

SENATE BILL 55**SECTION 3963**

1 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,
2 publishes, exhibits, plays, or ~~transfers~~ distributes any obscene material.

3 ***-0795/2.25*** **SECTION 3964.** 944.21 (4) (a) and (b) of the statutes are amended
4 to read:

5 944.21 (4) (a) ~~Transfers or~~ Distributes, exhibits, or plays any obscene material
6 to a person under the age of 18 years.

7 (b) Has in his or her possession with intent to ~~transfer or~~ distribute, exhibit,
8 or play to a person under the age of 18 years any obscene material.

9 ***-0795/2.26*** **SECTION 3965.** 944.21 (9) of the statutes is amended to read:

10 944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and
11 3., a judge or jury shall examine individual pictures, recordings of images, or
12 passages in the context of the work in which they appear.

13 ***-0795/2.27*** **SECTION 3966.** 944.25 of the statutes is created to read:

14 **944.25 Sending obscene or sexually explicit electronic messages. (1)**

15 In this section:

16 (a) “Electronic mail solicitation” means an electronic mail message, including
17 any attached program or document, that is sent for the purpose of encouraging a
18 person to purchase property, goods, or services.

19 (b) “Obscene material” has the meaning given in s. 944.21 (2) (c).

20 (c) “Sexually explicit conduct” has the meaning given in s. 948.01 (7).

21 (2) Whoever sends an unsolicited electronic mail solicitation to a person that
22 contains obscene material or a depiction of sexually explicit conduct without
23 including the words “ADULT ADVERTISEMENT” in the subject line of the
24 electronic mail solicitation is guilty of a Class A misdemeanor.

25 ***-0795/2.28*** **SECTION 3967.** 948.01 (1d) of the statutes is created to read:

SENATE BILL 55**SECTION 3967**

1 948.01 (1d) “Exhibit,” with respect to a recording of an image that is not
2 viewable in its recorded form, means to convert the recording of the image into a form
3 in which the image may be viewed.

4 *~~0795/2.29~~* **SECTION 3968.** 948.01 (3r) of the statutes is created to read:

5 948.01 (3r) “Recording” includes the creation of a reproduction of an image or
6 a sound or the storage of data representing an image or a sound.

7 *~~0795/2.30~~* **SECTION 3969.** 948.05 (1) (a) of the statutes is amended to read:

8 948.05 (1) (a) Employs, uses, persuades, induces, entices, or coerces any child
9 to engage in sexually explicit conduct for the purpose of ~~photographing, filming,~~
10 ~~videotaping, recording the sounds of~~ or displaying in any way the conduct.

11 *~~0795/2.31~~* **SECTION 3970.** 948.05 (1) (b) of the statutes is amended to read:

12 948.05 (1) (b) ~~Photographs, films, videotapes, records the sounds of~~ Records or
13 displays in any way a child engaged in sexually explicit conduct.

14 *~~0795/2.32~~* **SECTION 3971.** 948.05 (1m) of the statutes is amended to read:

15 948.05 (1m) Whoever produces, performs in, profits from, promotes, imports
16 into the state, reproduces, advertises, sells, distributes, or possesses with intent to
17 sell or distribute, any undeveloped film, ~~photographic negative, photograph, motion~~
18 ~~picture, videotape, sound recording or other reproduction~~ of a child engaging in
19 sexually explicit conduct is guilty of a Class C felony if the person knows the
20 character and content of the sexually explicit conduct involving the child and if the
21 person knows or reasonably should know that the child engaging in the sexually
22 explicit conduct has not attained the age of 18 years.

23 *~~0795/2.33~~* **SECTION 3972.** 948.07 (4) of the statutes is amended to read:

24 948.07 (4) ~~Taking a picture or making an audio recording of~~ Recording the child
25 engaging in sexually explicit conduct.

SENATE BILL 55**SECTION 3973**

1 ***-0795/2.34*** **SECTION 3973.** 948.11 (1) (ar) 2. of the statutes is amended to
2 read:

3 948.11 (1) (ar) 2. Any book, pamphlet, magazine, printed matter however
4 reproduced or sound recording that contains any matter enumerated in subd. 1., or
5 explicit and detailed verbal descriptions or narrative accounts of sexual excitement,
6 sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and
7 that, taken as a whole, is harmful to children.

8 ***-0795/2.35*** **SECTION 3974.** 948.11 (1) (bm) of the statutes is repealed.

9 ***-0795/2.36*** **SECTION 3975.** 948.11 (1) (c) of the statutes is repealed.

10 ***-0795/2.37*** **SECTION 3976.** 948.11 (2) (a) of the statutes is renumbered 948.11
11 (2) (a) (intro.) and amended to read:

12 948.11 (2) (a) (intro.) Whoever, with knowledge of the nature the character and
13 content of the material, sells, rents, exhibits, ~~transfers~~ plays, distributes, or loans to
14 a child any harmful material, with or without monetary consideration, is guilty of a
15 Class E felony: if any of the following applies:

16 ***-0795/2.38*** **SECTION 3977.** 948.11 (2) (a) 1. and 2. of the statutes are created
17 to read:

18 948.11 (2) (a) 1. The person knows or reasonably should know that the child
19 has not attained the age of 18 years.

20 2. The person has face-to-face contact with the child before or during the sale,
21 rental, exhibit, playing, distribution, or loan.

22 ***-0795/2.39*** **SECTION 3978.** 948.11 (2) (am) of the statutes is renumbered
23 948.11 (2) (am) (intro.) and amended to read:

24 948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
25 knowledge of the ~~nature~~ character and content of the description or narrative

SENATE BILL 55**SECTION 3978**

1 account, verbally communicates, by any means, a harmful description or narrative
2 account to a child, with or without monetary consideration, is guilty of a Class E
3 felony, if any of the following applies:

4 ***-0795/2.40* SECTION 3979.** 948.11 (2) (am) 1. and 2. of the statutes are created
5 to read:

6 948.11 (2) (am) 1. The person knows or reasonably should know that the child
7 has not attained the age of 18 years.

8 2. The person has face-to-face contact with the child before or during the
9 communication.

10 ***-0795/2.41* SECTION 3980.** 948.11 (2) (b) of the statutes is renumbered 948.11
11 (2) (b) (intro.) and amended to read:

12 948.11 (2) (b) (intro.) Whoever, with knowledge of the nature character and
13 content of the material, possesses harmful material with the intent to sell, rent,
14 exhibit, transfer play, distribute, or loan the material to a child is guilty of a Class A
15 misdemeanor. if any of the following applies:

16 ***-0795/2.42* SECTION 3981.** 948.11 (2) (b) 1. and 2. of the statutes are created
17 to read:

18 948.11 (2) (b) 1. The person knows or reasonably should know that the child
19 has not attained the age of 18 years.

20 2. The person has face-to-face contact with the child.

21 ***-0795/2.43* SECTION 3982.** 948.11 (2) (c) of the statutes is amended to read:

22 948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of ~~this~~
23 ~~section pars. (a) 2., (am) 2., and (b) 2.~~ if the defendant had reasonable cause to believe
24 that the child had attained the age of 18 years, and the child exhibited to the
25 defendant a draft card, driver's license, birth certificate or other official or

SENATE BILL 55

1 apparently official document purporting to establish that the child had attained the
2 age of 18 years. A defendant who raises this affirmative defense has the burden of
3 proving this defense by a preponderance of the evidence.

4 ***-0795/2.44*** **SECTION 3983.** 948.12 of the statutes is renumbered 948.12 (1m),
5 and 948.12 (1m) (intro.) and (b), as renumbered, are amended to read:

6 948.12 **(1m)** (intro.) Whoever possesses any undeveloped film, photographic
7 negative, photograph, motion picture, videotape, or other ~~pieterial reproduction, or~~
8 ~~audie~~ recording of a child engaged in sexually explicit conduct under all of the
9 following circumstances is guilty of a Class E felony:

10 (b) The person knows the character and content of the sexually explicit conduct
11 shown in the material.

12 ***-0795/2.45*** **SECTION 3984.** 948.12 (2m) of the statutes is created to read:

13 948.12 **(2m)** Whoever exhibits or plays a recording of a child engaged in
14 sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

15 (a) The person knows that he or she has exhibited or played the recording.

16 (b) Before the person exhibited or played the recording, he or she knew the
17 character and content of the sexually explicit conduct.

18 (c) Before the person exhibited or played the recording, he or she knew or
19 reasonably should have known that the child engaged in sexually explicit conduct
20 had not attained the age of 18 years.

21 ***-0991/P1.1*** **SECTION 3985.** 961.14 (7) (p) of the statutes is created to read:

22 961.14 **(7)** (p) 4-methylthioamphetamine, commonly known as “4-MTA.”

23 ***-0991/P1.2*** **SECTION 3986.** 961.41 (1) (b) of the statutes is amended to read:

24 961.41 **(1)** (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
25 controlled substance included in schedule I, II or III, or a controlled substance analog

SENATE BILL 55**SECTION 3986**

1 of any other controlled substance included in schedule I or II, may be fined not more
2 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

3 ***-0991/P1.3* SECTION 3987.** 961.41 (1) (hm) of the statutes is created to read:

4 961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
5 3,4-methylenedioxyamphetamine,

6 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,

7 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,

8 gamma-butyrolactone, 3,4-methylenedioxyamphetamine,

9 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is

10 subject to the following penalties if the amount manufactured, distributed, or

11 delivered is:

12 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
13 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

14 2. More than 3 grams but not more than 10 grams, the person shall be fined
15 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
16 6 months nor more than 7 years and 6 months.

17 3. More than 10 grams but not more than 50 grams, the person shall be fined
18 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
19 one year nor more than 22 years and 6 months.

20 4. More than 50 grams but not more than 200 grams, the person shall be fined
21 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
22 3 years nor more than 22 years and 6 months.

23 5. More than 200 grams but not more than 400 grams, the person shall be fined
24 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
25 5 years nor more than 22 years and 6 months.

SENATE BILL 55

1 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
2 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
3 years.

4 ***-0991/P1.4*** SECTION 3988. 961.41 (1) (im) of the statutes is renumbered
5 961.41 (1) (im) (intro.) and amended to read:

6 961.41 (1) (im) (intro.) Flunitrazepam, ~~may be fined not more than \$15,000 or~~
7 ~~imprisoned for not more than 7 years and 6 months or both.~~ is subject to the following
8 penalties if the amount manufactured, distributed, or delivered is:

9 ***-0991/P1.5*** SECTION 3989. 961.41 (1) (im) 1. to 6. of the statutes are created
10 to read:

11 961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than
12 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
13 6 months.

14 2. More than 3 grams but not more than 10 grams, the person shall be fined
15 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
16 6 months nor more than 7 years and 6 months.

17 3. More than 10 grams but not more than 50 grams, the person shall be fined
18 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
19 one year nor more than 22 years and 6 months.

20 4. More than 50 grams but not more than 200 grams, the person shall be fined
21 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
22 3 years nor more than 22 years and 6 months.

23 5. More than 200 grams but not more than 400 grams, the person shall be fined
24 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
25 5 years nor more than 22 years and 6 months.

SENATE BILL 55**SECTION 3989**

1 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
2 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
3 years.

4 ***-0991/P1.6*** **SECTION 3990.** 961.41 (1m) (b) of the statutes is amended to read:

5 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to ~~(h)~~ (hm), any other
6 controlled substance included in schedule I, II or III, or a controlled substance analog
7 of any other controlled substance included in schedule I or II, may be fined not more
8 than \$15,000 or imprisoned for not more than 7 years and 6 months or both.

9 ***-0991/P1.7*** **SECTION 3991.** 961.41 (1m) (hm) of the statutes is created to
10 read:

11 961.41 (1m) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone,
12 3,4-methylenedioxymethamphetamine
13 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine,
14 ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
15 gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
16 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
17 subject to the following penalties if the amount possessed, with intent to
18 manufacture, distribute, or deliver is :

19 1. Three grams or less, the person shall be fined not less than \$1,000 nor more
20 than \$200,000 and may be imprisoned for not more than 7 years and 6 months.

21 2. More than 3 grams but not more than 10 grams, the person shall be fined
22 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
23 6 months nor more than 7 years and 6 months.

SENATE BILL 55**SECTION 3991**

1 3. More than 10 grams but not more than 50 grams, the person shall be fined
2 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
3 one year nor more than 22 years and 6 months.

4 4. More than 50 grams but not more than 200 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 3 years nor more than 22 years and 6 months.

7 5. More than 200 grams but not more than 400 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 5 years nor more than 22 years and 6 months.

10 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
11 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
12 years.

13 *~~0991/P1.8~~* **SECTION 3992.** 961.41 (1m) (im) of the statutes is renumbered
14 961.41 (1m) (im) (intro.) and amended to read:

15 961.41 (1m) (im) (intro.) Flunitrazepam, ~~may be fined not more than \$15,000~~
16 ~~or imprisoned for not more than 7 years and 6 months or both.~~ is subject to the
17 following penalties if the amount possessed, with intent to manufacture, distribute,
18 or deliver, is:

19 *~~0991/P1.9~~* **SECTION 3993.** 961.41 (1m) (im) 1. to 6. of the statutes are created
20 to read:

21 961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than
22 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and
23 6 months.

SENATE BILL 55**SECTION 3993**

1 2. More than 3 grams but not more than 10 grams, the person shall be fined
2 not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than
3 6 months nor more than 7 years and 6 months.

4 3. More than 10 grams but not more than 50 grams, the person shall be fined
5 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
6 one year nor more than 22 years and 6 months.

7 4. More than 50 grams but not more than 200 grams, the person shall be fined
8 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
9 3 years nor more than 22 years and 6 months.

10 5. More than 200 grams but not more than 400 grams, the person shall be fined
11 not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than
12 5 years nor more than 22 years and 6 months.

13 6. More than 400 grams, the person shall be fined not less than \$1,000 nor more
14 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 45
15 years.

16 *–0991/P1.10* **SECTION 3994.** 961.41 (2) (b) of the statutes is amended to read:

17 961.41 (2) (b) ~~Any other~~ Except as provided in pars. (a) and (bm), any
18 counterfeit substance included in schedule I, II or III, may be fined not more than
19 \$15,000 or imprisoned for not more than 7 years and 6 months or both.

20 *–0991/P1.11* **SECTION 3995.** 961.41 (2) (bm) of the statutes is created to read:

21 961.41 (2) (bm) A counterfeit substance that is a counterfeit of phencyclidine,
22 methamphetamine, lysergic acid diethylamide, gamma–hydroxybutyric acid,
23 gamma–butyrolactone, 3,4–methylenedioxymethamphetamine
24 4–bromo–2,5–dimethoxy–beta–phenylethylamine, 4–methylthioamphetamine, or
25 ketamine is punishable by the applicable fine and imprisonment for manufacture,

SENATE BILL 55**SECTION 3995**

1 distribution, delivery, or possession with intent to manufacture, distribute, or
2 deliver, of the genuine controlled substance under sub. (1) or (1m).

3 ***-0991/P1.12* SECTION 3996.** 961.41 (2) (cm) of the statutes is amended to
4 read:

5 961.41 (2) (cm) A counterfeit substance which is flunitrazepam, ~~may be fined~~
6 ~~not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both~~
7 is punishable by the applicable fine and imprisonment for manufacture,
8 distribution, delivery, or possession with intent to manufacture, distribute, or
9 deliver, of the genuine controlled substance under sub. (1) or (1m).

10 ***-1394/2.112* SECTION 3997.** 961.41 (5) (a) of the statutes is amended to read:

11 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
12 also impose a drug abuse program improvement surcharge in an amount of 50% of
13 the fine ~~and, penalty assessment, and law enforcement training fund assessment~~
14 imposed.

15 ***-1855/2.36* SECTION 3998.** 967.04 (9) of the statutes is amended to read:

16 967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under
17 s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken
18 under subs. (7) and (8) without an additional hearing under s. 908.08. In any
19 proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the
20 hearing examiner may order and preside at the taking of a videotaped deposition
21 using the procedure provided in subs. (7) and (8) and may admit the videotaped
22 deposition into evidence without an additional hearing under s. 908.08.

23 ***-0423/1.3* SECTION 3999.** 971.14 (2) (d) of the statutes is amended to read:

24 971.14 (2) (d) If the court orders that the examination be conducted on an
25 inpatient basis, ~~it shall arrange for the transportation of~~ the sheriff of the defendant's

SENATE BILL 55**SECTION 3999**

1 county of residence shall transport any defendant not free on bail to the examining
2 facility within a reasonable time after the examination is ordered and ~~for~~ shall
3 transport the defendant ~~to be returned~~ to the jail within a reasonable time after
4 receiving the sheriff and county department of community programs of the
5 defendant's county of residence receive notice from the examining facility that the
6 examination has been completed.

7 *~~1855/2.37~~* *~~0590/P5.409~~* **SECTION 4000.** 971.17 (1) of the statutes is
8 renumbered 971.17 (1) (a) and amended to read:

9 971.17 (1) (a) Felonies committed before the effective date of this paragraph
10 [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found
11 not guilty by reason of mental disease or mental defect of a felony committed before
12 the effective date of this paragraph [revisor inserts date], the court shall commit
13 the person to the department of health and family services for a specified period not
14 exceeding two-thirds of the maximum term of imprisonment that could be imposed
15 ~~under s. 973.15 (2) (a)~~ against an offender convicted of the same ~~crime or crimes~~
16 felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m),~~
17 ~~939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)~~
18 ~~and 961.48 and other~~ any applicable penalty enhancement statutes, as applicable,
19 subject to the credit provisions of s. 973.155.

20 (c) Felonies punishable by life imprisonment. ~~If the maximum term of~~
21 ~~imprisonment is~~ a defendant is found not guilty by reason of mental disease or
22 mental defect of a felony that is punishable by life imprisonment, the commitment
23 period specified by the court may be life, subject to termination under sub. (5).

24 *~~1855/2.38~~* *~~0590/P5.410~~* **SECTION 4001.** 971.17 (1) (b) of the statutes is
25 created to read:

SENATE BILL 55

1 971.17 (1) (b) *Crimes committed on or after the effective date of this paragraph*
2 [revisor inserts date] *for which a bifurcated sentence may be imposed.* When a
3 defendant is found not guilty by reason of mental disease or mental defect of a crime
4 committed on or after the effective date of this paragraph [revisor inserts date],
5 and the crime is one for which a court may impose a bifurcated sentence under s.
6 973.01, the court shall commit the person to the department of health and family
7 services for a specified period not exceeding the maximum term of confinement in
8 prison that could be imposed on an offender convicted of the same crime, including
9 imprisonment authorized by any applicable penalty enhancement statutes, subject
10 to the credit provisions of s. 973.155.

11 *~~1855/2.39~~* *~~0590/P5.411~~* **SECTION 4002.** 971.17 (1) (d) of the statutes is
12 created to read:

13 971.17 (1) (d) *Misdemeanors for which a bifurcated sentence may not be*
14 *imposed.* When a defendant is found not guilty by reason of mental disease or mental
15 defect of one of the following misdemeanors, the court shall commit the person to the
16 department of health and family services for a specified period not exceeding
17 two-thirds of the maximum term of imprisonment that could be imposed against an
18 offender convicted of the same misdemeanor, including imprisonment authorized by
19 any applicable penalty enhancement statutes, subject to the credit provisions of s.
20 973.155:

21 1. A misdemeanor committed before the effective date of this subdivision
22 [revisor inserts date].

23 2. A misdemeanor committed on or after the effective date of this subdivision
24 [revisor inserts date], for which a court may not impose a bifurcated sentence
25 under s. 973.01.

SENATE BILL 55

SECTION 4003

1 *~~-0181/2.3~~* SECTION 4003. 971.23 (10) of the statutes is amended to read:

2 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT
3 DEFENDANTS. When the state public defender or a private attorney appointed under
4 s. 977.08 requests photocopies of any item that is discoverable under this section, the
5 state public defender shall pay any fee charged for the photocopies from the
6 appropriation under s. 20.550 (1) ~~(a)~~ (f). If the person providing photocopies under
7 this section charges the state public defender a fee for the photocopies, the fee may
8 not exceed the actual, necessary and direct cost of photocopying.

9 *~~-1855/2.40~~* SECTION 4004. 972.15 (2c) of the statutes is amended to read:

10 972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and
11 he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing
12 the presentence investigation report shall include in the report a recommendation
13 as to whether the defendant should be eligible for the challenge incarceration
14 program under s. 302.045.

15 *~~-1855/2.41~~* SECTION 4005. 973.01 (1) of the statutes is amended to read:

16 973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),
17 whenever a court sentences a person to imprisonment in the Wisconsin state prisons
18 for a felony committed on or after December 31, 1999, or a misdemeanor committed
19 on or after the effective date of this subsection [revisor inserts date], the court
20 shall impose a bifurcated sentence that consists of a term of confinement in prison
21 followed by a term of extended supervision under s. 302.113.

22 *~~-1855/2.42~~* SECTION 4006. 973.01 (2) (intro.) of the statutes is amended to
23 read:

SENATE BILL 55

SECTION 4006

1 973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure~~
2 ~~that~~ An order imposing a bifurcated sentence imposed under sub. (1) complies shall
3 comply with all of the following:

4 *~~1855/2.43~~* SECTION 4007. 973.01 (2) (a) of the statutes is amended to read:

5 973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c),
6 the total length of the bifurcated sentence may not exceed the maximum period of
7 imprisonment for the ~~felony~~ crime.

8 *~~1855/2.44~~* SECTION 4008. 973.01 (2) (b) (intro.) of the statutes is amended
9 to read:

10 973.01 (2) (b) ~~Imprisonment~~ Confinement portion of bifurcated sentence.
11 (intro.) The portion of the bifurcated sentence that imposes a term of confinement
12 in prison may not be less than one year, subject to any minimum sentence prescribed
13 for the ~~felony~~ crime, and, except as provided in par. (c), ~~may not exceed~~ is subject to
14 whichever of the following limits is applicable:

15 *~~1855/2.45~~* SECTION 4009. 973.01 (2) (b) 6. of the statutes is renumbered
16 973.01 (2) (b) 6. (intro.) and amended to read:

17 973.01 (2) (b) 6. (intro.) For any felony crime other than a felony specified in
18 ~~subds. 1. to 5. one of the following~~, the term of confinement in prison may not exceed
19 75% of the total length of the bifurcated sentence.

20 *~~1855/2.46~~* SECTION 4010. 973.01 (2) (b) 6. a. and b. of the statutes are
21 created to read:

22 973.01 (2) (b) 6. a. A felony specified in subds. 1. to 5.

23 b. An attempt to commit a classified felony if the attempt is punishable under
24 s. 939.32 (1) (intro.).

25 *~~1855/2.47~~* SECTION 4011. 973.01 (2) (d) of the statutes is amended to read:

SENATE BILL 55**SECTION 4011**

1 973.01 (2) (d) *Minimum term of extended supervision.* The term of extended
2 supervision ~~that follows the term of confinement in prison~~ may not be less than 25%
3 of the length of the term of confinement in prison imposed under par. (b).

4 *~~-2142/4.6~~* **SECTION 4012.** 973.01 (4) of the statutes is amended to read:

5 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
6 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
7 confinement in prison portion of the sentence without reduction for good behavior.
8 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
9 and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (2m).

10 *~~-1855/2.48~~* **SECTION 4013.** 973.01 (6) of the statutes is amended to read:

11 973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under
12 sub. (1) is not eligible for release on parole under that sentence.

13 *~~-0447/3.15~~* **SECTION 4014.** 973.013 (3m) of the statutes is amended to read:

14 973.013 (3m) If a person who has not attained the age of ~~16~~ 15 years is
15 sentenced to the Wisconsin state prisons, the department of corrections shall place
16 the person at a secured juvenile correctional facility or a secured child caring
17 institution, unless the department of corrections determines that placement in an
18 institution under s. 302.01 is appropriate based on the person's prior record of
19 adjustment in a correctional setting, if any; the person's present and potential
20 vocational and educational needs, interests, and abilities; the adequacy and
21 suitability of available facilities; the services and procedures available for treatment
22 of the person within the various institutions; the protection of the public; and any
23 other considerations promulgated by the department of corrections by rule. This
24 subsection does not preclude the department of corrections from designating an
25 adult correctional institution as a reception center for the person and subsequently

SENATE BILL 55

1 transferring the person to a secured juvenile correctional facility or a secured child
2 caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured
3 juvenile correctional facility or a secured child caring institution under this
4 subsection.

5 *~~1394/2.113~~* **SECTION 4015.** 973.05 (1) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 4015**

1 assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
2 drug abuse program improvement surcharge, any applicable consumer ~~information~~
3 protection assessment, any applicable domestic abuse assessment, any applicable
4 driver improvement surcharge, any applicable enforcement assessment, any
5 applicable weapons assessment, any applicable uninsured employer assessment,
6 any applicable environmental assessment, any applicable wild animal protection
7 assessment, any applicable natural resources assessment, and any applicable
8 natural resources restitution payment shall be payable immediately.

***NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts
with the following LRB numbers: –0454 and –1394.

9 *–1394/2.114* **SECTION 4016.** 973.05 (2) of the statutes is amended to read:
10 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
11 probation, the court may make the payment of the fine, the penalty assessment, the
12 law enforcement training fund assessment, the jail assessment, the crime victim and
13 witness assistance surcharge, the crime laboratories and drug law enforcement
14 assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
15 drug abuse program improvement surcharge, any applicable consumer ~~information~~
16 protection assessment, any applicable domestic abuse assessment, any applicable
17 uninsured employer assessment, any applicable driver improvement surcharge, any
18 applicable enforcement assessment under s. 253.06 (4) (c), any applicable weapons
19 assessment, any applicable environmental assessment, any applicable wild animal
20 protection assessment, any applicable natural resources assessment, and any
21 applicable natural resources restitution payments a condition of probation. When
22 the payments are made a condition of probation by the court, payments thereon shall
23 be applied first to payment of the penalty assessment until paid in full, shall then

SENATE BILL 55**SECTION 4016**

1 be applied to the law enforcement training fund assessment until paid in full, shall
2 then be applied to the payment of the jail assessment until paid in full, shall then be
3 applied to the payment of part A of the crime victim and witness assistance surcharge
4 until paid in full, shall then be applied to part B of the crime victim and witness
5 assistance surcharge until paid in full, shall then be applied to the crime laboratories
6 and drug law enforcement assessment until paid in full, shall then be applied to the
7 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
8 the drug abuse improvement surcharge until paid in full, shall then be applied to
9 payment of the driver improvement surcharge until paid in full, shall then be applied
10 to payment of the domestic abuse assessment until paid in full, shall then be applied
11 to payment of the consumer ~~information~~ protection assessment until paid in full,
12 shall then be applied to payment of the natural resources assessment if applicable
13 until paid in full, shall then be applied to payment of the natural resources
14 restitution payment until paid in full, shall then be applied to the payment of the
15 environmental assessment if applicable until paid in full, shall then be applied to the
16 payment of the wild animal protection assessment if applicable until paid in full,
17 shall then be applied to payment of the weapons assessment until paid in full, shall
18 then be applied to payment of the uninsured employer assessment until paid in full,
19 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)
20 (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

****NOTE: This is reconciled s. 973.05 (2). This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

21 ***-1394/2.115* SECTION 4017.** 973.055 (2) (b) of the statutes is amended to read:
22 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
23 determination by the court of the amount due, the court shall collect and transmit

SENATE BILL 55**SECTION 4017**

1 the amount to the treasurer of the county, city, town, or village, and that treasurer
2 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

3 *–1394/2.116* **SECTION 4018.** 973.07 of the statutes is amended to read:

4 **973.07 Failure to pay fine or costs or to comply with certain**
5 **community service work.** If the fine, costs, penalty assessment, law enforcement
6 training fund assessment, jail assessment, crime victim and witness assistance
7 surcharge, crime laboratories and drug law enforcement assessment, applicable
8 deoxyribonucleic acid analysis surcharge, applicable drug abuse program
9 improvement surcharge, applicable consumer ~~information~~ protection assessment,
10 applicable domestic abuse assessment, applicable driver improvement surcharge,
11 applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons
12 assessment, applicable uninsured employer assessment, applicable environmental
13 assessment, applicable wild animal protection assessment, applicable natural
14 resources assessment, and applicable natural resources restitution payments are
15 not paid or community service work under s. 943.017 (3) is not completed as required
16 by the sentence, the defendant may be committed to the county jail until the fine,
17 costs, penalty assessment, law enforcement training fund assessment, jail
18 assessment, crime victim and witness assistance surcharge, crime laboratories and
19 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
20 surcharge, applicable drug abuse program improvement surcharge, applicable
21 consumer ~~information~~ protection assessment, applicable domestic abuse
22 assessment, applicable driver improvement surcharge, applicable enforcement
23 assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable
24 uninsured employer assessment, applicable environmental assessment, applicable
25 wild animal protection assessment, applicable natural resources assessment or

SENATE BILL 55**SECTION 4018**

1 applicable natural resources restitution payments are paid or discharged, or the
2 community service work under s. 943.017 (3) is completed, for a period fixed by the
3 court not to exceed 6 months.

****NOTE: This is reconciled s. 973.07. This SECTION has been affected by drafts
with the following LRB numbers: –0454 and –1394.

4 ***-1855/2.49* SECTION 4019.** 973.09 (1) (a) of the statutes is amended to read:

5 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
6 particular offense by statute, if a person is convicted of a crime, the court, by order,
7 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
8 and in either case place the person on probation to the department for a stated period,
9 stating in the order the reasons therefor. The court may impose any conditions which
10 appear to be reasonable and appropriate. The period of probation may be made
11 consecutive to a sentence on a different charge, whether imposed at the same time
12 or previously. If the court imposes an increased term of probation, as authorized
13 under sub. (2) ~~(a)~~ (am) 2. or (b) 2., it shall place its reasons for doing so on the record.

14 ***-1855/2.50* SECTION 4020.** 973.09 (2) (intro.) and (a) 1. of the statutes are
15 consolidated, renumbered 973.09 (2) (am) 1. and amended to read:

16 973.09 (2) (am) 1. The Subject to subd. 2., the original term of probation for an
17 indeterminate sentence misdemeanor shall be: (a) 1. ~~Except as provided in subd. 2.,~~
18 ~~for misdemeanors,~~ not less than 6 months nor more than 2 years.

19 ***-1855/2.51* SECTION 4021.** 973.09 (2) (a) 2. of the statutes is renumbered
20 973.09 (2) (am) 2. and amended to read:

21 973.09 (2) (am) 2. If the probationer is convicted of not less than 2 nor more than
22 4 indeterminate sentence misdemeanors at the same time, the maximum original
23 term of probation may be increased by one year. If the probationer is convicted of 5

SENATE BILL 55**SECTION 4021**

1 or more indeterminate sentence misdemeanors at the same time, the maximum
2 original term of probation may be increased by 2 years.

3 *–1855/2.52* **SECTION 4022.** 973.09 (2) (ag) of the statutes is created to read:
4 973.09 (2) (ag) *Definitions.* In this subsection:

5 1. “Bifurcated sentence misdemeanor” means a misdemeanor committed on or
6 after the effective date of this subdivision ... [revisor inserts date], for which a court
7 may impose a bifurcated sentence under s. 973.01.

8 2. “Indeterminate sentence misdemeanor” means a misdemeanor other than
9 a bifurcated sentence misdemeanor.

10 *–1855/2.53* **SECTION 4023.** 973.09 (2) (am) (title) of the statutes is created to
11 read:

12 973.09 (2) (am) (title) *Misdemeanors for which a bifurcated sentence may not*
13 *be imposed.*

14 *–1855/2.54* **SECTION 4024.** 973.09 (2) (b) (title) of the statutes is created to
15 read:

16 973.09 (2) (b) (title) *Crimes for which a bifurcated sentence may be imposed.*

17 *–1855/2.55* **SECTION 4025.** 973.09 (2) (b) 1. of the statutes is amended to read:

18 973.09 (2) (b) 1. ~~Except as provided in~~ Subject to subd. 2., the original term of
19 probation for felonies, and bifurcated sentence misdemeanors shall be not less than
20 one year nor more than either the statutory maximum term of imprisonment
21 confinement in prison for the crime or 3 years, whichever is greater.

22 *–1855/2.56* **SECTION 4026.** 973.09 (2) (b) 2. of the statutes is amended to read:

23 973.09 (2) (b) 2. If the probationer is convicted of 2 or more crimes, including
24 at least one felony or bifurcated sentence misdemeanor, at the same time, the

SENATE BILL 55

SECTION 4026

1 maximum original term of probation may be increased by one year for each felony
2 conviction for a felony or a bifurcated sentence misdemeanor.

3 *~~1855/2.57~~* SECTION 4027. 973.15 (2m) of the statutes is created to read:

4 973.15 (2m) (a) *Definitions.* In this subsection:

5 1. “Determinate sentence” means a bifurcated sentence imposed under s.
6 973.01 or a life sentence under which a person is eligible for release to extended
7 supervision under s. 973.014 (1g) (a) 1. or 2.

8 2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons
9 other than one of the following:

10 a. A determinate sentence.

11 b. A sentence under which the person is not eligible for release on parole under
12 s. 939.62 (2m) (c) or 973.014 (1) (c).

13 3. “Period of confinement in prison,” with respect to any sentence to the
14 Wisconsin state prisons, means any time during which a person is incarcerated
15 under that sentence, including any extensions imposed under s. 302.11 (3), 302.113
16 (3), or 302.114 (3) and any period of confinement in prison required to be served under
17 s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

18 (b) *Determinate sentences imposed to run concurrent with or consecutive to*
19 *determinate sentences.* 1. If a court provides that a determinate sentence is to run
20 concurrent with another determinate sentence, the person sentenced shall serve the
21 periods of confinement in prison under the sentences concurrently and the terms of
22 extended supervision under the sentences concurrently.

23 2. If a court provides that a determinate sentence is to run consecutive to
24 another determinate sentence, the person sentenced shall serve the periods of
25 confinement in prison under the sentences consecutively and the terms of extended

SENATE BILL 55**SECTION 4027**

1 supervision under the sentences consecutively and in the order in which the
2 sentences have been pronounced.

3 (c) *Determinate sentences imposed to run concurrent with or consecutive to*
4 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run
5 concurrent with an indeterminate sentence, the person sentenced shall serve the
6 period of confinement in prison under the determinate sentence concurrent with the
7 period of confinement in prison under the indeterminate sentence and the term of
8 extended supervision under the determinate sentence concurrent with the parole
9 portion of the indeterminate sentence.

10 2. If a court provides that a determinate sentence is to run consecutive to an
11 indeterminate sentence, the person sentenced shall serve the period of confinement
12 in prison under the determinate sentence consecutive to the period of confinement
13 in prison under the indeterminate sentence and the parole portion of the
14 indeterminate sentence consecutive to the term of extended supervision under the
15 determinate sentence.

16 (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*
17 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run
18 concurrent with a determinate sentence, the person sentenced shall serve the period
19 of confinement in prison under the indeterminate sentence concurrent with the
20 period of confinement in prison under the determinate sentence and the parole
21 portion of the indeterminate sentence concurrent with the term of extended
22 supervision required under the determinate sentence.

23 2. If a court provides that an indeterminate sentence is to run consecutive to
24 a determinate sentence, the person sentenced shall serve the period of confinement
25 in prison under the indeterminate sentence consecutive to the period of confinement

SENATE BILL 55

1 in prison under the determinate sentence and the parole portion of the
2 indeterminate sentence consecutive to the term of extended supervision under the
3 determinate sentence.

4 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent
5 determinate sentences and extended supervision is revoked in each case, or if a
6 person is serving a determinate sentence concurrent with an indeterminate sentence
7 and both extended supervision and parole are revoked, the person shall concurrently
8 serve any periods of confinement in prison required under those sentences under s.
9 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

10 ***-1855/2.58* SECTION 4028.** 973.155 (1) (b) of the statutes is amended to read:

11 973.155 (1) (b) The categories in par. (a) include custody of the convicted
12 offender which is in whole or in part the result of a probation, extended supervision
13 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed
14 upon the person for the same course of conduct as that resulting in the new
15 conviction.

16 ***-0447/3.16* SECTION 4029.** 976.08 of the statutes is amended to read:

17 **976.08 Additional applicability.** In this chapter, “prisoner” includes any
18 person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin
19 state prison and ~~any person subject to an order under s. 938.34 (4h) who is 17 years~~
20 ~~of age or older.~~

21 ***-0052/1.1* SECTION 4030.** 977.05 (6) (c) of the statutes is repealed.

22 ***-0052/1.2* SECTION 4031.** 977.05 (6) (cm) of the statutes is repealed.

23 ***-0638/3.4* SECTION 4032.** 978.13 (1) (intro.) and (d) of the statutes are
24 consolidated, renumbered 978.13 (1) and amended to read:

SENATE BILL 55**SECTION 4032**

1 978.13 (1) The In counties having a population of 500,000 or more, the state
2 shall assume financial responsibility for ~~all of the following: (d) In counties having~~
3 ~~a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions~~
4 providing clerical services to the prosecutors in the district attorney's office handling
5 cases involving the unlawful possession or use of firearms. The state treasurer shall
6 pay the amount authorized under this ~~paragraph~~ subsection to the county treasurer
7 from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the
8 district attorney to the department of administration. The amount paid under this
9 ~~paragraph subsection~~ may not exceed \$51,300 in the 1999–2000 fiscal year and
10 \$64,400 in the 2000–01 fiscal year the amount appropriated under s. 20.475 (1) (f).

***NOTE: This is reconciled s. 978.13 (1) (intro.) and (d) [consolidated as s. 978.13 (1)]. This SECTION has been affected by drafts with the following LRB numbers: –0618 and –0638.

11 *–0638/3.5* **SECTION 4033.** 978.13 (1) (b) and (c) of the statutes are repealed.

12 *–1606/3.1* **SECTION 4034.** 979.025 of the statutes is created to read:

13 **979.025 Autopsy of correctional inmate.** (1) INMATE CONFINED TO AN
14 INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody
15 of the department and confined to a correctional facility located in this state, the
16 coroner or medical examiner of the county where the death occurred shall perform
17 an autopsy on the deceased individual. If the coroner or medical examiner who
18 performs the autopsy determines that the individual's death may have been the
19 result of any of the situations that would permit the district attorney to order an
20 inquest under s. 979.04 (1), the coroner or medical examiner shall follow the
21 procedures under s. 979.04 (2).

22 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies
23 while he or she is in the legal custody of the department and confined to a correctional

SENATE BILL 55

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

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

12 *-0451/1.1* SECTION 4035. 1997 Wisconsin Act 4, section 4 (1) (a), as last
13 affected by 1999 Wisconsin Act 9, section 3261, is amended to read:

14 [1997 Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act
15 27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
16 until July 1, ~~2001~~ 2003, operate the secured correctional facility, as defined in section
17 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
18 (26v), as a state prison named in section 302.01 of the statutes, as affected by this
19 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
20 who are not more than 21 years of age and who are not violent offenders, as
21 determined by the department of corrections.

22 *-1825/1.2* SECTION 4036. 1997 Wisconsin Act 27, section 1622d is repealed.

23 *-1825/1.3* SECTION 4037. 1997 Wisconsin Act 27, section 1623d is repealed.

24 *-1825/1.4* SECTION 4038. 1997 Wisconsin Act 27, section 1624d is repealed.

SENATE BILL 55**SECTION 4039**

1 ***-1634/P6.44*** **SECTION 4039.** 1997 Wisconsin Act 27, section 9101 (11m) is
2 repealed.

3 ***-1825/1.5*** **SECTION 4040.** 1997 Wisconsin Act 27, section 9423 (10f) is
4 repealed.

5 ***-1634/P6.45*** **SECTION 4041.** 1997 Wisconsin Act 27, section 9456 (3m) is
6 repealed.

7 ***-1825/1.6*** **SECTION 4042.** 1997 Wisconsin Act 252, section 51 is repealed.

8 ***-1825/1.7*** **SECTION 4043.** 1997 Wisconsin Act 252, section 53 is repealed.

9 ***-1825/1.8*** **SECTION 4044.** 1997 Wisconsin Act 252, section 201 (1) is repealed.

10 ***-2309/3.2*** **SECTION 4045.** 1999 Wisconsin Act 9, section 11ac is repealed.

11 ***-2309/3.3*** **SECTION 4046.** 1999 Wisconsin Act 9, section 593ac is repealed.

12 ***-1394/2.117*** **SECTION 4047.** 1999 Wisconsin Act 9, section 9201 (2m) is
13 repealed.

14 ***-1394/2.118*** **SECTION 4048.** 1999 Wisconsin Act 9, section 9201 (2n) is
15 repealed.

16 ***-1394/2.119*** **SECTION 4049.** 1999 Wisconsin Act 9, section 9201 (2p) is
17 repealed.

18 ***-1394/2.120*** **SECTION 4050.** 1999 Wisconsin Act 9, section 9211 (title) and
19 (2g) are repealed.

20 ***-1394/2.121*** **SECTION 4051.** 1999 Wisconsin Act 9, section 9230 (title) and (1)
21 are repealed.

22 ***-1394/2.122*** **SECTION 4052.** 1999 Wisconsin Act 9, section 9230 (2m) is
23 repealed.

24 ***-1394/2.123*** **SECTION 4053.** 1999 Wisconsin Act 9, section 9230 (3m) is
25 repealed.

SENATE BILL 55

1 *–1394/2.124* **SECTION 4054.** 1999 Wisconsin Act 9, section 9238 (title) and
2 (1h) are repealed.

3 *–1394/2.125* **SECTION 4055.** 1999 Wisconsin Act 9, section 9239 (title) and
4 (1h) are repealed.

5 *–1394/2.126* **SECTION 4056.** 1999 Wisconsin Act 9, section 9239 (2h) is
6 repealed.

7 *–0529/6.13* **SECTION 4057.** 1999 Wisconsin Act 9, section 9357 (3) is amended
8 to read:

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

14 *–1634/P6.46* **SECTION 4058.** 1999 Wisconsin Act 9, section 9401 (2zt) is
15 repealed.

16 *–1634/P6.47* **SECTION 4059.** 1999 Wisconsin Act 9, section 9401 (2zu) is
17 repealed.

18 *–2309/3.4* **SECTION 4060.** 1999 Wisconsin Act 9, section 9421 (1x) is amended
19 to read:

20 [1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF
21 WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION
22 474ac) of the statutes ~~and the repeal of sections 14.18 and 20.525 (1) (kb) of the~~
23 ~~statutes take~~ takes effect on January 6, 2003.

24 *–0664/2.9101* **SECTION 9101. Nonstatutory provisions;**
25 **administration.**

SENATE BILL 55**SECTION 9101**

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

9 ***-0869/1.9101***(2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal
10 and program revenue moneys appropriated to the department of administration for
11 the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes,
12 the department shall expend \$84,000 in fiscal year 2001–02 and \$91,000 in fiscal
13 year 2002–03 to provide the multijurisdictional enforcement group serving Dane
14 County with funding for one assistant district attorney to prosecute criminal
15 violations of chapter 961 of the statutes.

16 ***-0869/1.9101***(3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
17 federal and program revenue moneys appropriated to the department of
18 administration for the office of justice assistance under section 20.505 (6) (kp) and
19 (p) of the statutes, the department shall expend \$277,900 in fiscal year 2001–02 and
20 \$291,400 in fiscal year 2002–03 to provide the multijurisdictional enforcement group
21 serving Milwaukee County with funding for 3 assistant district attorneys to
22 prosecute criminal violations of chapter 961 of the statutes.

23 ***-0985/8.9101***(4) EDUCATIONAL BROADCASTING.

24 (a) *Determination of license fee transfer date.* If the secretary of administration
25 determines that the federal communications commission has approved the transfer

SENATE BILL 55**SECTION 9101**

1 of all broadcasting licenses held by the educational communications board or all
2 broadcasting licenses, except licenses for student radio, held by the board of regents
3 of the University of Wisconsin, or both, to the corporation described under section
4 39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
5 the revisor of statutes in writing of the effective date of the last license transferred.

6 (b) *Transfer of University of Wisconsin System funds.* If the secretary of
7 administration determines that the federal communications commission has
8 approved the transfer of all broadcasting licenses held by the educational
9 communications board and the board of regents of the University of Wisconsin
10 System, except licenses for student radio, to the corporation described under section
11 39.82 (1) of the statutes, as created by this act, on the effective date of the last license
12 transferred, all unencumbered balances appropriated to the board of regents of the
13 University of Wisconsin System under section 20.285 of the statutes for public
14 broadcasting, as determined by the secretary of administration, are transferred to
15 the corporation described under section 39.82 (1) of the statutes, as created by this
16 act.

17 ***-1536/3.9101*(5)** USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY
18 GOVERNMENTAL UNITS. Using the procedure under section 227.24 of the statutes, the
19 department of administration may promulgate emergency rules under section
20 137.25 (2) of the statutes, as created by this act, for the period before the effective date
21 of permanent rules initially promulgated under section 137.25 (2) of the statutes, as
22 created by this act, but not to exceed the period authorized under section 227.24 (1)
23 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of
24 the statutes, the department is not required to provide evidence that promulgating
25 a rule under this subsection as an emergency rule is necessary for the preservation

SENATE BILL 55**SECTION 9101**

1 of the public peace, health, safety, or welfare and is not required to provide a finding
2 of emergency for a rule promulgated under this subsection.

3 ***-1536/3.9101***(6) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC. The
4 secretary of state and department of administration shall promulgate initial rules
5 under section 137.25 (2) (b) of the statutes, as created by this act, to become effective
6 no later than January 1, 2004.

7 ***-1555/2.9101***(7) CONSOLIDATION OF APPROPRIATIONS. On the effective date of
8 this subsection, the secretary of administration shall apportion and transfer the
9 unencumbered moneys and accounts receivable from the appropriation account
10 under section 20.505 (1) (kd) of the statutes to the appropriation accounts under
11 sections 20.505 (1) (kb) and 20.530 (1) (ke) of the statutes, as affected by this act, and
12 shall apportion and transfer the liabilities, including any liabilities incurred under
13 section 20.903 (2) (b) of the statutes, from the appropriation sections 20.505 (1) (kd)
14 of the statutes to the appropriations under sections 20.505 (1) (kb) and 20.530 (1) (ke)
15 of the statutes, as affected by this act, in the manner determined by the secretary.

16 ***-1634/P6.9101***(8) ABOLITION OF LAND INFORMATION BOARD.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
18 liabilities of the land information board, as determined by the secretary of
19 administration, shall become the assets and liabilities of the department of
20 administration.

21 (b) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the land information board, as
23 determined by the secretary of administration, is transferred to the department of
24 administration.

SENATE BILL 55**SECTION 9101**

1 (c) *Contracts*. All contracts entered into by the land information board in effect
2 on the effective date of this paragraph remain in effect and are transferred to the
3 department of administration. The department of administration shall carry out
4 any obligations under such a contract until the contract is modified or rescinded by
5 the department of administration to the extent allowed under the contract.

6 (d) *Rules and orders*. All rules promulgated by the land information board that
7 are in effect on the effective date of this paragraph remain in effect until their
8 specified expiration dates or until amended or repealed by the department of
9 administration. All orders issued by the land information board that are in effect on
10 the effective date of this paragraph remain in effect until their specified expiration
11 date or until modified or rescinded by the department of administration.

12 (e) *Pending matters*. Any matter pending with the land information board on
13 the effective date of this paragraph is transferred to the department of
14 administration and all materials submitted to or actions by the land information
15 board with respect to the pending matter are considered as having been submitted
16 to or taken by the department of administration.

17 ***-1634/P6.9101***(9) LAND INFORMATION REPORT. Notwithstanding section
18 16.967 (3) (f) of the statutes, as affected by this act, the department of administration
19 shall submit a report under that paragraph to the Wisconsin land council for the
20 2001–02 fiscal year no later than 10 days after the date of publication of this act.

21 ***-1694/11.9101***(10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION
22 FUNDS.

23 (a) *Determination by secretary of administration*. If the secretary of
24 administration determines that the Wisconsin advanced telecommunications
25 foundation has granted, before the effective date of this paragraph, to the

SENATE BILL 55**SECTION 9101**

1 department of administration the unencumbered balances of the endowment fund
2 established under section 14.28 (2) (g), 1999 stats., and the fast start fund
3 established under section 14.28 (6) (a), 1999 stats., each of the following applies on
4 the effective date of this paragraph:

5 1. ‘Wisconsin Informational Network for School Success.’ An amount equal to
6 \$579,000 is transferred from the appropriation account under section 20.505 (1) (j)
7 of the statutes to the appropriation account under section 20.255 (1) (ke) of the
8 statutes, for the purpose of upgrading the Wisconsin Informational Network for
9 School Success.

10 2. ‘State school finance information system.’ An amount equal to \$77,800 is
11 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
12 to the appropriation account under section 20.255 (1) (ke) of the statutes, for the
13 purpose of upgrading the state school finance information system.

14 3. ‘Wisconsin Center for the Blind and Visually Impaired.’ An amount equal
15 to \$526,000 is transferred from the appropriation account under section 20.505 (1)
16 (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the
17 statutes, for the purpose of upgrading and replacing assistive technology devices and
18 related software programs at the Janesville facility of the Wisconsin Center for the
19 Blind and Visually Impaired and the regional satellite facilities of the center and for
20 completing a network upgrade at the Janesville facility.

21 4. ‘Wisconsin Regional Library for the Blind and Physically Handicapped.’ An
22 amount equal to \$161,600 is transferred from the appropriation account under
23 section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255
24 (1) (ke) of the statutes, for the purpose of replacing the automated system at the
25 Wisconsin Regional Library for the Blind and Physically Handicapped.

SENATE BILL 55

1 5. ‘Technology for educational achievement in Wisconsin board.’ An amount
2 equal to \$136,200 is transferred from the appropriation account under section 20.505
3 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the
4 statutes, as created by this act, for the purpose of providing administrative and
5 support services to resolve the outstanding business of the Wisconsin advanced
6 telecommunications foundation and performing other duties, as determined by the
7 secretary of the technology for educational achievement in Wisconsin board,
8 including duties related to the state’s administration of any federal funding available
9 under 47 USC 254.

10 6. ‘Technical college system board.’ An amount equal to \$2,000,000 is
11 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
12 to the appropriation account under section 20.292 (1) (km) of the statutes, as created
13 by this act.

14 7. ‘Wisconsin advanced telecommunications foundation grants.’ An amount
15 equal to \$566,200 is transferred from the appropriation account under section 20.505
16 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the
17 statutes, as created by this act, for the purpose of closing out any existing grants
18 made by the Wisconsin advanced telecommunications foundation.

19 8. ‘Wisconsin advanced distributed co-laboratory.’ An amount equal to
20 \$1,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
21 of the statutes to the appropriation account under section 20.285 (1) (k) of the
22 statutes for the purpose of funding the Wisconsin advanced distributed
23 co-laboratory. After the transfer described in this subdivision is made, the board of
24 regents of the University of Wisconsin System shall, by September 1, 2003, submit
25 a report to the department of administration that shows how the board of regents

SENATE BILL 55**SECTION 9101**

1 used the amount transferred to benefit the Wisconsin advanced distributed
2 co-laboratory and describes any federal funding received for the co-laboratory.

3 9. 'Worldwide distance education.' An amount equal to \$250,000 is transferred
4 from the appropriation account under section 20.505 (1) (j) of the statutes to the
5 appropriation account under section 20.285 (1) (k) of the statutes for the purpose of
6 the University of Wisconsin Learning Innovations at the University of
7 Wisconsin-Extension to establish a nonstock, nonprofit corporation that is described
8 in section 501 (c) (3) of the Internal Revenue Code, whose purpose is to establish
9 distance education classrooms in Wisconsin trade offices abroad and to offer
10 University of Wisconsin System distance education courses from those classrooms.

11 10. 'University of Wisconsin Learning Innovations.' An amount equal to
12 \$3,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
13 of the statutes to the appropriation account under section 20.285 (1) (k) of the
14 statutes for the purpose of funding the activities of the University of Wisconsin
15 Learning Innovations at the University of Wisconsin-Extension.

16 11. 'Department of commerce grants for technology research.' An amount equal
17 to \$1,500,000 is transferred from the appropriation account under section 20.505 (1)
18 (j) of the statutes to the appropriation account under section 20.143 (1) (kt) of the
19 statutes, as created by this act, for the purpose of allowing the department of
20 commerce to make grants, no later than June 30, 2003, to the University of
21 Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Marquette
22 University, the Milwaukee School of Engineering, and the Medical College of
23 Wisconsin for research related to emerging technologies that will promote industrial
24 and economic development in southeastern Wisconsin. The department of commerce
25 may not make a grant under this subdivision unless the department and the

SENATE BILL 55

1 recipient enter into an agreement that specifies reporting and auditing
2 requirements for the grant.

3 12. 'University of Wisconsin System wireless networking.' An amount equal
4 to \$500,000 is transferred from the appropriation account under section 20.505 (1)
5 (j) of the statutes to the appropriation account under section 20.285 (1) (k) of the
6 statutes for the purpose of developing wireless networking systems that allow
7 students to use laptop computers and docking stations to connect to the Internet.

8 13. 'University of Wisconsin System Internet 2 project.' An amount equal to
9 \$2,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
10 of the statutes to the appropriation account under section 20.285 (1) (k) of the
11 statutes for the purpose of funding the project of the University of Wisconsin System
12 designated as "Internet 2" that upgrades technology infrastructure on campuses for
13 enhancing high-speed Internet activity.

14 14. 'University of Wisconsin-Madison Medical School.' An amount equal to
15 \$500,000 is transferred from the appropriation account under section 20.505 (1) (j)
16 of the statutes to the appropriation account under section 20.285 (1) (k) of the
17 statutes for the purpose of purchasing a digital mammography machine for the
18 University of Wisconsin-Madison Medical School.

19 15. 'Higher educational aids board.' An amount equal to \$168,300 is
20 transferred from the appropriation account under section 20.505 (1) (j) of the statutes
21 to the appropriation account under section 20.235 (1) (kt) of the statutes, as created
22 by this act, for the purpose of upgrading technology at the higher educational aids
23 board.

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

SENATE BILL 55**SECTION 9101**

1 determines that the National Geographical Society Education Foundation has
2 provided the matching funds described in section 115.28 (42) (a) of the statutes, as
3 created by this act, on the effective date of this paragraph or on the date that the
4 secretary makes the determination under this paragraph, whichever is later, an
5 amount equal to \$500,000 is transferred from the appropriation account under
6 section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255
7 (1) (ke) of the statutes, for the purpose of making a grant to the National
8 Geographical Society Education Foundation for the geographical education program
9 established under section 115.28 (42) of the statutes, as created by this act.

10 ***-1415/P1***(11) POSITION AUTHORIZATION. The authorized FTE positions for the
11 department of administration are increased by 1.0 PR position for the performance
12 of duties primarily related to printing services in the division of information
13 technology services.

14 ***-1728/1.9101***(12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.

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

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

SENATE BILL 55

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

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

13 *–1792/2.9101*(13) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary
14 of administration may allocate up to \$2,000,000 in fiscal year 2002–03 from the
15 appropriation accounts under section 20.505 (6) (kp) and (m) of the statutes for
16 distribution to the public defender board, the director of state courts, and the
17 Wisconsin District Attorneys Association to fund activities to divert misdemeanor
18 offenders from imprisonment. No expenditure of the amount allocated under this
19 subsection may be made except upon approval of the department of administration
20 of a proposal for diversion programs submitted to the department of administration
21 by the public defender board.

22 *–1823/3.9101*(14) ELECTRONIC PROCUREMENT AND COMMERCE ACTIVITIES. The
23 department of administration shall report to the governor and the cochairpersons of
24 the joint committee on finance concerning the status of the electronic procurement
25 and commerce activities of the department. The department shall include in the

SENATE BILL 55**SECTION 9101**

1 report an assessment of the costs and benefits of those activities for the 2002–03
2 fiscal year and an assessment of the effectiveness of state executive branch agencies
3 in increasing the volume of those activities.

4 ***-1857/5.9101*(15)** TRANSFER OF INFORMATION TECHNOLOGY AND
5 TELECOMMUNICATIONS FUNCTIONS.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
7 liabilities of the department of administration that are primarily related to its
8 information technology or telecommunications functions, except educational
9 technology functions, as determined by the secretary of administration, shall become
10 assets and liabilities of the department of electronic government, as created by this
11 act.

12 (b) *Positions and employees.*

13 1. On the effective date of this subdivision, all full-time equivalent positions
14 in the department of administration having duties that are primarily related to its
15 information technology or telecommunications functions, except educational
16 technology functions, as determined by the secretary of administration, are
17 transferred to the department of electronic government, as created by this act.

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

21 3. Employees transferred under subdivision 2. have all of the rights and the
22 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
23 department of electronic government, as created by this act, that they enjoyed in the
24 department of administration immediately before the transfer. Notwithstanding

SENATE BILL 55**SECTION 9101**

1 section 230.28 (4) of the statutes, no employee so transferred who has attained
2 permanent status in class is required to serve a probationary period.

3 (c) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of administration
5 that is primarily related to its information technology or telecommunications
6 functions, except educational technology functions, as determined by the secretary
7 of administration, is transferred to the department of electronic government, as
8 created by this act.

9 (d) *Contracts.* All contracts entered into by the department of administration
10 in effect on the effective date of this paragraph that are primarily related to its
11 information technology or telecommunications functions, except educational
12 technology functions, as determined by the secretary of administration, are
13 transferred to the department of electronic government, as created by this act. The
14 department of electronic government shall carry out any contractual obligations
15 under such a contract until the contract is modified or rescinded by the department
16 of electronic government to the extent allowed under the contract.

17 (e) *Rules and orders.* All rules promulgated by the department of
18 administration that are primarily related to its information technology or
19 telecommunications functions, except educational technology functions, and that
20 are in effect on the effective date of this paragraph remain in effect until their
21 specified expiration dates or until amended or repealed by the department of
22 electronic government, as created by this act. All orders issued by the department
23 of administration that are primarily related to its information technology or
24 telecommunications functions, except educational technology functions, and that
25 are in effect on the effective date of this paragraph remain in effect until their

SENATE BILL 55**SECTION 9101**

1 specified expiration dates or until modified or rescinded by the department of
2 electronic government, as created by this act.

3 (f) *Pending matters.* Any matter pending with the department of
4 administration that is primarily related to its information technology or
5 telecommunications functions, except educational technology functions, on the
6 effective date of this paragraph is transferred to the department of electronic
7 government, as created by this act, and all materials submitted to or actions taken
8 by the department of administration with respect to the pending matter are
9 considered as having been submitted to or taken by the department of electronic
10 government, as created by this act.

11 ***-1891/4.9101*(16) TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD.**

12 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
13 liabilities of the department of administration primarily related to the functions of
14 the national and community service board, as determined by the secretary of
15 administration, shall become the assets and liabilities of the department of
16 workforce development.

17 (b) *Positions and employees.*

18 1. The authorized FTE positions for the department of administration, funded
19 from the appropriation under section 20.505 (4) (o), 1999 stats., are decreased by 3.0
20 FED positions on the effective date of this subdivision for the functions of the
21 national community service board under section 16.22, 1999 stats.

22 2. The authorized FTE positions for the department of workforce development,
23 funded from the appropriation under section 20.445 (6) (n) of the statutes, as affected
24 by this act, are increased by 3.0 FED positions on the effective date of this subdivision

SENATE BILL 55

1 for the functions of the national and community service board under section 106.22
2 of the statutes, as affected by this act.

3 3. All incumbent employees holding positions specified in subdivision 1. are
4 transferred on the effective date of this subdivision to the department of workforce
5 development.

6 4. Employees transferred under subdivision 3. have all the rights and the same
7 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
8 department of workforce development that they enjoyed in the department of
9 administration immediately before the transfer. Notwithstanding section 230.28 (4)
10 of the statutes, no employee so transferred who has attained permanent status in
11 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 the functions of the national and community service
15 board, as determined by the secretary of administration, is transferred to the
16 department of workforce development.

17 (d) *Contracts.* All contracts entered into by the department of administration
18 in effect on the effective date of this paragraph that are primarily related to the
19 functions of the national and community service board, as determined by the
20 secretary of administration, remain in effect and are transferred to the department
21 of workforce development. The department of workforce development shall carry out
22 any contractual obligations under such a contract until the contract is modified or
23 rescinded by the department of workforce development to the extent allowed under
24 the contract.

SENATE BILL 55**SECTION 9101**

1 ***-1900/1.9101*(17)** STUDY ON FACILITY CONSTRUCTION PLANS. By June 30, 2002,
2 the department of administration shall conduct and present to the governor and to
3 the secretary of administration a study that reviews the separate responsibilities of
4 the department of health and family services and the department of commerce to
5 review capital construction and remodeling plans of nursing homes,
6 community-based residential facilities, hospitals, and other medical facilities. The
7 study shall address the feasibility of centralizing the construction plan reviews in
8 one of the departments.

9 ***-1970/1.9101*(18)** RAILROAD CROSSING HEARINGS. The authorized FTE
10 positions for the department of administration are increased by 1.0 GPR attorney
11 position on the effective date of this subsection, to be funded from the appropriation
12 under section 20.505 (4) (f) of the statutes, for providing services relating to railroad
13 crossing hearings.

14 ***-2358/4.9101* *-1880/3.9101*** (19) BOARD ON EDUCATION EVALUATION AND
15 ACCOUNTABILITY. Notwithstanding section 15.105 (8) of the statutes, as created by
16 this act, 2 of the initial members of the board on education evaluation and
17 accountability shall serve for terms expiring on May 1, 2003; and 3 of the initial
18 members shall serve for terms expiring on May 1, 2005.

19 ***-0762/P1.9102*** SECTION 9102. **Nonstatutory provisions; adolescent**
20 **pregnancy prevention and pregnancy services board.**

21 ***-0762/P1.9103*** SECTION 9103. **Nonstatutory provisions; aging and**
22 **long-term care board.**

23 ***-0392/3.9104*** SECTION 9104. **Nonstatutory provisions; agriculture,**
24 **trade and consumer protection.**

SENATE BILL 55

1 ***-0392/3.9104***(1) AGRICULTURAL PRODUCER SECURITY COUNCIL.

2 Notwithstanding the length of terms specified for the members of the agricultural
3 producer security council under section 15.137 (1) (a) of the statutes, as created by
4 this act, the initial members shall be appointed for terms expiring on July 1, 2005.

5 ***-0392/3.9104***(2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

6 (a) *Vegetable contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter
7 126 of the statutes, as created by this act, does not apply with respect to vegetable
8 contractors until February 1, 2002, except as follows:

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

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

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

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

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

24 (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)
25 of this act, chapter 126 of the statutes, as created by this act, does not apply with

SENATE BILL 55**SECTION 9104**

1 respect to grain dealers and grain warehouse keepers until September 1, 2002,
2 except as follows:

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

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

8 3. A grain warehouse keeper applying for a license for the license year that
9 begins on September 1, 2002, shall submit an application that complies with section
10 126.26 of the statutes, as created by this act.

11 ***-0762/P1.9105* SECTION 9105. Nonstatutory provisions; arts board.**

12 ***-0762/P1.9106* SECTION 9106. Nonstatutory provisions; boundary**
13 **area commission, Minnesota–Wisconsin.**

14 ***-0762/P1.9107* SECTION 9107. Nonstatutory provisions; building**
15 **commission.**

16 ***-0762/P1.9108* SECTION 9108. Nonstatutory provisions; child abuse**
17 **and neglect prevention board.**

18 ***-0762/P1.9109* SECTION 9109. Nonstatutory provisions; circuit courts.**

19 ***-0650/6.9110* SECTION 9110. Nonstatutory provisions; commerce.**

20 ***-0650/6.9110*** (1) GRANT FOR LINCOLN PARK CENTER. From the appropriation
21 under section 20.143 (1) (kj) of the statutes, as affected by this act, the department
22 of commerce may make a grant of up to \$1,000,000 to the M7 Development
23 Corporation for constructing a multipurpose center at Lincoln Park in the city of
24 Milwaukee. The department of commerce may not award any grant proceeds under
25 this subsection unless the M7 Development Corporation provides funding for the

SENATE BILL 55**SECTION 9110**

1 project from the city of Milwaukee in an amount that is at least equal to the grant
2 amount. If the department of commerce makes a grant under this subsection, the
3 department shall enter into an agreement with the M7 Development Corporation
4 that provides for, among other things, reporting and auditing requirements.

5 ***-0650/6.9110*** (2) GRANTS TO CHIPPEWA VALLEY TECHNICAL COLLEGE. From the
6 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the
7 department of commerce may make grants of up to \$250,000 in fiscal year 2001–02
8 and up to \$250,000 in fiscal year 2002–03 to the Chippewa Valley Technical College
9 for a health care education center. If the department of commerce makes a grant
10 under this subsection, the department of commerce shall enter into an agreement
11 with the Chippewa Valley Technical College that specifies the uses for the grant
12 proceeds and reporting and auditing requirements.

13 ***-0677/2.9110*** (3) MANUFACTURED BUILDING CODE.

14 (a) *Definitions.* In this subsection:

15 1. “Installation” has the meaning given in section 101.71 (4) of the statutes.

16 2. “Manufactured building” has the meaning given in section 101.71 (6) of the
17 statutes.

18 3. “Municipality” has the meaning given in section 101.761 (1) of the statutes.

19 (b) *Building permit not required.* Notwithstanding section 101.761 (2m) of the
20 statutes, as created by this act, a person is not required to obtain a building permit
21 for installation of a manufactured building in a municipality, if the installation
22 begins before the effective date of this paragraph and if, at the time that the
23 installation begins, the municipality is exempt under section 101.761 (2), 1999 stats.,
24 the municipality has not enacted an ordinance requiring a building permit for the
25 installation, the municipality does not jointly exercise jurisdiction with a political

SENATE BILL 55**SECTION 9110**

1 subdivision that requires a building permit for the installation, and the municipality
2 has not requested a county or the department of commerce to provide building permit
3 services under section 101.761 (3), 1999 stats.

4 ***-1937/1.9110*** (4) DWELLING CODE COUNCIL. Notwithstanding the length of
5 terms specified for members of the dwelling code council appointed under section
6 15.157 (3) of the statutes, as affected by this act, the member appointed under that
7 section as a representative of remodeling contractors shall be initially appointed for
8 a term expiring on July 1, 2004.

9 ***-1968/1.9110*** (5) EMPLOYEE TRANSFER. On the effective date of this
10 subsection, 1.0 FTE GPR position in the department of commerce, funded from the
11 appropriation under section 20.143 (1) (a) of the statutes and primarily related to
12 rural policy development, as determined by the secretary of administration, and the
13 incumbent employee holding that position, is transferred to the office of the governor,
14 to be funded from the appropriation under section 20.525 (1) (a) of the statutes, for
15 the purpose of rural policy development.

16 ***-2023/1.9110*** (6) REGULATORY FLEXIBILITY. There is created a regulatory
17 flexibility committee, which shall consist of 10 members appointed by the governor.
18 At least one member of the committee shall be appointed from a list of nominees
19 submitted by the Wisconsin chapter of the National Federation of Independent
20 Businesses. At least one member of the committee shall be appointed from a list of
21 nominees submitted by Wisconsin Manufacturers and Commerce. The governor
22 shall designate one of the members of the committee as the chairperson. The
23 chairperson shall set the date for the first meeting. A majority of the committee
24 constitutes a quorum to do business. The committee members shall be reimbursed
25 for their actual and necessary expenses incurred while performing their duties as

SENATE BILL 55

1 committee members. The committee shall issue a report, which may include
2 recommendations for legislation, to the governor and to the legislature for
3 distribution to the appropriate standing committees in the manner provided in
4 section 13.172 (3) of the statutes. The department of commerce shall provide staff
5 support and any assistance necessary for the committee to complete its report. The
6 committee shall cease to exist when the committee has submitted the report required
7 under this section or on September 1, 2002, whichever occurs sooner. The committee
8 shall include discussions of all of the following in its report:

9 (a) How to require an agency to consider the direct and indirect impacts of rules
10 proposed by the agency.

11 (b) Whether judicial enforcement of section 227.114 of the statutes is
12 appropriate or sufficient.

13 (c) What provisions are available or are needed to enable a business to
14 challenge an agency's regulatory flexibility analysis prepared under section 227.19
15 (3) (e) of the statutes.

16 (d) What additional authority is appropriate and necessary for the Joint
17 Committee for Review of Administrative Rules to suspend or modify a proposed or
18 existing agency rule.

19 (e) What action needs to be taken by what agencies to develop a no-fault audit
20 program and a compliance assistance program.

21 (f) What grace periods are appropriate during which a business may correct a
22 rule or statutory violation before being assessed a fine or forfeiture.

23 (g) Whether an agency should consider a small business's ability to pay when
24 assessing a fine or forfeiture against that business.

SENATE BILL 55**SECTION 9110**

1 (h) What action needs to be taken, and by what agencies, to develop a program
2 that allows a business to pay a fine or forfeiture in installments.

3 ***-0166/4.9111* SECTION 9111. Nonstatutory provisions; corrections.**

4 ***-0166/4.9111* (1) YOUTH DIVERSION PROGRAM.**

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the department of corrections primarily related to the youth diversion
7 from gang activities program under section 301.265, 1999 stats., as determined by
8 the secretary of administration, shall become the assets and liabilities of the
9 department of administration.

10 (b) *Positions and employees.*

11 1. The authorized FTE positions for the department of corrections, funded from
12 the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5
13 GPR positions on the effective date of this subdivision for the youth diversion from
14 gang activities program under section 301.265, 1999 stats.

15 2. The authorized FTE positions for the department of administration, funded
16 from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this
17 act, are increased by 1.5 GPR positions on the effective date of this subdivision for
18 the youth diversion from gang activities program under section 16.964 (8) of the
19 statutes, as affected by this act.

20 3. The authorized FTE positions for the department of corrections, funded from
21 the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5
22 PR position on the effective date of this subdivision for the youth diversion from gang
23 activities program under section 301.265, 1999 stats.

24 4. The authorized FTE positions for the department of administration, funded
25 from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this