defendant by mail. In 1st class cities, all of the written information required by this
5 paragraph shall be printed in English and Spanish and provided to each defendant.

6 ***-0063/2.27* SECTION 3082.** 800.09 (2) (b) of the statutes is amended to read:

7 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
8 at the time fixed for hearing of the case, the defendant may be deemed to have
9 entered a plea of no contest and the money deposited, if any, or such portion thereof
10 as the court determines to be an adequate penalty, plus the penalty assessment, the
11 jail assessment, the crime laboratories and drug law enforcement assessment, any
12 applicable consumer information assessment and any applicable domestic abuse
13 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared
14 forfeited by the court or may be ordered applied upon the payment of any penalty
15 which may be imposed, together with the penalty assessment, the jail assessment,
16 the crime laboratories and drug law enforcement assessment, any applicable
17 consumer information assessment and any applicable domestic abuse assessment
18 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),
19 the court may summon the alleged violator into court to determine if restitution shall
20 be ordered under s. 800.093. Any money remaining after payment of any penalties,
21 assessments, costs and restitution shall be refunded to the person who made the
22 deposit.

23 ***-0063/2.28* SECTION 3084.** 800.10 (2) of the statutes is amended to read:

24 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and
25 drug law enforcement assessments, consumer information assessments, domestic

1 abuse assessments and costs paid to a municipal court under a judgment before a
2 municipal judge shall be paid to the municipal treasurer within 7 days after receipt
3 of the money by a municipal judge or other court personnel. At the time of the
4 payment, the municipal judge shall report to the municipal treasurer the title of the
5 action, the offense for which a forfeiture was imposed and the total amount of the
6 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement
7 assessments, consumer information assessments, domestic abuse assessments and
8 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All
9 jail assessments paid to a municipal court under a judgment before a municipal judge
10 shall be paid to the county treasurer within 7 days after receipt of the money by a
11 municipal judge or other court personnel.

12 ***-0063/2.29* SECTION 3085.** 800.12 (2) of the statutes is amended to read:

13 800.12 (2) A municipality may by ordinance provide that a municipal judge
14 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
15 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
16 jail assessment under s. 302.46 ~~and~~, crime laboratories and drug law enforcement
17 assessment under s. 165.755, any applicable consumer information assessment
18 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),
19 a jail sentence not to exceed 7 days.

20 ***-0265/1.3* SECTION 3086.** 803.03 (2) (b) of the statutes is amended to read:

21 803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may
22 1. participate in the prosecution of the action, 2. agree to have his or her interest
23 represented by the party who caused the joinder, or 3. move for dismissal with or
24 without prejudice. If the party joined chooses to participate in the prosecution of the
25 action, the party joined shall have an equal voice with other claimants in such

1 prosecution. If Except as provided in par. (bm), if the party joined chooses to have
2 his or her interest represented by the party who caused the joinder, the party joined
3 shall sign a written waiver of the right to participate which shall express consent to
4 be bound by the judgment in the action. Such waiver shall become binding when filed
5 with the court, but a party may withdraw the waiver upon timely motion to the judge
6 to whom the case has been assigned with notice to the other parties. A party who
7 represents the interest of another party and who obtains a judgment favorable to
8 such other party may be awarded reasonable attorneys fees by the court. If the party
9 joined moves for dismissal without prejudice as to his or her claim, the party shall
10 demonstrate to the court that it would be unjust to require the party to prosecute the
11 claim with the principal claim. In determining whether to grant the motion to
12 dismiss, the court shall weigh the possible prejudice to the movant against the state's
13 interest in economy of judicial effort.

14 ***-0265/1.4* SECTION 3087.** 803.03 (2) (bm) of the statutes is created to read:
15 803.03 (2) (bm) *Joinders because of implication of medical assistance.* If the
16 department of health and family services is joined as a party pursuant to par. (a) and
17 s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the
18 department of health and family services need not sign a waiver of the right to
19 participate in order to have its interests represented by the party that caused the
20 joinder. If the department of health and family services makes no selection under
21 par. (b), the party causing the joinder shall represent the interests of the department
22 of health and family services and the department of health and family services shall
23 be bound by the judgment in the action.

24 ***-0265/1.5* SECTION 3089.** 814.03 (3) of the statutes is amended to read:

1 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
2 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and
3 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, ~~and where~~
4 ~~the interests of the department of health and family services or of the county are~~
5 ~~represented under s. 803.03 (2) (b) by the party who caused the joinder, the~~
6 department of health and family services or the county shall not be liable for costs
7 to any prevailing defendant.

8 *~~1265/7.39~~* SECTION 3094. 814.60 (2) (a) of the statutes is amended to read:

9 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

10 *~~0063/2.30~~* SECTION 3095. 814.60 (2) (ai) of the statutes is created to read:

11 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

12 *~~b0247/1.1~~* SECTION 3095n. 814.61 (1) (c) 4. of the statutes is created to read:

13 814.61 (1) (c) 4. An action to terminate parental rights under subch. VIII of ch.

14 48.

15 *~~b0247/1.1~~* SECTION 3095p. 814.61 (1) (c) 5. of the statutes is created to read:

16 814.61 (1) (c) 5. An action for adoption under subch. XIX of ch. 48.

17 *~~b0246/1.1~~* SECTION 3096m. 814.615 (1) (a) 3. of the statutes is amended to
18 read:

19 814.615 (1) (a) 3. For a study under s. 767.11 (14), a fee of ~~\$300~~ \$500.

20 *~~1265/7.40~~* SECTION 3097. 814.63 (3) (a) of the statutes is amended to read:

21 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

22 *~~0063/2.31~~* SECTION 3098. 814.63 (3) (ai) of the statutes is created to read:

23 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

24 *~~1037/2.2~~* SECTION 3099. 814.635 (1) of the statutes is amended to read:

1 814.635 (1) Except for an action for a safety belt use violation under s. 347.48
2 (2m), the clerk of circuit court shall charge and collect a \$7 ~~\$9~~ justice information
3 system fee from any person, including any governmental unit as defined in s. 108.02
4 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)
5 or 814.63 (1). The justice information system fee is in addition to the other fees listed
6 in this section.

7 *~~1806/3.15~~* SECTION 3101. 815.18 (3) (o) of the statutes is amended to read:
8 815.18 (3) (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

9 *~~b0309/3.17~~* SECTION 3101m. 823.08 (3) (c) 2. of the statutes is amended to
10 read:

11 823.08 (3) (c) 2. If the agricultural use or agricultural practice alleged to be a
12 nuisance was begun before October 14, 1997, a department may advise the court
13 under subd. 1. only if the department determines that cost-sharing is available to
14 the defendant under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.

15 *~~0030/2.123~~* SECTION 3102. 859.02 (2) (a) of the statutes is amended to read:
16 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
17 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
18 franchise, sales, withholding, gift or death taxes, or on unemployment insurance
19 contributions due or benefits overpaid; a claim for funeral or administrative
20 expenses; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules
21 promulgated under s. 46.286 (7); or a claim of the United States; or

22 *~~0030/2.124~~* SECTION 3103. 859.07 (2) of the statutes is amended to read:
23 859.07 (2) If the decedent was at the time of death or at any time prior thereto
24 a patient or inmate of any state or county hospital or institution or any person
25 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,

1 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
2 ever received the family care benefit under s. 46.286, medical assistance under
3 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
4 or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice
5 in writing of the date set under s. 859.01 by registered or certified mail to the
6 department of health and family services or the department of corrections, as
7 applicable, and the county clerk of the applicable county not less than 30 days before
8 the date set under s. 859.01, upon such blanks and containing such information as
9 the applicable department or county clerk may provide. The applicable county is the
10 county of residence, as defined in s. 49.001 (6).

11 *~~0030/2.125~~* SECTION 3104. 867.01 (3) (a) 4. of the statutes is amended to
12 read:

13 867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received the
14 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
15 long-term community support services funded under s. 46.27 (7) or aid under s.
16 49.68, 49.683 or 49.685.

17 *~~0030/2.126~~* SECTION 3105. 867.01 (3) (d) of the statutes is amended to read:

18 867.01 (3) (d) *Notice*. The court may hear the matter without notice or order
19 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
20 the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
21 long-term community support services funded under s. 46.27 (7) or aid under s.
22 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the
23 department of health and family services as soon as practicable after filing the
24 petition with the court.

1 ***-0030/2.127*** SECTION 3106. 867.02 (2) (a) 6. of the statutes is amended to
2 read:

3 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received the
4 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
5 long-term community support services funded under s. 46.27 (7) or aid under s.
6 49.68, 49.683 or 49.685.

7 ***-0030/2.128*** SECTION 3107. 867.03 (1g) (c) of the statutes is amended to read:

8 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the
9 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
10 long-term community support services funded under s. 46.27 (7) or aid under s.
11 49.68, 49.683 or 49.685.

12 ***-0030/2.129*** SECTION 3108. 867.03 (1m) (a) of the statutes is amended to
13 read:

14 867.03 (1m) (a) Whenever an heir or person who was guardian of the decedent
15 at the time of the decedent's death intends to transfer a decedent's property by
16 affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the
17 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
18 long-term community support services funded under s. 46.27 (7) or aid under s.
19 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the
20 time of the decedent's death shall give notice to the department of health and family
21 services of his or her intent. The notice shall include the information in the affidavit
22 under sub. (1g) and the heir or person who was guardian of the decedent at the time
23 of the decedent's death shall give the notice by certified mail, return receipt
24 requested.

1 ***-0030/2.130*** **SECTION 3109.** 867.03 (1m) (b) of the statutes is amended to
2 read:

3 867.03 (1m) (b) An heir or person who was guardian of the decedent at the time
4 of the decedent's death who files an affidavit under sub. (1g) that states that the
5 decedent or the decedent's spouse received the family care benefit under s. 46.286,
6 medical assistance under subch. IV of ch. 49, long-term community support services
7 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the
8 affidavit the proof of mail delivery of the notice required under par. (a) showing a
9 delivery date that is not less than 10 days before the day on which the heir or person
10 who was guardian of the decedent at the time of the decedent's death files the
11 affidavit.

12 ***-0030/2.131*** **SECTION 3110.** 867.035 (1) (a) (intro.) of the statutes is amended
13 to read:

14 867.035 (1) (a) (intro.) Except as provided in par. (bm), the department of
15 health and family services may collect from the property of a decedent, including
16 funds of a decedent that are held by the decedent immediately before death in a joint
17 account or a P.O.D. account, by affidavit under this section an amount equal to the
18 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term
19 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
20 1., the family care benefit that is recoverable under rules promulgated under s.
21 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s.
22 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse,
23 if all of the following conditions are satisfied:

24 ***-0028/7.81*** **SECTION 3111.** 867.035 (4) of the statutes is amended to read:

1 867.035 (4) From the appropriation under s. 20.435 (5) (4) (im), with respect
2 to funds collected by the department under sub. (1) related to medical assistance paid
3 on behalf of the decedent or the decedent's spouse, the department of health and
4 family services shall pay claims under sub. (3), shall pay to the federal government
5 from the amount recovered under this section and not paid out as claims under sub.
6 (3) an amount equal to the amount of federal funds used to pay the benefits recovered
7 under this section and shall spend the remainder of the amount recovered under this
8 section for medical assistance benefits under subch. IV of ch. 49.

9 ***-0085/4.3*** SECTION 3115. 938.02 (6) of the statutes is amended to read:

10 938.02 (6) "Foster home" means any facility that is operated by a person
11 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
12 no more than 4 juveniles ~~unless all of the juveniles are siblings or, if necessary to~~
13 enable a sibling group to remain together, for no more than 6 juveniles or, if the
14 department of health and family services promulgates rules permitting a different
15 number of juveniles, for the number of juveniles permitted under those rules.

16 ***-0674/1.7*** SECTION 3116. 938.02 (14m) of the statutes is amended to read:

17 938.02 (14m) "Pupil assistance program" means a program provided by a
18 school board under s. 115.362 (4) (b) 2. 115.361 to intervene in the abuse of alcohol
19 and other drugs by pupils.

20 ***-1732/1.5*** SECTION 3143. 938.24 (5) of the statutes is amended to read:

21 938.24 (5) The intake worker shall request that a petition be filed, enter into
22 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
23 of referral information. Before entering into a deferred prosecution agreement, the
24 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
25 or a deferred prosecution agreement is entered into, the district attorney, corporation

1 counsel or other official under s. 938.09 shall receive written notice of such action.
2 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
3 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
4 ~~agreement is entered into placing a juvenile in a youth village program as described~~
5 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
6 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
7 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
8 shall include a summary of the facts surrounding the allegation and a list of prior
9 intake referrals and dispositions. If a law enforcement officer has made a
10 recommendation concerning the juvenile, the intake worker shall forward this
11 recommendation to the district attorney under s. 938.09. Notwithstanding the
12 requirements of this section, the district attorney may initiate a delinquency petition
13 under s. 938.25 within 20 days after notice that the case has been closed or that a
14 deferred prosecution agreement has been entered into. The judge shall grant
15 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
16 which is not referred or filed within the time limits specified within this subsection.
17 Failure to object if a petition is not referred or filed within a time limit specified in
18 this subsection waives that time limit.

19 ***-1732/1.6* SECTION 3144.** 938.245 (2) (a) 9. of the statutes is repealed.

20 ***-1732/1.7* SECTION 3145.** 938.245 (2) (b) of the statutes is amended to read:

21 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
22 ~~under par. (a) 9.~~, may not include any form of out-of-home placement and may not
23 exceed one year.

24 ***-1732/1.8* SECTION 3146.** 938.245 (3) of the statutes is amended to read:

1 938.245 (3) The obligations imposed under a deferred prosecution agreement
2 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
3 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~
4 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
5 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
6 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
7 guardian and legal custodian shall receive a copy of the agreement and order, as shall
8 any agency providing services under the agreement.

9 ***-1732/1.9*** SECTION 3147. 938.245 (4) of the statutes is amended to read:

10 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
11 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
12 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
13 ~~request the court to terminate~~ the deferred prosecution agreement at any time or to
14 object at any time to the fact or terms of the deferred prosecution agreement. If an
15 objection arises the intake worker may alter the terms of the agreement or request
16 the district attorney or corporation counsel to file a petition. If the deferred
17 prosecution agreement is terminated the intake worker may request the district
18 attorney or corporation counsel to file a petition.

19 ***-1732/1.10*** SECTION 3148. 938.245 (5) of the statutes is amended to read:

20 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
21 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
22 custodian. ~~A deferred prosecution agreement under sub. (2) (a) 9. may be terminated~~
23 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

24 ***-1732/1.11*** SECTION 3149. 938.32 (1) (a) of the statutes is amended to read:

1 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
2 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
3 commissioner may suspend the proceedings and place the juvenile under
4 supervision in the juvenile's own home or present placement ~~or in a youth village~~
5 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
6 applicable to the parent, guardian or legal custodian, and to the juvenile, including
7 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
8 under this section shall be known as a consent decree and must be agreed to by the
9 juvenile; the parent, guardian or legal custodian; and the person filing the petition
10 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
11 the consent decree shall include provisions for payment of the services as specified
12 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

13 *~~1732/1.12~~* SECTION 3150. 938.32 (2) (c) of the statutes is amended to read:

14 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
15 parent, guardian, legal custodian, intake worker or any agency supervising the
16 juvenile under the consent decree, the court may, after giving notice to the parties
17 to the consent decree and their counsel, if any, extend the decree for up to an
18 additional 6 months ~~or, if the consent decree places the juvenile in a youth village~~
19 ~~program as described in s. 118.42, for up to an additional one year~~ in the absence of
20 objection to extension by the parties to the initial consent decree. If the parent,
21 guardian or legal custodian objects to the extension, the court shall schedule a
22 hearing and make a determination on the issue of extension. ~~A consent decree~~
23 ~~placing a juvenile in a youth village program as described in s. 118.42 may be~~
24 ~~extended no more than twice.~~

25 *~~1732/1.13~~* SECTION 3154. 938.34 (3) (dm) of the statutes is repealed.

1 *~~0400/7.19~~* SECTION 3158. 938.34 (5m) of the statutes is amended to read:

2 938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
3 participate in a youth corps program, as defined in s. ~~16.22~~ 46.78 (1) (dm) or another
4 community service work program, if the sponsor of the program approves the
5 juvenile's participation in the program.

6 *~~b0590/3.6~~* SECTION 3175r. 938.532 (1) of the statutes is amended to read:

7 938.532 (1) PROGRAM. ~~The~~ From the appropriations under s. 20.410 (3) (bb) and
8 (hm), the department shall provide a juvenile boot camp program for juveniles who
9 have been placed under the supervision of the department under s. 938.183, 938.34
10 (4h) or (4m) or 938.357 (4).

11 *~~1070/1.1~~* SECTION 3176. 938.533 (2) of the statutes is amended to read:

12 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
13 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
14 an average daily population of ~~106 juveniles in fiscal year 1997-98 and 136 juveniles~~
15 ~~in fiscal year 1998-99~~, or an average daily population of more than ~~106 juveniles in~~
16 ~~fiscal year 1997-98 and 136 juveniles in fiscal year 1998-99~~ if the appropriation
17 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
18 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
19 to serve more than these ~~that~~ average daily populations population are otherwise
20 available, in not less than 3 counties, including Milwaukee County. The office of
21 juvenile offender review in the department shall evaluate and select for participation
22 in the program juveniles who have been placed under the supervision of the
23 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
24 shall place a program participant in the community, provide intensive surveillance
25 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to

1 purchase community-based treatment services for each participant. The
2 department shall make the intensive surveillance required under this subsection
3 available 24 hours a day, 7 days a week, and may purchase or provide electronic
4 monitoring for the intensive surveillance of program participants. The department
5 shall provide a report center in Milwaukee County to provide on-site programming
6 after school and in the evening for juveniles from Milwaukee County who are placed
7 in the corrective sanctions program. A contact worker providing services under the
8 program shall have a case load of approximately 10 juveniles and, during the initial
9 phase of placement in the community under the program of a juvenile who is
10 assigned to that contact worker, shall have not less than one face-to-face contact per
11 day with that juvenile. Case management services under the program shall be
12 provided by a corrective sanctions agent who shall have a case load of approximately
13 15 juveniles. The department shall promulgate rules to implement the program.

14 ***b0429/2.2* SECTION 3190t.** 943.13 (4m) (c) of the statutes is created to read:

15 943.13 (4m) (c) A person entering or remaining on any exposed shore area of
16 a stream as authorized under s. 30.134.

17 ***-1516/4.18* SECTION 3191.** 944.21 (8) (b) 3. a. of the statutes is amended to
18 read:

19 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
20 approval board under s. ~~39.51~~ 45.54 or is a school described in s. ~~39.51 (9) (f), (g) or~~
21 ~~(h)~~ 45.54 (1) (e) 6., 7. or 8.; and

22 ***b0569/1.16* SECTION 3191c.** 946.13 (10) of the statutes is amended to read:

23 946.13 (10) Subsection (1) (a) does not apply to a member of a ~~private industry~~
24 ~~council or appointed under the job training partnership act, 29 USC 1512, local~~
25 workforce development board established under 29 USC 2832 or to a member of the

1 ~~governor's council on workforce excellence appointed under s. 15.227 (24) council on~~
2 ~~workforce investment established under 29 USC 2821.~~

3 *b0523/3.8* SECTION 3191d. 946.15 (1) of the statutes is amended to read:

4 946.15 (1) Any employer, or any agent or employe of an employer, who induces
5 any person who seeks to be or is employed pursuant to a public contract as defined
6 in s. 66.29 (1) (c) or who seeks to be or is employed on a project on which a prevailing
7 wage rate determination has been issued by the department of workforce
8 development under s. 20.924 (1) (i) 3. or (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3)
9 or by a local governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) to
10 give up, waive or return any part of the compensation to which that person is entitled
11 under his or her contract of employment or under the prevailing wage rate
12 determination issued by the department or local governmental unit, or who reduces
13 the hourly basic rate of pay normally paid to an employe for work on a project on
14 which a prevailing wage rate determination has not been issued under s. 20.924 (1)
15 (i) 3. or (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in which the
16 employe works both on a project on which a prevailing wage rate determination has
17 been issued and on a project on which a prevailing wage rate determination has not
18 been issued, is guilty of a Class E felony.

19 *b0523/3.8* SECTION 3191e. 946.15 (2) of the statutes is amended to read:

20 946.15 (2) Any person employed pursuant to a public contract as defined in s.
21 66.29 (1) (c) or employed on a project on which a prevailing wage rate determination
22 has been issued by the department of workforce development under s. 20.924 (1) (i)
23 3. or (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as
24 defined in s. 66.293 (1) (d), under s. 66.293 (6) who gives up, waives or returns to the
25 employer or agent of the employer any part of the compensation to which the employe

1 is entitled under his or her contract of employment or under the prevailing wage
2 determination issued by the department or local governmental unit, or who gives up
3 any part of the compensation to which he or she is normally entitled for work on a
4 project on which a prevailing wage rate determination has not been issued under s.
5 20.924 (1) (i) 3. or (j) 3. c., 66.293 (3) or (6), 103.49 (3) or 103.50 (3) during a week in
6 which the person works part-time on a project on which a prevailing wage rate
7 determination has been issued and part-time on a project on which a prevailing
8 wage rate determination has not been issued, is guilty of a Class C misdemeanor.

9 ***b0523/3.8* SECTION 3191f.** 946.15 (3) of the statutes is amended to read:

10 946.15 (3) Any employer or labor organization, or any agent or employe of an
11 employer or labor organization, who induces any person who seeks to be or is
12 employed on a project on which a prevailing wage rate determination has been issued
13 by the department of workforce development under s. 20.924 (1) (i) 3. or (j) 3. c.,
14 66.293 (3), 103.49 (3) or 103.50 (3) or by a local governmental unit, as defined in s.
15 66.293 (1) (d), under s. 66.293 (6) to permit any part of the wages to which that person
16 is entitled under the prevailing wage rate determination issued by the department
17 or local governmental unit to be deducted from the person's pay is guilty of a Class E
18 felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a
19 person who is working on a project that is subject to 40 USC 276c.

20 ***b0523/3.8* SECTION 3191g.** 946.15 (4) of the statutes is amended to read:

21 946.15 (4) Any person employed on a project on which a prevailing wage rate
22 determination has been issued by the department of workforce development under
23 s. 20.924 (1) (i) 3. or (j) 3. c., 66.293 (3), 103.49 (3) or 103.50 (3) or by a local
24 governmental unit, as defined in s. 66.293 (1) (d), under s. 66.293 (6) who permits any
25 part of the wages to which that person is entitled under the prevailing wage rate

1 determination issued by the department or local governmental unit to be deducted
2 from his or her pay is guilty of a Class C misdemeanor, unless the deduction would
3 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
4 is subject to 40 USC 276c.

5 ***-1516/4.19* SECTION 3197.** 948.11 (4) (b) 3. a. of the statutes is amended to
6 read:

7 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
8 approval board under s. ~~39.51~~ 45.54 or is a school described in s. ~~39.51 (9) (f), (g) or~~
9 ~~(h)~~ 45.54 (1) (e) 6., 7. or 8.; and

10 ***b0359/1.7* SECTION 3197j.** 948.24 (1) (b) of the statutes is amended to read:

11 948.24 (1) (b) For anything of value, solicits, negotiates or arranges the
12 placement of a child for adoption except under s. 48.833 (1).

13 ***-0589/2.29* SECTION 3198.** 949.08 (2) (g) of the statutes is repealed and
14 recreated to read:

15 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
16 (2) (b), unless the victim provides to the department a payment agreement that has
17 been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 ***b0587/2.7* SECTION 3198m.** 950.04 (1v) (xm) of the statutes is amended to
20 read:

21 950.04 (1v) (xm) To have the department of health and family services make
22 a reasonable attempt to notify the victim under s. 980.11 regarding supervised
23 release under s. ~~980.06~~ 980.08 and discharge under s. 980.09 or 980.10.

24 ***-1410/2.4* SECTION 3199.** 950.06 (2) of the statutes is amended to read:

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

9 ***-1410/2.5*** SECTION 3200. 950.06 (5) of the statutes is amended to read:

10 950.06 (5) The department shall review and approve the implementation and
11 operation of programs and the annual reports under this section. The department
12 may suspend or terminate reimbursement under ~~s. 20.455 (5) (e) and (g)~~ sub. (2) if
13 the county fails to comply with its duties under this section. The department shall
14 promulgate rules under ch. 227 for implementing and administering county
15 programs approved under this section.

16 ***b0468/1.2*** SECTION 3202c. 973.032 (2) (b) of the statutes is amended to read:

17 973.032 (2) (b) Notwithstanding par. (a), a court may not sentence a person
18 under sub. (1) if he or she is convicted of a felony punishable by life imprisonment
19 or has at any time been convicted, adjudicated delinquent or found not guilty or not
20 responsible by reason of insanity or mental disease, defect or illness for committing
21 a violent offense, as defined in s. 301.048 (2) (bm).

22 ***b0368/2.3*** SECTION 3202e. 973.046 (1) (intro.) of the statutes is renumbered
23 973.046 (1r) and amended to read:

1 973.046 (1r) If a court imposes a sentence or places a person on probation under
2 any of the following circumstances for a violation of s. 940.225, 948.02 (1) or (2) or
3 948.025, the court shall impose a deoxyribonucleic acid analysis surcharge of \$250.

4 ***b0368/2.3* SECTION 3202f.** 973.046 (1) (a) of the statutes is repealed.

5 ***b0368/2.3* SECTION 3202g.** 973.046 (1) (b) of the statutes is repealed.

6 ***b0368/2.3* SECTION 3202h.** 973.046 (1g) of the statutes is created to read:

7 973.046 (1g) Except as provided in sub. (1r), if a court imposes a sentence or
8 places a person on probation for a felony conviction, the court may impose a
9 deoxyribonucleic acid analysis surcharge of \$250.

10 ***b0368/2.3* SECTION 3202k.** 973.047 (1) (a) of the statutes is renumbered
11 973.047 (1f) and amended to read:

12 973.047 (1f) If a court imposes a sentence or places a person on probation for
13 a violation of s. 940.225, ~~948.02 (1) or (2) or 948.025~~ felony conviction, the court shall
14 require the person to provide a biological specimen to the state crime laboratories for
15 deoxyribonucleic acid analysis.

16 ***b0368/2.3* SECTION 3202L.** 973.047 (1) (b) of the statutes is repealed.

17 ***b0368/2.3* SECTION 3202m.** 973.047 (1) (c) of the statutes is renumbered
18 973.047 (1m) and amended to read:

19 973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen
20 provided under par. (a) or (b) this section may be used only as authorized under s.
21 165.77 (3). The state crime laboratories shall destroy any such specimen in
22 accordance with s. 165.77 (3).

23 ***b0368/2.3* SECTION 3202p.** 973.047 (2) of the statutes is amended to read:

24 973.047 (2) The department of justice shall promulgate rules providing for
25 procedures for defendants to provide specimens when required to do so under sub.

1 (1) this section and for the transportation of those specimens to the state crime
2 laboratories for analysis under s. 165.77.

3 *~~0063/2.32~~* SECTION 3203. 973.05 (1) of the statutes is amended to read:

4 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
5 permission for the payment of the fine, of the penalty assessment imposed by s.
6 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and
7 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
8 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
9 analysis surcharge under s. 973.046, any applicable drug abuse program
10 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
11 information assessment imposed by s. 100.261, any applicable domestic abuse
12 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
13 improvement surcharge imposed by s. 346.655, any applicable enforcement
14 assessment imposed by s. 253.06 (4)(c), any applicable weapons assessment imposed
15 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
16 any applicable environmental assessment imposed by s. 299.93, any applicable wild
17 animal protection assessment imposed by s. 29.983, any applicable natural resources
18 assessment imposed by s. 29.987 and any applicable natural resources restitution
19 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
20 no such permission is embodied in the sentence, the fine, the penalty assessment, the
21 jail assessment, the crime victim and witness assistance surcharge, the crime
22 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
23 acid analysis surcharge, any applicable drug abuse program improvement
24 surcharge, any applicable consumer information assessment, any applicable
25 domestic abuse assessment, any applicable driver improvement surcharge, any

1 applicable enforcement assessment, any applicable weapons assessment, any
2 applicable uninsured employer assessment, any applicable environmental
3 assessment, any applicable wild animal protection assessment, any applicable
4 natural resources assessment and any applicable natural resources restitution
5 payment shall be payable immediately.

6 *~~0063/2.33~~* **SECTION 3204.** 973.05 (2) of the statutes is amended to read:

7 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
8 probation, the court may make the payment of the fine, the penalty assessment, the
9 jail assessment, the crime victim and witness assistance surcharge, the crime
10 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
11 acid analysis surcharge, any applicable drug abuse program improvement
12 surcharge, any applicable consumer information assessment, any applicable
13 domestic abuse assessment, any applicable uninsured employer assessment, any
14 applicable driver improvement surcharge, any applicable enforcement assessment
15 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable
16 environmental assessment, any applicable wild animal protection assessment, any
17 applicable natural resources assessment and any applicable natural resources
18 restitution payments a condition of probation. When the payments are made a
19 condition of probation by the court, payments thereon shall be applied first to
20 payment of the penalty assessment until paid in full, shall then be applied to the
21 payment of the jail assessment until paid in full, shall then be applied to the payment
22 of part A of the crime victim and witness assistance surcharge until paid in full, shall
23 then be applied to part B of the crime victim and witness assistance surcharge until
24 paid in full, shall then be applied to the crime laboratories and drug law enforcement
25 assessment until paid in full, shall then be applied to the deoxyribonucleic acid

1 analysis surcharge until paid in full, shall then be applied to the drug abuse
2 improvement surcharge until paid in full, shall then be applied to payment of the
3 driver improvement surcharge until paid in full, shall then be applied to payment
4 of the domestic abuse assessment until paid in full, shall then be applied to payment
5 of the consumer information assessment until paid in full, shall then be applied to
6 payment of the natural resources assessment if applicable until paid in full, shall
7 then be applied to payment of the natural resources restitution payment until paid
8 in full, shall then be applied to the payment of the environmental assessment if
9 applicable until paid in full, shall then be applied to the payment of the wild animal
10 protection assessment if applicable until paid in full, shall then be applied to
11 payment of the weapons assessment until paid in full, shall then be applied to
12 payment of the uninsured employer assessment until paid in full, shall then be
13 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
14 applicable, until paid in full and shall then be applied to payment of the fine.

15 *~~0063/2.34~~* SECTION 3205. 973.07 of the statutes is amended to read:

16 **973.07 Failure to pay fine or costs or to comply with certain**
17 **community service work.** If the fine, costs, penalty assessment, jail assessment,
18 crime victim and witness assistance surcharge, crime laboratories and drug law
19 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
20 applicable drug abuse program improvement surcharge, applicable consumer
21 information assessment, applicable domestic abuse assessment, applicable driver
22 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),
23 applicable weapons assessment, applicable uninsured employer assessment,
24 applicable environmental assessment, applicable wild animal protection
25 assessment, applicable natural resources assessment and applicable natural

1 resources restitution payments are not paid or community service work under s.
2 943.017 (3) is not completed as required by the sentence, the defendant may be
3 committed to the county jail until the fine, costs, penalty assessment, jail
4 assessment, crime victim and witness assistance surcharge, crime laboratories and
5 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
6 surcharge, applicable drug abuse program improvement surcharge, applicable
7 consumer information assessment, applicable domestic abuse assessment,
8 applicable driver improvement surcharge, applicable enforcement assessment
9 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured
10 employer assessment, applicable environmental assessment, applicable wild animal
11 protection assessment, applicable natural resources assessment or applicable
12 natural resources restitution payments are paid or discharged, or the community
13 service work under s. 943.017 (3) is completed, for a period fixed by the court not to
14 exceed 6 months.

15 ***b0462/2.1* SECTION 3205d.** 973.09 (1) (d) of the statutes is renumbered
16 973.09 (1) (d) (intro.) and amended to read:

17 973.09 (1) (d) (intro.) If a person is convicted of an offense that provides a
18 mandatory or presumptive minimum period of one year or less of imprisonment, a
19 court may place the person on probation under par. (a) if the court requires, as a
20 condition of probation, that the person be confined under sub. (4) for at least that
21 mandatory or presumptive minimum period. The person is eligible to earn good time
22 credit calculated under s. 302.43 regarding the period of confinement. This
23 paragraph does not apply if the conviction is for any of the following:

24 1. A violation under s. 346.63 (1) that subjects the person to a mandatory
25 minimum period of imprisonment under s. 346.65 (2) (b) or (c).

1 ***b0462/2.1* SECTION 3205e.** 973.09 (1) (d) 2. of the statutes is created to read:
2 973.09 (1) (d) 2. A violation under s. 346.63 (2) or (6) that subjects the person
3 to a mandatory minimum period of imprisonment under s. 346.65 (3m), if the person
4 has a total of 3 or fewer convictions, suspensions or revocations counted under s.
5 343.307 (2).

6 ***b0462/2.1* SECTION 3205f.** 973.09 (1) (d) 3. of the statutes is created to read:
7 973.09 (1) (d) 3. A violation under s. 346.63 (5) that subjects the person to a
8 mandatory minimum period of imprisonment under s. 346.65 (2j) (c), if the person
9 has a total of 3 or fewer convictions, suspensions or revocations counted under s.
10 343.307 (2).

11 ***b0458/1.1* SECTION 3206g.** 977.08 (5) (b) of the statutes is repealed.

12 ***b0458/1.1* SECTION 3206h.** 977.08 (5) (bn) (intro.) of the statutes is amended
13 to read:

14 977.08 (5) (bn) (intro.) ~~Beginning on October 14, 1997, and ending on June 30,~~
15 ~~1999~~ Except as provided in par. (br), any of the following constitutes an annual
16 caseload standard for an assistant state public defender in the subunit responsible
17 for trials:

18 ***b0587/2.8* SECTION 3206k.** 977.08 (5) (bn) 1r. of the statutes is amended to
19 read:

20 977.08 (5) (bn) 1r. Cases representing persons under ss. ~~s.~~ 980.05 and 980.06:
21 15.

22 ***-0440/1.2* SECTION 3207.** 977.08 (5) (br) of the statutes is created to read:

23 977.08 (5) (br) Beginning on July 1, 2000, the state public defender may exempt
24 up to 10 full-time assistant state public defenders in the subunit responsible for

1 trials from the annual caseload standards under par. (bn) based on their need to
2 perform other assigned duties.

3 ***b0256/1.1* SECTION 3207r.** 978.01 (2) (b) of the statutes is amended to read:

4 978.01 (2) (b) A district attorney serves on a part-time basis if his or her
5 prosecutorial unit consists of Buffalo, Florence, Forest, Pepin, ~~Richland, Rusk,~~
6 Trempealeau or Vernon county.

7 ***-1268/2.1* SECTION 3208.** 978.03 (3) of the statutes is amended to read:

8 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
9 an attorney admitted to practice law in this state and, except as provided in s.
10 978.043, may perform any duty required by law to be performed by the district
11 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
12 may appoint such temporary counsel as may be authorized by the department of
13 administration.

14 ***-1268/2.2* SECTION 3209.** 978.04 of the statutes is amended to read:

15 **978.04 Assistants in certain prosecutorial units.** The district attorney of
16 any prosecutorial unit having a population of less than 100,000 may appoint one or
17 more assistant district attorneys as necessary to carry out the duties of his or her
18 office and as may be requested by the department of administration authorized in
19 accordance with s. 16.505. Any such assistant district attorney must be an attorney
20 admitted to practice law in this state and, except as provided in s. 978.043, may
21 perform any duty required by law to be performed by the district attorney.

22 ***b0255/3.1* SECTION 3209m.** 978.042 of the statutes is created to read:

23 **978.042 Prosecutor caseload measurement; redistribution of assistant**
24 **district attorney positions.** (1) The department of administration shall develop
25 a weighted prosecutor caseload measurement formula to assist in determining the

1 comparative need for assistant district attorneys in this state. The formula shall be
2 based on the number of cases filed in a given year and the time needed to prosecute
3 the cases, as applied to the average number of cases filed by a prosecutorial unit
4 during the most recent 3-year period for which data is available. The department
5 may consult with the Wisconsin District Attorneys Association in developing the
6 formula.

7 (2) Notwithstanding s. 978.03 and 978.04, the department of administration
8 shall transfer an authorized assistant district attorney position from the
9 prosecutorial unit to which it is allocated to another prosecutorial unit if all of the
10 following apply:

11 (a) A vacancy occurs in the position.

12 (b) The prosecutorial unit from which the position is transferred has a
13 prosecutor workload of less than 100% of the standard full-time workload, according
14 to the weighted prosecutor caseload measurement formula developed under sub. (1),
15 and transferring the position from the prosecutorial unit would not result in the
16 prosecutorial unit having a prosecutor workload of more than 100% of the standard
17 full-time workload, according to the weighted prosecutor caseload measurement
18 formula developed under sub. (1).

19 (c) The prosecutorial unit to which the position is transferred requested
20 additional assistant district attorney position authorization for the fiscal biennium
21 in which the transfer is made and has a prosecutor workload of more than 100% of
22 the standard full-time workload, according to the weighted prosecutor caseload
23 measurement formula developed under sub. (1).

24 ***-1268/2.3* SECTION 3210.** 978.043 of the statutes is created to read:

1 **978.043 Assistants for prosecution of sexually violent person**
2 **commitment cases.** The district attorney of the prosecutorial unit that consists of
3 Brown County and the district attorney of the prosecutorial unit that consists of
4 Milwaukee County shall each assign one assistant district attorney in his or her
5 prosecutorial unit to be a sexually violent person commitment prosecutor. An
6 assistant district attorney assigned under this section to be a sexually violent person
7 commitment prosecutor may engage only in the prosecution of sexually violent
8 person commitment proceedings under ch. 980 and, at the request of the district
9 attorney of the prosecutorial unit, may file and prosecute sexually violent person
10 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

11 *~~1268/2.4~~* **SECTION 3211.** 978.05 (8) (b) of the statutes is amended to read:
12 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
13 978.043, make appropriate assignments of the staff throughout the prosecutorial
14 unit. The district attorney may request the assistance of district attorneys, deputy
15 district attorneys or assistant district attorneys from other prosecutorial units or
16 assistant attorneys general who then may appear and assist in the investigation and
17 prosecution of any matter for which a district attorney is responsible under this
18 chapter in like manner as assistants in the prosecutorial unit and with the same
19 authority as the district attorney in the unit in which the action is brought. Nothing
20 in this paragraph limits the authority of counties to regulate the hiring, employment
21 and supervision of county employes.

22 *~~b0478/2.5~~* **SECTION 3211p.** 978.12 (5) (b) of the statutes is amended to read:
23 978.12 (5) (b) *Employes generally.* District attorneys and state employes of the
24 office of district attorney shall be included within the provisions of the Wisconsin
25 retirement system under ch. 40 as a participating employe of that office, except that

1 the district attorney and state employes of the office of district attorney in a county
2 having a population of 500,000 or more have the option provided under ~~par. (e) s.~~
3 978.12 (5) (c), 1997 stats.

4 *b0478/2.5* SECTION 3211r. 978.12 (5) (c) 5. of the statutes is repealed.

5 *b0478/2.5* SECTION 3211t. 978.12 (6) of the statutes is renumbered 978.12
6 (6) (a) and amended to read:

7 978.12 (6) (a) District attorneys and state employes of the office of district
8 attorney shall be included within all insurance benefit plans under ch. 40, except as
9 authorized in this subsection paragraph. Alternatively, the state shall provide
10 insurance benefit plans for district attorneys and state employes in the office of
11 district attorney in the manner provided in this subsection paragraph. A district
12 attorney or other employe of the office of district attorney who was employed in that
13 office as a county employe on December 31, 1989, and who received any form of fringe
14 benefits other than a retirement, deferred compensation or employe-funded
15 reimbursement account plan as a county employe, as defined by that county
16 pursuant to the county's personnel policies, or pursuant to a collective bargaining
17 agreement in effect on January 1, 1990, or the most recent collective bargaining
18 agreement covering represented employes who are not covered by such an
19 agreement, may elect to continue to be covered under all such fringe benefit plans
20 provided by the county after becoming a state employe. In a county having a
21 population of 500,000 or more, the fringe benefit plans shall include health insurance
22 benefits fully paid by the county for each retired employe who, on or after December
23 31, 1989, attains at least 15 years of service in the office of district attorney of that
24 county, whether or not the service is as a county employe, for the duration of the
25 employe's life. An employe may make an election under this subsection paragraph

1 no later than January 31, 1990, except that an employe who serves as an assistant
2 district attorney in a county having a population of 500,000 or more may make an
3 election under this ~~subsection~~ paragraph no later than March 1, 1990. An election
4 under this ~~subsection~~ paragraph shall be for the duration of the employe's
5 employment in the office of district attorney for the same county by which the
6 employe was employed or until the employe terminates the election under this
7 ~~subsection~~ paragraph, at the same cost to the county as the county incurs for a
8 similarly situated county employe. If Subject to par. (b), if the employer's cost for
9 such fringe benefits for any such employe is less than or equal to the cost for
10 comparable coverage under ch. 40, if any, the state shall reimburse the county for
11 that cost. If Subject to par. (b), if the employer's cost for such fringe benefits for any
12 such employe is greater than the cost for comparable coverage under ch. 40, the state
13 shall reimburse the county for the cost of comparable coverage under ch. 40 and the
14 county shall pay the remainder of the cost. The cost of comparable coverage under
15 ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes
16 in the office of the state public defender, as contained in budget determinations
17 approved by the joint committee on finance or the legislature under the biennial
18 budget act for the period during which the costs are incurred. An employe who makes
19 the election under this ~~subsection~~ paragraph may terminate that election, and shall
20 then be included within all insurance benefit plans under ch. 40, except that the
21 department of employee trust funds may require prior written notice, not exceeding
22 one year's duration, of an employe's intent to be included under any insurance benefit
23 plan under ch. 40.

24 ***b0478/2.5* SECTION 3211v.** 978.12 (6) (b) of the statutes is created to read:

1 978.12 (6) (b) Beginning in the 1999–2000 fiscal year and ending in the
2 2003–04 fiscal year, the state shall in each fiscal year reduce its reimbursement of
3 the employer’s cost for fringe benefits under par. (a) by \$80,000.

4 *~~1412/1.1~~* SECTION 3212. 978.13 (1) (b) of the statutes is amended to read:

5 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
6 and fringe benefit costs of 2 clerk positions providing clerical services to the
7 prosecutors in the district attorney’s office handling cases involving felony violations
8 under ch. 961. The state treasurer shall pay the amount authorized under this
9 paragraph to the county treasurer pursuant to a voucher submitted by the district
10 attorney to the department of administration from the appropriation under s. 20.475
11 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in
12 the ~~1997–98~~ 1999–2000 fiscal year and ~~\$73,000~~ \$77,500 in the ~~1998–99~~ 2000–01
13 fiscal year.

14 *~~1412/1.2~~* SECTION 3213. 978.13 (1) (c) of the statutes is amended to read:

15 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
16 fringe benefit costs of clerk positions in the district attorney’s office necessary for the
17 prosecution of violent crime cases primarily involving felony violations under s.
18 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
19 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
20 pay the amount authorized under this paragraph to the county treasurer pursuant
21 to a voucher submitted by the district attorney to the secretary of administration
22 from the appropriation under s. 20.475(1) (i). The amount paid under this paragraph
23 may not exceed ~~\$88,500~~ \$94,400 in the ~~1997–98~~ 1999–2000 fiscal year and ~~\$91,600~~
24 \$97,200 in the ~~1998–99~~ 2000–01 fiscal year.

25 *~~b0257/1.3~~* SECTION 3213c. 978.13 (1) (d) of the statutes is created to read:

1 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
2 and fringe benefit costs of 2 clerk positions providing clerical services to the
3 prosecutors in the district attorney's office handling cases involving the unlawful
4 possession or use of firearms. The state treasurer shall pay the amount authorized
5 under this paragraph to the county treasurer from the appropriation under s. 20.475
6 (1) (f) pursuant to a voucher submitted by the district attorney to the department of
7 administration. The amount paid under this paragraph may not exceed \$51,300 in
8 the 1999–2000 fiscal year and \$64,400 in the 2000–01 fiscal year.

9 *–0284/3.9* SECTION 3221. 980.03 (4) of the statutes is amended to read:

10 980.03 (4) Whenever the a person who is the subject of the a petition filed under
11 s. 980.02 or who has been committed under s. 980.06 is required to submit to an
12 examination under this chapter, he or she may retain experts or professional persons
13 to perform an examination. If the person retains a qualified expert or professional
14 person of his or her own choice to conduct an examination, the examiner shall have
15 reasonable access to the person for the purpose of the examination, as well as to the
16 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient
17 health care records as provided under s. 146.82 (2) (c). If the person is indigent, the
18 court shall, upon the person's request, appoint a qualified and available expert or
19 professional person to perform an examination and participate in the trial or other
20 proceeding on the person's behalf. Upon the order of the circuit court, the county
21 shall pay, as part of the costs of the action, the costs of ~~a court-appointed~~ an expert
22 or professional person appointed by a court under this subsection to perform an
23 examination and participate in the trial or other proceeding on behalf of an indigent
24 person. An expert or professional person appointed to assist an indigent person who

1 is subject to a petition may not be subject to any order by the court for the
2 sequestration of witnesses at any proceeding under this chapter.

3 *b0587/2.10* SECTION 3223c. 980.05 (6) of the statutes is repealed.

4 *b0587/2.10* SECTION 3223h. 980.06 (1) of the statutes is renumbered 980.06
5 and amended to read:

6 **980.06 Commitment.** If a court or jury determines that the person who is the
7 subject of a petition under s. 980.02 is a sexually violent person, the court shall order
8 the person to be committed to the custody of the department for control, care and
9 treatment until such time as the person is no longer a sexually violent person. A
10 commitment order under this section shall specify that the person be placed in
11 institutional care.

12 *b0587/2.10* SECTION 3223i. 980.06 (2) (a) of the statutes is repealed.

13 *b0587/2.10* SECTION 3223j. 980.06 (2) (b) of the statutes is repealed.

14 *b0587/2.10* SECTION 3223k. 980.06 (2) (c) of the statutes is repealed.

15 *b0587/2.10* SECTION 3223L. 980.06 (2) (d) of the statutes is renumbered
16 980.08 (6m) and amended to read:

17 980.08 (6m) An order for supervised release places the person in the custody
18 and control of the department. The department shall arrange for control, care and
19 treatment of the person in the least restrictive manner consistent with the
20 requirements of the person and in accordance with the plan for supervised release
21 approved by the court under sub. (5). A person on supervised release is subject to the
22 conditions set by the court and to the rules of the department. Before a person is
23 placed on supervised release by the court under this section, the court shall so notify
24 the municipal police department and county sheriff for the municipality and county
25 in which the person will be residing. The notification requirement under this

1 ~~paragraph subsection~~ does not apply if a municipal police department or county
2 sheriff submits to the court a written statement waiving the right to be notified. If
3 the department alleges that a released person has violated any condition or rule, or
4 that the safety of others requires that supervised release be revoked, he or she may
5 be taken into custody under the rules of the department. The department shall
6 submit a statement showing probable cause of the detention and a petition to revoke
7 the order for supervised release to the committing court and the regional office of the
8 state public defender responsible for handling cases in the county where the
9 committing court is located within ~~48~~ 72 hours after the detention, excluding
10 Saturdays, Sundays and legal holidays. The court shall hear the petition within 30
11 days, unless the hearing or time deadline is waived by the detained person. Pending
12 the revocation hearing, the department may detain the person in a jail or in a
13 hospital, center or facility specified by s. 51.15 (2). The state has the burden of
14 proving by clear and convincing evidence that any rule or condition of release has
15 been violated, or that the safety of others requires that supervised release be
16 revoked. If the court determines after hearing that any rule or condition of release
17 has been violated, or that the safety of others requires that supervised release be
18 revoked, it may revoke the order for supervised release and order that the released
19 person be placed in an appropriate institution until the person is discharged from the
20 commitment under s. 980.09 or until again placed on supervised release under s.
21 980.08 this section.

22 *b0587/2.10* SECTION 3230m. 980.065 (1m) of the statutes is amended to read:
23 980.065 (1m) The department ~~may~~ shall place a person committed to
24 ~~institutional care under s. 980.06 (2) (b) at a mental health unit or facility, including~~
25 ~~a the secure mental health unit or facility at~~ established under s. 46.055, the

1 Wisconsin resource center established under s. 46.056 or a secure mental health unit
2 or facility provided by the department of corrections under sub. (2).

3 ***b0587/2.10* SECTION 3231m.** 980.065 (2) of the statutes is amended to read:

4 980.065 (2) The department may contract with the department of corrections
5 for the provision of a secure mental health unit or facility for persons committed to
6 ~~institutional care~~ under s. 980.06 (2) (b). The department shall operate a secure
7 mental health unit or facility provided by the department of corrections under this
8 subsection and shall promulgate rules governing the custody and discipline of
9 persons placed by the department in the secure mental health unit or facility
10 provided by the department of corrections under this subsection.

11 ***-0284/3.19* SECTION 3232.** 980.07 (1) of the statutes is amended to read:

12 980.07 (1) If a person has been committed under s. 980.06 and has not been
13 discharged under s. 980.09, the department shall conduct an examination of his or
14 her mental condition within 6 months after an initial commitment under s. 980.06
15 and again thereafter at least once each 12 months for the purpose of determining
16 whether the person has made sufficient progress ~~to be entitled to transfer to a less~~
17 ~~restrictive facility, to~~ for the court to consider whether the person should be placed
18 on supervised release or to discharge discharged. At the time of a reexamination
19 under this section, the person who has been committed may retain or, ~~if he or she is~~
20 ~~indigent and so requests,~~ seek to have the court ~~may appoint a qualified expert or a~~
21 ~~professional person to examine him or her~~ an examiner as provided under s. 980.03
22 (4).

23 ***b0587/2.11* SECTION 3232p.** 980.08 (1) of the statutes is amended to read:

24 980.08 (1) Any person who is committed ~~to institutional care~~ under s. 980.06
25 may petition the committing court to modify its order by authorizing supervised

1 release if at least ~~6~~ 18 months have elapsed since the initial commitment order was
2 entered, or at least 6 months have elapsed since the most recent release petition was
3 denied or the most recent order for supervised release was revoked. The director of
4 the facility at which the person is placed may file a petition under this subsection on
5 the person's behalf at any time.

6 *~~0284/3.20~~* SECTION 3233. 980.08 (3) of the statutes is amended to read:

7 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
8 one or more examiners having the specialized knowledge determined by the court to
9 be appropriate, who shall examine the person and furnish a written report of the
10 examination to the court within 30 days after appointment. The examiners shall
11 have reasonable access to the person for purposes of examination and to the person's
12 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
13 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that
14 the person is appropriate for supervised release under the criterion specified in sub.
15 (4), the examiner shall report on the type of treatment and services that the person
16 may need while in the community on supervised release. The county shall pay the
17 costs of an examiner appointed under this subsection as provided under s. 51.20 (18)
18 (a).

19 *~~b0587/2.13~~* SECTION 3234m. 980.08 (4) of the statutes is amended to read:

20 980.08 (4) The court, without a jury, shall hear the petition within 30 days after
21 the report of the court-appointed examiner is filed with the court, unless the
22 petitioner waives this time limit. Expenses of proceedings under this subsection
23 shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall grant the
24 petition unless the state proves by clear and convincing evidence that the person is
25 still a sexually violent person and that it is still substantially probable that the

1 person will engage in acts of sexual violence if the person is not continued in
2 institutional care. In making a decision under this subsection, the court may
3 consider, without limitation because of enumeration, the nature and circumstances
4 of the behavior that was the basis of the allegation in the petition under s. 980.02 (2)
5 (a), the person's mental history and present mental condition, where the person will
6 live, how the person will support himself or herself and what arrangements are
7 available to ensure that the person has access to and will participate in necessary
8 treatment, including pharmacological treatment using an antiandrogen or the
9 chemical equivalent of an antiandrogen if the person is a serious child sex offender.
10 A decision under this subsection on a petition filed by a person who is a serious child
11 sex offender may not be made based on the fact that the person is a proper subject
12 for pharmacological treatment using an antiandrogen or the chemical equivalent of
13 an antiandrogen or on the fact that the person is willing to participate in
14 pharmacological treatment using an antiandrogen or the chemical equivalent of an
15 antiandrogen.

16 ***b0587/2.13* SECTION 3238d.** 980.08 (6) of the statutes is repealed.

17 ***b0587/2.13* SECTION 3238h.** 980.09 (1) (c) of the statutes is amended to read:

18 980.09 (1) (c) If the court is satisfied that the state has not met its burden of
19 proof under par. (b), the petitioner shall be discharged from the custody or
20 supervision of the department. If the court is satisfied that the state has met its
21 burden of proof under par. (b), the court may proceed ~~under s. 980.06~~ to determine,
22 using the criterion specified in s. 980.08 (4), whether to modify the petitioner's
23 existing commitment order by authorizing supervised release.

24 ***b0587/2.13* SECTION 3238j.** 980.09 (2) (c) of the statutes is amended to read:

1 980.09 (2) (c) If the court is satisfied that the state has not met its burden of
2 proof under par. (b), the person shall be discharged from the custody or supervision
3 of the department. If the court is satisfied that the state has met its burden of proof
4 under par. (b), the court may proceed ~~under s. 980.06~~ to determine, using the
5 criterion specified in s. 980.08 (4), whether to modify the person's existing
6 commitment order by authorizing supervised release.

7 ***b0587/2.13* SECTION 3238t.** 980.11 (2) (intro.) of the statutes is amended to
8 read:

9 980.11 (2) (intro.) If the court places a person on supervised release under s.
10 ~~980.06~~ 980.08 or discharges a person under s. 980.09 or 980.10, the department shall
11 do all of the following:

12 ***-0284/3.26* SECTION 3239.** 980.12 (1) of the statutes is amended to read:

13 980.12 (1) The Except as provided in ss. 980.03 (4) and 980.08 (3), the
14 department shall pay from the appropriations under s. 20.435 (2) (a) and (bm) for all
15 costs relating to the evaluation, treatment and care of persons evaluated or
16 committed under this chapter.

17 ***b0587/2.14* SECTION 3239d.** 980.12 (2) of the statutes is amended to read:

18 980.12 (2) By February 1, 2002, the department shall submit a report to the
19 legislature under s. 13.172 (2) concerning the extent to which pharmacological
20 treatment using an antiandrogen or the chemical equivalent of an antiandrogen has
21 been required as a condition of supervised release under s. 980.06, 1997 stats., or s.
22 980.08 and the effectiveness of the treatment in the cases in which its use has been
23 required.

24 ***-0030/2.132* SECTION 3240.** 985.01 (1) of the statutes is renumbered 985.01
25 (1m).

1 *~~0030/2.133~~* **SECTION 3241.** 985.01 (1g) of the statutes is created to read:

2 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and
3 includes a family care district board under s. 46.2895.

4 *~~0030/2.134~~* **SECTION 3242.** 985.01 (3) of the statutes is amended to read:

5 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) and ~~“governing~~
6 ~~body” the meaning in s. 345.05 (1) (b) with reference to such municipality includes~~
7 a family care district under s. 46.2895.

8 *~~1817/4.4~~* **SECTION 3244.** Laws of 1929, chapter 151, section 1 is amended
9 to read:

10 [Laws of 1929, chapter 151] Section 1. All the right, title and interest of the
11 state of Wisconsin in the lands hereinafter described, whether any part or parcel
12 thereof may be, at the time of the passage and publication of this act, dry or
13 submerged under the waters of Lake Michigan are hereby ceded, granted and
14 confirmed to the city of Milwaukee, a municipal corporation, for the purpose of
15 improving, filling, and utilizing the same for public park purposes or in aid of
16 navigation and the fisheries, in any manner the said city may deem expedient,~~and~~
17 ~~particularly for the purpose of.~~ Such land may also be used for the purpose of
18 establishing and maintaining thereon breakwaters, bulkheads, piers, wharves,
19 warehouses, transfer sheds, railway tracks, airports, and other harbor facilities,
20 together with such other uses not inconsistent with the improvement of navigation
21 and fisheries in Lake Michigan, and the navigable waters tributary thereto, as said
22 city may deem expedient.

23 *~~1817/4.5~~* **SECTION 3245.** Laws of 1929, chapter 151, section 3 is amended
24 to read:

1 [Laws of 1929, chapter 151] Section 3. The said grantee, the city of Milwaukee,
2 shall not convey any portion or the whole of the lands so granted, ceded and
3 confirmed, and described in section 2 of this act, to any other party, either by
4 warranty deed, quit claim, or in any other manner, except that it may convey to the
5 government of the United States such portion thereof as may be desirable for the
6 promotion of navigation; and it may also convey said lands to any harbor district or
7 other public corporation that may hereafter be organized, under any law of this state,
8 for public park purposes or for the purpose of maintaining and operating a public
9 port; and it may further lease for limited terms not exceeding thirty years, such
10 particular parcels or portions thereof as the board of harbor commissioners may
11 deem expedient, to parties desiring to employ such leased portions and parcels for
12 public park purposes or in the maintaining, operating or using of any harbor facilities
13 thereon.

14 ***-1817/4.6*** SECTION 3246. Laws of 1929, chapter 151, section 4 is amended
15 to read:

16 [Laws of 1929, chapter 151] Section 4. Whenever the said city of Milwaukee
17 shall convey or attempt to convey the whole or any portion of the lands hereby
18 granted, ceded or confirmed, to any other party except as herein provided, or shall
19 use said lands or any part thereof for purposes permanently inconsistent with their
20 use for public park purposes or for the promotion of navigation and the fisheries, such
21 land, or any part thereof so conveyed or attempted to be conveyed, or used
22 inconsistently as hereinabove stated, shall revert to the state of Wisconsin.

23 ***-1817/4.7*** SECTION 3247. Laws of 1973, chapter 76, section 1 is amended to
24 read:

1 [Laws of 1973, chapter 76] Section 1. All the right, title and interest of the state
2 of Wisconsin in the lands hereinafter described, whether any part or parcel thereof
3 may be, at the time of the passage and publication of this act, dry or submerged under
4 the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of
5 Milwaukee, a municipal corporation, for the purpose of improving, filling, and
6 utilizing the same for public park purposes or in aid of navigation and the fisheries
7 and in addition for such further and other use which the board of harbor
8 commissioners of the city of Milwaukee may deem appropriate and expedient and
9 which the common council approves by resolution. Such land ~~shall~~ may also be used
10 for the purpose of establishing and maintaining thereon breakwaters, bulkheads,
11 piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other
12 harbor facilities, together with such other uses not inconsistent with the
13 improvement of navigation and fisheries in Lake Michigan, and the navigable
14 waters tributary thereto, as the city may deem expedient.

15 *~~1817/4.8~~* **SECTION 3248.** Laws of 1973, chapter 76, section 3 is amended to
16 read:

17 [Laws of 1973, chapter 76] Section 3. The city of Milwaukee, shall not convey
18 any portion or the whole of the lands so granted, ceded and confirmed, and described
19 in SECTION 2 of this act, to any other party, either by warranty deed, quit claim, or
20 in any other manner, except that it may convey to the government of the United
21 States such portion thereof as may be desirable for the promotion of navigation; and
22 it may also convey lands to any harbor district or other public corporation that may
23 hereafter be organized, under any law of this state, for public park purposes or for
24 the purpose of maintaining and operating a public port; and it may further lease for
25 an initial term not exceeding 30 years, such particular parcels or portions thereof as

1 the board of harbor commissioners considers advisable, to parties desiring to employ
2 such leased portions and parcels for public park purposes or in a manner determined
3 by the board of harbor commissioners to be for the best interests of port and harbor
4 development.

5 ***-1834/2.2* SECTION 3261.** 1997 Wisconsin Act 4, section 4 (1) (a), as last
6 affected by 1997 Wisconsin Act 27, section 5510s, is amended to read:

7 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
8 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
9 until July 1, ~~1999~~ 2001, operate the juvenile secured correctional facility, as defined
10 in section 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27,
11 section 9126 (26v), as a state prison named in section 302.01 of the statutes, as
12 affected by this act, for the placement of prisoners, as defined in section 301.01 (2)
13 of the statutes, who are not more than 21 years of age and who are not violent
14 offenders, as determined by the department of corrections.

15 ***b0163/1.6* SECTION 3261g.** 1997 Wisconsin Act 27, section 9101 (11h) is
16 repealed.

17 ***-2565/P5.7* SECTION 3261m.** 1997 Wisconsin Act 27, section 9107 (1) (b) 1.
18 is amended to read:

19 [1997 Wisconsin Act 27] Section 9107 (1) (b)

20 1. *Projects financed by general fund supported borrowing:*

21 Probation and parole holding ~~facility/alcohol and~~
22 alcohol and other drug abuse treatment facility to
23 provide ~~600 beds in southeastern Wisconsin the city~~
24 of Milwaukee \$ 49,800,000

1	Medium security correctional facility or facilities to	
2	provide 1,000 beds	74,800,000
3	(Total project all funding sources \$85,000,000)	
4	Green Bay Correctional Institution — expansion of	
5	segregation unit by 42 cells	500,000
6	Perimeter security enhancement at maximum	
7	security correctional institution under s. 301.16	
8	(1n), stats.	750,000
9	Perimeter security improvement at Oakhill	
10	Correctional Institution	600,000
11	Ethan Allen School — gate house facility	990,000

12 ***-2451/3.1* SECTION 3261p.** 1997 Wisconsin Act 27, section 9107 (2) is
13 repealed.

14 ***-1618/3.6* SECTION 3262.** 1997 Wisconsin Act 27, section 9410 (5g) is
15 amended to read:

16 [1997 Wisconsin Act 27] Section 9410 (5g) ELIMINATION OF RECYCLING MARKET
17 DEVELOPMENT BOARD. The treatment of sections 15.07 (1) (b) 19., 15.155 (2), ~~16.72 (7)~~
18 ~~(by SECTION 119d)~~, 20.143 (1) (L) (by SECTION 200d), (st) (by SECTION 204d) and (tm)
19 (by SECTION 205d), 20.923 (4) (a) 4q., 36.25 (30g), 560.031 (by SECTION 4338c), (2), (3)
20 and (4), 560.09 (5) and 560.65 (4) (a) and subchapter III of chapter 287 (by SECTION
21 3620m) of the statutes takes effect on June 30, 2001.

22 ***b0504/3.8* SECTION 3262m.** 1997 Wisconsin Act 27, section 9456 (3m) is
23 amended to read:

1 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
2 BOARD AND ~~WISCONSIN LAND COUNCIL~~. The treatment of sections 15.07 (1) (b) 16.,
3 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), ~~20.505~~
4 ~~(1) (ka) (by SECTION 669am)~~, 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
5 (e), 36.25 (12m) (intro.), 59.43 (2) (ag) 1. and (e), 59.72 (1) (a) and (b), (3) (intro.), (a)
6 and (b) and (5) and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2)
7 and (4), 16.967 (title) and (1) to (9), 20.505 (1) (ie), (ig), and (j) and (ks), 23.32 (2) (d),
8 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of the statutes and Section 9101 (1) of
9 this act take effect on September 1, ~~2003~~ 2005.

10 *b0504/3.8* SECTION 3262n. 1997 Wisconsin Act 27, section 9456 (3n) is
11 created to read:

12 [1997 Wisconsin Act 27] Section 9456 (3n) ELIMINATION OF WISCONSIN LAND
13 COUNCIL. The treatment of section 20.505 (1) (ka) (by SECTION 669am) of the statutes
14 and the repeal of sections 16.967 (10) and 20.505 (1) (ks) of the statutes take effect
15 on September 1, 2003.

16 *-0120/1.7* SECTION 3263. 1997 Wisconsin Act 84, section 168 (intro.) is
17 amended to read:

18 [1997 Wisconsin Act 84] Section 168. **Effective dates.** (intro.) This act takes
19 effect on the date stated in the notice published by the secretary of transportation
20 in the Wisconsin Administrative Register under section 85.515 of the statutes, as
21 created by this act, or on ~~the first day of the 25th month beginning after publication~~
22 May 1, 2001, whichever is earlier, except as follows:

23 *-0269/3.5* SECTION 3264. 1997 Wisconsin Act 154, section 3 (1) is amended
24 to read:

1 [1997 Wisconsin Act 154] Section 3 (1) STATEWIDE TRAUMA CARE SYSTEM; REPORT.
2 The department of health and family services and the statewide trauma advisory
3 council shall prepare a joint report on the development and implementation of a
4 statewide trauma care system. The report shall make recommendations on issues
5 that need to be resolved in developing and implementing the system, including
6 minimum services in rendering patient care; transport protocols; area trauma
7 advisory councils and plans; development of a method to classify hospitals as to their
8 respective emergency care capabilities and methods to make the resulting
9 information available for public use; improving the communications systems
10 between hospitals and prehospital elements of the trauma care system; development
11 of a statewide trauma registry, including a data system to measure the effectiveness
12 of trauma care and to develop ways to promote ongoing quality improvement; triage;
13 interfacility transfers; enhancing the training and education of health care
14 personnel involved in the provision of trauma care services; and monitoring
15 adherence to rules. Not later than January 1, ~~2000~~ 2001, the department and the
16 statewide trauma advisory council shall submit the report to the legislature in the
17 manner provided under section 13.172 (2) of the statutes, to the joint committee on
18 finance of the legislature as provided in subsection (2), to the governor and to the
19 emergency medical services board.

20 *~~0400/7.20~~* SECTION 3265. 1997 Wisconsin Act 237, section 4x is repealed.

21 *~~0400/7.21~~* SECTION 3266. 1997 Wisconsin Act 237, section 48h is repealed.

22 *~~0400/7.22~~* SECTION 3267. 1997 Wisconsin Act 237, section 9101 (1z) (b), (c)
23 (intro.), (d) 1., (g) (intro.) and (h) are amended to read:

24 [1997 Wisconsin Act 237] Section 9101 (1z) (b) *Purpose of grants.* From the
25 appropriation under section 20.505 (4) (1) (fm) of the statutes, ~~as created by this act,~~

1 the ~~national and community service board~~ department of administration shall
2 award grants, in the amounts specified in paragraph (c), to countywide consortiums
3 to assist those countywide consortiums in coordinating and documenting progress
4 within their counties toward reaching the goal of providing the 5 fundamental
5 resources to underserved youth.

6 (c) *Amount of grants.* (intro.) The ~~national and community service board~~
7 department of administration shall determine the amount of a grant awarded under
8 paragraph (b) based on the number of underserved youth who are to receive the 5
9 fundamental resources as a result of the countywide consortium's efforts under
10 paragraph (f). The ~~national and community service board~~ department of
11 administration shall award the following amounts based on the following numbers
12 of underserved youth targeted by a countywide consortium:

13 (d) 1. The ~~national and community service board~~ department of administration
14 may award a grant under paragraph (b) only to a countywide consortium that agrees
15 to match the grant, in cash, in an amount this is not less than 200% of the grant
16 amount received.

17 (g) *Fiscal agent; reporting.* (intro.) Each countywide consortium that applies
18 for a grant under paragraph (b) shall identify a fiscal agent who shall receive,
19 manage and account for the grant moneys awarded under paragraph (b) and the
20 matching funds committed under paragraph (d) 1. and who shall provide to the
21 ~~national and community service board~~ department of administration the following
22 reports detailing the progress of the countywide consortium in accomplishing the
23 tasks specified in paragraph (f):

24 (h) *Capacity building.* The ~~national and community service board~~ department
25 of administration may expend any moneys in the appropriation account under

1 section 20.505 (4) (1) (fm) of the statutes, ~~as created by this act,~~ that are not awarded
2 as grants under paragraph (b) to build the capacity of individuals, public agencies,
3 nonprofit organizations and other persons to provide the 5 fundamental resources
4 to underserved youth by contracting for the provision of the training and technical
5 assistance specified in paragraph (f) 4.

6 *~~0400/7.23~~* **SECTION 3268.** 1997 Wisconsin Act 237, section 9401 (1z) is
7 repealed.

8 **SECTION 9101. Nonstatutory provisions; administration.**

9 *~~0400/7.9101~~* (1) TRANSFER OF NATIONAL AND COMMUNITY SERVICES BOARD.

10 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
11 liabilities of the department of administration primarily related to the functions of
12 the national and community service board, except the Wisconsin challenge grant
13 program, as determined by the secretary of administration, shall become the assets
14 and liabilities of the department of health and family services.

15 (b) *Positions and employes.*

16 1. On the effective date of this subdivision, all full-time equivalent positions
17 in the department of administration having duties primarily related to the functions
18 of the national and community service board, except the Wisconsin challenge grant
19 program, as determined by the secretary of administration, are transferred to the
20 department of health and family services.

21 2. All incumbent employes holding positions specified in subdivision 1. are
22 transferred on the effective date of this subdivision to the department of health and
23 family services.

24 3. Employes transferred under subdivision 2. have all the rights and the same
25 status under subchapter V of chapter 111 and chapter 230 of the statutes in the

1 department of health and family services that they enjoyed in the department of
2 administration immediately before the transfer. Notwithstanding section 230.28 (4)
3 of the statutes, no employe so transferred who has attained permanent status in class
4 is required to serve a probationary period.

5 (c) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, of the department of administration
7 that is primarily related to the functions of the national and community service
8 board, except the Wisconsin challenge grant program, as determined by the
9 secretary of administration, is transferred to the department of health and family
10 services.

11 (d) *Contracts.* All contracts entered into by the department of administration
12 in effect on the effective date of this paragraph that are primarily related to the
13 functions of the national and community service board, except the Wisconsin
14 challenge grant program, as determined by the secretary of administration, remain
15 in effect and are transferred to the department of health and family services. The
16 department of health and family services shall carry out any contractual obligations
17 under such a contract until the contract is modified or rescinded by the department
18 of health and family services to the extent allowed under the contract.

19 ***-1267/1.9101*** (2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal
20 and program revenue moneys appropriated to the department of administration for
21 the office of justice assistance under section 20.505 (6) (kp) of the statutes, as affected
22 by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend
23 \$83,600 in fiscal year 1999–2000 and \$87,800 in fiscal year 2000–01 to provide the
24 multijurisdictional enforcement group serving Dane County with funding for one

1 assistant district attorney to prosecute criminal violations of chapter 961 of the
2 statutes.

3 ***-1267/1.9101*** (3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
4 federal and program revenue moneys appropriated to the department of
5 administration for the office of justice assistance under section 20.505 (6) (kp) of the
6 statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the
7 department shall expend \$263,000 in fiscal year 1999–2000 and \$271,300 in fiscal
8 year 2000–01 to provide the multijurisdictional enforcement group serving
9 Milwaukee County with funding for 3 assistant district attorneys to prosecute
10 criminal violations of chapter 961 of the statutes.

11 ***b0257/1.4*** (3c) REIMBURSEMENT TO MILWAUKEE COUNTY FOR COMPUTER
12 PURCHASE. From the appropriation under section 20.475 (1) (f) of the statutes, as
13 created by this act, the department of administration shall reimburse Milwaukee
14 County \$12,000 in fiscal year 1999–2000 for the cost of purchasing computers to be
15 used by prosecutors in the district attorney's office handling cases involving the
16 unlawful possession or use of firearms and by the clerks providing clerical services
17 to those prosecutors.

18 ***b0238/4.18*** (3x) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND
19 MOBILE HOME SALESPERSONS.

20 (a) *Employe transfers.* There are transferred from the department of
21 administration to the department of commerce 3.0 FTE incumbent employes holding
22 positions in the division of housing in the department of administration performing
23 duties that are primarily related to regulating mobile home parks, mobile home
24 dealers and mobile home salespersons.

1 (b) *Employe status.* Employes transferred under paragraph (a) have all of the
2 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of commerce that they enjoyed in the department of
4 administration immediately before the transfer. Notwithstanding section 230.28 (4)
5 of the statutes, no employ so transferred who has attained permanent status in class
6 is required to serve a probationary period.

7 (c) *Rules and orders.* All rules promulgated by the department of
8 administration primarily related to mobile home parks, mobile home dealers and
9 mobile home salespersons that are in effect on the effective date of this paragraph
10 shall become rules of the department of commerce and shall remain in effect until
11 their specified expiration dates or until amended or repealed by the department of
12 commerce. All orders issued by the department of administration primarily related
13 to mobile home parks, mobile home dealers and mobile home salespersons that are
14 in effect on the effective date of this paragraph shall become orders of the department
15 of commerce and shall remain in effect until their specified expiration dates or until
16 modified or rescinded by the department of commerce.

17 (d) *Assets and liabilities.* On the effective date of this paragraph, the assets and
18 liabilities of the department administration primarily related to the regulation of
19 mobile home parks, mobile home dealers and mobile home salespersons, as
20 determined by the secretary of administration, shall become the assets and liabilities
21 of the department of commerce.

22 (e) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of administration
24 that is primarily related to the regulation of mobile home parks, mobile home dealers

1 and mobile home salespersons, as determined by the secretary of administration, is
2 transferred to the department of commerce.

3 (f) *Contracts.* All contracts entered into by the department of administration
4 in effect on the effective date of this paragraph that are primarily related to the
5 regulation of mobile home parks, mobile home dealers and mobile home
6 salespersons, as determined by the secretary of administration, remain in effect and
7 are transferred to the department of commerce. The department of commerce shall
8 carry out any obligations under such a contract until the contract is modified or
9 rescinded by the department of commerce to the extent allowed under the contract.

10 (g) *Pending matters.* Any matter pending with the department of
11 administration on the effective date of this paragraph that is primarily related to the
12 regulation of mobile home parks, mobile home dealers and mobile home
13 salespersons, as determined by the secretary of administration, is transferred to the
14 department of commerce and all materials submitted to or actions taken by the
15 department of administration with respect to the pending matter are considered as
16 having been submitted to or taken by the department of commerce.

17 ***-1268/2.9101*** (4) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON
18 COMMITMENT CASES.

19 (a) In any case in which the district attorney files a sexually violent person
20 petition under section 980.02 (1) (b) of the statutes on or after the effective date of
21 this paragraph but before July 1, 2001, the district attorney shall maintain a record
22 of the amount of time spent by the district attorney and by any deputy district
23 attorneys or assistant district attorneys doing all of the following:

1 1. Prosecuting the petition through trial under section 980.05 of the statutes
2 and, if applicable, commitment of the person subject to the petition under section
3 980.06 of the statutes, as affected by this act.

4 2. If applicable, representing the state on petitions brought by the person who
5 is the subject of the petition for supervised release under section 980.08 of the
6 statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the
7 statutes.

8 (b) Annually, on a date specified by the department of administration, the
9 district attorney shall submit to the department of administration a report
10 summarizing the records under paragraph (a) covering the preceding 12-month
11 period. The department of administration shall maintain the information submitted
12 under this paragraph by district attorneys.

13 ***-1411/5.9101*** (5) PURCHASE, REPLACEMENT AND MAINTENANCE OF STATE CRIME
14 LABORATORY EQUIPMENT. The secretary of administration shall allocate \$254,700 in
15 fiscal year 1999–2000 and \$254,700 in fiscal year 2000–01 from the appropriations
16 under section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505
17 (6) (pc) of the statutes to provide the department of justice with funding for the
18 purchase, replacement and maintenance of state crime laboratory equipment.

19 ***b0369/2.1*** (5g) WAUSAU CRIME LABORATORY EXPANSION. The department of
20 administration shall study the feasibility of expanding the state crime laboratory in
21 the city of Wausau and shall develop a plan for providing space for the
22 deoxyribonucleic acid and serology unit that is proposed to be located at the
23 laboratory. No later than December 31, 1999, the department shall submit a report
24 to the legislature presenting the results of the study and the plan it has developed.

1 The report shall be submitted to the legislature in the manner provided in section
2 13.172 (2) of the statutes.

3 ***-1411/5.9101*** (6) PURCHASE OF EQUIPMENT OF DEOXYRIBONUCLEIC ACID
4 ANALYSIS. In fiscal year 1999–2000, the secretary of administration shall allocate
5 \$226,800 from the appropriations under section 20.505 (6) (kt) of the statutes, as
6 affected by this act, and section 20.505 (6) (pc) of the statutes to provide the
7 department of justice with funding for the purchase of equipment for analyzing
8 deoxyribonucleic acid using the short tandem repeat method.

9 ***-1411/5.9101*** (7) CONVERSION OF DEOXYRIBONUCLEIC ACID DATA BANK. In fiscal
10 year 1999–2000, the secretary of administration shall allocate \$450,000 from the
11 appropriations under section 20.505 (6) (kt) of the statutes, as affected by this act,
12 and section 20.505 (6) (pc) of the statutes to provide the department of justice with
13 funding for converting the deoxyribonucleic acid data bank under section 165.77 (3)
14 of the statutes to make it compatible with the short tandem repeat method of
15 deoxyribonucleic acid analysis.

16 ***b0282/1.1*** (7f) REPORT ON GRANTS SPECIALIST POSITION. The office of justice
17 assistance in the department of administration shall prepare a report detailing the
18 accomplishments of the project position in the office of justice assistance that is
19 responsible for developing directories of federal and private funding resources,
20 disseminating information to state and local government agencies on funding
21 opportunities, assisting in the preparation of applications for funding or other
22 proposals that may secure federal or private funds, and training state and local
23 government agencies and nonprofit agencies in the process of seeking grants. The
24 report shall include a list of federal and private grants received by state and local
25 government agencies that are attributable to the position's efforts. The office of

1 justice assistance shall, no later than January 1, 2001, submit the report to the
2 legislature in the manner provided under section 13.172 (2) of the statutes.

3 *-1806/3.9101* (9) TRANSFER OF COLLEGE TUITION PREPAYMENT PROGRAM.

4 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
5 liabilities of the department of administration primarily related to the
6 administration of the college tuition prepayment program, as determined by the
7 secretary of administration, shall become the assets and liabilities of the state
8 treasurer.

9 (b) *Employee transfers.* All incumbent employes holding positions in the
10 department of administration performing duties primarily related to the
11 administration of the college tuition prepayment program, as determined by the
12 secretary of administration, are transferred on the effective date of this paragraph
13 to the state treasurer.

14 (c) *Employee status.* Employes transferred under paragraph (b) have all the
15 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
16 statutes in the state treasurer's office that they enjoyed in the department of
17 administration immediately before the transfer. Notwithstanding section 230.28 (4)
18 of the statutes, no employe so transferred who has attained permanent status in
19 class is required to serve a probationary period.

20 (d) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of administration
22 that is primarily related to the administration of the college tuition prepayment
23 program, as determined by the secretary of administration, is transferred to the
24 state treasurer.

1 (e) *Contracts.* All contracts entered into by the department of administration
2 that are in effect on the effective date of this paragraph and that are primarily related
3 to the administration of the college tuition prepayment program, as determined by
4 the secretary of administration, remain in effect and are transferred to the state
5 treasurer. The state treasurer shall carry out any such contractual obligations until
6 modified or rescinded by the state treasurer to the extent allowed under contract.

7 (f) *Rules and orders.* All rules promulgated by the department of
8 administration that are in effect on the effective date of this paragraph and that are
9 primarily related to the administration of the college tuition prepayment program,
10 as determined by the secretary of administration, remain in effect until their
11 specified expiration date or until amended or repealed by the state treasurer. All
12 orders issued by the department of administration that are in effect on the effective
13 date of this paragraph and that are primarily related to the administration of the
14 college tuition prepayment program, as determined by the secretary of
15 administration, remain in effect until their specified expiration date or until
16 modified or rescinded by the state treasurer.

17 (g) *Pending matters.* Any matters pending with the department of
18 administration on the effective date of this paragraph that are primarily related to
19 the administration of the college tuition prepayment program, as determined by the
20 secretary of administration, are transferred to the state treasurer and all materials
21 submitted to or actions taken by the department of administration with respect to
22 the pending matters are considered as having been submitted or taken by the state
23 treasurer.

24 ***b0461/4.24*** (10g) OPERATIONS OF AND EQUIPMENT FOR AUTOMATED JUSTICE
25 INFORMATION SYSTEMS. The secretary of administration shall allocate \$729,800 in

1 fiscal year 1999–2000 and \$2,024,100 in fiscal year 2000–01 from the appropriations
2 under section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505
3 (6) (pc) of the statutes to fund the general operations of the department of
4 administration relating to automated justice information systems and equipment for
5 automated justice information systems.

6 ***-1840/2.9101*** (12) DEPARTMENT OF CORRECTIONS ALCOHOL AND OTHER DRUG
7 ABUSE PROGRAMS. The secretary of administration shall allocate \$1,000,000 in fiscal
8 year 1999–2000 and \$1,000,000 in fiscal year 2000–01 from the appropriations
9 under section 20.505 (6) (kt) of the statutes, as affected by this act, and section 20.505
10 (6) (pc) of the statutes to fund alcohol and other drug abuse programs in the
11 department of corrections.

12 ***-1840/2.9101*** (13) DEPARTMENT OF CORRECTIONS INFORMATION TECHNOLOGY.
13 The secretary of administration shall allocate \$533,300 in fiscal year 1999–2000 and
14 \$1,200,000 in fiscal year 2000–01 from the appropriations under section 20.505 (6)
15 (kt) of the statutes, as affected by this act, and section 20.505 (6) (pc) of the statutes
16 to provide the department of corrections with funding for information technology.

17 ***-1840/2.9101*** (14) REIMBURSEMENT TO COUNTIES FOR CRIME VICTIM AND WITNESS
18 SERVICES. The secretary of administration shall allocate \$850,800 in fiscal year
19 1999–2000 and \$850,800 in fiscal year 2000–01 from the appropriations under
20 section 20.505 (6) (kp) of the statutes, as affected by this act, and section 20.505 (6)
21 (pb) of the statutes to provide reimbursement to counties for providing services to
22 victims and witnesses of crime.

23 ***b0344/3.16*** (14yt) REPORT CONCERNING FEDERAL FUNDING FOR LEAKING
24 UNDERGROUND STORAGE TANKS. The secretary of administration shall report to the
25 joint committee on finance on how federal funds related to leaking underground

1 storage tanks should be allocated between the department of commerce and the
2 department of natural resources. The secretary shall submit the report for review
3 and approval, modification or disapproval by the committee at its 4th quarterly
4 meeting under section 13.10 of the statutes in 1999.

5 ***b0474/3.1*** (17x) TRIBAL GAMING COMPUTER SYSTEM. The department of
6 administration may not encumber or expend moneys appropriated to it under section
7 20.505 (8) (hm) of the statutes, as created in this act, for the purposes of a tribal
8 gaming computer system to receive and process slot machine accounting data unless
9 the department submits to the joint committee on finance a report on the costs
10 associated with the computer system. If the cochairpersons of the committee do not
11 notify the secretary within 14 working days after the date of the department's
12 submittal of the report that the committee has scheduled a meeting for the purpose
13 of reviewing the report, the secretary of administration shall direct that the moneys
14 may be encumbered or expended. If, within 14 working days after the date of the
15 department's submittal, the cochairpersons of the committee notify the department
16 that the committee has scheduled a meeting for the purpose of reviewing the report,
17 the moneys may be encumbered or expended only upon approval of the report by the
18 committee.

19 ***-2052/2.9101*** (18) DETERMINATION OF COSTS FOR PAY RATE OR RANGE
20 ADJUSTMENTS FOR CERTAIN EMPLOYEES OF THE DEPARTMENTS OF CORRECTIONS AND HEALTH
21 AND FAMILY SERVICES. During the 1999–2001 fiscal biennium, the secretary of
22 administration shall determine which costs of the departments of corrections and
23 health and family services may be supplemented from the appropriation accounts
24 under section 20.865 (1) (cb) and (ib) of the statutes, as created by this act.