

1 paragraph requiring that an agency transfer evidence to a crime laboratory specified  
2 under s. 165.75 for the purpose of preservation of the evidence by the crime  
3 laboratory, unless the crime laboratory consents to the transfer.

4 (10) (a) If the results of forensic deoxyribonucleic acid testing ordered under  
5 this section support the movant's claim, the court shall schedule a hearing to  
6 determine the appropriate relief to be granted to the movant. After the hearing, and  
7 based on the results of the testing and any evidence or other matter presented at the  
8 hearing, the court shall enter any order that serves the interests of justice, including  
9 any of the following:

10 1. An order setting aside or vacating the movant's judgment of conviction,  
11 judgment of not guilty by reason of mental disease or defect, or adjudication of  
12 delinquency.

13 2. An order granting the movant a new trial or fact-finding hearing.

14 3. An order granting the movant a new sentencing hearing, commitment  
15 hearing, or dispositional hearing.

16 4. An order discharging the movant from custody, as defined in s. 968.205 (1)  
17 (a), if the movant is in custody.

18 5. An order specifying the disposition of any evidence that remains after the  
19 completion of the testing, subject to sub. (9) (a) and (b).

20 (b) A court may order a new trial under par. (a) without making the findings  
21 specified in s. 805.15 (3) (a) and (b).

22 (11) A court considering a motion made under sub. (2) by a movant who is not  
23 represented by counsel shall, if the movant claims or appears to be indigent, refer the  
24 movant to the state public defender for determination of indigency and appointment  
25 of counsel under s. 977.05 (4) (j).

1           (12) (a) The court may order a movant to pay the costs of any testing ordered  
2 by the court under this section if the court determines that the movant is not  
3 indigent. If the court determines that the movant is indigent, the court shall order  
4 the costs of the testing to be paid for from the appropriation account under s. 20.410  
5 (1) (be).

6           (b) A movant is indigent for purposes of par. (a) if any of the following apply:

7           1. The movant was referred to the state public defender under sub. (11) for a  
8 determination of indigency and was found to be indigent.

9           2. The movant was referred to the state public defender under sub. (11) for a  
10 determination of indigency but was found not to be indigent, and the court  
11 determines that the movant does not possess the financial resources to pay the costs  
12 of testing.

13           3. The movant was not referred to the state public defender under sub. (11) for  
14 a determination of indigency and the court determines that the movant does not  
15 possess the financial resources to pay the costs of testing.

16           (13) An appeal may be taken from an order entered under this section as from  
17 a final judgment.

18           \*~~0052/1.1~~\* SECTION 4030. 977.05 (6) (c) of the statutes is repealed.

19           \*~~0052/1.2~~\* SECTION 4031. 977.05 (6) (cm) of the statutes is repealed.

20           \*~~b2217/2.16~~\* SECTION 4031c. 977.07 (1) (b) of the statutes is amended to read:

21           977.07 (1) (b) For referrals not made under ss. 809.30 ~~and~~, 974.06, and 974.07,  
22 a representative of the state public defender is responsible for making indigency  
23 determinations unless the county became responsible under s. 977.07 (1) (b) 2. or 3.,  
24 1983 stats., for these determinations. Subject to the provisions of par. (bn), those  
25 counties may continue to be responsible for making indigency determinations. Any

1 such county may change the agencies or persons who are designated to make  
2 indigency determinations only upon the approval of the state public defender.

3 **\*b2217/2.16\* SECTION 4031e.** 977.07 (1) (c) of the statutes is amended to read:

4 977.07 (1) (c) For all referrals made under ss. 809.30 ~~and~~, 974.06 (3) (b) and  
5 974.07 (11), except a referral of a child who is entitled to be represented by counsel  
6 under s. 48.23 or 938.23, a representative of the state public defender shall  
7 determine indigency, ~~and~~. For referrals made under ss. 809.30 and 974.06 (3) (b),  
8 except a referral of a child who is entitled to be represented by counsel under s. 48.23  
9 or 938.23, the representative of the state public defender may, unless a request for  
10 redetermination has been filed under s. 809.30 (2) (d) or the defendant's request for  
11 representation states that his or her financial circumstances have materially  
12 improved, rely upon a determination of indigency made for purposes of trial  
13 representation under this section.

14 **\*b2012/2.8\* SECTION 4031j.** 978.03 (3) of the statutes is amended to read:

15 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
16 an attorney admitted to practice law in this state and, except as provided in s. ss.  
17 978.043 and 978.044, may perform any duty required by law to be performed by the  
18 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
19 or (2) may appoint such temporary counsel as may be authorized by the department  
20 of administration.

21 **\*b2012/2.8\* SECTION 4031p.** 978.044 of the statutes is created to read:

22 **978.044 Assistants to perform restorative justice services. (1)**

23 DEFINITIONS. In this section:

24 (a) "Crime" has the meaning given in s. 950.02 (1m).

1 (b) “Offender” means an individual who is, or could be, charged with  
2 committing a crime or who is, or could be, the subject of a petition under ch. 938  
3 alleging that he or she has committed a crime.

4 (c) “Victim” has the meaning given in s. 950.02 (4).

5 (2) DUTIES. The district attorneys of Milwaukee county and the county selected  
6 under sub. (4) shall each assign one assistant district attorney in his or her  
7 prosecutorial unit to be a restorative justice coordinator. An assistant district  
8 attorney assigned under this subsection to be a restorative justice coordinator shall  
9 do all the following:

10 (a) Establish restorative justice programs that provide support to the victim,  
11 help reintegrate the victim into community life, and provide a forum where an  
12 offender may meet with the victim or engage in other activities to do all of the  
13 following:

- 14 1. Discuss the impact of the offender’s crime on the victim or on the community.
- 15 2. Explore potential restorative responses by the offender.
- 16 3. Provide methods for reintegrating the offender into community life.

17 (b) Provide assistance to the district attorney in other counties relating to the  
18 establishment of restorative justice programs, as described in par. (a).

19 (c) Maintain a record of all of the following:

- 20 1. The amount of time spent implementing the requirements of pars. (a) and  
21 (b).
- 22 2. The number of victims and offenders served by programs established under  
23 par. (a).
- 24 3. The types of offenses addressed by programs established under par. (a).

1           4. The rate of recidivism among offenders served by programs established  
2 under par. (a) compared to the rate of recidivism by offenders not served by such  
3 programs.

4           **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by  
5 the department of administration, the district attorneys of Milwaukee county and  
6 the county selected under sub. (4) shall each submit to the department of  
7 administration a report summarizing the records under sub. (2) (c) covering the  
8 preceding 12-month period. The department of administration shall maintain the  
9 information submitted under this subsection by the district attorney.

10           **(4) SELECTION OF 2ND COUNTY.** The attorney general, in consultation with the  
11 department of corrections, shall select a county other than Milwaukee county in  
12 which restorative justice services are to be provided under sub. (2).

13           **(5) EXPIRATION.** This section does not apply after June 30, 2005.

14           **\*b2012/2.8\* SECTION 4031r.** 978.05 (8) (b) of the statutes is amended to read:  
15           978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~s.~~ ss.  
16 978.043 and 978.044, make appropriate assignments of the staff throughout the  
17 prosecutorial unit. The district attorney may request the assistance of district  
18 attorneys, deputy district attorneys, or assistant district attorneys from other  
19 prosecutorial units or assistant attorneys general who then may appear and assist  
20 in the investigation and prosecution of any matter for which a district attorney is  
21 responsible under this chapter in like manner as assistants in the prosecutorial unit  
22 and with the same authority as the district attorney in the unit in which the action  
23 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
24 hiring, employment, and supervision of county employees.

25           **\*b2217/2.16\* SECTION 4031s.** 978.08 of the statutes is created to read:

1           **978.08 Preservation of certain evidence. (1)** In this section:

2           (a) “Custody” has the meaning given in s. 968.205 (1) (a).

3           (b) “Discharge date” has the meaning given in s. 968.205 (1) (b).

4           **(2)** Except as provided in sub. (3), if physical evidence that is in the possession  
5 of a district attorney includes any biological material that was collected in connection  
6 with a criminal investigation that resulted in a criminal conviction, delinquency  
7 adjudication, or commitment under s. 971.17 or 980.06, the district attorney shall  
8 preserve the physical evidence until every person in custody as a result of the  
9 conviction, adjudication, or commitment has reached his or her discharge date.

10           **(3)** Subject to sub. (5), a district attorney may destroy biological material before  
11 the expiration of the time period specified in sub. (2) if all of the following apply:

12           (a) The district attorney sends a notice of its intent to destroy the biological  
13 material to all persons who remain in custody as a result of the criminal conviction,  
14 delinquency adjudication, or commitment and to either the attorney of record for  
15 each person in custody or the state public defender.

16           (b) No person who is notified under par. (a) does either of the following within  
17 90 days after the date on which the person received the notice:

18           1. Files a motion for testing of the biological material under s. 974.07 (2).

19           2. Submits a written request to preserve the biological material to the district  
20 attorney.

21           (c) No other provision of federal or state law requires the district attorney to  
22 preserve the biological material.

23           **(4)** A notice provided under sub. (3) (a) shall clearly inform the recipient that  
24 the biological material will be destroyed unless, within 90 days after the date on  
25 which the person receives the notice, either a motion for testing of the material is

1 filed under s. 974.07 (2) or a written request to preserve the material is submitted  
2 to the district attorney.

3 (5) If, after providing notice under sub. (3) (a) of its intent to destroy biological  
4 material, a district attorney receives a written request to preserve the material, the  
5 district attorney shall preserve the material until the discharge date of the person  
6 who made the request or on whose behalf the request was made, subject to a court  
7 order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders  
8 destruction or transfer of the biological material under s. 974.07 (9) (b) or (10) (a) 5.

9 \*b0585/1.4\* SECTION 4032m. 978.13 (1) (d) of the statutes is amended to read:  
10 978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
11 and fringe benefit costs of 2 clerk positions providing clerical services to the  
12 prosecutors in the district attorney's office handling cases involving the unlawful  
13 possession or use of firearms. The state treasurer shall pay the amount authorized  
14 under this paragraph to the county treasurer from the appropriation under s. 20.475  
15 (1) (f) pursuant to a voucher submitted by the district attorney to the department of  
16 administration. The amount paid under this paragraph may not exceed \$51,300 in  
17 the 1999–2000 fiscal year and \$64,000 in the 2000–01 fiscal year the amount  
18 appropriated under s. 20.475 (1) (f).

19 \*b0457/2.3\* SECTION 4033g. 979.01 (1m) of the statutes is amended to read:  
20 979.01 (1m) The coroner or medical examiner receiving notification under sub.  
21 (1) shall immediately notify the attorney general and district attorney.

22 \*b0457/2.3\* SECTION 4033k. 979.015 of the statutes is amended to read:  
23 **979.015 Subpoena for documents.** Upon the request of the coroner, medical  
24 examiner, attorney general, or district attorney, a court shall issue a subpoena  
25 requiring the production of documents necessary for the determination of a

1 decedent's cause of death. The documents may include the decedent's patient health  
2 care records and treatment records, as defined in ss. 51.30 and 146.81 (4). The  
3 documents shall be returnable to the officer named in the subpoena.

4 **\*b0457/2.3\* SECTION 4033n.** 979.02 of the statutes is amended to read:

5 **979.02 Autopsies.** The coroner, medical examiner, attorney general, or  
6 district attorney may order ~~the conducting of~~ an autopsy upon the body of a dead  
7 person any place within the state in cases where an inquest might be had as provided  
8 in s. 979.04 notwithstanding the fact that no such inquest is ordered or conducted.  
9 The autopsy shall be conducted by a licensed physician who has specialized training  
10 in pathology. The attorney general or district attorney may move the circuit court  
11 for the county in which the body is buried for an order disinterring the body for  
12 purposes of autopsy. The order shall be granted by the circuit court upon a  
13 reasonable showing that any of the criteria specified in s. 979.04 exists. This section  
14 does not prevent additional autopsies or examinations of the body if there are  
15 unanswered pathological questions concerning the death and the causes of death.

16 **\*-1606/3.1\* SECTION 4034.** 979.025 of the statutes is created to read:

17 **979.025 Autopsy of correctional inmate.** (1) INMATE CONFINED TO AN  
18 INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody  
19 of the department and confined to a correctional facility located in this state, the  
20 coroner or medical examiner of the county where the death occurred shall perform  
21 an autopsy on the deceased individual. If the coroner or medical examiner who  
22 performs the autopsy determines that the individual's death may have been the  
23 result of any of the situations that would permit the district attorney to order an  
24 inquest under s. 979.04 (1), the coroner or medical examiner shall follow the  
25 procedures under s. 979.04 (2).



1           (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies  
2 while he or she is in the legal custody of the department and confined to a correctional  
3 facility in another state under a contract under s. 301.07, 301.21, or 302.25, the  
4 department shall have an autopsy performed by an appropriate authority in the  
5 other state or by the coroner or medical examiner of the county in which the circuit  
6 court is located that sentenced the individual to the custody of the department. If  
7 the coroner or medical examiner who performs the autopsy in this state determines  
8 that the individual's death may have been the result of any of the situations that  
9 would permit the district attorney to order an inquest under s. 979.04 (1), the coroner  
10 or medical examiner shall forward the results of the autopsy to the appropriate  
11 authority in the other state.

12           (3) COSTS OF AN AUTOPSY. The costs of an autopsy performed under sub. (1) or  
13 (2) shall be paid by the department.

14           **\*b0457/2.4\* SECTION 4034b.** 979.04 (1) of the statutes is amended to read:

15           979.04 (1) If the attorney general or district attorney has notice of the death  
16 of any person and there is reason to believe from the circumstances surrounding the  
17 death that felony murder, first-degree or 2nd-degree intentional homicide,  
18 first-degree or 2nd-degree reckless homicide, homicide by negligent handling of a  
19 dangerous weapon, explosives, or fire, homicide by negligent operation of a vehicle,  
20 homicide resulting from negligent control of a vicious animal, or homicide by  
21 intoxicated user of a vehicle or firearm may have been committed, or that death may  
22 have been due to suicide or unexplained or suspicious circumstances, the attorney  
23 general or district attorney may order that an inquest be conducted for the purpose  
24 of inquiring how the person died. The attorney general or district attorney shall  
25 appear in any such inquest representing the state in presenting all evidence which

1 that may be relevant or material to the inquiry of the inquest. The inquest may be  
2 held in any county in this state in which venue would lie for the trial of any offense  
3 charged as the result of or involving the death. An inquest may only be ordered by  
4 the attorney general or district attorney under this subsection or by the circuit judge  
5 under sub. (2).

6 \*b0457/2.4\* SECTION 4034c. 979.04 (2) of the statutes is amended to read:

7 979.04 (2) If the coroner or medical examiner has knowledge of the death of any  
8 person in the manner described under sub. (1), he or she shall immediately notify the  
9 attorney general and district attorney. The notification shall include information  
10 concerning the circumstances surrounding the death. The coroner or medical  
11 examiner may request the attorney general and district attorney to order an inquest  
12 under sub. (1). If the attorney general and district attorney ~~refuses~~ refuse to order  
13 the inquest, a coroner or medical examiner may petition the circuit court to order an  
14 inquest. The court may issue the order if it finds that the attorney general or district  
15 attorney has abused his or her discretion in not ordering an inquest.

16 \*b0457/2.4\* SECTION 4034d. 979.04 (3) of the statutes is amended to read:

17 979.04 (3) Subsequent to receipt of notice of the death, the attorney general or  
18 district attorney may request the coroner or medical examiner to conduct a  
19 preliminary investigation and report back to the attorney general or district  
20 attorney. The attorney general or district attorney may determine the scope of the  
21 preliminary investigation. This subsection does not limit or prevent any other  
22 investigation into the death by any law enforcement agency with jurisdiction over  
23 the investigation.

24 \*b0457/2.4\* SECTION 4034f. 979.05 (2) of the statutes is amended to read:

1           979.05 (2) The inquest shall be conducted before a jury unless the attorney  
2 general, district attorney, coroner, or medical examiner requests that the inquest be  
3 conducted before only the judge or court commissioner ~~only~~. If the inquest is to be  
4 conducted before a jury, a sufficient number of names of prospective jurors shall be  
5 selected from the prospective juror list for the county in which the inquest is to be  
6 held by the clerk of circuit court in the manner provided in s. 756.06. The judge or  
7 court commissioner conducting the inquest shall summon the prospective jurors to  
8 appear before the judge or court commissioner at the time fixed in the summons. The  
9 summons may be served by mail, or by personal service if the judge, court  
10 commissioner, attorney general, or district attorney determines personal service to  
11 be appropriate. The summons shall be in the form used to summon petit jurors in  
12 the circuit courts of the county. Any person who fails to appear when summoned as  
13 an inquest juror is subject to a forfeiture of not more than \$40. The inquest jury shall  
14 consist of 6 jurors. If 6 jurors do not remain from the number originally summoned  
15 after establishment of qualifications, the judge or court commissioner conducting the  
16 inquest may require the clerk of the circuit court to select sufficient additional jurors'  
17 names. Those persons shall be summoned forthwith by the sheriff of the county.

18           **\*b0457/2.4\* SECTION 4034g.** 979.05 (3) of the statutes is amended to read:

19           979.05 (3) The judge or court commissioner shall examine on oath or  
20 affirmation each person who is called as a juror to discover whether the juror is  
21 related by blood, marriage, or adoption to the decedent, any member of the decedent's  
22 family, the attorney general, district attorney, any other attorney appearing in the  
23 case, or any members of the office of the attorney general, district attorney, or of the  
24 office of any other attorney appearing in the case; ~~has expressed or formed any~~  
25 opinion regarding the matters ~~being inquired into in~~ of the inquest; or is aware of or

1 has any bias or prejudice concerning the matters ~~being inquired into in~~ of the  
2 inquest. If any prospective juror is found to be not indifferent or is found to have  
3 formed an opinion ~~which~~ that cannot be laid aside, that juror shall be excused. The  
4 judge or court commissioner may select one or more alternate jurors if the inquest  
5 is likely to be protracted. This subsection does not limit the right of the attorney  
6 general or district attorney to supplement the judge's or court commissioner's  
7 examination of any prospective jurors as to qualifications.

8 \*b0457/2.4\* SECTION 4034h. 979.05 (5) of the statutes is amended to read:

9 979.05 (5) Prior to the submission of evidence to the jury, the judge or court  
10 commissioner may instruct the jury on its duties and on the substantive law  
11 regarding the issues ~~which may be inquired into~~ before the jury. The attorney  
12 general or district attorney may, at any time during the course of the inquest, make  
13 statements to the jury relating to procedural or evidentiary matters that he or she  
14 and the judge or court commissioner deem appropriate. Section 972.12 applies to the  
15 conduct of the inquest jury.

16 \*b0457/2.4\* SECTION 4034j. 979.05 (6) of the statutes is amended to read:

17 979.05 (6) The judge or court commissioner conducting the inquest may order  
18 that proceedings be secret if the attorney general or district attorney so requests or  
19 concurs.

20 \*b0457/2.4\* SECTION 4034m. 979.06 (1) of the statutes is amended to read:

21 979.06 (1) The judge or court commissioner may issue subpoenas for witnesses  
22 at the request of the coroner or medical examiner and shall issue subpoenas for  
23 witnesses requested by the attorney general or district attorney. Subpoenas are  
24 returnable at the time and place stated therein. Persons who are served with a

1 subpoena may be compelled to attend proceedings in the manner provided in s.  
2 885.12.

3 \*b0457/2.4\* SECTION 4034n. 979.06 (2) of the statutes is amended to read:

4 979.06 (2) The judge or court commissioner conducting the inquest and the  
5 attorney general or district attorney may require by subpoena the attendance of one  
6 or more expert witnesses, including physicians, surgeons, and pathologists, for the  
7 purposes of conducting an examination of the body and all relevant and material  
8 scientific and medical tests connected with the examination and testifying as to the  
9 results of the examination and tests. The expert witnesses so subpoenaed shall  
10 receive reasonable fees determined by the attorney general or district attorney and  
11 the judge or court commissioner conducting the inquest.

12 \*b0457/2.4\* SECTION 4034p. 979.07 (1) (a) of the statutes is amended to read:

13 979.07 (1) (a) If a person refuses to testify or to produce books, papers, or  
14 documents when required to do so before an inquest for the reason that the testimony  
15 or evidence required of the person may tend to incriminate him or her or subject him  
16 or her to a forfeiture or penalty, the person may be compelled to testify or produce the  
17 evidence by order of the circuit court of the county in which the inquest is convened  
18 on motion of the attorney general or district attorney. A person who testifies or  
19 produces evidence in obedience to the command of the court in that case is not subject  
20 to any forfeiture or penalty for or on account of testifying or producing evidence,  
21 except the person is subject to prosecution and punishment for perjury or false  
22 swearing committed in so testifying.

23 \*b0457/2.4\* SECTION 4034r. 979.08 (1) of the statutes is amended to read:

24 979.08 (1) When the evidence is concluded and the testimony closed, the judge  
25 or court commissioner shall instruct the jury on its duties and on the substantive law

1 regarding the issues ~~inquired into~~ before the jury. The attorney general or district  
2 attorney shall prepare a written set of appropriate requested instructions and shall  
3 submit them to the judge or court commissioner who, together with the attorney  
4 general or district attorney, shall compile the final set of instructions ~~which that~~ shall  
5 be given. The instructions shall include those criminal offenses for which the judge  
6 or court commissioner believes a reasonable jury might return a verdict based upon  
7 a finding of probable cause.

8 **\*b0457/2.4\* SECTION 4034t.** 979.08 (5) of the statutes is amended to read:

9 979.08 (5) The verdict delivered by the inquest jury is advisory and does not  
10 preclude or require the issuance of any criminal charges by the attorney general or  
11 district attorney.

12 **\*b0457/2.4\* SECTION 4034u.** 979.08 (6) of the statutes is amended to read:

13 979.08 (6) Any verdict so rendered, after being validated and signed by the  
14 judge or court commissioner, together with the record of the inquest, shall be  
15 delivered to the attorney general or district attorney for consideration. After  
16 considering the verdict and record, the attorney general or district attorney may  
17 deliver the entire inquest record or any part thereof to the coroner or medical  
18 examiner for safekeeping.

19 **\*b0457/2.4\* SECTION 4034v.** 979.09 of the statutes is amended to read:

20 **979.09 Burial of body.** If any judge or court commissioner conducts an  
21 inquest as to the death of a stranger or of a person whose identity is unknown or  
22 whose body is unclaimed, or if the attorney general or district attorney determines  
23 that no inquest into the death of such a person is necessary and the circuit judge has  
24 not ordered an inquest under s. 979.04 (2), the coroner or medical examiner shall  
25 cause the body to be decently buried or cremated and shall certify to all the charges

1 incurred in taking any inquest by him or her and to the expenses of burial or  
2 cremation of the dead body. The If the district attorney or circuit court ordered the  
3 inquest, charges and expenses shall be audited by the county board of the proper  
4 county and paid out of the county treasury. If the attorney general ordered the  
5 inquest, charges and expenses, except as provided under s. 979.11, shall be audited  
6 and paid by the department of justice.

7 \*b0457/2.4\* SECTION 4034w. 979.10 (2) of the statutes is amended to read:

8 979.10 (2) If a corpse is to be cremated, the coroner or medical examiner shall  
9 make a careful personal inquiry into the cause and manner of death, and conduct an  
10 autopsy or order the conducting of an autopsy, if in his or her or the attorney general's  
11 or district attorney's opinion it is necessary to determine the cause and manner of  
12 death. If the coroner or medical examiner determines that no further examination  
13 or judicial inquiry is necessary he or she shall certify that fact. Upon written request  
14 by the attorney general or district attorney the coroner or medical examiner shall  
15 obtain the concurrence of the attorney general or district attorney before issuing the  
16 certification. If the coroner or medical examiner determines that further  
17 examination or judicial inquiry is necessary, he or she shall notify the attorney  
18 general and district attorney under s. 979.04 (2).

19 \*b0457/2.4\* SECTION 4034y. 979.11 of the statutes is amended to read:

20 **979.11 Compensation of officers.** The sole compensation of the coroner and  
21 deputy coroners for attendance at an inquest and for any preliminary investigation  
22 under this chapter at the direction of the attorney general or district attorney shall  
23 be a reasonable sum set by the county board for each day actually and necessarily  
24 required for the purpose, and a sum set by the county board for each mile actually  
25 and necessarily traveled in performing the duty. Any coroner or deputy coroner may

1 be paid an annual salary and allowance for traveling expenses to be established by  
2 the county board under s. 59.22 which shall be in lieu of all fees, per diem and  
3 compensation for services rendered.

4 **\*b2053/2.6\* SECTION 4034yd.** 980.065 (1r) of the statutes is created to read:

5 980.065 (1r) Notwithstanding sub. (1m), the department may place a female  
6 person committed under s. 980.06 at Mendota Mental Health Institute, Winnebago  
7 Mental Health Institute, or a privately operated residential facility under contract  
8 with the department of health and family services.

9 **\*b2053/2.6\* SECTION 4034ye.** 980.067 of the statutes is created to read:

10 **980.067 Activities off grounds.** The superintendent of the facility at which  
11 a person is placed under s. 980.065 may allow the person to leave the grounds of the  
12 facility under escort. The department of health and family services shall promulgate  
13 rules for the administration of this section.

14 **\*b2056/1.2\* SECTION 4034yg.** 980.08 (5) of the statutes is amended to read:

15 980.08 (5) If the court finds that the person is appropriate for supervised  
16 release, the court shall notify the department. The department shall make its best  
17 effort to arrange for placement of the person in a residential facility or dwelling that  
18 is in the person's county of residence, as determined by the department under s.  
19 980.105. The department and the county department under s. 51.42 in the county  
20 of residence of the person, ~~as determined under s. 980.105,~~ shall prepare a plan that  
21 identifies the treatment and services, if any, that the person will receive in the  
22 community. The plan shall address the person's need, if any, for supervision,  
23 counseling, medication, community support services, residential services, vocational  
24 services, and alcohol or other drug abuse treatment. In developing a plan for where  
25 the person may reside while on supervised release, the department shall consider the



1 proximity of any potential placement to the residence of other persons on supervised  
2 release and to the residence of persons who are in the custody of the department of  
3 corrections and regarding whom a sex offender notification bulletin has been issued  
4 to law enforcement agencies under s. 301.46 (2m) (a) or (am). If the person is a serious  
5 child sex offender, the plan shall address the person's need for pharmacological  
6 treatment using an antiandrogen or the chemical equivalent of an antiandrogen. The  
7 department may contract with a county department, under s. 51.42 (3) (aw) 1. d.,  
8 with another public agency or with a private agency to provide the treatment and  
9 services identified in the plan. The plan shall specify who will be responsible for  
10 providing the treatment and services identified in the plan. The plan shall be  
11 presented to the court for its approval within 60 days after the court finding that the  
12 person is appropriate for supervised release, unless the department, county  
13 department and person to be released request additional time to develop the plan.  
14 If the county department of the person's county of residence declines to prepare a  
15 plan, the department may arrange for another county to prepare the plan if that  
16 county agrees to prepare the plan and if the person will be living in that county. If  
17 the department is unable to arrange for another county to prepare a plan, the court  
18 shall designate a county department to prepare the plan, order the county  
19 department to prepare the plan and place the person on supervised release in that  
20 county, except that the court may not so designate the county department in any  
21 county where there is a facility in which persons committed to institutional care  
22 under this chapter are placed unless that county is also the person's county of  
23 residence.

24 \*b2217/2.17\* SECTION 4034ys. 980.101 of the statutes is created to read:

1           **980.101 Reversal, vacation or setting aside of judgment relating to a**  
2 **sexually violent offense; effect.** (1) In this section, “judgment relating to a  
3 sexually violent offense” means a judgment of conviction for a sexually violent  
4 offense, an adjudication of delinquency on the basis of a sexually violent offense, or  
5 a judgment of not guilty of a sexually violent offense by reason of mental disease or  
6 defect.

7           (2) If, at any time after a person is committed under s. 980.06, a judgment  
8 relating to a sexually violent offense committed by the person is reversed, set aside,  
9 or vacated and that sexually violent offense was a basis for the allegation made in  
10 the petition under s. 980.02 (2) (a), the person may bring a motion for  
11 postcommitment relief in the court that committed the person. The court shall  
12 proceed as follows on the motion for postcommitment relief:

13           (a) If the sexually violent offense was the sole basis for the allegation under s.  
14 980.02 (2) (a) and there are no other judgments relating to a sexually violent offense  
15 committed by the person, the court shall reverse, set aside, or vacate the judgment  
16 under s. 980.05 (5) that the person is a sexually violent person, vacate the  
17 commitment order, and discharge the person from the custody or supervision of the  
18 department.

19           (b) If the sexually violent offense was the sole basis for the allegation under s.  
20 980.02 (2) (a) but there are other judgments relating to a sexually violent offense  
21 committed by the person that have not been reversed, set aside, or vacated, or if the  
22 sexually violent offense was not the sole basis for the allegation under s. 980.02 (2)  
23 (a), the court shall determine whether to grant the person a new trial under s. 980.05  
24 because the reversal, setting aside, or vacating of the judgment for the sexually  
25 violent offense would probably change the result of the trial.

1           (3) An appeal may be taken from an an order entered under sub. (2) as from  
2 a final judgment.

3           **\*b2056/1.2\* SECTION 4034yt.** 980.105 of the statutes is amended to read:

4           **980.105 Determination of county of residence.** The court department  
5 shall determine a person's county of residence for the purposes of this chapter by  
6 doing all of the following:

7           (1) The court department shall consider residence as the voluntary  
8 concurrence of physical presence with intent to remain in a place of fixed habitation  
9 and shall consider physical presence as prima facie evidence of intent to remain.

10          (2) The court department shall apply the criteria for consideration of residence  
11 and physical presence under sub. (1) to the facts that existed on the date that the  
12 person committed the sexually violent offense that resulted in the sentence,  
13 placement or commitment that was in effect when the petition was filed under s.  
14 980.02.

15          **\*b2221/3.147\* SECTION 4034yu.** 990.01 (39) of the statutes is created to read:

16          990.01 (39) SOUTHERN STATE FOREST. "Southern state forest" means a state  
17 forest that is located within the region specified in s. 25.28 (3) (am).

18          **\*b0497/1.1\* SECTION 4034z.** 992.14 of the statutes is created to read:

19          **992.14 Revenue limit agreement.** Notwithstanding s. 121.91, if a school  
20 district held a referendum before February 5, 2001, to exceed its revenue limit under  
21 s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in  
22 the question submitted to the electors specified a mill rate to be used to calculate the  
23 revenue limit increase, the amount by which the school district's revenue limit is  
24 increased as a result of the referendum for each year specified in the referendum is

1 the dollar amount agreed to by the department of public instruction and the school  
2 board of that school district.

3 \*b1409/1.4\* SECTION 4034zb. 1995 Wisconsin Act 292, section 5 is repealed.

4 \*b1409/1.4\* SECTION 4034zc. 1995 Wisconsin Act 292, section 12 is repealed.

5 \*b1409/1.4\* SECTION 4034zd. 1995 Wisconsin Act 292, section 14 is repealed.

6 \*b1409/1.4\* SECTION 4034ze. 1995 Wisconsin Act 292, section 16 is repealed.

7 \*b1409/1.4\* SECTION 4034zf. 1995 Wisconsin Act 292, section 20 is repealed.

8 \*b1409/1.4\* SECTION 4034zg. 1995 Wisconsin Act 292, section 22 is repealed.

9 \*b1409/1.4\* SECTION 4034zh. 1995 Wisconsin Act 292, section 24 is repealed.

10 \*b1409/1.4\* SECTION 4034zi. 1995 Wisconsin Act 292, section 28 is repealed.

11 \*b1409/1.4\* SECTION 4034zj. 1995 Wisconsin Act 292, section 30 is repealed.

12 \*b1409/1.4\* SECTION 4034zk. 1995 Wisconsin Act 292, section 30h is repealed.

13 \*b1409/1.4\* SECTION 4034zL. 1995 Wisconsin Act 292, section 32 is repealed.

14 \*b1409/1.4\* SECTION 4034zm. 1995 Wisconsin Act 292, section 37 (1) is  
15 repealed.

16 \*-0451/1.1\* SECTION 4035. 1997 Wisconsin Act 4, section 4 (1) (a), as last  
17 affected by 1999 Wisconsin Act 9, section 3261, is amended to read:

18 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act  
19 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,  
20 until July 1, ~~2001~~ 2003, operate the secured correctional facility, as defined in section  
21 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126  
22 (26v), as a state prison named in section 302.01 of the statutes, as affected by this  
23 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,  
24 who are not more than 21 years of age and who are not violent offenders, as  
25 determined by the department of corrections.

1           \***-1825/1.2\*** SECTION 4036. 1997 Wisconsin Act 27, section 1622d is repealed.

2           \***-1825/1.3\*** SECTION 4037. 1997 Wisconsin Act 27, section 1623d is repealed.

3           \***-1825/1.4\*** SECTION 4038. 1997 Wisconsin Act 27, section 1624d is repealed.

4           \***b0670/3.25\*** SECTION 4039b. 1997 Wisconsin Act 27, section 9101 (11m) is  
5 amended to read:

6           [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION  
7 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2006, the land  
8 information board and Wisconsin land council shall report to the legislature in the  
9 manner provided under section 13.172 (2) of the statutes and to the governor  
10 concerning the issue of continuation of their functions, including the feasibility of  
11 combination of their functions.

12           \***b0479/2.3\*** SECTION 4039p. 1997 Wisconsin Act 27, section 9123 (6) is  
13 repealed.

14           \***b0479/2.3\*** SECTION 4039q. 1997 Wisconsin Act 27, section 9123 (6m) is  
15 repealed.

16           \***b0479/2.3\*** SECTION 4039r. 1997 Wisconsin Act 27, section 9123 (10g) is  
17 repealed.

18           \***-1825/1.5\*** SECTION 4040. 1997 Wisconsin Act 27, section 9423 (10f) is  
19 repealed.

20           \***b0670/3.26\*** SECTION 4041b. 1997 Wisconsin Act 27, section 9456 (3m) is  
21 amended to read:

22           [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION  
23 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,  
24 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505  
25 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)

1 (e), 36.25 (12m) (intro.), ~~59.43 (2) (ag) 1. and (e),~~ 59.72 (1) (a) and (b), (3) (intro.), (a)  
2 and (b) and (5) and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2)  
3 ~~and, (4) and (5),~~ 16.967, 20.505 (1) (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and  
4 59.72 (1) (am), (3) (c) and (4) of the statutes and SECTION 9101 (1) of this act take effect  
5 on September 1, ~~2003~~ 2007.

6 \*b1409/1.5\* SECTION 4041d. 1997 Wisconsin Act 35, section 141 is repealed.

7 \*b1409/1.5\* SECTION 4041e. 1997 Wisconsin Act 35, section 144 is repealed.

8 \*b1409/1.5\* SECTION 4041f. 1997 Wisconsin Act 35, section 147 is repealed.

9 \*b1409/1.5\* SECTION 4041g. 1997 Wisconsin Act 35, section 605 (1) is repealed.

10 \*b1545/2.4\* SECTION 4041k. 1997 Wisconsin Act 154, section 3 (2) is amended

11 to read:

12 [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The  
13 department of health and family services shall submit the report under subsection  
14 (1) to the joint committee on finance of the legislature for its review under section  
15 13.10 of the statutes. ~~The department of health and family services may not submit~~  
16 ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~  
17 ~~legislative council staff for review under section 227.15 of the statutes until the joint~~  
18 ~~committee on finance approves the report under subsection (1).~~

19 \*b0006/15.35\* SECTION 4041m. 1997 Wisconsin Act 237, section 82er is  
20 repealed.

21 \*b0006/15.35\* SECTION 4041n. 1997 Wisconsin Act 237, section 9452 is  
22 repealed.

23 \*-1825/1.6\* SECTION 4042. 1997 Wisconsin Act 252, section 51 is repealed.

24 \*-1825/1.7\* SECTION 4043. 1997 Wisconsin Act 252, section 53 is repealed.

25 \*-1825/1.8\* SECTION 4044. 1997 Wisconsin Act 252, section 201 (1) is repealed.

1           \*~~2309/3.2~~\* SECTION 4045. 1999 Wisconsin Act 9, section 11ac is repealed.

2           \*~~2309/3.3~~\* SECTION 4046. 1999 Wisconsin Act 9, section 593ac is repealed.

3           \*b0359/4.10\* SECTION 4046g. 1999 Wisconsin Act 9, section 1278t is repealed.

4           \*b0326/3.2\* SECTION 4046j. 1999 Wisconsin Act 9, section 9123 (3) (a) is  
5 amended to read:

6           [1999 Wisconsin Act 9] Section 9123 (3) (a) From the ~~appropriations under~~  
7 ~~section 20.435 (6) (a) of the statutes, as affected by this act, and section 20.435 (6) (n)~~  
8 ~~appropriation account under section 20.435 (7) (md) of the statutes, the department~~  
9 of health and family services shall expend up to \$398,000 in state fiscal year 2001–02  
10 and up to \$38,000 in state fiscal year 2002–03 to contract with counties or federally  
11 recognized American Indian tribes or bands to provide up to 4 demonstration projects  
12 in state fiscal year 2000–01, except that the department is not precluded from also  
13 awarding funds for this purpose under section 46.54 of the statutes, as affected by  
14 this act. The demonstration projects shall be to provide mental health and alcohol  
15 or other drug abuse services under managed care programs to persons who suffer  
16 from mental illness, alcohol or other drug dependency, or both mental illness and  
17 alcohol or other drug dependency.

18           \*b0447/2.4\* SECTION 4046m. 1999 Wisconsin Act 9, section 9136 (10) is  
19 repealed.

20           \*b0973/1.1\* SECTION 4046s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is  
21 repealed.

22           \*b2003/3.2\* SECTION 4046t. 1999 Wisconsin Act 9, section 9150 (3bm) is  
23 amended to read:

24           [1999 Wisconsin Act 9] Section 9150 (3bm) CONTRACTING FOR DESIGN OR  
25 CONSTRUCTION OF LIGHT RAIL PROHIBITED. Notwithstanding any other provision of

1 chapter 59, 60, 61, 62 or 66 of the statutes, no governing body of any city, village, town  
2 or county and no agency, corporation, instrumentality or subunit of a city, village,  
3 town or county, may enter into a contract for any purpose related to a light rail mass  
4 transit system after the effective date of this subsection if the cost of any of the  
5 contracted items would be paid for by, or reimbursed with, federal funds received  
6 under P.L. 102–240, section 1045, or P.L. 105–277, section 373, or any funds received  
7 from the state. This subsection does not apply to any funds expended or activity  
8 related to a mass transit system that is done under the memorandum of agreement  
9 concerning USH 12 between Middleton and Lake Delton, Wisconsin, that was  
10 executed by the governor, the secretary of transportation, the secretary of natural  
11 resources, the county executive of Dane County, the administrative coordinator of  
12 Sauk County, and others, and that became effective on April 22, 1999. This  
13 subsection does not apply after June 30, ~~2001~~ 2002.

14 \*–1394/2.117\* SECTION 4047. 1999 Wisconsin Act 9, section 9201 (2m) is  
15 repealed.

16 \*–1394/2.118\* SECTION 4048. 1999 Wisconsin Act 9, section 9201 (2n) is  
17 repealed.

18 \*–1394/2.119\* SECTION 4049. 1999 Wisconsin Act 9, section 9201 (2p) is  
19 repealed.

20 \*–1394/2.120\* SECTION 4050. 1999 Wisconsin Act 9, section 9211 (title) and  
21 (2g) are repealed.

22 \*–1394/2.121\* SECTION 4051. 1999 Wisconsin Act 9, section 9230 (title) and (1)  
23 are repealed.

24 \*–1394/2.122\* SECTION 4052. 1999 Wisconsin Act 9, section 9230 (2m) is  
25 repealed.



1           **\*-1394/2.123\* SECTION 4053.** 1999 Wisconsin Act 9, section 9230 (3m) is  
2 repealed.

3           **\*-1394/2.124\* SECTION 4054.** 1999 Wisconsin Act 9, section 9238 (title) and  
4 (1h) are repealed.

5           **\*-1394/2.125\* SECTION 4055.** 1999 Wisconsin Act 9, section 9239 (title) and  
6 (1h) are repealed.

7           **\*-1394/2.126\* SECTION 4056.** 1999 Wisconsin Act 9, section 9239 (2h) is  
8 repealed.

9           **\*-0529/6.13\* SECTION 4057.** 1999 Wisconsin Act 9, section 9357 (3) is amended  
10 to read:

11           [1999 Wisconsin Act 9] Section 9357 (3) ASSIGNMENT OF RECEIVING AND  
12 DISBURSING FEES. The treatment of sections 767.265 (1), (2h) (by SECTION 3059) and  
13 (2r) and 767.29 (1) (d) (intro.), 1. and 2. ~~of the statutes and the amendment of section~~  
14 ~~767.265 (1m)~~ of the statutes first ~~apply~~ applies to annual receiving and disbursing  
15 fees that are ordered on the effective date of this subsection.

16           **\*b0670/3.27\* SECTION 4059b.** 1999 Wisconsin Act 9, section 9401 (2zt) is  
17 amended to read:

18           [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The  
19 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on  
20 September 1, ~~2003~~ 2007.

21           **\*b0670/3.27\* SECTION 4059g.** 1999 Wisconsin Act 9, section 9401 (2zu) is  
22 amended to read:

23           [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The  
24 repeal of sections 16.967 (11) and 20.505 (1) (ik) ~~and of the statutes,~~ the treatment  
25 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the

1 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on  
2 September 1, ~~2003~~ 2007.

3 **\*-2309/3.4\* SECTION 4060.** 1999 Wisconsin Act 9, section 9421 (1x) is amended  
4 to read:

5 [1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF  
6 WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION  
7 474ac) of the statutes ~~and the repeal of sections 14.18 and 20.525 (1) (kb) of the~~  
8 ~~statutes take~~ takes effect on January 6, 2003.

9 **\*b0606/1.2\* SECTION 4060c.** 1999 Wisconsin Act 9, section 9423 (1) is amended  
10 to read:

11 [1999 Wisconsin Act 9] Section 9423 (1) ELIMINATION OF COUNCIL ON LONG-TERM  
12 CARE. The repeal of sections 15.197 (5), 46.281 (1) (a) and (b) and 46.282 (1) of the  
13 statutes takes effect on July 1, ~~2004~~ 2003, or on the day after publication of the  
14 ~~2001–03~~ 2003–05 biennial budget act, whichever is later.

15 **\*b0359/4.11\* SECTION 4060d.** 1999 Wisconsin Act 9, section 9423 (14g) is  
16 repealed.

17 **\*b0006/15.36\* SECTION 4060fm.** 1999 Wisconsin Act 42, sections 18 and 27 are  
18 repealed.

19 **\*b0493/3.7\* SECTION 4060gg.** 1999 Wisconsin Act 109, section 17 is repealed.

20 **\*b0493/3.7\* SECTION 4060gj.** 1999 Wisconsin Act 109, section 26 is repealed.

21 **\*b0493/3.7\* SECTION 4060gk.** 1999 Wisconsin Act 109, section 38 is repealed.

22 **\*b0493/3.7\* SECTION 4060gm.** 1999 Wisconsin Act 109, section 56j is repealed.

23 **\*b0493/3.7\* SECTION 4060hd.** 1999 Wisconsin Act 109, section 70 is repealed.

24 **\*b0493/3.7\* SECTION 4060hg.** 1999 Wisconsin Act 109, section 72 is repealed.

25 **\*b0493/3.7\* SECTION 4060hj.** 1999 Wisconsin Act 109, section 73 is repealed.

1           **\*b0493/3.7\* SECTION 4060hk.** 1999 Wisconsin Act 109, section 84 is repealed.

2           **\*b0493/3.7\* SECTION 4060hm.** 1999 Wisconsin Act 109, section 85 is repealed.

3           **\*b0493/3.7\* SECTION 4060hp.** 1999 Wisconsin Act 109, section 86 is repealed.

4           **\*b0493/3.7\* SECTION 4060hr.** 1999 Wisconsin Act 109, section 87 is repealed.

5           **\*b0493/3.7\* SECTION 4060ht.** 1999 Wisconsin Act 109, section 88 (2) is  
6 amended to read:

7           [1999 Wisconsin Act 109] Section 88 (2) The department of transportation and  
8 the department of health and family services shall study jointly and evaluate the  
9 effectiveness of using ignition interlock devices and vehicle immobilization as  
10 methods of reducing the prevalence of drunk driving and the recidivism of  
11 drunk-driving offenders. The departments shall consult with the counties, the law  
12 enforcement agencies, the courts, and the providers of services to alcohol abusers  
13 regarding this study and evaluation. No later than ~~the first day of the 24th month~~  
14 ~~beginning after the effective date of section 343.301 of the statutes, as created in this~~  
15 ~~act~~ January 1, 2004, the department shall submit a report to the legislature in the  
16 manner provided under section 13.172 (2) of the statutes that contains the  
17 conclusions of the departments' study and evaluation and any recommendations  
18 concerning implementation of the conclusions.

19           **\*b0493/3.7\* SECTION 4060hw.** 1999 Wisconsin Act 109, section 90 (3) is  
20 amended to read:

21           [1999 Wisconsin Act 109] Section 90 (3) IGNITION INTERLOCK AND IMMOBILIZATION.  
22 The treatment of sections 342.12 (4) (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3.,~~  
23 ~~343.301, 343.305 (10m), 346.65 (6) (a) 1. (by SECTION 56j), 2m. and 3. and (b), (d), (k)~~  
24 ~~and (m), and 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d)~~  
25 ~~(a) of the statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the~~

1 statutes first ~~apply~~ applies to violations committed or refusals occurring on the  
2 effective date of this subsection, but does not preclude the counting of other  
3 convictions, suspensions or revocations as prior convictions, suspensions or  
4 revocations for purposes of administrative action by the department of  
5 transportation or sentencing by a court.

6 **\*b0493/3.7\* SECTION 4060hy.** 1999 Wisconsin Act 109, section 91 (2) is  
7 amended to read:

8 [1999 Wisconsin Act 109] Section 91 (2) The treatment of sections 342.12 (4)  
9 (a), (b) and (c) 1. (intro.), ~~343.10 (5) (a) 3., 343.301, 343.305 (10m), 346.65 (6) (a) 1.~~  
10 ~~(by SECTION 56j), 2m. and 3. and, (b), (k) and (m), and 347.413 (1) and (2), 347.417 (1)~~  
11 ~~and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes, the renumbering of sections~~  
12 ~~940.05 (1d) and 940.25 (1d) of the statutes and SECTION 90 (3) of this act take effect~~  
13 on January 1, 2002.

14 **\*-0664/2.9101\* SECTION 9101. Nonstatutory provisions;**  
15 **administration.**

16 **\*-0664/2.9101\*(1) TANK PLAN REVIEW AND INSPECTION FEES.** The secretary of  
17 administration shall calculate the amount of fees collected for plan review and  
18 inspection of tanks for the storage, handling, or use of flammable or combustible  
19 liquids and for any certification or registration required under section 101.09 (3) (c)  
20 of the statutes beginning on July 1, 2000, and ending on the effective date of this  
21 subsection, less the costs encumbered under the appropriation under section 20.143  
22 (3) (j) of the statutes during that period for 2 program specialists for the program  
23 under section 101.143 of the statutes.

24 **\*-0869/1.9101\*(2) PROSECUTION OF DRUG CRIMES; DANE COUNTY.** From federal  
25 and program revenue moneys appropriated to the department of administration for

1 the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes,  
2 the department shall expend \$84,000 in fiscal year 2001–02 and \$91,000 in fiscal  
3 year 2002–03 to provide the multijurisdictional enforcement group serving Dane  
4 County with funding for one assistant district attorney to prosecute criminal  
5 violations of chapter 961 of the statutes.

6 **\*-0869/1.9101\*(3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY.** From  
7 federal and program revenue moneys appropriated to the department of  
8 administration for the office of justice assistance under section 20.505 (6) (kp) and  
9 (p) of the statutes, the department shall expend \$277,900 in fiscal year 2001–02 and  
10 \$291,400 in fiscal year 2002–03 to provide the multijurisdictional enforcement group  
11 serving Milwaukee County with funding for 3 assistant district attorneys to  
12 prosecute criminal violations of chapter 961 of the statutes.

13 **\*-1555/2.9101\*(7) CONSOLIDATION OF APPROPRIATIONS.**

14 (av) On the effective date of this paragraph, the secretary of administration  
15 shall apportion and transfer the unencumbered moneys and accounts receivable  
16 from the appropriation account under section 20.505 (1) (kd), 1999 stats., to the  
17 appropriation accounts under sections 20.505 (1) (kb) and 20.530 (1) (kL) of the  
18 statutes, as affected by this act, and shall apportion and transfer the liabilities,  
19 including any liabilities incurred under section 20.903 (2) (b) of the statutes, as  
20 affected by this act, from the appropriation under section 20.505 (1) (kd) of the  
21 statutes to the appropriations under sections 20.505 (1) (kb) and 20.530 (1) (kL) of  
22 the statutes, as affected by this act, in the manner determined by the secretary.

23 (bv) On the effective date of this paragraph, the secretary of administration  
24 shall apportion and transfer the unencumbered moneys and accounts receivable that  
25 are attributable to state telecommunications services from the appropriation

1 account under section 20.505 (1) (kL) of the statutes, as affected by this act, to the  
2 appropriation account under section 20.530 (1) (ke) of the statutes, as affected by this  
3 act.

4 \***-1694/11.9101**\*(10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION  
5 FUNDS.

6 (a) *Determination by secretary of administration.* On the effective date of this  
7 paragraph, the secretary of administration shall determine whether the Wisconsin  
8 Advanced Telecommunications Foundation has granted to the state, before the  
9 effective date of this paragraph, some or all of the unencumbered balances of the  
10 endowment fund established under section 14.28 (2) (g), 1999 stats., and the fast  
11 start fund established under section 14.28 (6) (a), 1999 stats. If the secretary  
12 determines that such a grant has been made, the amount of the grant, except for any  
13 amount in excess of \$4,479,700, is credited to the appropriation under section 20.865  
14 (4) (gm) of the statutes, as created by this act, and any amount of the grant in excess  
15 of \$4,479,700 is credited to the appropriation under section 20.275 (1) (jm) of the  
16 statutes, as created by this act. If the secretary determines that the amount of the  
17 grant is less than \$4,479,700, the secretary shall notify the cochairpersons of the  
18 joint committee on finance. If the secretary determines that the amount of the grant  
19 is \$4,479,700 or more, each of the following applies:

20 1. 'Wisconsin Informational Network for School Success.' An amount equal to  
21 \$579,000 is transferred from the appropriation account under section 20.865 (4) (gm)  
22 of the statutes, as created by this act, to the appropriation account under section  
23 20.255 (1) (ke) of the statutes, for the purpose of upgrading the Wisconsin  
24 Informational Network for School Success.

1           2. ‘State school finance information system.’ An amount equal to \$77,800 is  
2 transferred from the appropriation account under section 20.865 (4) (gm) of the  
3 statutes, as created by this act, to the appropriation account under section 20.255 (1)  
4 (ke) of the statutes, for the purpose of upgrading the state school finance information  
5 system.

6           3. ‘Wisconsin Center for the Blind and Visually Impaired.’ An amount equal  
7 to \$526,000 is transferred from the appropriation account under section 20.865 (4)  
8 (gm) of the statutes, as created by this act, to the appropriation account under section  
9 20.255 (1) (ke) of the statutes, for the purpose of upgrading and replacing assistive  
10 technology devices and related software programs at the Janesville facility of the  
11 Wisconsin Center for the Blind and Visually Impaired and the regional satellite  
12 facilities of the center and for completing a network upgrade at the Janesville facility.

13           4. ‘Wisconsin Regional Library for the Blind and Physically Handicapped.’ An  
14 amount equal to \$161,600 is transferred from the appropriation account under  
15 section 20.865 (4) (gm) of the statutes, as created by this act, to the appropriation  
16 account under section 20.255 (1) (ke) of the statutes, for the purpose of replacing the  
17 automated system at the Wisconsin Regional Library for the Blind and Physically  
18 Handicapped.

19           5. ‘Technology for educational achievement in Wisconsin board.’ An amount  
20 equal to \$136,200 is transferred from the appropriation account under section 20.865  
21 (4) (gm) of the statutes, as created by this act, to the appropriation account under  
22 section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of carrying  
23 out the duties of the technology for educational achievement in Wisconsin board  
24 under section 44.71 (2) (i) of the statutes.

1           7. ‘Wisconsin advanced telecommunications foundation grants.’ An amount  
2 equal to \$499,100 is transferred from the appropriation account under section 20.865  
3 (4) (gm) of the statutes, as created by this act, to the appropriation account under  
4 section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of closing  
5 out any existing grants made by the Wisconsin advanced telecommunications  
6 foundation.

7           11. ‘Department of commerce grants for technology research.’ An amount equal  
8 to \$1,500,000 is transferred from the appropriation account under section 20.865 (4)  
9 (gm) of the statutes, as created by this act, to the appropriation account under section  
10 20.143 (1) (kt) of the statutes, as created by this act, for the purpose of allowing the  
11 department of commerce to make grants, no later than June 30, 2003, to the  
12 University of Wisconsin–Milwaukee, the University of Wisconsin–Parkside,  
13 Marquette University, the Milwaukee School of Engineering, and the Medical  
14 College of Wisconsin for research related to emerging technologies that will promote  
15 industrial and economic development in southeastern Wisconsin. The department  
16 of commerce may not make a grant under this subdivision unless the department and  
17 the recipient enter into an agreement that specifies reporting and auditing  
18 requirements for the grant.

19           14. ‘University of Wisconsin–Madison Medical School.’ An amount equal to  
20 \$500,000 is transferred from the appropriation account under section 20.865 (4) (gm)  
21 of the statutes, as created by this act, to the appropriation account under section  
22 20.285 (1) (k) of the statutes for the purpose of purchasing a digital mammography  
23 machine for the University of Wisconsin–Madison Medical School.

24           (b) *Wisconsin geographical education program.* If the secretary of  
25 administration determines under paragraph (a) (intro.) that the Wisconsin



1 Advanced Telecommunications Foundation has made a grant in an amount that is  
2 \$13,465,100 or more and determines that the National Geographic Society  
3 Education Foundation has provided the matching funds described in section 115.28  
4 (42) (a) of the statutes, as created by this act, on the effective date of this paragraph  
5 or on the date that the secretary makes the determination under this paragraph,  
6 whichever is later, an amount equal to \$500,000 is transferred from the  
7 appropriation account under section 20.865 (4) (gm) of the statutes, as created by this  
8 act, to the appropriation account under section 20.255 (1) (ke) of the statutes, for the  
9 purpose of making a grant to the National Geographic Society Education Foundation  
10 for the geographical education program established under section 115.28 (42) of the  
11 statutes, as created by this act.

12 \***-1415/P1**\*(11) POSITION AUTHORIZATION. The authorized FTE positions for the  
13 department of administration are increased by 1.0 PR position for the performance  
14 of duties primarily related to printing services in the division of information  
15 technology services.

16 \***-1728/1.9101**\*(12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.

17 (a) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the department of administration  
19 that is primarily related to the capacity building grant program, as determined by  
20 the secretary of administration, is transferred to the technical college system board.

21 (b) *Contracts.* All contracts entered into by the department of administration  
22 in effect on the effective date of this paragraph that are primarily related to the  
23 capacity building grant program, as determined by the secretary of administration,  
24 remain in effect and are transferred to the technical college system board. The  
25 technical college system board shall carry out any obligations under such a contract

1 until the contract is modified or rescinded by the technical college system board to  
2 the extent allowed under the contract.

3 (c) *Rules.* All rules promulgated by the department of administration that are  
4 primarily related to the capacity building grant program, as determined by the  
5 secretary of administration, and that are in effect on the effective date of this  
6 paragraph remain in effect until their specified expiration date or until amended or  
7 repealed by the technical college system board.

8 (d) *Pending matters.* Any matter pending with the department of  
9 administration on the effective date of this paragraph that is primarily related to the  
10 capacity building grant program, as determined by the secretary of administration,  
11 is transferred to the technical college system board and all materials submitted to  
12 or actions taken by the department of administration with respect to the pending  
13 matter are considered as having been submitted to or taken by the technical college  
14 system board.

15 **\*-1792/2.9101\*(13) MISDEMEANOR OFFENDER DIVERSION PROGRAM.** The secretary  
16 of administration may allocate up to \$1,218,100 in fiscal year 2002–03 from the  
17 appropriation accounts under section 20.505 (6) (kt) of the statutes and under section  
18 20.505 (6) (m) of the statutes, as affected by this act, for distribution to the public  
19 defender board, the director of state courts, and the Wisconsin District Attorneys  
20 Association to fund activities to divert misdemeanor offenders from imprisonment.  
21 The money allocated under this subsection may not be expended unless the secretary  
22 of administration approves a proposal for a misdemeanor diversion program  
23 submitted to the secretary by the public defender board; the secretary submits the  
24 proposal to the joint committee on finance; and the cochairpersons of the joint  
25 committee on finance do not notify the secretary within 14 working days after the

1 date of his or her submittal that the committee has scheduled a meeting for the  
2 purpose of reviewing the proposal, or if, within 14 working days after the date of the  
3 secretary's submittal, the cochairpersons of the committee notify the secretary that  
4 the committee has scheduled a meeting for the purpose of reviewing the proposal,  
5 and the committee meets and approves a proposal for the expenditure of money  
6 allocated under this subsection.

7       **\*b2225/1.5\*** (14) ELECTRONIC PROCUREMENT AND COMMERCE ACTIVITIES. The  
8 department of administration shall report to the governor and the cochairpersons of  
9 the joint committee on finance concerning the status of the electronic procurement  
10 and commerce activities of the department. The department shall include in the  
11 report an assessment of the costs and benefits of those activities for the 2002–03  
12 fiscal year and an assessment of the effectiveness of state executive branch agencies  
13 in increasing the volume of those activities.

14       **\*-1857/5.9101\***(15)       TRANSFER OF INFORMATION TECHNOLOGY AND  
15 TELECOMMUNICATIONS FUNCTIONS.

16       (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
17 liabilities of the department of administration that are primarily related to its  
18 information technology or telecommunications functions, except educational  
19 technology functions, as determined by the secretary of administration, shall become  
20 assets and liabilities of the department of electronic government, as created by this  
21 act.

22       (b) *Positions and employees.*

23       1. On the effective date of this subdivision, all full-time equivalent positions  
24 in the department of administration having duties that are primarily related to its  
25 information technology or telecommunications functions, except educational

1 technology functions, as determined by the secretary of administration, are  
2 transferred to the department of electronic government, as created by this act.

3 2. All incumbent employees holding positions specified in subdivision 1. are  
4 transferred on the effective date of this subdivision to the department of electronic  
5 government, as created by this act.

6 3. Employees transferred under subdivision 2. have all of the rights and the  
7 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
8 department of electronic government, as created by this act, that they enjoyed in the  
9 department of administration immediately before the transfer. Notwithstanding  
10 section 230.28 (4) of the statutes, no employee so transferred who has attained  
11 permanent status in class is required to serve a probationary period.

12 (c) *Tangible personal property.* On the effective date of this paragraph, all  
13 tangible personal property, including records, of the department of administration  
14 that is primarily related to its information technology or telecommunications  
15 functions, except educational technology functions, as determined by the secretary  
16 of administration, is transferred to the department of electronic government, as  
17 created by this act.

18 (d) *Contracts.* All contracts entered into by the department of administration  
19 in effect on the effective date of this paragraph that are primarily related to its  
20 information technology or telecommunications functions, except educational  
21 technology functions, as determined by the secretary of administration, are  
22 transferred to the department of electronic government, as created by this act. The  
23 department of electronic government shall carry out any contractual obligations  
24 under such a contract until the contract is modified or rescinded by the department  
25 of electronic government to the extent allowed under the contract.

1           (e) *Rules and orders.* All rules promulgated by the department of  
2 administration that are primarily related to its information technology or  
3 telecommunications functions, except educational technology functions, and that  
4 are in effect on the effective date of this paragraph remain in effect until their  
5 specified expiration dates or until amended or repealed by the department of  
6 electronic government, as created by this act. All orders issued by the department  
7 of administration that are primarily related to its information technology or  
8 telecommunications functions, except educational technology functions, and that  
9 are in effect on the effective date of this paragraph remain in effect until their  
10 specified expiration dates or until modified or rescinded by the department of  
11 electronic government, as created by this act.

12           (f) *Pending matters.* Any matter pending with the department of  
13 administration that is primarily related to its information technology or  
14 telecommunications functions, except educational technology functions, on the  
15 effective date of this paragraph is transferred to the department of electronic  
16 government, as created by this act, and all materials submitted to or actions taken  
17 by the department of administration with respect to the pending matter are  
18 considered as having been submitted to or taken by the department of electronic  
19 government, as created by this act.

20           **\*b0669/1.2\*** (19b) INITIAL RELEASE OF LAND INFORMATION. The department of  
21 administration shall make initial information received from state agencies under  
22 section 16.967 (6) of the statutes, as affected by this act, available in the format  
23 provided under that subsection no later than May 31, 2002.

24           **\*b1865/2.2\*** (19r) PURCHASING CARD REBATES.

25           (a) In this subsection:

1           1. “Secretary” means the secretary of administration.

2           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

3           (b) The secretary shall determine the amount of rebates that were received by  
4 the state from purchasing card issuers for purchases made by state agencies with  
5 purchasing cards and that were credited, before the effective date of this paragraph,  
6 to the appropriation account under section 20.505 (1) (ka) of the statutes. In making  
7 this determination, the secretary shall also identify the appropriation accounts from  
8 which the purchases were made and on which the rebates were based.

9           (c) During fiscal year 2001–02, from the appropriation account under section  
10 20.505 (1) (ka) of the statutes, the secretary shall lapse that part of the amount  
11 determined under paragraph (b) to the general fund that is based on purchases made  
12 from appropriations from the general fund and shall transfer that part of the amount  
13 determined under paragraph (b) to the appropriate segregated fund that is based on  
14 purchases made from appropriations from that segregated fund.

15           **\*b0705/2.2\*** (20j) SALE OF CERTAIN STATE-OWNED AIRCRAFT. The department of  
16 administration shall sell 2 aircraft selected by the department that are owned by the  
17 state on the effective date of this subsection. The department of administration shall  
18 deposit the proceeds of the sales in the general fund as general purpose  
19 revenue-earned.

20           **\*b1601/1.7\*** (20x) LEASE OF ELECTRONIC VOTING EQUIPMENT. The department of  
21 administration shall enter into a master lease under section 16.76 (4) of the statutes  
22 on behalf of the elections board to obtain sufficient electronic voting system  
23 equipment suitable for use with an electronic voting system in municipalities that  
24 employed a punch card electronic voting system at the 2001 spring election and that  
25 are required under this act to eliminate that system in future elections.

1           **\*b0593/6.32\*** (20z) REVISION OF ENUMERATED PROJECTS IN AUTHORIZED STATE  
2 BUILDING PROGRAM. At the 2nd quarterly meeting of the joint committee on finance  
3 under section 13.10 of the statutes in the 2001–02 fiscal year, the department of  
4 administration shall provide to the committee the recommendations of the building  
5 commission to revise the 2001–03 authorized state building program under SECTION  
6 9107 (1) of this act to reflect the amounts of the bonding authorizations provided  
7 under this act. The committee shall introduce appropriate legislation required to  
8 implement any revisions approved by the committee.

9           **\*b0750/1.1\*** (21g) STUDY ON THE STATE PAYMENT OF TUITION. The department of  
10 administration shall study the development and implementation of a tuition grant  
11 program that would pay the cost of 2 years of postsecondary education. The  
12 department shall ensure that representatives of all of the following agencies are  
13 included on the study team: the higher educational aids board, the department of  
14 public instruction, the board of regents of the University of Wisconsin System, the  
15 state technical college system board, and the department of workforce development.  
16 By July 1, 2002, the department of administration shall submit the results of the  
17 study to the governor and to the legislature in the manner provided under section  
18 13.172 (2) of the statutes.

19           **\*b1069/1.4\*** (21j) COMMUNITY JUSTICE CENTER GRANTS.

20           (a) From the appropriation accounts under section 20.505 (6) (kp) of the  
21 statutes and section 20.505 (6) (p) of the statutes, as affected by this act, the office  
22 of justice assistance shall allocate \$150,000 in fiscal year 2001–02 and \$150,000 in  
23 fiscal year 2002–03 in grants to consortiums consisting of local government agencies  
24 and community–based organizations for planning community justice center  
25 programs. The office of justice assistance shall establish eligibility criteria for grants

1 under this subsection, including specification of the types of agencies and  
2 organizations that may receive grants. The maximum amount that the office may  
3 award any single consortium under this subsection is a onetime grant of \$50,000.  
4 The office of justice assistance shall establish guidelines for administering the grant  
5 program under this subsection, including guidelines for evaluating and selecting  
6 grant recipients. The office shall give priority for receipt of funds under this  
7 subsection to consortiums that serve localities in which the incidence of crime is high  
8 relative to other localities in the state and to localities for which the ratio of persons  
9 placed at the county jail to the capacity of the jail is high relative to other localities  
10 in the state.

11 (b) From the appropriation accounts under section 20.505 (6) (kp) of the  
12 statutes and section 20.505 (6) (p) of the statutes, as affected by this act, the office  
13 of justice assistance shall allocate \$50,000 of the amount available for grants for  
14 planning community justice center programs under paragraph (a) to the community  
15 justice center in Milwaukee in fiscal year 2001–02.

16 **\*b1752/1.1\*** (21jm) STUDY ON POSTSECONDARY EDUCATION COMMISSION. The  
17 department of administration shall study the feasibility of creating a postsecondary  
18 education commission to provide a comprehensive and coordinated framework for all  
19 postsecondary education and training. The department shall report the results of  
20 the study, together with its findings and recommendations, to the legislature in the  
21 manner provided in section 13.172 (2) of the statutes no later than January 1, 2003.

22 **\*b2026/1.4\*** (21k) GRANTS FOR COOPERATIVE COUNTY-TRIBAL LAW ENFORCEMENT.

23 (a) From the appropriation account under section 20.505 (6) (kr) of the statutes,  
24 as created by this act, the department of administration shall allocate the following



1 amounts to the following counties in each of fiscal years 2001–02 and 2002–03 to  
2 support law enforcement agreements with the following Indian bands:

3 1. To Vilas County, \$210,550 to support a law enforcement agreement with the  
4 Lac du Flambeau band of Lake Superior Chippewa.

5 2. To Oneida County, \$50,000 to support a law enforcement agreement with the  
6 Lac du Flambeau band of Lake Superior Chippewa.

7 (b) Each county that receives money under paragraph (a) shall report to the  
8 office of justice assistance on how that money is expended.

9 **\*b1723/1.1\*** (22k) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH  
10 MEMBERSHIP DUES IN STATE AND NATIONAL ORGANIZATIONS ARE PAID.

11 (a) In this subsection:

12 1. “Secretary” means the secretary of administration.

13 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

14 **\*b1723/1.1\*** (b) The secretary shall determine for each state agency the  
15 amount expended by the state agency for membership dues for any state or national  
16 organization in the 2000–01 fiscal year that was funded from each revenue source  
17 except federal revenue.

18 **\*b1723/1.1\*** (c) The secretary shall, during the 2001–02 fiscal year, lapse to the  
19 general fund or appropriate segregated fund from each sum certain appropriation  
20 account made to each state agency from any revenue source except program revenue,  
21 segregated revenue derived from specific program receipts, or federal revenue, or  
22 shall reestimate to subtract from the expenditure estimate for each appropriation  
23 other than a sum certain appropriation made to each state agency from any revenue  
24 source except federal revenue, an amount equivalent to 20% of the total amount  
25 expended by that state agency for membership dues for any state or national

1 organization from that appropriation in the 2000–01 fiscal year, if any. The secretary  
2 shall, during the 2002–03 fiscal year, lapse to the general fund or appropriate  
3 segregated fund from each such account or shall reestimate to subtract from each  
4 such estimate an equivalent amount.

5 **\*b1723/1.1\*** (d) Each sum certain appropriation to each state agency for the  
6 2001–02 fiscal year and the 2002–03 fiscal year from program revenue or segregated  
7 revenue derived from specific program receipts is decreased by an amount  
8 equivalent to 20% of the total amount expended by that agency for membership dues  
9 for any state or national organization from that appropriation in the 2000–01 fiscal  
10 year, as determined by the secretary.

11 **\*b1368/3.5\*** (22w) CRIME PREVENTION RESOURCE CENTER. From federal and  
12 program revenue moneys appropriated to the department of administration for the  
13 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the  
14 department shall allocate \$55,000 in fiscal year 2001–02 and \$35,000 in fiscal year  
15 2002–03 to provide funding for a crime prevention resource center established under  
16 section 38.37 of the statutes, as created by this act.

17 **\*b1804/1.1\*** (23q) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS  
18 RESULTING FROM WISCONSIN RETIREMENT SYSTEM CONTRIBUTIONS SAVINGS.

19 (a) In this subsection:

20 1. “Program revenues” has the meaning given in section 20.001 (2) (b) of the  
21 statutes.

22 2. “Program revenues–service” has the meaning given in section 20.001 (2) (c)  
23 of the statutes.

24 3. “Secretary” means the secretary of administration.

1           4. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
2 of the statutes.

3           5. “Segregated fund revenues–service” has the meaning given in section 20.001  
4 (2) (da) of the statutes.

5           6. “State agency” has the meaning given in section 20.001 (1) of the statutes,  
6 but does not include the state investment board and the departments of employee  
7 trust funds and transportation.

8           (b) The secretary shall determine for each state agency the amount credited by  
9 the department of employee trust funds to the state agency’s appropriations from  
10 program revenues, program revenues–service, segregated fund revenues, and  
11 segregated fund revenues–service during the 2000–01 and 2001–02 fiscal years to  
12 implement 1999 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of  
13 contributions under the Wisconsin retirement system. In making this calculation,  
14 the secretary shall determine the amounts credited by the department of employee  
15 trust funds for the payment of contributions under the Wisconsin retirement system  
16 for the 2000–01 fiscal year and for the 2001–02 fiscal year.

17           (c) During the 2001–02 fiscal year, the secretary shall lapse from each state  
18 agency’s appropriations from program revenues and program revenues–service to  
19 the general fund the amounts calculated by the secretary under paragraph (b) for  
20 those appropriations.

21           (d) During the 2001–02 fiscal year, the secretary shall lapse from each state  
22 agency’s appropriations from segregated fund revenues and segregated fund  
23 revenues–service to the appropriate segregated fund the amount calculated by the  
24 secretary under paragraph (b) for those appropriations that was credited by the  
25 department of employee trust funds for the 2001–02 fiscal year. After making this

1 lapse, the secretary shall transfer from the appropriate segregated funds to the  
2 general fund an amount equal to the amounts credited by the department of  
3 employee trust funds to each state agency's appropriations from segregated fund  
4 revenues and segregated fund revenues—service for the 2000–01 fiscal year and for  
5 the 2001–02 fiscal year, as determined by the secretary under paragraph (b).

6 **\*b2198/2.1\*** (23r) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS.

7 (a) In this subsection:

8 1. "Secretary" means the secretary of administration.

9 2. "State agency" means any office, department, or independent agency in the  
10 executive branch of government, other than the investment board, the department  
11 of employee trust funds, and the board of regents of the University of Wisconsin  
12 System.

13 (b) 1. During the 2001–02 and 2002–03 fiscal years, the secretary shall  
14 recommend lapses or transfers to the general fund, whichever is appropriate, from  
15 state operations appropriations made to state agencies from program revenue or  
16 segregated revenue that in total equal \$18,800,000 in each year.

17 2. In making the recommendations under subdivision 1., the secretary shall not  
18 include any of the following:

19 a. An appropriation that is funded from federal revenues.

20 b. An appropriation for principal repayment and interest payments on public  
21 debt, as defined in section 18.01 (4) of the statutes, or operating notes, as defined in  
22 section 18.71 (4) of the statutes.

23 c. An appropriation for lease rental payments.

24 d. An appropriation to the department of transportation for the purpose of  
25 undertaking construction projects.

1 e. An appropriation for the operation of any state institution established for the  
2 care or custody of individuals.

3 f. An appropriation for the operation of the state traffic patrol.

4 g. An appropriation funded from gifts, grants, or bequests.

5 h. An appropriation containing moneys whose lapse or transfer under  
6 subdivision 1. would violate a condition imposed by the federal government on the  
7 expenditure of the moneys.

8 i. An appropriation containing moneys whose lapse or transfer under  
9 subdivision 1. would violate the state constitution.

10 (c) After making the recommendations under paragraph (b), the secretary shall  
11 notify the joint committee on finance in writing of the recommendations. If the  
12 cochairpersons of the committee do not notify the secretary within 14 working days  
13 after the date of the secretary's notification that the committee has scheduled a  
14 meeting to review the determinations, the secretary may make the lapses and  
15 transfers under paragraph (d). If, within 14 working days after the date of the  
16 secretary's notification, the chairpersons of the committee notify the secretary that  
17 the committee has scheduled a meeting to review the recommendations, the  
18 secretary may make the lapses and transfers under paragraph (d) only upon  
19 approval of the committee.

20 (d) During the 2001–02 and 2002–03 fiscal years, the secretary shall lapse or  
21 transfer to the general fund, whichever is appropriate, from state operations  
22 appropriations made to state agencies from program revenue or segregated revenue  
23 an amount that is equivalent to the amounts recommended by the secretary under  
24 paragraph (b), as approved by the joint committee on finance under paragraph (c).

1           **\*b2154/3.14\*** (25j) TRANSFER TO CASH BUILDING PROJECTS FUND; REQUIRED  
2 GENERAL FUND STATUTORY BALANCE FOR FISCAL YEAR 2002–03.

3           (a) Notwithstanding section 16.518 (4) of the statutes, as created by this act,  
4 for the 2002–03 fiscal year, if the amount of moneys projected to be deposited in the  
5 general fund during the fiscal year that are designated as “Taxes” in the summary  
6 in section 20.005 (1) of the statutes, as affected by this act, is less than the amount  
7 of such moneys actually deposited in the general fund during the fiscal year, the  
8 secretary of administration shall calculate the difference between the amount  
9 calculated under section 16.518 (2) of the statutes, as created by this act, for that  
10 fiscal year, and the amount transferred to the budget stabilization fund under section  
11 16.518 (3) of the statutes, as created by this act, for that fiscal year.

12           (b) If the amount calculated under paragraph (a) is at least \$115,000,000, the  
13 secretary shall calculate the difference between the amount that exceeds  
14 \$115,000,000 and the amount that is necessary to maintain a required general fund  
15 balance under section 20.003 (4) of the statutes of 1.2% for fiscal year 2002–03, less  
16 the amount designated as “Less Required Statutory Balance” in the summary in  
17 section 20.005 (1) of the statutes, as affected by this act, for that fiscal year.

18           (c) The secretary shall transfer from the general fund to the cash building  
19 projects fund the amount that exceeds the sum of \$115,000,000 and the amount  
20 calculated under paragraph (b).

21           **\*b2171/1.1\*** (26n) VACANT POSITIONS IN THE EXECUTIVE BRANCH OF STATE  
22 GOVERNMENT.

23           (a) In this subsection:

24           1. “Secretary” means the secretary of administration.

1           2. “State agency” means any office, department, or independent agency in the  
2 executive branch of government, other than the board of regents of the University  
3 of Wisconsin System.

4           (b) 1. No later than 30 days after the effective date of this paragraph, the  
5 secretary shall determine for each state agency the number of FTE positions that as  
6 of July 1, 2001, have been vacant since October 1, 2000, other than any position  
7 authorized to perform duties in a state institution or facility that has not been  
8 completed or has not begun operations as of July 1, 2001. The secretary shall also  
9 determine the annual salary and fringe benefits costs for such positions and shall  
10 identify the appropriations from which these costs are paid during the 2001–03 fiscal  
11 biennium.

12           2. The secretary shall notify each state agency affected by his or her  
13 determinations under subdivision 1. Any state agency so notified may request that  
14 the secretary reallocate the lapse, or any part thereof, to a different appropriation  
15 for state operations. Any state agency so notified may also request that the secretary  
16 not include any of the state agency’s vacant FTE positions in subdivision 1. if the  
17 agency reallocates the lapse, or any part thereof, to a different appropriation for state  
18 operations or reallocates the lapse to a different category of expenditure in the  
19 appropriation identified by the secretary in subdivision 1. If the secretary agrees to  
20 any state agency’s request, the secretary shall modify his or her determinations  
21 under subdivision 1.

22           (c) 1. During the 2001–02 fiscal year, the secretary shall lapse to the general  
23 fund or appropriate segregated fund from each sum certain appropriation account  
24 made to each state agency from any revenue source except program revenue, federal  
25 revenue, or segregated revenue derived from specific program receipts, or shall

1 reestimate to subtract from the expenditure estimate for each appropriation other  
2 than a sum certain appropriation made to each state agency from any revenue  
3 source, an amount equivalent to the amount expended by that state agency for  
4 annual salary and fringe benefit costs for the vacant positions identified by the  
5 secretary under paragraph (b) from that appropriation in the 2000–01 fiscal year.  
6 During the 2002–03 fiscal year, the secretary shall lapse to the general fund or  
7 appropriate segregated fund from each such account or shall reestimate to subtract  
8 from each such estimate an equivalent amount.

9 2. Each sum certain appropriation to each state agency for the 2001–02 fiscal  
10 year and the 2002–03 fiscal year from program revenue, federal revenue, or  
11 segregated revenue derived from specific program receipts is decreased by an  
12 amount equal to the amount expended by that state agency for the payment of  
13 annual salary and fringe benefit costs for the vacant positions identified by the  
14 secretary under paragraph (b) from that appropriation in the 2000–01 and 2002–03  
15 fiscal years.

16 (d) The authorized FTE positions for each state agency are decreased by the  
17 number of FTE positions identified by the secretary under paragraph (b) from the  
18 appropriate funding source.

19 (e) The secretary shall notify the joint committee on finance of all actions taken  
20 under paragraphs (c) and (d).

21 **\*-0392/3.9104\* SECTION 9104. Nonstatutory provisions: agriculture,**  
22 **trade and consumer protection.**

23 **\*b1461/3.20\* (1) AGRICULTURAL PRODUCER SECURITY COUNCIL.** Notwithstanding  
24 the length of terms specified for the members of the agricultural producer security



1 council under section 15.137 (1) (a) of the statutes, as created by this act, the initial  
2 members shall be appointed for terms expiring on July 1, 2005.

3 \*b1461/3.20\* (1v) QUALIFIED PRODUCER AGENT RULES. Using the procedure  
4 under section 227.24 of the statutes, the department of agriculture, trade and  
5 consumer protection may promulgate the rule required under section 126.51 of the  
6 statutes, as created by this act, for the period before the effective date of the  
7 permanent rule, but not to exceed the period authorized under section 227.24 (1) (c)  
8 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
9 statutes, the department is not required to provide evidence that promulgating a rule  
10 under this subsection as an emergency rule is necessary for the preservation of the  
11 public peace, health, safety, or welfare and is not required to provide a finding of  
12 emergency for a rule promulgated under this subsection.

13 \*b1461/3.20\* (2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

14 (a) *Vegetable contractors*. Notwithstanding SECTION 9404 (1) of this act, chapter  
15 126 of the statutes, as created by this act, does not apply with respect to vegetable  
16 contractors until February 1, 2002, except as follows:

17 1. All registration fees and surcharges paid under section 100.03 (3), 1999  
18 stats., after December 31, 2001, shall be deposited in the agricultural producer  
19 security fund.

20 2. A vegetable contractor applying for a license for the license year that begins  
21 on February 1, 2002, shall submit an application that complies with section 126.56  
22 of the statutes, as created by this act.

23 (b) *Milk contractors*. Notwithstanding SECTION 9404 (1) of this act, chapter 126  
24 of the statutes, as created by this act, does not apply with respect to milk contractors  
25 until May 1, 2002, except as follows:

1           1. All milk producer security fees paid under section 100.06 (9), 1999 stats.,  
2 after December 31, 2001, shall be deposited in the agricultural producer security  
3 fund.

4           2. A milk contractor applying for a license for the license year that begins on  
5 May 1, 2002, shall submit an application that complies with section 126.41 of the  
6 statutes, as created by this act.

7           (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)  
8 of this act, chapter 126 of the statutes, as created by this act, does not apply with  
9 respect to grain dealers and grain warehouse keepers until September 1, 2002,  
10 except as follows:

11           1. All license fees and surcharges paid under chapter 127, 1999 stats., after  
12 December 31, 2001, shall be deposited in the agricultural producer security fund.

13           2. A grain dealer applying for a license for the license year that begins on  
14 September 1, 2002, shall submit an application that complies with section 126.11 of  
15 the statutes, as created by this act.

16           3. A grain warehouse keeper applying for a license for the license year that  
17 begins on September 1, 2002, shall submit an application that complies with section  
18 126.26 of the statutes, as created by this act.

19           **\*b0296/1.1\*** (2k) ARSENIC IN WOOD. No later than the 4th quarterly meeting of  
20 the joint committee on finance under section 13.10 of the statutes in 2001, the  
21 department of agriculture, trade and consumer protection and the department of  
22 commerce jointly shall submit to the committee a comprehensive plan  
23 recommending how to keep wood that is treated with arsenic, inorganic arsenic, or  
24 an arsenic copper combination, such as chromated copper arsenate wood  
25 preservative fungicide, from being used in picnic tables, park benches, and children's