



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2947/2 3
RAC:kmg:jf

RMR

SCC:.....Engel - CN5515, Elimination of executive assistant, agency deputy,
and unclassified division administrator positions

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

By 1:30
Today

Insert 1-2

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

2 1. Page 8, line 21: after that line insert:

3 "SECTION 13c. 15.04 (2) of the statutes is repealed.

4 SECTION 13g. 15.04 (3) of the statutes is repealed.

5 SECTION 13m. 15.05 (3) of the statutes is repealed.

6 SECTION 13p. 15.05 (5) of the statutes is repealed.

7 SECTION 13s. 15.06 (4m) of the statutes is repealed.

8 SECTION 13w. 15.06 (9) of the statutes is repealed."

9 2. Page 11, line 9: after that line insert:

10 "SECTION 21t. 17.025 (4) (d) of the statutes is amended to read:

Insert
1-10

1 17.025 (4) (d) *Attorney general; state superintendent.* When the temporary
2 vacancy exists in the office of attorney general or in the office of state superintendent
3 of public instruction, the duties of the office shall be assumed, ~~respectively, by the~~
4 ~~deputy under s. 15.04 (2) or, if such office is vacant, by a deputy~~ by an individual
5 appointed by the governor.

6 **SECTION 23c.** 19.01 (4) (a) 10. of the statutes is amended to read:
7 19.01 (4) (a) 10. Every ~~deputy or~~ assistant of an officer who files with the
8 secretary of state.

9 **SECTION 23h.** 19.42 (10) (L) of the statutes is amended to read:
10 19.42 (10) (L) The executive director, ~~executive assistant to the executive~~
11 ~~director,~~ internal auditor, chief investment officer, chief financial officer, chief legal
12 counsel, chief risk officer and investment directors of the investment board.”

13 **3.** Page 11, line 15: after that line insert:

14 **SECTION 24t.** 19.42 (13) (k) of the statutes is amended to read:
15 19.42 (13) (k) The executive director, ~~executive assistant to the executive~~
16 ~~director,~~ internal auditor, chief investment officer, chief financial officer, chief legal
17 counsel, chief risk officer and investment directors of the investment board.”

18 **4.** Page 23, line 25: after that line insert:

19 **SECTION 68m.** 20.923 (4) (intro.) of the statutes is amended to read:
20 20.923 (4) STATE AGENCY POSITIONS. (intro.) State agency heads, the
21 administrator of the division of merit recruitment and selection in the department
22 of employment relations and commission chairpersons and members shall be
23 identified and limited in number in accordance with the standardized nomenclature
24 contained in this subsection, and shall be assigned to the executive salary groups

Insert 2-9

Insert 2-19

1 listed in pars. (a) to (i). ~~Except for positions specified in par. (c) 3m. and sub. (12),~~
2 ~~all unclassified division administrator positions enumerated under s. 230.08 (2) (e)~~
3 ~~shall be assigned, when approved by the joint committee on employment relations,~~
4 ~~by the secretary of employment relations to one of 10 executive salary groups. The~~
5 joint committee on employment relations, by majority vote of the full committee, may
6 amend recommendations for initial position assignments and changes in
7 assignments to the executive salary groups submitted by the secretary of
8 employment relations. All division administrator assignments and amendments to
9 assignments of administrator positions approved by the committee shall become
10 part of the compensation plan. ~~Whenever a new unclassified division administrator~~
11 ~~position is created, the appointing authority may set the salary for the position until~~
12 ~~the joint committee on employment relations approves assignment of the position to~~
13 ~~an executive salary group. If the committee approves assignment of the position to~~
14 ~~an executive salary group having a salary range minimum or maximum inconsistent~~
15 ~~with the salary paid to the incumbent at the time of such approval, the incumbent's~~
16 ~~salary shall be adjusted by the appointing authority to conform with the committee's~~
17 ~~action, effective on the date of that action. Positions are assigned as follows:"~~

18 **5.** Page 24, line 4: after that line insert:

19 "SECTION 69t. 20.923 (6) (as) of the statutes is amended to read:

20 20.923 (6) (as) Each elective executive officer other than the attorney general
21 and ^{the} superintendent of public instruction: ~~a deputy or an~~ assistant."

22 **6.** Page 24, line 6: after that line insert:

23 "SECTION 71b. 20.923 (7) (intro.) of the statutes, as created by 2001 Wisconsin
24 Act 29, is renumbered 20.923 (7) and amended to read:

the
the secretary of state, the
state treasurer,

1 20.923 (7) DIRECTOR OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR
2 ~~EXECUTIVE POSITIONS.~~ The salary range for the director ~~and the executive assistant~~
3 of the Wisconsin Technical College System shall be contained in the
4 recommendations of the secretary of employment relations under s. 230.12 (3) (e).
5 The board of the Wisconsin Technical College System shall set the salaries for ~~these~~
6 ~~positions~~ this position within the range to which the ~~positions are~~ position is
7 assigned to recognize merit, to permit orderly salary progression, and to recognize
8 competitive factors. The salary of any incumbent in the ~~positions identified in pars.~~
9 ~~(a) and (b)~~ position may not exceed the maximum of the salary range for the group
10 to which the position is assigned. ~~The positions are assigned as follows:~~

11 **SECTION 71bm.** 20.923 (7) (a) of the statutes is repealed.

12 **SECTION 71bp.** 20.923 (7) (b) of the statutes is repealed.

13 **SECTION 71d.** 20.923 (8) of the statutes is amended to read:

14 20.923 (8) DEPUTIES. Salaries for deputies appointed pursuant to ~~ss.~~ ^{s.} 13.94 (3)
15 (b), 15.04 (2) and 551.51 (1) shall be set by the appointing authority. The salary shall
16 not exceed the maximum of the salary range one range below the salary range of the
17 executive salary group to which the department or agency head is assigned. ~~The~~
18 ~~positions of assistant secretary of state, assistant state treasurer and associate~~
19 ~~director of the historical society shall be treated as unclassified deputies for pay~~
20 ~~purposes under this subsection.~~

21 **SECTION 71dm.** 20.923 (9) of the statutes, as affected by 2001 Wisconsin Act
22 29, is repealed.

23 **SECTION 71e.** 20.923 (14) (a) of the statutes is amended to read:

24 20.923 (14) (a) Any adjustment of salary for any incumbent in a position
25 specified in subs. (4), (8), (9) and (12) is governed by the provisions of the

1 compensation plan concerning executive salary groups as adopted by the joint
2 committee on employment relations under s. 230.12 (3) (b).

3 **SECTION 71f.** 20.923 (15) (b) of the statutes, as affected by 2001 Wisconsin Act
4 29, is amended to read:

5 20.923 (15) (b) Except for the positions identified in subs. (4g), (5), and (7) (b),
6 the pay of any incumbent whose salary is subject to a limitation under this section
7 may not equal or exceed that amount paid the governor.”.

8 **7.** Page 24, line 18: after that line insert:

9 **SECTION 71r.** 21.20 of the statutes is amended to read:

10 **21.20 Civil service status.** All full-time state-paid employees of the
11 department of military affairs shall be under the classified service, except the
12 adjutant general, ~~the executive assistant to the adjutant general, and the deputy~~
13 ~~adjutants general for army and air and the administrator of the division of~~
14 ~~emergency management.”.~~

15 **8.** Page 28, line 8: after that line insert:

16 **SECTION 78e.** 25.156 (3) of the statutes is amended to read:

17 25.156 (3) The members of the board shall appoint an investment director ~~or~~
18 ~~the executive assistant to the executive director,~~ internal auditor, chief investment
19 officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant
20 director, except that until the appointment is made by the members of the board, the
21 executive director may temporarily designate the assistant director.

22 **SECTION 78m.** 25.156 (4) of the statutes is amended to read:

23 25.156 (4) The members of the board shall promulgate rules restricting the
24 executive director, ~~executive assistant to the executive director,~~ internal auditor,

Insert 5-9

Insert 5-15

1 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,
2 investment directors and employees from having financial interest, directly or
3 indirectly, in firms or corporations providing services to the department and
4 governing the receipt of gifts or favors therefrom, and also governing personal
5 investments of all employees including the executive director, executive assistant to
6 the executive director, internal auditor, chief investment officer, chief financial
7 officer, chief legal counsel, chief risk officer and investment directors to prevent
8 conflicts of interest.

9 **SECTION 78p.** 25.16 (3) of the statutes is repealed.”.

10 **9.** Page 31, line 17: after that line insert:

11 “**SECTION 93m.** 38.04 (2m) of the statutes is repealed.”.

12 **10.** Page 32, line 15: after that line insert:

13 “**SECTION 99e.** 39.13 (2) of the statutes is amended to read:

14 39.13 (2) The executive director may employ a deputy director, ~~the number of~~
15 ~~division administrators specified in s. 230.08 (2) (e)~~ and 11 professional staff
16 members outside the classified service. Subject to authorization under s. 16.505, the
17 executive director may employ additional professional staff members for
18 development and grant projects outside the classified service or for other purposes
19 within the classified service.

20 **SECTION 99r.** 40.02 (17) (e) of the statutes is amended to read:

21 40.02 (17) (e) Each executive participating employee whose creditable service
22 terminates on or after May 3, 1988, and each participating employee who is a present
23 or former elected official or an appointee of a present or former elected official and
24 who did not receive creditable service under s. 40.02 (17) (e), 1987 stats., or s. 40.02

1 (17) (e), 1989 stats., and whose creditable service terminates on or after August 15,
2 1991, who was previously in the position of the president of the University of
3 Wisconsin System or in a position designated under s. 20.923 (4), or (8) or (9), but did
4 not receive creditable service because of age restrictions, may receive creditable
5 service equal to the period of executive service not credited if the participant pays to
6 the department a lump sum payment equal to 5.5% of one-twelfth of the employee's
7 highest earnings in a single annual earnings period multiplied by the number of
8 months of creditable service granted under this paragraph. That amount shall be
9 credited and treated as an employee required contribution for all purposes of the
10 Wisconsin retirement system.”.

11 **11.** Page 32, line 18: delete the material beginning with “(8), or (9)” and ending
12 with “(2) (e)” on line 19 and substitute “or (8) or (9) or authorized under s. 230.08 (2)
13 (e)”.

14 **12.** Page 154, line 4: after that line insert:

15 “SECTION 259c. 93.02 of the statutes is amended to read:

16 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
17 of the duties of the department, all of whom shall be under the classified service
18 ~~except the deputy secretary, the executive assistant and, subject to s. 230.08 (4) (a),~~
19 ~~the administrators of divisions. Each such deputy secretary, executive assistant or,~~
20 Any administrator shall be appointed by the secretary with the approval of the
21 board.”.

22 **13.** Page 156, line 9: after that line insert:

23 “SECTION 267n. 101.03 of the statutes is amended to read:

Insert 7-14

1 **101.03 Testimonial powers of secretary and deputy.** The secretary ~~or any~~
2 ~~deputy secretary~~ may certify to official acts, and take testimony.”

3 **14.** Page 157, line 22: after that line insert:

4 “**SECTION 274b.** 103.005 (16) of the statutes is amended to read:

5 103.005 (16) Each of the commissioners, or the secretary ~~or any deputy~~
6 ~~secretary~~ may certify to official acts, and take testimony.”

7 **15.** Page 159, line 9: after that line insert:

8 “**SECTION 279b.** 115.29 (1) of the statutes is amended to read:

9 115.29 (1) DESIGNATE REPRESENTATIVE. Designate ~~the deputy state~~
10 ~~superintendent or another~~ any employee of the department as the state
11 superintendent’s representative on any body on which the state superintendent is
12 required to serve, except the board of regents of the University of Wisconsin
13 System.”

14 **16.** Page 161, line 11: after that line insert:

15 “**SECTION 284c.** 119.32 (3) of the statutes is amended to read:

16 119.32 (3) Subject to confirmation by the board, the superintendent of schools
17 shall appoint the ~~deputy superintendent of schools~~, associate superintendent of
18 schools, ~~executive assistant to the superintendent of schools~~, assistant to the
19 superintendent of schools, assistant superintendent, division director, department
20 director and other supervisory or administrative employees designated by the board.

21 **SECTION 284h.** 119.42 (1) of the statutes is amended to read:

22 119.42 (1) In this section, “teacher” has the meaning given under s. 40.02 (55),
23 but excludes the superintendent of schools, ~~deputy superintendent of schools~~,
24 associate superintendent of schools, ~~executive assistant to the superintendent of~~

1 schools, assistant to the superintendent of schools, assistant superintendent,
2 division director and department director.”.

3 **17.** Page 173, line 16: after that line insert:

4 “**SECTION 338dg.** 165.055 (1) of the statutes is renumbered 165.055 and
5 amended to read:

6 **165.055 Appointments.** The attorney general may appoint ~~a deputy attorney~~
7 ~~general and assistants~~ assistant attorneys general, each of whom shall be an
8 attorney at law admitted to practice in this state. Such appointments shall be made
9 in writing and filed in the office of the secretary of state, and such appointees shall
10 take and subscribe the constitutional oath of office which shall also be filed.
11 Appointees shall perform such duties as the attorney general prescribes.

12 **SECTION 338dh.** 165.055 (2) of the statutes is repealed.

13 **SECTION 338di.** 165.055 (4) of the statutes is repealed.”.

14 **18.** Page 176, line 3: after that line insert:

15 “**SECTION 340e.** 166.08 (4) (a) of the statutes is amended to read:

16 166.08 (4) (a) All state officers, subject to such regulations as the governor, or
17 other official authorized under the constitution or this section to exercise the powers
18 and discharge the duties of the office of governor, may issue, shall, ~~in addition to any~~
19 ~~deputy authorized to exercise all of the powers and discharge the duties of the office,~~
20 designate by title emergency interim successors and specify their order of succession.
21 The officer shall review and revise, as necessary, designations made pursuant to this
22 section to ensure their current status. The officer shall designate a sufficient number
23 of emergency interim successors so that there will be not less than 3 nor more than

1 ~~7 deputies or emergency interim successors or any combination of deputies or~~
2 ~~emergency interim successors, at any time.~~

3 **SECTION 340m.** 166.08 (4) (b) (intro.) of the statutes is amended to read:

4 166.08 (4) (b) (intro.) If any state officer is unavailable following an attack, and
5 if his or her deputy, if any, is also unavailable, the powers of his or her office shall be
6 exercised and the duties of his or her office shall be discharged by his or her
7 designated emergency interim successors in the order specified. The emergency
8 interim successor shall exercise the powers and discharge the duties of the office only
9 until any of the following occurs:

10 **SECTION 340r.** 166.08 (4) (b) 3. of the statutes is amended to read:

11 166.08 (4) (b) 3. An officer, ~~the officer's deputy~~ or a preceding named emergency
12 interim successor becomes available to exercise, or resume the exercise of, the powers
13 and discharge the duties of the office.”

14 **19.** Page 177, line 22: after that line insert:

15 **“SECTION 347c.** 214.72 (1) (b) of the statutes is amended to read:

16 214.72 (1) (b) “Financial regulator” means the department secretary and
17 ~~deputy secretary~~, and an administrator, a supervisor of data processing, legal counsel
18 and a financial institution examiner employed by the department and includes any
19 member of a financial regulator’s immediate family, as defined in s. 19.42 (7).

20 **SECTION 347p.** 214.72 (3) of the statutes is amended to read:

21 214.72 (3) Within 30 days after commencing employment as a financial
22 regulator and at least once each year, each financial regulator, for himself or herself
23 and covering his or her immediate family, shall complete a written, sworn report
24 disclosing the nature of all business relationships with savings banks on forms

1 prescribed by the department. Each report shall be reviewed by the department,
2 except that the secretary's ~~and deputy secretary's~~ report shall be reviewed by the
3 review board. The reviewers shall determine if any business relationship is or
4 appears improper and, if so, may direct the termination of that business relationship
5 within a reasonable, prescribed time period.”

6 **20.** Page 179, line 14: after that line insert:

7 “**SECTION 351n.** 218.0114 (23) (intro.) of the statutes is amended to read:

8 218.0114 (23) (intro.) After the receipt of an application in due form, properly
9 verified and certified, and upon the payment of the \$5 examination fee, the secretary,
10 ~~deputy secretary~~ or any salaried employee of the department of transportation
11 designated by the secretary shall, within a reasonable time and in a place reasonably
12 accessible to the applicant for a license, subject each first-time applicant for license
13 and, if the secretary deems necessary, any applicant for renewal of license to a
14 personal written examination as to competency to act as a motor vehicle salesperson.
15 The secretary shall issue to an applicant a resident or nonresident motor vehicle
16 salesperson's license if the application and examination show that the applicant
17 meets all of the following requirements:”

18 **21.** Page 180, line 20: after that line insert:

19 “**SECTION 361e.** 230.08 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
20 16, is repealed.

21 **SECTION 361m.** 230.08 (2) (fs) of the statutes is repealed.

22 **SECTION 361r.** 230.08 (2) (g) of the statutes is amended to read:

1 230.08 (2) (g) One stenographer appointed by each elective executive officer,
2 and one ~~deputy or~~ assistant appointed by each elective executive officer except the
3 attorney general and superintendent of public instruction.”

4 **22.** Page 180, line 21: delete lines 21 and 22 and substitute:

5 “**SECTION 363m.** 230.08 (2) (L) of the statutes is repealed.”

6 **23.** Page 180, line 23: before that line insert:

7 “**SECTION 363r.** 230.08 (2) (m) of the statutes is repealed.

8 **SECTION 363t.** 230.08 (2) (mL) of the statutes is repealed.”

9 **24.** Page 180, line 25: after that line insert:

10 “**SECTION 365cb.** 230.08 (4) of the statutes is repealed.

11 **SECTION 365cm.** 230.12 (3) (e) (title) of the statutes is amended to read:

12 230.12 (3) (e) (title) *University of Wisconsin System senior executives, faculty,*
13 *and academic staff employees; ~~Wisconsin~~ director of the Wisconsin Technical College*
14 *System senior executives.*

15 **SECTION 365cp.** 230.12 (3) (e) 2. of the statutes, as created by 2001 Wisconsin
16 Act 29, is amended to read:

17 230.12 (3) (e) 2. The secretary, after receiving recommendations from the board
18 of the Technical College System, shall submit to the joint committee on employment
19 relations a proposal for adjusting compensation and employee benefits for ~~employees~~
20 the director of the Wisconsin Technical College System under s. 20.923 (7). The
21 proposal shall include the salary ranges and adjustments to the salary ranges for the
22 ~~general senior executive salary groups~~ director established under s. 20.923 (7).
23 Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay
24 adjustments for ~~such employees~~ the director. The proposal as approved by the joint

Secretary of State, State Treasurer,

1 committee on employment relations and the governor shall be based upon a
2 percentage of the budgeted salary base for such employees the position under s.
3 20.923 (7)."

4 ✓ **25.** Page 181, line 3: delete "(8), and (9)" and substitute "and (8) and (9)".

5 **26.** Page 181, line 3: after that line insert:

6 (6) SECTION 365^{em}. 230.35 (1m) (a) 3. of the statutes is repealed."

7 ✓ **27.** Page 181, line 10: delete "(8), and (9) or authorized under s. 230.08 (2) (e)"
8 and substitute "and (8) and (9) or authorized under s. 230.08 (2) (e)".

9 ✓ **28.** Page 181, line 12: delete the material beginning with "(8), and (9)" and
10 ending with "(2) (e)" on line 13 and substitute "and (8) and (9) or authorized under
11 s. 230.08 (2) (e)".

12 ✓ **29.** Page 218, line 2: after that line insert: → INS. 13-15 ←

13 "SECTION 474k. 560.02 (2) of the statutes is amended to read:

14 560.02 (2) Appoint the administrators for the various divisions of the
15 department subject to s. 230.08 (4) (a). Administrators appointed under the
16 unclassified service shall serve at the pleasure of the secretary."

17 **30.** Page 220, line 22: after that line insert:

18 "SECTION 504p. 562.025 (1) (intro.) of the statutes is amended to read:

19 562.025 (1) (intro.) No employee in the division of gaming who performs any
20 duty related to racing or the executive assistant or the secretary or deputy secretary
21 of administration and no member of such a person's immediate family, as defined in
22 s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2
23 years following the termination of his or her employment with the department after
24 having served in such a capacity, do any of the following:"

Aug 13-12

1 **31.** Page 221, line 4: after that line insert:

2 “**SECTION 506d.** 563.05 (5) (intro.) of the statutes is amended to read:

3 563.05 (5) (intro.) No employee in the division of gaming who performs any
4 duty related to bingo or raffles or the ~~executive assistant or the secretary or deputy~~
5 secretary of administration and no member of such a person’s immediate family, as
6 defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity
7 or for 2 years following the termination of his or her employment with the
8 department after having served in such a capacity, do any of the following:

9 **SECTION 506n.** 564.02 (2m) (intro.) of the statutes is amended to read:

10 564.02 (2m) **CONFLICTS OF INTEREST.** (intro.) No employee in the division of
11 gaming who performs any duty related to crane games or the ~~executive assistant or~~
12 ~~the secretary or deputy~~ secretary of administration and no member of such a person’s
13 immediate family, as defined in s. 19.42 (7), may, while that person is employed in
14 such a capacity or for 2 years following the termination of his or her employment with
15 the department, do any of the following:

16 **SECTION 506r.** 565.05 (1) (intro.) of the statutes is amended to read:

17 565.05 (1) (intro.) No employee in the lottery division of the department or the
18 ~~executive assistant or the secretary or deputy~~ secretary of revenue may do any of the
19 following:

20 **SECTION 506t.** 565.05 (1) (a) of the statutes is amended to read:

21 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any
22 vendor while serving as an employee in the lottery division of the department or as
23 the ~~executive assistant or as secretary or deputy~~ secretary of revenue or for 2 years
24 following the person’s termination of service.

1 **SECTION 506y.** 565.17 (5) (a) of the statutes is amended to read:

2 565.17 (5) (a) No employee in the lottery division of the department or the
3 ~~executive assistant or the secretary or deputy~~ secretary of revenue and no member
4 of such a person's immediate family, as defined in s. 19.42 (7), may purchase a lottery
5 ticket or lottery share.”.

6 **32.** Page 221, line 13: after that line insert:

7 “**SECTION 508kb.** 601.11 of the statutes is repealed and recreated to read:

8 **601.11 Personnel.** Except for those employed under s. 601.14 (2) or otherwise
9 specifically exempted, all personnel including staff attorneys shall be appointed
10 under the classified service.

11 **SECTION 508kn.** 601.15 of the statutes is repealed.

12 **SECTION 508kp.** 601.18 of the statutes is amended to read:

13 **601.18 Delegation.** Any power, duty or function vested in the commissioner
14 by law may be exercised, discharged or performed by any employee of the office acting
15 in the commissioner's name and by the commissioner's delegated authority. Any
16 person whose own course of action in good faith depends upon proof of the validity
17 of an asserted delegation is not obligated to act until the person is shown a written
18 delegation with a handwritten signature of the commissioner ~~or deputy~~
19 commissioner.”.

20 **33.** Page 221, line 25: after that line insert:

21 “**SECTION 509m.** 641.12 (1) of the statutes is amended to read:

22 641.12 (1) The expenses of every examination of the affairs of any employee
23 welfare fund required to register under this chapter, including any appraisal of real
24 property, shall be borne and paid by the employee welfare fund so examined but the

1 commissioner may in his or her discretion remit in whole or in part such charges upon
2 showing of extreme financial hardship. For any such examination by the
3 commissioner ~~or a deputy commissioner~~ personally, the charge made shall be only
4 for necessary traveling expenses and other actual expenses. In all other cases the
5 expenses of examination shall also include reimbursement for the compensation
6 paid for the services of persons employed by the commissioner or by the
7 commissioner's authority to make the examination or appraisal. All charges
8 incurred by or on behalf of the commissioner, including necessary traveling and other
9 actual expenses, as duly audited and paid to the person or persons making the
10 examination or appraisal, shall be presented to the trustees of the employee welfare
11 fund so examined in the form of a copy of the itemized bill therefor as certified and
12 approved by the commissioner ~~or a deputy commissioner~~. Upon receiving the
13 certified copy the trustees shall pay the amount thereof to the commissioner to be
14 paid by the commissioner into the state treasury.”

15 **34.** Page 368, line 8: after that line insert:

16 “(4x) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR CERTAIN ELIMINATED STATE
17 POSITIONS.

18 (a) The definitions in section 20.001 of the statutes are applicable in this
19 subsection.

20 (b) 1. The secretary of administration shall reduce the number of authorized
21 positions for each state agency by the number of positions under section 15.04 (2)
22 1999 stats., section 15.05 (3), 1999 stats., and section 15.06 (4m), 1999 stats., and by
23 the number of unclassified division administrators that are eliminated for that state
24 agency under this act.

Insert 16-24 ✓

1 2. The secretary shall determine for each state agency the amount that the
2 agency would have been required to expend for compensation and fringe benefits
3 during the period that begins on the effective date of this subdivision and ends on
4 June 30, 2003, for state employees occupying a position ~~under section 15.04 (2), 1999~~
5 ~~stats., section 15.05 (3), 1999 stats., or section 15.06 (4m), 1999 stats., or ~~the~~~~
6 ~~unclassified division administrator position that is eliminated under this act, and~~
7 from each appropriation from which the moneys would have been expended, other
8 than appropriations of federal revenues.

9 (c) From each sum certain appropriation of general purpose revenue identified
10 in paragraph (b) 2., the secretary of administration shall lapse to the general fund
11 the amount specified in paragraph (b) 2. that would otherwise have been expended
12 from each of the appropriations. After the secretary of administration makes the
13 lapse, each of the sum certain appropriations is decreased by the amount specified
14 in paragraph (b) 2. for that appropriation.

15 (d) For each sum sufficient appropriation of general purpose revenue identified
16 in paragraph (b) 2., the expenditure estimate for the appropriation during the
17 2001–03 fiscal biennium, is reestimated to subtract the amount specified in
18 paragraph (b) 2. for that appropriation.

19 (e) From each appropriation of program revenues or program revenues–service
20 identified in paragraph (b), other than an appropriation to the investment board, the
21 secretary of administration shall lapse to the general fund the amount specified in
22 paragraph (b) 2. that would otherwise have been expended from each of the
23 appropriations. After the secretary of administration makes the lapse, each of the
24 sum certain program revenues or program revenues–service appropriations is
25 decreased by the amount specified in paragraph (b) 2. for that appropriation.

described under ~~sub~~ subdivision 1.

1 (f) From each appropriation of segregated fund revenues or segregated fund
2 revenues — service identified in paragraph (b), the secretary of administration shall
3 lapse to the underlying fund the amount specified in paragraph (b) 2. that would
4 otherwise have been expended from each of the appropriations. After the secretary
5 of administration makes the lapse, each of the sum certain segregated revenues or
6 segregated revenues — service appropriations is decreased by the amount specified
7 in paragraph (b) for that appropriation and the expenditure estimate for each of the
8 appropriations that are not sum certain appropriations is reestimated to subtract
9 the amount specified in paragraph (b) for that appropriation. The secretary of
10 administration shall then transfer the lapsed amounts and an amount equal to the
11 amount subtracted from the estimates to the general fund, but not including any
12 amount lapsed from an appropriation of segregated fund revenues to the department
13 of employee trust funds.”

14

(END)

Insert 18-14

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2947/3ins
RAC:.....

Insert 1-2:

1. Page 8, line 8: after that line insert:

“SECTION 12e. 14.46 of the statutes is repealed.

SECTION 12m. 14.58 (1) (b) of the statutes is repealed.

SECTION 12r. 14.62 of the statutes is repealed.”

Insert 1-10:

“SECTION 21r. 17.025 (4) (c) of the statutes is amended to read:

17.025 (4) (c) *Secretary of state; state treasurer.* When the temporary vacancy exists in the office of secretary of state or in the office of state treasurer, the duties of the office shall be assumed, respectively, by the first emergency interim successor designated under s. 166.08 (4) or, if no such designation has been made for the respective office, then by a deputy an individual appointed by the governor.

History: 1971 c. 40 s. 93; 1975 c. 332; 1977 c. 196 s. 131; 1977 c. 449; 1979 c. 361 s. 113; 1983 a. 192; 1991 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27.

Insert 2-9:

SECTION 23c. 19.01 (4) (a) 10. of the statutes is repealed.

Insert 2-19:

“SECTION 68c. 20.922 (1) of the statutes is amended to read:

20.922 (1) Unless otherwise provided by law, each state agency may appoint such deputies, assistants, experts, clerks, stenographers, or other employees as are necessary for the execution of its functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these powers shall be exercised subject to the state civil service law, unless the position filled has been expressly exempted from the operation of ch. 230 and subject, also, to the approval of such other officer or body as is prescribed by law. If a state agency contains a board

or commission which is authorized to appoint an executive officer by whatever name called, the appointing power resides in the executive officer and the board or commission has no further appointing power except as it is specifically given such power.

History: 1977 c. 196 s. 131; 1977 c. 418.

Insert 5-9:

✓
"SECTION 71pc. 21.18 (1) of the statutes is amended to read:

21.18 (1) The military staff of the governor shall consist of the adjutant general, with a minimum rank of brigadier general; ~~a deputy adjutant general for army, who may be a general officer;~~ an assistant adjutant general, army, for readiness and training, who may be a general officer; a deputy assistant adjutant general, army, for readiness and training; ~~a deputy adjutant general for air, who may be a general officer;~~ a chief surgeon for army, who may be a general officer; a chief surgeon for air, who may be a general officer; a staff judge advocate for army, who may be a general officer; a staff judge advocate for air, who may be a general officer; a state chaplain, who may be a general officer; and such other officers as the governor deems necessary. Vacancies in positions other than those of the adjutant general shall be filled through appointment by the adjutant general.

History: 1981 c. 35; 1983 a. 391; 1987 a. 63.

✓
SECTION 71ph. 21.18 (3) of the statutes is amended to read:

21.18 (3) All staff officers appointed under sub. (1), except the adjutant general whose tenure is governed by ss. 15.31 and 17.07 (5), shall hold their positions unless terminated earlier by resignation, disability or for cause and unless federal recognition of the officer's commission under 32 USC 323 is refused or withdrawn. The governor shall remove an officer whose federal recognition is refused or withdrawn, effective on the date of the loss of federal recognition. ~~The terms of the~~

~~deputy adjutants general for army and air shall be 5 years beginning on the first day of the 7th month of the term of the adjutant general. The deputy adjutants general may be reappointed to successive terms.~~ Vacancies on the military staff of the governor shall be filled by appointment from officers actively serving in the Wisconsin national guard. Interim vacancies shall be filled by appointment by the adjutant general for the residue of the unexpired term.

History: 1981 c. 35; 1983 a. 391; 1987 a. 63.

SECTION 71pn. 21.19 (5) of the statutes is amended to read:

21.19 (5) In the absence or incapacity of the adjutant general the senior ranking deputy assistant adjutant general for army or air shall have all the powers and duties of the adjutant general.

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27.

Insert 5-15:

✓ **2.** Page 25, line 15: after that line insert:

“**SECTION 72f.** 21.48 (3) of the statutes is amended to read:

21.48 (3) The governor may order, with their consent, to active duty in the department of military affairs, any departmental officers of the governor’s staff, including the adjutant general ~~and the deputy adjutants general~~, and while so assigned the officers shall receive the pay, but not the allowances, of an officer of equal grade in the armed forces of the United States.”.

History: 1973 c. 279; 1975 c. 94 s. 91 (1); 1975 c. 382, 422; 1981 c. 35, 129; 1991 a. 316.

Insert 7-14:

2001 Wisconsin Act ... (this act)

✓ **3.** Page 32, line 23: after that line insert:

“**SECTION 100h.** 40.02 (30) of the statutes, as affected by ~~this act~~, is amended to read:

40.02 (30) "Executive participating employee" means a participating employee in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), or (8), ~~or (9)~~ or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats."

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38.

Insert 13-12: *2001 Wisconsin Act (this act)*

4. Page 181, line 3: after that line insert:

"SECTION 365e. 230.35 (1m) (a) 2. of the statutes, as affected by ~~this act~~ *this act* is amended to read:

230.35 (1m) (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), (7), and (8), ~~and (9)~~.

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 135; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 26, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 62, 287, 340, 399, 403; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16.

*INS.
13-15*

5. Page 181, line 15: after that line insert:

"SECTION 365^h. 230.35 (2) of the statutes, as affected by ~~this act~~ *this act* is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the secretary, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), and (8), ~~and (9)~~ or authorized under s. 230.08 (2) (e) shall have any

unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), and (8), ~~and (9)~~ or authorized under s. ~~230.08 (2) (e)~~, regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the secretary.”

History: 1971 c. 91, 125, 183, 211, 226; 1971 c. 270 ss. 70, 71, 83, 104; Stats. 1971 s. 16.30; 1973 c. 51, 243; 1975 c. 28, 39, 41; 1975 c. 147 s. 54; 1975 c. 189, 199, 421, 422; 1977 c. 44; 1977 c. 187 s. 133; 1977 c. 196 ss. 56, 118, 130 (3), (5), (12), 131; 1977 c. 273; 1977 c. 418 ss. 726, 727, 924 (13m); Stats. 1977 s. 230.35; 1979 c. 34, 89; 1979 c. 110 s. 60 (1); 1979 c. 221; 1981 c. 20, 96, 140; 1983 a. 27 s. 2200 (15); 1983 a. 30 ss. 4 to 11, 14; 1983 a. 71, 140; 1983 a. 192 ss. 220, 221, 304; 1985 a. 119; 1987 a. 63, 287, 340, 399, 408; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 12, 47; 1995 a. 37, 178; 1997 a. 118, 307; 1999 a. 42, 85, 101, 125; 2001 a. 16.

Insert 16-24:

Not The secretary shall also reduce the authorized *FTE* positions for the office of the secretary of state by *1.0* an assistant secretary of state position; for the office of state treasurer by *1.0* an assistant state treasurer position; and for the historical society *by 1.0* associate director position.

Insert 18-14:

6. Page 455, line 7: after that line insert:

“(3c) ELIMINATION OF EXECUTIVE ASSISTANTS AND CERTAIN *Deputies* DUPUTIES, ASSISTANTS, AND DIVISION ADMINISTRATORS. The treatment of sections 14.46, 14.58 (1) (b), 14.62, 15.04 (2) and (3), 15.05 (3) and (5), 15.06 (4m) and (9), 17.025 (4) (c) and (d), 19.01 (4) (a) 10., 19.42 (10) (L) and (13) (k), 20.922 (1), 20.923 (4) (intro.), (6) (as), (7) (intro.), (a), and (b), (8), (9), (14) (a), and (15) (b), 21.18 (1) and (3), 21.19 (5), 21.20, 21.48 (3), 25.156 (3) and (4), 25.16 (3), 38.04 (2m), 39.13 (2), 40.02 (17) (e), ~~40.02 (9)~~ *and (30)* (by SECTION 100h), 93.02, 101.03, 103.005 (16), 115.29 (1), 119.32 (3), 119.42 (1), 165.055 (1), (2), and (4), 166.08 (4) (a) and (b) (intro.) and 3., 214.72 (1) (b) and (3), 218.0114 (23) (intro.), 230.08 (2) (e), (fs), (g), (L), (m), *and* (mL), and (4), 230.12 (3) (e) (title) and 2., 230.35 (1m) (a) 2. (by SECTION 365e) ~~230.35~~ (2) (by SECTION 365p), 560.02 (2), 562.025

and 3. and *h*

(1) (intro.), 563.05 (5) (intro.), 564.02 (2m) (intro.), 565.05 (1) (intro.) and (a), 565.17
(5) (a), 601.11, 601.15, 601.18, 641.12 (1) of the statutes take effect on July 1, 2002.

and

and

SECTION
9159 (4X)
of this
act



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2947/3
RAC:kmg:jf

SCC:.....Engel – CN5515, Elimination of executive assistant, agency deputy,
and unclassified division administrator positions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

2 **1.** Page 8, line 8: after that line insert:

3 **“SECTION 12e.** 14.46 of the statutes is repealed.

4 **SECTION 12m.** 14.58 (1) (b) of the statutes is repealed.

5 **SECTION 12r.** 14.62 of the statutes is repealed.”.

6 **2.** Page 8, line 21: after that line insert:

7 **“SECTION 13c.** 15.04 (2) of the statutes is repealed.

8 **SECTION 13g.** 15.04 (3) of the statutes is repealed.

9 **SECTION 13m.** 15.05 (3) of the statutes is repealed.

10 **SECTION 13p.** 15.05 (5) of the statutes is repealed.

1 **SECTION 13s.** 15.06 (4m) of the statutes is repealed.

2 **SECTION 13w.** 15.06 (9) of the statutes is repealed.”.

3 **3.** Page 11, line 9: after that line insert:

4 **“SECTION 21r.** 17.025 (4) (c) of the statutes is amended to read:

5 17.025 (4) (c) *Secretary of state; state treasurer.* When the temporary vacancy
6 exists in the office of secretary of state or in the office of state treasurer, the duties
7 of the office shall be assumed, respectively, by the first emergency interim successor
8 designated under s. 166.08 (4) or, if no such designation has been made for the
9 respective office, then by ~~a deputy~~ an individual appointed by the governor.

10 **SECTION 21t.** 17.025 (4) (d) of the statutes is amended to read:

11 17.025 (4) (d) *Attorney general; state superintendent.* When the temporary
12 vacancy exists in the office of attorney general or in the office of state superintendent
13 of public instruction, the duties of the office shall be assumed, ~~respectively, by the~~
14 ~~deputy under s. 15.04 (2) or, if such office is vacant, by a deputy~~ by an individual
15 appointed by the governor.

16 **SECTION 23c.** 19.01 (4) (a) 10. of the statutes is repealed.

17 **SECTION 23h.** 19.42 (10) (L) of the statutes is amended to read:

18 19.42 (10) (L) The executive director, ~~executive assistant to the executive~~
19 ~~director,~~ internal auditor, chief investment officer, chief financial officer, chief legal
20 counsel, chief risk officer and investment directors of the investment board.”.

21 **4.** Page 11, line 15: after that line insert:

22 **“SECTION 24t.** 19.42 (13) (k) of the statutes is amended to read:

1 19.42 (13) (k) The executive director, ~~executive assistant to the executive~~
2 ~~director~~, internal auditor, chief investment officer, chief financial officer, chief legal
3 counsel, chief risk officer and investment directors of the investment board.”

4 **5.** Page 23, line 25: after that line insert:

5 “**SECTION 68c.** 20.922 (1) of the statutes is amended to read:

6 20.922 (1) Unless otherwise provided by law, each state agency may appoint
7 such deputies, assistants, experts, clerks, stenographers, or other employees as are
8 necessary for the execution of its functions, and to designate the titles, prescribe the
9 duties, and fix the compensation of such subordinates, but these powers shall be
10 exercised subject to the state civil service law, unless the position filled has been
11 expressly exempted from the operation of ch. 230 and subject, also, to the approval
12 of such other officer or body as is prescribed by law. If a state agency contains a board
13 or commission which is authorized to appoint an executive officer by whatever name
14 called, the appointing power resides in the executive officer and the board or
15 commission has no further appointing power except as it is specifically given such
16 power.

17 **SECTION 68m.** 20.923 (4) (intro.) of the statutes is amended to read:

18 20.923 (4) **STATE AGENCY POSITIONS.** (intro.) State agency heads, the
19 administrator of the division of merit recruitment and selection in the department
20 of employment relations and commission chairpersons and members shall be
21 identified and limited in number in accordance with the standardized nomenclature
22 contained in this subsection, and shall be assigned to the executive salary groups
23 listed in pars. (a) to (i). ~~Except for positions specified in par. (c) 3m. and sub. (12),~~
24 ~~all unclassified division administrator positions enumerated under s. 230.08 (2) (e)~~

1 ~~shall be assigned, when approved by the joint committee on employment relations,~~
2 ~~by the secretary of employment relations to one of 10 executive salary groups.~~ The
3 joint committee on employment relations, by majority vote of the full committee, may
4 amend recommendations for initial position assignments and changes in
5 assignments to the executive salary groups submitted by the secretary of
6 employment relations. All division administrator assignments and amendments to
7 assignments of administrator positions approved by the committee shall become
8 part of the compensation plan. ~~Whenever a new unclassified division administrator~~
9 ~~position is created, the appointing authority may set the salary for the position until~~
10 ~~the joint committee on employment relations approves assignment of the position to~~
11 ~~an executive salary group. If the committee approves assignment of the position to~~
12 ~~an executive salary group having a salary range minimum or maximum inconsistent~~
13 ~~with the salary paid to the incumbent at the time of such approval, the incumbent's~~
14 ~~salary shall be adjusted by the appointing authority to conform with the committee's~~
15 ~~action, effective on the date of that action. Positions are assigned as follows:".~~

16 **6.** Page 24, line 4: after that line insert:

17 "SECTION 69t. 20.923 (6) (as) of the statutes is amended to read:

18 20.923 (6) (as) Each elective executive officer other than the attorney general,
19 the secretary of state, the state treasurer, and the superintendent of public
20 instruction: a deputy or an assistant."

21 **7.** Page 24, line 6: after that line insert:

22 "SECTION 71b. 20.923 (7) (intro.) of the statutes, as created by 2001 Wisconsin
23 Act 29, is renumbered 20.923 (7) and amended to read:

1 20.923 (7) DIRECTOR OF THE WISCONSIN TECHNICAL COLLEGE SYSTEM SENIOR
2 ~~EXECUTIVE POSITIONS~~. The salary range for the director and the executive assistant
3 of the Wisconsin Technical College System shall be contained in the
4 recommendations of the secretary of employment relations under s. 230.12 (3) (e).
5 The board of the Wisconsin Technical College System shall set the salaries for these
6 ~~positions~~ this position within the range to which the ~~positions are~~ position is
7 assigned to recognize merit, to permit orderly salary progression, and to recognize
8 competitive factors. The salary of any incumbent in the ~~positions identified in pars.~~
9 ~~(a) and (b) position~~ position may not exceed the maximum of the salary range for the group
10 to which the position is assigned. ~~The positions are assigned as follows:~~

11 **SECTION 71bm.** 20.923 (7) (a) of the statutes is repealed.

12 **SECTION 71bp.** 20.923 (7) (b) of the statutes is repealed.

13 **SECTION 71d.** 20.923 (8) of the statutes is amended to read:

14 20.923 (8) **DEPUTIES.** Salaries for deputies appointed pursuant to ~~ss. s.~~ s. 13.94
15 (3) (b), ~~15.04 (2) and 551.51 (1)~~ shall be set by the appointing authority. The salary
16 shall not exceed the maximum of the salary range one range below the salary range
17 of the executive salary group to which the department or agency head is assigned.
18 ~~The positions of assistant secretary of state, assistant state treasurer and associate~~
19 ~~director of the historical society shall be treated as unclassified deputies for pay~~
20 ~~purposes under this subsection.~~

21 **SECTION 71dm.** 20.923 (9) of the statutes, as affected by 2001 Wisconsin Act
22 29, is repealed.

23 **SECTION 71e.** 20.923 (14) (a) of the statutes is amended to read:

24 20.923 (14) (a) Any adjustment of salary for any incumbent in a position
25 specified in subs. (4), (8), ~~(9)~~ and (12) is governed by the provisions of the

1 compensation plan concerning executive salary groups as adopted by the joint
2 committee on employment relations under s. 230.12 (3) (b).

3 **SECTION 71f.** 20.923 (15) (b) of the statutes, as affected by 2001 Wisconsin Act
4 29, is amended to read:

5 20.923 (15) (b) Except for the positions identified in subs. (4g), (5), and (7) (b),
6 the pay of any incumbent whose salary is subject to a limitation under this section
7 may not equal or exceed that amount paid the governor.”.

8 **8.** Page 24, line 18: after that line insert:

9 **“SECTION 71pc.** 21.18 (1) of the statutes is amended to read:

10 21.18 (1) The military staff of the governor shall consist of the adjutant general,
11 with a minimum rank of brigadier general; ~~a deputy adjutant general for army, who~~
12 ~~may be a general officer~~; an assistant adjutant general, army, for readiness and
13 training, who may be a general officer; a deputy assistant adjutant general, army,
14 for readiness and training; ~~a deputy adjutant general for air, who may be a general~~
15 ~~officer~~; a chief surgeon for army, who may be a general officer; a chief surgeon for air,
16 who may be a general officer; a staff judge advocate for army, who may be a general
17 officer; a staff judge advocate for air, who may be a general officer; a state chaplain,
18 who may be a general officer; and such other officers as the governor deems
19 necessary. Vacancies in positions other than those of the adjutant general shall be
20 filled through appointment by the adjutant general.

21 **SECTION 71ph.** 21.18 (3) of the statutes is amended to read:

22 21.18 (3) All staff officers appointed under sub. (1), except the adjutant general
23 whose tenure is governed by ss. 15.31 and 17.07 (5), shall hold their positions unless
24 terminated earlier by resignation, disability or for cause and unless federal

1 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.
2 The governor shall remove an officer whose federal recognition is refused or
3 withdrawn, effective on the date of the loss of federal recognition. ~~The terms of the~~
4 ~~deputy adjutants general for army and air shall be 5 years beginning on the first day~~
5 ~~of the 7th month of the term of the adjutant general. The deputy adjutants general~~
6 ~~may be reappointed to successive terms.~~ Vacancies on the military staff of the
7 governor shall be filled by appointment from officers actively serving in the
8 Wisconsin national guard. Interim vacancies shall be filled by appointment by the
9 adjutant general for the residue of the unexpired term.

10 **SECTION 71pn.** 21.19 (5) of the statutes is amended to read:

11 21.19 (5) In the absence or incapacity of the adjutant general the senior
12 ranking deputy ~~assistant~~ adjutant general for army or air shall have all the powers
13 and duties of the adjutant general.

14 **SECTION 71r.** 21.20 of the statutes is amended to read:

15 **21.20 Civil service status.** All full-time state-paid employees of the
16 department of military affairs shall be under the classified service, except the
17 adjutant general, ~~the executive assistant to the adjutant general, the deputy~~
18 ~~adjutants general for army and air and the administrator of the division of~~
19 ~~emergency management.”.~~

20 **9.** Page 25, line 15: after that line insert:

21 **“SECTION 72f.** 21.48 (3) of the statutes is amended to read:

22 21.48 (3) The governor may order, with their consent, to active duty in the
23 department of military affairs, any departmental officers of the governor's staff,
24 including the adjutant general ~~and the deputy adjutants general,~~ and while so

1 assigned the officers shall receive the pay, but not the allowances, of an officer of
2 equal grade in the armed forces of the United States.”

3 **10.** Page 28, line 8: after that line insert:

4 “**SECTION 78e.** 25.156 (3) of the statutes is amended to read:

5 25.156 (3) The members of the board shall appoint an investment director ~~or~~
6 ~~the executive assistant to the executive director~~, internal auditor, chief investment
7 officer, chief financial officer, chief legal counsel or chief risk officer to act as assistant
8 director, except that until the appointment is made by the members of the board, the
9 executive director may temporarily designate the assistant director.

10 **SECTION 78m.** 25.156 (4) of the statutes is amended to read:

11 25.156 (4) The members of the board shall promulgate rules restricting the
12 executive director, ~~executive assistant to the executive director~~, internal auditor,
13 chief investment officer, chief financial officer, chief legal counsel, chief risk officer,
14 investment directors and employees from having financial interest, directly or
15 indirectly, in firms or corporations providing services to the department and
16 governing the receipt of gifts or favors therefrom, and also governing personal
17 investments of all employees including the executive director, executive assistant to
18 the executive director, internal auditor, chief investment officer, chief financial
19 officer, chief legal counsel, chief risk officer and investment directors to prevent
20 conflicts of interest.

21 **SECTION 78p.** 25.16 (3) of the statutes is repealed.”

22 **11.** Page 31, line 17: after that line insert:

23 “**SECTION 93m.** 38.04 (2m) of the statutes is repealed.”

24 **12.** Page 32, line 15: after that line insert:

1 **SECTION 99e.** 39.13 (2) of the statutes is amended to read:

2 **39.13 (2)** The executive director may employ a deputy director, ~~the number of~~
3 ~~division administrators specified in s. 230.08 (2) (e)~~ and 11 professional staff
4 members outside the classified service. Subject to authorization under s. 16.505, the
5 executive director may employ additional professional staff members for
6 development and grant projects outside the classified service or for other purposes
7 within the classified service.

8 **SECTION 99r.** 40.02 (17) (e) of the statutes is amended to read:

9 **40.02 (17) (e)** Each executive participating employee whose creditable service
10 terminates on or after May 3, 1988, and each participating employee who is a present
11 or former elected official or an appointee of a present or former elected official and
12 who did not receive creditable service under s. 40.02 (17) (e), 1987 stats., or s. 40.02
13 (17) (e), 1989 stats., and whose creditable service terminates on or after August 15,
14 1991, who was previously in the position of the president of the University of
15 Wisconsin System or in a position designated under s. 20.923 (4), or (8) or (9), but did
16 not receive creditable service because of age restrictions, may receive creditable
17 service equal to the period of executive service not credited if the participant pays to
18 the department a lump sum payment equal to 5.5% of one-twelfth of the employee's
19 highest earnings in a single annual earnings period multiplied by the number of
20 months of creditable service granted under this paragraph. That amount shall be
21 credited and treated as an employee required contribution for all purposes of the
22 Wisconsin retirement system."

23 **13.** Page 32, line 23: after that line insert:

1 **SECTION 100h.** 40.02 (30) of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 40.02 (30) “Executive participating employee” means a participating employee
4 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), or (8), ~~or (9) or~~
5 ~~authorized under s. 230.08 (2) (e)~~ during the time of employment. All service credited
6 prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats.,
7 shall continue to be treated as executive service as defined under s. 40.02 (31), 1985
8 stats., but no other service rendered prior to May 17, 1988, may be changed to
9 executive service as defined under s. 40.02 (31), 1985 stats.”.

10 **14.** Page 154, line 4: after that line insert:

11 **SECTION 259c.** 93.02 of the statutes is amended to read:

12 **93.02 Staff.** The secretary shall appoint all staff necessary for the carrying out
13 of the duties of the department, all of whom shall be under the classified service
14 ~~except the deputy secretary, the executive assistant and, subject to s. 230.08 (4) (a),~~
15 ~~the administrators of divisions. Each such deputy secretary, executive assistant or,~~
16 Any administrator shall be appointed by the secretary with the approval of the
17 board.”.

18 **15.** Page 156, line 9: after that line insert:

19 **SECTION 267n.** 101.03 of the statutes is amended to read:

20 **101.03 Testimonial powers of secretary and deputy.** The secretary ~~or any~~
21 ~~deputy secretary~~ may certify to official acts, and take testimony.”.

22 **16.** Page 157, line 22: after that line insert:

23 **SECTION 274b.** 103.005 (16) of the statutes is amended to read:

1 103.005 (16) Each of the commissioners, or the secretary ~~or any deputy~~
2 ~~secretary~~ may certify to official acts, and take testimony.”.

3 **17.** Page 159, line 9: after that line insert:

4 “**SECTION 279b.** 115.29 (1) of the statutes is amended to read:

5 115.29 (1) DESIGNATE REPRESENTATIVE. Designate ~~the deputy state~~
6 ~~superintendent or another~~ any employee of the department as the state
7 superintendent’s representative on any body on which the state superintendent is
8 required to serve, except the board of regents of the University of Wisconsin
9 System.”.

10 **18.** Page 161, line 11: after that line insert:

11 “**SECTION 284c.** 119.32 (3) of the statutes is amended to read:

12 119.32 (3) Subject to confirmation by the board, the superintendent of schools
13 shall appoint the ~~deputy superintendent of schools~~, associate superintendent of
14 schools, ~~executive assistant to the superintendent of schools~~, assistant to the
15 superintendent of schools, assistant superintendent, division director, department
16 director and other supervisory or administrative employees designated by the board.

17 **SECTION 284h.** 119.42 (1) of the statutes is amended to read:

18 119.42 (1) In this section, “teacher” has the meaning given under s. 40.02 (55),
19 but excludes the superintendent of schools, ~~deputy superintendent of schools~~,
20 associate superintendent of schools, ~~executive assistant to the superintendent of~~
21 ~~schools~~, assistant to the superintendent of schools, assistant superintendent,
22 division director and department director.”.

23 **19.** Page 173, line 16: after that line insert:

1 “**SECTION 338dg.** 165.055 (1) of the statutes is renumbered 165.055 and
2 amended to read:

3 **165.055 Appointments.** The attorney general may appoint ~~a deputy attorney~~
4 ~~general and assistants~~ assistant attorneys general, each of whom shall be an
5 attorney at law admitted to practice in this state. Such appointments shall be made
6 in writing and filed in the office of the secretary of state, and such appointees shall
7 take and subscribe the constitutional oath of office which shall also be filed.
8 Appointees shall perform such duties as the attorney general prescribes.

9 **SECTION 338dh.** 165.055 (2) of the statutes is repealed.

10 **SECTION 338di.** 165.055 (4) of the statutes is repealed.”.

11 **20.** Page 176, line 3: after that line insert:

12 “**SECTION 340e.** 166.08 (4) (a) of the statutes is amended to read:

13 166.08 (4) (a) All state officers, subject to such regulations as the governor, or
14 other official authorized under the constitution or this section to exercise the powers
15 and discharge the duties of the office of governor, may issue, shall, ~~in addition to any~~
16 ~~deputy authorized to exercise all of the powers and discharge the duties of the office,~~
17 designate by title emergency interim successors and specify their order of succession.
18 The officer shall review and revise, as necessary, designations made pursuant to this
19 section to ensure their current status. The officer shall designate a sufficient number
20 of emergency interim successors so that there will be not less than 3 nor more than
21 7 ~~deputies or emergency interim successors or any combination of deputies or~~
22 ~~emergency interim successors~~, at any time.

23 **SECTION 340m.** 166.08 (4) (b) (intro.) of the statutes is amended to read:

1 166.08 (4) (b) (intro.) If any state officer is unavailable following an attack, and
2 if his or her deputy, if any, is also unavailable, the powers of his or her office shall be
3 exercised and the duties of his or her office shall be discharged by his or her
4 designated emergency interim successors in the order specified. The emergency
5 interim successor shall exercise the powers and discharge the duties of the office only
6 until any of the following occurs:

7 **SECTION 340r.** 166.08 (4) (b) 3. of the statutes is amended to read:

8 166.08 (4) (b) 3. An officer, ~~the officer's deputy~~ or a preceding named emergency
9 interim successor becomes available to exercise, or resume the exercise of, the powers
10 and discharge the duties of the office.”

11 **21.** Page 177, line 22: after that line insert:

12 **“SECTION 347c.** 214.72 (1) (b) of the statutes is amended to read:

13 214.72 (1) (b) “Financial regulator” means the department secretary and
14 ~~deputy secretary~~, and an administrator, a supervisor of data processing, legal counsel
15 and a financial institution examiner employed by the department and includes any
16 member of a financial regulator’s immediate family, as defined in s. 19.42 (7).

17 **SECTION 347p.** 214.72 (3) of the statutes is amended to read:

18 214.72 (3) Within 30 days after commencing employment as a financial
19 regulator and at least once each year, each financial regulator, for himself or herself
20 and covering his or her immediate family, shall complete a written, sworn report
21 disclosing the nature of all business relationships with savings banks on forms
22 prescribed by the department. Each report shall be reviewed by the department,
23 except that the secretary’s and ~~deputy secretary’s~~ report shall be reviewed by the
24 review board. The reviewers shall determine if any business relationship is or

1 appears improper and, if so, may direct the termination of that business relationship
2 within a reasonable, prescribed time period.”.

3 **22.** Page 179, line 14: after that line insert:

4 “**SECTION 351n.** 218.0114 (23) (intro.) of the statutes is amended to read:

5 218.0114 (23) (intro.) After the receipt of an application in due form, properly
6 verified and certified, and upon the payment of the \$5 examination fee, the secretary,
7 ~~deputy secretary~~ or any salaried employee of the department of transportation
8 designated by the secretary shall, within a reasonable time and in a place reasonably
9 accessible to the applicant for a license, subject each first-time applicant for license
10 and, if the secretary deems necessary, any applicant for renewal of license to a
11 personal written examination as to competency to act as a motor vehicle salesperson.
12 The secretary shall issue to an applicant a resident or nonresident motor vehicle
13 salesperson’s license if the application and examination show that the applicant
14 meets all of the following requirements:”.

15 **23.** Page 180, line 20: after that line insert:

16 “**SECTION 361e.** 230.08 (2) (e) of the statutes, as affected by 2001 Wisconsin Act
17 16, is repealed.

18 **SECTION 361m.** 230.08 (2) (fs) of the statutes is repealed.

19 **SECTION 361r.** 230.08 (2) (g) of the statutes is amended to read:

20 230.08 (2) (g) One stenographer appointed by each elective executive officer,
21 and one ~~deputy or~~ assistant appointed by each elective executive officer except the
22 attorney general, secretary of state, state treasurer, and superintendent of public
23 instruction.”.

24 **24.** Page 180, line 21: delete lines 21 and 22 and substitute:

1 **SECTION 363m.** 230.08 (2) (L) of the statutes is repealed.”.

2 **25.** Page 180, line 23: before that line insert:

3 **SECTION 363r.** 230.08 (2) (m) of the statutes is repealed.

4 **SECTION 363t.** 230.08 (2) (mL) of the statutes is repealed.”.

5 **26.** Page 180, line 25: after that line insert:

6 **SECTION 365cb.** 230.08 (4) of the statutes is repealed.

7 **SECTION 365cm.** 230.12 (3) (e) (title) of the statutes is amended to read:

8 230.12 (3) (e) (title) *University of Wisconsin System senior executives, faculty,*
9 *and academic staff employees; ~~Wisconsin~~ director of the Wisconsin Technical College*
10 *System senior executives.*

11 **SECTION 365cp.** 230.12 (3) (e) 2. of the statutes, as created by 2001 Wisconsin
12 Act 29, is amended to read:

13 230.12 (3) (e) 2. The secretary, after receiving recommendations from the board
14 of the Technical College System, shall submit to the joint committee on employment
15 relations a proposal for adjusting compensation and employee benefits for ~~employees~~
16 the director of the Wisconsin Technical College System under s. 20.923 (7). The
17 proposal shall include the salary ranges and adjustments to the salary ranges for the
18 ~~general senior executive salary groups~~ director established under s. 20.923 (7).
19 Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay
20 adjustments for ~~such employees~~ the director. The proposal as approved by the joint
21 committee on employment relations and the governor shall be based upon a
22 percentage of the budgeted salary base for ~~such employees~~ the position under s.
23 20.923 (7).”.

24 **27.** Page 181, line 3: after that line insert:

1 **SECTION 365e.** 230.35 (1m) (a) 2. of the statutes, as affected by 2001 Wisconsin
2 Act (this act), is amended to read:

3 230.35 (1m) (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), (7),
4 and (8), and (9).

5 **SECTION 365em.** 230.35 (1m) (a) 3. of the statutes is repealed.”.

6 **28.** Page 181, line 15: after that line insert:

7 **SECTION 365h.** 230.35 (2) of the statutes, as affected by 2001 Wisconsin Act
8 (this act), is amended to read:

9 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
10 without pay, other than annual leave and leave under s. 103.10, shall be regulated
11 by rules of the secretary, except that unused sick leave shall accumulate from year
12 to year. After July 1, 1973, employees appointed to career executive positions under
13 the program established under s. 230.24 or positions designated in s. 19.42 (10) (L)
14 or 20.923 (4), (7), and (8), and (9) or ~~authorized under s. 230.08 (2) (e)~~ shall have any
15 unused sick leave credits restored if they are reemployed in a career executive
16 position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), and (8), and (9) or
17 ~~authorized under s. 230.08 (2) (e)~~, regardless of the duration of their absence.
18 Restoration of unused sick leave credits if reemployment is to a position other than
19 those specified above shall be in accordance with rules of the secretary.”.

20 **29.** Page 218, line 2: after that line insert:

21 **SECTION 474k.** 560.02 (2) of the statutes is amended to read:

22 560.02 (2) Appoint the administrators for the various divisions of the
23 department ~~subject to s. 230.08 (4) (a). Administrators appointed under the~~
24 ~~unclassified service shall serve at the pleasure of the secretary.”.~~

1 **30.** Page 220, line 22: after that line insert:

2 “**SECTION 504p.** 562.025 (1) (intro.) of the statutes is amended to read:

3 562.025 (1) (intro.) No employee in the division of gaming who performs any
4 duty related to racing or the ~~executive assistant or the secretary or deputy~~ secretary
5 of administration and no member of such a person’s immediate family, as defined in
6 s. 19.42 (7), may, while that person is employed or serves in such a capacity or for 2
7 years following the termination of his or her employment with the department after
8 having served in such a capacity, do any of the following:”.

9 **31.** Page 221, line 4: after that line insert:

10 “**SECTION 506d.** 563.05 (5) (intro.) of the statutes is amended to read:

11 563.05 (5) (intro.) No employee in the division of gaming who performs any
12 duty related to bingo or raffles or the ~~executive assistant or the secretary or deputy~~
13 secretary of administration and no member of such a person’s immediate family, as
14 defined in s. 19.42 (7), may, while that person is employed or serves in such a capacity
15 or for 2 years following the termination of his or her employment with the
16 department after having served in such a capacity, do any of the following:

17 **SECTION 506n.** 564.02 (2m) (intro.) of the statutes is amended to read:

18 564.02 (2m) **CONFLICTS OF INTEREST.** (intro.) No employee in the division of
19 gaming who performs any duty related to crane games or the ~~executive assistant or~~
20 the ~~secretary or deputy~~ secretary of administration and no member of such a person’s
21 immediate family, as defined in s. 19.42 (7), may, while that person is employed in
22 such a capacity or for 2 years following the termination of his or her employment with
23 the department, do any of the following:

24 **SECTION 506r.** 565.05 (1) (intro.) of the statutes is amended to read:

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

4 **SECTION 506t.** 565.05 (1) (a) of the statutes is amended to read:

5 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any
6 vendor while serving as an employee in the lottery division of the department or as
7 ~~the executive assistant or as secretary or deputy~~ secretary of revenue or for 2 years
8 following the person's termination of service.

9 **SECTION 506y.** 565.17 (5) (a) of the statutes is amended to read:

10 565.17 (5) (a) No employee in the lottery division of the department or the
11 ~~executive assistant or the secretary or deputy~~ secretary of revenue and no member
12 of such a person's immediate family, as defined in s. 19.42 (7), may purchase a lottery
13 ticket or lottery share.”

14 **32.** Page 221, line 13: after that line insert:

15 **“SECTION 508kb.** 601.11 of the statutes is repealed and recreated to read:

16 **601.11 Personnel.** Except for those employed under s. 601.14 (2) or otherwise
17 specifically exempted, all personnel including staff attorneys shall be appointed
18 under the classified service.

19 **SECTION 508kn.** 601.15 of the statutes is repealed.

20 **SECTION 508kp.** 601.18 of the statutes is amended to read:

21 **601.18 Delegation.** Any power, duty or function vested in the commissioner
22 by law may be exercised, discharged or performed by any employee of the office acting
23 in the commissioner's name and by the commissioner's delegated authority. Any
24 person whose own course of action in good faith depends upon proof of the validity

1 of an asserted delegation is not obligated to act until the person is shown a written
2 delegation with a handwritten signature of the commissioner ~~or deputy~~
3 ~~commissioner~~.”.

4 **33.** Page 221, line 25: after that line insert:

5 “**SECTION 509m.** 641.12 (1) of the statutes is amended to read:

6 641.12 (1) The expenses of every examination of the affairs of any employee
7 welfare fund required to register under this chapter, including any appraisal of real
8 property, shall be borne and paid by the employee welfare fund so examined but the
9 commissioner may in his or her discretion remit in whole or in part such charges upon
10 showing of extreme financial hardship. For any such examination by the
11 commissioner ~~or a deputy commissioner~~ personally, the charge made shall be only
12 for necessary traveling expenses and other actual expenses. In all other cases the
13 expenses of examination shall also include reimbursement for the compensation
14 paid for the services of persons employed by the commissioner or by the
15 commissioner’s authority to make the examination or appraisal. All charges
16 incurred by or on behalf of the commissioner, including necessary traveling and other
17 actual expenses, as duly audited and paid to the person or persons making the
18 examination or appraisal, shall be presented to the trustees of the employee welfare
19 fund so examined in the form of a copy of the itemized bill therefor as certified and
20 approved by the commissioner ~~or a deputy commissioner~~. Upon receiving the
21 certified copy the trustees shall pay the amount thereof to the commissioner to be
22 paid by the commissioner into the state treasury.”.

23 **34.** Page 368, line 8: after that line insert:

1 “(4x) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR CERTAIN ELIMINATED STATE
2 POSITIONS.

3 (a) The definitions in section 20.001 of the statutes are applicable in this
4 subsection.

5 (b) 1. The secretary of administration shall reduce the number of authorized
6 positions for each state agency by the number of positions under section 15.04 (2),
7 1999 stats., section 15.05 (3), 1999 stats., and section 15.06 (4m), 1999 stats., and by
8 the number of unclassified division administrators that are eliminated for that state
9 agency under this act. The secretary shall also reduce the authorized FTE positions
10 for the office of the secretary of state by 1.0 assistant secretary of state position; for
11 the office of state treasurer by 1.0 assistant state treasurer position; and for the
12 historical society by 1.0 associate director position.

13 2. The secretary shall determine for each state agency the amount that the
14 agency would have been required to expend for compensation and fringe benefits
15 during the period that begins on the effective date of this subdivision and ends on
16 June 30, 2003, for state employees occupying a position described under subdivision
17 1. and from each appropriation from which the moneys would have been expended,
18 other than appropriations of federal revenues.

19 (c) From each sum certain appropriation of general purpose revenue identified
20 in paragraph (b) 2., the secretary of administration shall lapse to the general fund
21 the amount specified in paragraph (b) 2. that would otherwise have been expended
22 from each of the appropriations. After the secretary of administration makes the
23 lapse, each of the sum certain appropriations is decreased by the amount specified
24 in paragraph (b) 2. for that appropriation.

1 (d) For each sum sufficient appropriation of general purpose revenue identified
2 in paragraph (b) 2., the expenditure estimate for the appropriation during the
3 2001–03 fiscal biennium, is reestimated to subtract the amount specified in
4 paragraph (b) 2. for that appropriation.

5 (e) From each appropriation of program revenues or program revenues–service
6 identified in paragraph (b), other than an appropriation to the investment board, the
7 secretary of administration shall lapse to the general fund the amount specified in
8 paragraph (b) 2. that would otherwise have been expended from each of the
9 appropriations. After the secretary of administration makes the lapse, each of the
10 sum certain program revenues or program revenues–service appropriations is
11 decreased by the amount specified in paragraph (b) 2. for that appropriation.

12 (f) From each appropriation of segregated fund revenues or segregated fund
13 revenues — service identified in paragraph (b), the secretary of administration shall
14 lapse to the underlying fund the amount specified in paragraph (b) 2. that would
15 otherwise have been expended from each of the appropriations. After the secretary
16 of administration makes the lapse, each of the sum certain segregated revenues or
17 segregated revenues — service appropriations is decreased by the amount specified
18 in paragraph (b) for that appropriation and the expenditure estimate for each of the
19 appropriations that are not sum certain appropriations is reestimated to subtract
20 the amount specified in paragraph (b) for that appropriation. The secretary of
21 administration shall then transfer the lapsed amounts and an amount equal to the
22 amount subtracted from the estimates to the general fund, but not including any
23 amount lapsed from an appropriation of segregated fund revenues to the department
24 of employee trust funds.”.

