

1 a judgment of conviction or from an order denying a postconviction motion or from
2 both shall be taken in the time and manner provided in ss. 808.04 (3), 809.30 and
3 809.40. An appeal of an order or judgment on habeas corpus remanding to custody
4 a prisoner committed for trial under s. 970.03 shall be taken under ss. 808.03 (2) and
5 809.50, with notice to the attorney general and the district attorney and opportunity
6 for them to be heard.

7 ***b1056/1.15* SECTION 4028e.** 974.02 (1m) of the statutes is created to read:

8 974.02 (1m) In criminal cases, a motion under s. 805.15 (1) for a new trial based
9 on newly discovered evidence may be made at any time.

10 ***b1056/1.15* SECTION 4028g.** 974.05 (1) (b) of the statutes is amended to read:

11 974.05 (1) (b) Order granting postconviction relief under s. 974.02 ~~or~~, 974.06,
12 or 974.07.

13 ***b1056/1.15* SECTION 4028j.** 974.07 of the statutes is created to read:

14 **974.07 Motion for postconviction deoxyribonucleic acid testing of**
15 **certain evidence. (1)** In this section:

16 (a) “Movant” means a person who makes a motion under sub. (2).

17 (b) “Government agency” means any department, agency, or court of the federal
18 government, of this state, or of a city, village, town, or county in this state.

19 (2) At any time after being convicted of a crime, adjudicated delinquent, or
20 found not guilty by reason of mental disease or defect, a person may make a motion
21 in the court in which he or she was convicted, adjudicated delinquent, or found not
22 guilty by reason of mental disease or defect for an order requiring forensic
23 deoxyribonucleic acid testing of evidence to which all of the following apply:

1 (a) The evidence is relevant to the investigation or prosecution that resulted
2 in the conviction, adjudication, or finding of not guilty by reason of mental disease
3 or defect.

4 (b) The evidence is in the actual or constructive possession of a government
5 agency.

6 (c) The evidence has not previously been subjected to forensic deoxyribonucleic
7 acid testing or, if the evidence has previously been tested, it may now be subjected
8 to another test using a scientific technique that was not available or was not utilized
9 at the time of the previous testing and that provides a reasonable likelihood of more
10 accurate and probative results.

11 **(3)** A movant or, if applicable, his or her attorney shall serve a copy of the
12 motion made under sub. (2) on the district attorney's office that prosecuted the case
13 that resulted in the conviction, adjudication, or finding of not guilty by reason of
14 mental disease or defect. The court in which the motion is made shall also notify the
15 appropriate district attorney's office that a motion has been made under sub. (2) and
16 shall give the district attorney an opportunity to respond to the motion. Failure by
17 a movant to serve a copy of the motion on the appropriate district attorney's office
18 does not deprive the court of jurisdiction and is not grounds for dismissal of the
19 motion.

20 **(4)** (a) The clerk of the circuit court in which a motion under sub. (2) is made
21 shall send a copy of the motion and, if a hearing on the motion is scheduled, a notice
22 of the hearing to the victim of the crime or delinquent act committed by the movant,
23 if the clerk is able to determine an address for the victim. The clerk of the circuit court
24 shall make a reasonable attempt to send the copy of the motion to the address of the
25 victim within 7 days of the date on which the motion is filed and shall make a

1 reasonable attempt to send a notice of hearing, if a hearing is scheduled, to the
2 address of the victim, postmarked at least 10 days before the date of the hearing.

3 (b) Notwithstanding the limitation on the disclosure of mailing addresses from
4 completed information cards submitted by victims under ss. 51.37 (10) (dx), 301.046
5 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 304.063 (4), 938.51 (2),
6 971.17 (6m) (d), and 980.11 (4), the department of corrections, the parole commission,
7 and the department of health and family services shall, upon request, assist clerks
8 of court in obtaining information regarding the mailing address of victims for the
9 purpose of sending copies of motions and notices of hearings under par. (a).

10 (5) Upon receiving under sub. (3) a copy of a motion made under sub. (2) or
11 notice from a court that a motion has been made, whichever occurs first, the district
12 attorney shall take all actions necessary to ensure that all biological material that
13 was collected in connection with the investigation or prosecution of the case and that
14 remains in the actual or constructive custody of a government agency is preserved
15 pending completion of the proceedings under this section.

16 (6) (a) Upon demand the district attorney shall disclose to the movant or his
17 or her attorney whether biological material has been tested and shall make available
18 to the movant or his or her attorney the following material:

19 1. Findings based on testing of biological materials.

20 2. Physical evidence that is in the actual or constructive possession of a
21 government agency and that contains biological material or on which there is
22 biological material.

23 (b) Upon demand the movant or his or her attorney shall disclose to the district
24 attorney whether biological material has been tested and shall make available to the
25 district attorney the following material:

1 1. Findings based on testing of biological materials.

2 2. The movant's biological specimen.

3 (c) Upon motion of the district attorney or the movant, the court may impose
4 reasonable conditions on availability of material requested under pars. (a) 2. and (b)
5 2. in order to protect the integrity of the evidence.

6 (d) This subsection does not apply unless the information being disclosed or the
7 material being made available is relevant to the movant's claim of innocence at issue
8 in the motion made under sub. (2).

9 (7) (a) A court in which a motion under sub. (2) is filed shall order forensic
10 deoxyribonucleic acid testing if all of the following apply:

11 1. It is reasonably probable that the movant would not have been prosecuted,
12 convicted, found not guilty by reason of mental disease or defect, or adjudicated
13 delinquent for the offense at issue in the motion under sub. (2), if exculpatory
14 deoxyribonucleic acid testing results had been available before the prosecution,
15 conviction, finding of not guilty, or adjudication for the offense.

16 2. The evidence is in the actual or constructive possession of a government
17 agency.

18 3. The chain of custody of the evidence to be tested establishes that the evidence
19 has not been tampered with, replaced, or altered in any material respect or, if the
20 chain of custody does not establish the integrity of the evidence, the testing itself can
21 establish the integrity of the evidence.

22 4. The evidence has not previously been subjected to forensic deoxyribonucleic
23 acid testing or, if the evidence has previously been tested, it may now be subjected
24 to another test using a scientific technique that was not available or was not utilized

1 at the time of the previous testing and that provides a reasonable likelihood of more
2 accurate and probative results.

3 (b) A court in which a motion under sub. (2) is filed may order forensic
4 deoxyribonucleic acid testing if all of the following apply or if the court determines
5 that testing is in the interest of justice:

6 1. The conviction or sentence in a criminal proceeding, the finding of not guilty
7 by reason of mental disease or defect, the commitment under s. 971.17, or the
8 adjudication or disposition in a proceeding under ch. 938, would have been more
9 favorable to the movant if the results of deoxyribonucleic acid testing had been
10 available before he or she was prosecuted, convicted, found not guilty by reason of
11 mental disease or defect, or adjudicated delinquent for the offense.

12 2. The evidence is in the actual or constructive possession of a government
13 agency.

14 3. The chain of custody of the evidence to be tested establishes that the evidence
15 has not been tampered with, replaced, or altered in any material respect or, if the
16 chain of custody does not establish the integrity of the evidence, the testing itself can
17 establish the integrity of the evidence.

18 4. The evidence has not previously been subjected to forensic deoxyribonucleic
19 acid testing or, if the evidence has previously been tested, it may now be subjected
20 to another test using a scientific technique that was not available or was not utilized
21 at the time of the previous testing and that provides a reasonable likelihood of more
22 accurate and probative results.

23 (8) The court may impose reasonable conditions on any testing ordered under
24 this section in order to protect the integrity of the evidence and the testing process.
25 If appropriate and if stipulated to by the movant and the district attorney, the court

1 may order the state crime laboratories to perform the testing as provided under s.
2 165.77 (2m).

3 (9) If a court in which a motion under sub. (2) is filed does not order forensic
4 deoxyribonucleic acid testing, or if the results of forensic deoxyribonucleic acid
5 testing ordered under this section are not supportive of the movant's innocence
6 claim, the court shall determine the disposition of the evidence specified in the
7 motion subject to the following:

8 (a) If a person other than the movant is in custody, as defined in s. 968.205 (1)
9 (a), the evidence is relevant to the criminal, delinquency, or commitment proceeding
10 that resulted in the person being in custody, the person has not been denied
11 deoxyribonucleic acid testing or postconviction relief under this section, and the
12 person has not waived his or her right to preserve the evidence under s. 165.81 (3),
13 757.54 (2), 968.205, or 978.08, the court shall order the evidence preserved until all
14 persons entitled to have the evidence preserved are released from custody, and the
15 court shall designate who shall preserve the evidence.

16 (b) If the conditions in par. (a) are not present, the court shall determine the
17 disposition of the evidence, and, if the evidence is to be preserved, by whom and for
18 how long. The court shall issue appropriate orders concerning the disposition of the
19 evidence based on its determinations.

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

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

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

5 3. An order granting the movant a new sentencing hearing, commitment
6 hearing, or dispositional hearing.

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

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

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

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

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

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

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

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

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

8 **(13)** An appeal may be taken from an order entered under this section as from
9 a final judgment.”.

10 ***b0936/1.25* 1361.** Page 1271, line 7: delete lines 7 to 11.

11 ***b1056/1.16* 1362.** Page 1271, line 13: after that line insert:

12 ***b1056/1.16* SECTION 4031c.** 977.07 (1) (b) of the statutes is amended to read:

13 977.07 (1) (b) For referrals not made under ss. 809.30 ~~and~~, 974.06, and 974.07,
14 a representative of the state public defender is responsible for making indigency
15 determinations unless the county became responsible under s. 977.07 (1) (b) 2. or 3.,
16 1983 stats., for these determinations. Subject to the provisions of par. (bn), those
17 counties may continue to be responsible for making indigency determinations. Any
18 such county may change the agencies or persons who are designated to make
19 indigency determinations only upon the approval of the state public defender.

20 ***b1056/1.16* SECTION 4031e.** 977.07 (1) (c) of the statutes is amended to read:

21 977.07 (1) (c) For all referrals made under ss. 809.30 ~~and~~, 974.06 (3) (b) and
22 974.07 (11), except a referral of a child who is entitled to be represented by counsel
23 under s. 48.23 or 938.23, a representative of the state public defender shall
24 determine indigency, ~~and~~. For referrals made under ss. 809.30 and 974.06 (3) (b),

1 except a referral of a child who is entitled to be represented by counsel under s. 48.23
2 or 938.23, the representative of the state public defender may, unless a request for
3 redetermination has been filed under s. 809.30 (2) (d) or the defendant's request for
4 representation states that his or her financial circumstances have materially
5 improved, rely upon a determination of indigency made for purposes of trial
6 representation under this section.

7 *b1056/1.16* SECTION 4031s. 978.08 of the statutes is created to read:

8 **978.08 Preservation of certain evidence. (1)** In this section:

9 (a) "Custody" has the meaning given in s. 968.205 (1) (a).

10 (b) "Discharge date" has the meaning given in s. 968.205 (1) (b).

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

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

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

23 (b) No person who is notified under par. (a) does either of the following within
24 90 days after the date on which the person received the notice:

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

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

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

5 (4) A notice provided under sub. (3) (a) shall clearly inform the recipient that
6 the biological material will be destroyed unless, within 90 days after the date on
7 which the person receives the notice, either a motion for testing of the material is
8 filed under s. 974.07 (2) or a written request to preserve the material is submitted
9 to the district attorney.

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

16 ***b0813/1.3* 1363.** Page 1280, line 9: after that line insert:

17 ***b0813/1.3* SECTION 4034ycc.** 980.01 (1) of the statutes is renumbered
18 980.01 (1r).

19 ***b0813/1.3* SECTION 4034ycd.** 980.01 (1g) of the statutes is created to read:
20 980.01 (1g) “County department” means a county department of community
21 programs created in accordance with s. 51.42 (3) (a).

22 ***b0813/1.3* SECTION 4034yce.** 980.01 (1m) of the statutes is created to read:

1 980.01 (1m) “County of residence” means the county in which a person is
2 considered to reside for purposes of this chapter as determined under s. 980.015 by
3 the agency with jurisdiction.

4 ***b0813/1.3* SECTION 4034ycf.** 980.015 (1) of the statutes is renumbered
5 980.01 (1d) and amended to read:

6 980.01 (1d) ~~In this section, “agency~~ “Agency with jurisdiction” means the
7 agency with the authority or duty to release or discharge ~~the a~~ a person.

8 ***b0813/1.3* SECTION 4034ycg.** 980.015 (2) (intro.) of the statutes is amended
9 to read:

10 980.015 (2) (intro.) If an agency with jurisdiction has control or custody over
11 a person who may meet the criteria for commitment as a sexually violent person,
12 after determining the person’s county of residence as provided under sub. (5), the
13 agency with jurisdiction shall inform each appropriate district attorney and the
14 department of justice regarding the person as soon as possible beginning 3 months
15 prior to the applicable date of the following:

16 ***b0813/1.3* SECTION 4034ych.** 980.02 (1) (a) of the statutes is amended to
17 read:

18 980.02 (1) (a) The department of justice at the request of the agency with
19 jurisdiction, ~~as defined in s. 980.015 (1),~~ over the person. If the department of justice
20 decides to file a petition under this paragraph, it shall file the petition before the date
21 of the release or discharge of the person.

22 ***b0813/1.3* SECTION 4034yci.** 980.02 (1) (am) of the statutes is created to
23 read:

24 980.02 (1) (am) If the department of justice does not file a petition under par.
25 (a), the district attorney for the person’s county of residence.

1 ***b0813/1.3* SECTION 4034ycj.** 980.02 (1) (b) (intro.) of the statutes is amended
2 to read:

3 980.02 (1) (b) (intro.) If the department of justice does not file a petition under
4 par. (a), and the district attorney for the person's county of residence does not file a
5 petition under par. (am), the district attorney for one of the following:

6 ***b0813/1.3* SECTION 4034yck.** 980.02 (4) (c) of the statutes is created to read:
7 980.02 (4) (c) The circuit court in the person's county of residence.

8 ***b0813/1.3* SECTION 4034ycL.** 980.02 (6) of the statutes is created to read:
9 980.02 (6) Upon request from the district attorney for the person's county of
10 residence, an action commenced by filing a petition under this section in a circuit
11 court for a county other than the person's county of residence shall be transferred to
12 the circuit court for the person's county of residence.

13 ***b0813/1.3* SECTION 4034ycm.** 980.03 (1) of the statutes is amended to read:
14 980.03 (1) The circuit court in which a petition under s. 980.02 is filed or, if an
15 action is transferred under s. 980.02 (6), the court to which the action was
16 transferred, shall conduct all hearings under this chapter. The court shall give the
17 person who is the subject of the petition reasonable notice of the time and place of
18 each such hearing. The court may designate additional persons to receive these
19 notices.

20 ***b0813/1.3* SECTION 4034ycn.** 980.05 (5) of the statutes is amended to read:
21 980.05 (5) If the court or jury determines that the person who is the subject of
22 a petition under s. 980.02 is a sexually violent person, the court shall enter a
23 judgment on that finding, shall notify the county department for the person's county
24 of residence of that finding, and shall commit the person as provided under s. 980.06.
25 If the court or jury is not satisfied beyond a reasonable doubt that the person is a

1 sexually violent person, the court shall dismiss the petition and direct that the
2 person be released unless he or she is under some other lawful restriction.

3 ***b0813/1.3* SECTION 4034yco.** 980.07 (2) of the statutes is amended to read:

4 980.07 (2) Any examiner conducting an examination under this section shall
5 prepare a written report of the examination no later than 30 days after the date of
6 the examination. The examiner shall place a copy of the report in the person's
7 medical records and shall provide a copy of the report to the court that committed the
8 person under s. 980.06 and to the county department for the person's county of
9 residence.

10 ***b0813/1.3* SECTION 4034ycp.** 980.08 (2) of the statutes is amended to read:

11 980.08 (2) If the person files a timely petition without counsel, the court shall
12 serve a copy of the petition on the district attorney or department of justice,
13 whichever is applicable, and on the county department for the person's county of
14 residence and, subject to s. 980.03 (2) (a), refer the matter to the authority for
15 indigency determinations under s. 977.07 (1) and appointment of counsel under s.
16 977.05 (4) (j). If the person petitions through counsel, his or her attorney shall serve
17 the district attorney or department of justice, whichever is applicable, and the county
18 department for the person's county of residence.

19 ***b0813/1.3* SECTION 4034ycq.** 980.08 (3) of the statutes is amended to read:

20 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
21 one or more examiners having the specialized knowledge determined by the court to
22 be appropriate, who shall examine the person and furnish a written report of the
23 examination to the court within 30 days after appointment. The examiners shall
24 have reasonable access to the person for purposes of examination and to the person's
25 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health

1 care records, as provided under s. 146.82 (2) (c). If any such examiner appointed
2 under this subsection believes that the person is appropriate for supervised release
3 under the criterion specified in sub. (4), the examiner shall report on the type of
4 treatment and services that the person may need while in the community on
5 supervised release and shall furnish a copy of the written report of the examination
6 to the county department for the person's county of residence at the time that the
7 examiner furnishes the report to the court. The county shall pay the costs of an
8 examiner appointed under this subsection as provided under s. 51.20 (18) (a).

9 *b0813/1.3* SECTION 4034ycr. 980.08 (3m) of the statutes is created to read:

10 980.08 (3m) A county department that receives a copy of an examiner's report
11 under sub. (3) shall identify a residence in which the person may live if the court
12 grants the person's petition under this section for supervised release. The
13 identification of a residence by the county department is subject to approval by the
14 department. The county department shall provide the court a written description
15 of the residence before the hearing under sub. (4).

16 *b0813/1.3* SECTION 4034yca. 980.08 (5) of the statutes is amended to read:

17 980.08 (5) If the court finds that the person is appropriate for supervised
18 release, the court shall notify the department and the county department for the
19 person's county of residence. The department and the county department ~~under s.~~
20 ~~51.42 in the~~ for the person's county of residence ~~of the person, as determined under~~
21 ~~s. 980.105,~~ shall prepare a plan that identifies the treatment and services, if any, that
22 the person will receive in the community. The plan shall address the person's need,
23 if any, for supervision, counseling, medication, community support services,
24 residential services, vocational services, and alcohol or other drug abuse treatment.
25 If the person is a serious child sex offender, the plan shall address the person's need

1 for pharmacological treatment using an antiandrogen or the chemical equivalent of
2 an antiandrogen. The department may contract with a county department, ~~under s.~~
3 ~~51.42 (3) (aw) 1. d.,~~ with another public agency, or with a private agency to provide
4 the treatment and services identified in the plan. The plan shall specify who will be
5 responsible for providing the treatment and services identified in the plan. The plan
6 shall be presented to the court for its approval within 60 days after the court finding
7 that the person is appropriate for supervised release, unless the department, county
8 department and person to be released request additional time to develop the plan.
9 ~~If the~~ The county department ~~of~~ for the person's county of residence ~~declines to~~
10 ~~prepare a plan, the department~~ may arrange for another county to prepare the plan
11 ~~if that the other county agrees to prepare the plan and if the person will be living in~~
12 ~~that county. If the department is unable to arrange for another county to prepare a~~
13 ~~plan, the court shall designate a county department to prepare the plan, order the~~
14 ~~county department to prepare the plan and place the person on supervised release~~
15 ~~in that county, except that the court may not so designate the county department in~~
16 ~~any county where there is a facility in which persons committed to institutional care~~
17 ~~under this chapter are placed unless that county is also the person's county of~~
18 ~~residence."~~

19 *b0813/1.4* **1364.** Page 1280, line 22: after that line insert:

20 *b0813/1.4* "SECTION 4034yn. 980.105 (intro.) of the statutes is renumbered
21 980.015 (5) and amended to read:

22 980.015 (5) **Determination of county of residence.** The court agency with
23 jurisdiction shall determine a person's county of residence for the purposes of this
24 chapter ~~by doing all of the following: in accordance with the criteria set forth in this~~

1 subsection. A person's county of residence is the county in which a person's
2 habitation was voluntarily fixed and in which the person voluntarily intended to
3 remain on the date that the person committed the sexually violent offense that
4 resulted in the sentence, placement, or commitment that is in effect when the
5 determination under this subsection is made. A person's physical presence at a place
6 shall be considered prima facie evidence of the person's intent to remain at that place.

7 *b0813/1.4* SECTION 4034yo. 980.105 (1) of the statutes is repealed.

8 *b0813/1.4* SECTION 4034yp. 980.105 (2) of the statutes is repealed.”.

9 *b0898/2.30* **1365.** Page 1280, line 22: after that line insert:

10 *b0898/2.30* “SECTION 16034yr. 985.01 (1g) of the statutes is amended to
11 read:

12 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and
13 includes a family care district board under s. 46.2895 and the Milwaukee County
14 child welfare district board under s. 48.562.

15 *b0898/2.30* SECTION 4034yt. 985.01 (3) of the statutes is amended to read:

16 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) and includes a
17 family care district under s. 46.2895 and the Milwaukee County child welfare district
18 under s. 48.562.”.

19 *b0978/1.2* **1366.** Page 1280, line 22: after that line insert:

20 *b0978/1.2* “SECTION 4034yp. 985.01 (3m) of the statutes is created to read:

21 985.01 (3m) “Newspaper” means a publication appearing at regular intervals
22 and at least once a week, containing reports of happenings of recent occurrence of a
23 varied character, such as political, social, moral, and religious subjects, designed to
24 inform the general reader. The definition includes a daily newspaper published in

1 a county having a population of 500,000 or more, devoted principally to business
2 news and publishing of records, which has been designated by the courts of record
3 of the county for publication of legal notices for a period of 6 months or more.

4 *b0978/1.2* SECTION 4034yr. 985.03 (1) (a) (intro.) of the statutes is amended
5 to read:

6 985.03 (1) (a) (intro.) No Except as provided in par. (am), no publisher of any
7 newspaper in this state shall be awarded or be entitled to any compensation or fee
8 for the publishing of any legal notice unless, for at least 2 of the 5 years immediately
9 before the date of the notice publication, the newspaper has been published regularly
10 and continuously in the city, village, or town where published, and has had a bona
11 fide paid circulation:

12 *b0978/1.2* SECTION 4034ys. 985.03 (1) (am) of the statutes is created to read:

13 985.03 (1) (am) A publisher of a newspaper in this state may be awarded
14 compensation or a fee for the publishing of any legal notice for a county or any unit
15 of government in a county if the newspaper meets all of the following criteria:

16 1. The newspaper is a free publication with a circulation, pick-up rate of 50,000
17 or more in the newspaper's county or multicounty service area, and the circulation,
18 pick-up rate is independently audited by an auditing firm using generally accepted
19 auditing standards.

20 2. The newspaper has been published continuously for the 10 years
21 immediately before the date of the notice publication.

22 3. The newspaper has at least 2,500 copies of the newspaper picked up by
23 readers from distribution points within that county.

24 4. The newspaper is headquartered or published in a county having a
25 population of 500,000 or more.

1 ***b0978/1.2* SECTION 4034yt.** 985.03 (1) (c) of the statutes is repealed.”.

2 ***b1056/1.17* 1367.** Page 1280, line 22: after that line insert:

3 ***b1056/1.17* “SECTION 4034ys.** 980.101 of the statutes is created to read:

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

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

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

22 (b) If the sexually violent offense was the sole basis for the allegation under s.
23 980.02 (2) (a) but there are other judgments relating to a sexually violent offense
24 committed by the person that have not been reversed, set aside, or vacated, or if the

1 sexually violent offense was not the sole basis for the allegation under s. 980.02 (2)
2 (a), the court shall determine whether to grant the person a new trial under s. 980.05
3 because the reversal, setting aside, or vacating of the judgement for the sexually
4 violent offense would probably change the result of the trial.

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

7 *b0820/1.4* **1368.** Page 1281, line 6: after that line insert:

8 *b0820/1.4* “SECTION 4034r. Laws of 1975, chapter 105, section 1 (1) and (2)
9 are amended to read:

10 [Laws of 1975, chapter 105] Section 1 (1) The legislature finds that the existing
11 system of allocating aggregate property tax revenues among tax levying
12 municipalities has resulted in significant inequities and disincentives. The cost of
13 public works or improvements within a city ~~or~~, village, or town that is located in a
14 county that does not contain any cities or villages has been borne entirely by the city
15 ~~or~~, village, or town that is located in a county that does not contain any cities or
16 villages, while the expansion of tax base which is stimulated, directly or indirectly,
17 by such improvements, benefits not only the city ~~or~~, village, or town that is located
18 in a county that does not contain any cities or villages but also all municipalities
19 which share such tax base. This situation is inequitable. Moreover, when the cost
20 to a city ~~or~~, village, or town that is located in a county that does not contain any cities
21 or villages of a public improvement project exceeds the future benefit to the city ~~or~~,
22 village, or town that is located in a county that does not contain any cities or villages
23 resulting therefrom, the city ~~or~~, village, or town that is located in a county that does
24 not contain any cities or villages may decide not to undertake such project. This

1 situation has resulted in the postponement or cancellation of socially desirable
2 projects.

3 (2) The legislature further finds that accomplishment of the vital and beneficial
4 public purposes of sections 66.405 to 66.425, 66.43, 66.431, 66.435 and 66.52 of the
5 statutes, is being frustrated because of a lack of incentives and financial resources.
6 The purpose of this act is to create a viable procedure by which a city ~~or~~, village, or
7 town that is located in a county that does not contain any cities or villages, through
8 its own initiative and efforts, may finance projects which will tend to accomplish
9 these laudable objectives.”.

10 *b0973/1.1* **1369.** Page 1283, line 13: after that line insert:

11 *b0973/1.1* “SECTION 4046s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is
12 repealed.”.

13 *b0757/2.51* **1370.** Page 1287, line 18: delete lines 18 to 25.

14 *b0757/2.52* **1371.** Page 1288, line 1: delete lines 1 to 11.

15 *b1094/2.109* **1372.** Page 1288, line 16: delete “20.530 (1)”.

16 *b1094/2.110* **1373.** Page 1288, line 20: delete “20.530 (1)”.

17 **1374.** Page 1288, line 22: delete lines 22 to 25.

18 **1375.** Page 1289, line 1: delete lines 1 and 2.

19 *b1052/2.13* **1376.** Page 1291, line 17: delete lines 17 to 25.

20 *b1052/2.14* **1377.** Page 1292, line 18: delete lines 18 to 23.

21 *b1052/2.15* **1378.** Page 1293, line 10: delete lines 10 to 14.

22 *b1069/1.3* **1379.** Page 1295, line 7: delete “\$1,864,700” and substitute
23 “\$1,484,700”.

1 ***b1094/2.111* 1380.** Page 1295, line 23: delete lines 23 and 24.

2 ***b1094/2.112* 1381.** Page 1296, line 1: delete lines 1 to 25.

3 ***b1094/2.113* 1382.** Page 1297, line 1: delete lines 1 to 25.

4 ***b1094/2.114* 1383.** Page 1298, line 1: delete lines 1 to 4 and substitute:

5 ***b1094/2.114*** “(15q) AUTHORIZED POSITIONS.

6 (a) The authorized FTE positions for the department of administration, funded
7 from the appropriation under section 20.505 (1) (ja) of the statutes, are increased by
8 19.0 PR positions to reflect the deletion of the department of electronic government.

9 (b) The authorized FTE positions for the department of administration, funded
10 from the appropriation under section 20.505 (1) (ke) of the statutes, are increased by
11 29.0 PR positions to reflect the deletion of the department of electronic government.

12 (c) The authorized FTE positions for the department of administration, funded
13 from the appropriation under section 20.505 (1) (kL) of the statutes, are increased
14 by 168.30 PR positions to reflect the deletion of the department of electronic
15 government.

16 (d) The authorized FTE positions for the department of administration, funded
17 from the appropriation under section 20.505 (1) (kq) of the statutes, are increased by
18 3.0 PR positions to reflect the deletion of the department of electronic government.

19 (e) The authorized FTE positions for the department of administration, funded
20 from the appropriation under section 20.505 (4) (is) of the statutes are increased by
21 1.0 PR position to reflect the deletion of the department of electronic government.”.

22 ***b1091/3.2* 1384.** Page 1298, line 17: delete lines 17 to 24.

23 ***b0750/1.1* 1385.** Page 1298, line 24: after that line insert:

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

11 ***b0786/3.3* 1386.** Page 1298, line 24: after that line insert:

12 ***b0786/3.3*** “(21c) TRANSFER OF SENTENCING COMMISSION RECORDS. The
13 department of administration shall transfer all records of the sentencing commission
14 to the director of state courts as soon as possible after the effective date of this
15 subsection.”.

16 ***b1069/1.4* 1387.** Page 1298, line 24: after that line insert:

17 “(21j) COMMUNITY JUSTICE CENTER GRANTS. (a) From the appropriation accounts
18 under section 20.505 (6) (kp) of the statutes and section 20.505 (6) (p) of the statutes,
19 as affected by this act, the office of justice assistance shall allocate \$150,000 in fiscal
20 year 2001–02 and \$150,000 in fiscal year 2002–03 in grants to consortiums
21 consisting of local government agencies and community–based organizations for
22 planning community justice center programs. The office of justice assistance shall
23 establish eligibility criteria for grants under this subsection, including specification
24 of the types of agencies and organizations that may receive grants. The maximum

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

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

14 *b1072/1.4* **1388.** Page 1300, line 1: delete lines 1 to 7.

15 *b1015/1.4* **1389.** Page 1300, line 8: delete lines 8 to 12.

16 *b0768/4.6* **1390.** Page 1300, line 12: after that line insert:

17 *b0768/4.6* “(4q) TELEPHONE SOLICITATION REGULATION. The authorized FTE
18 positions for the department of agriculture, trade and consumer protection are
19 increased by 5.5 PR positions, to be funded from the appropriation under section
20 20.115 (8) (jm) of the statutes, as created by this act, for the purpose of regulating
21 telephone solicitations under section 100.52 of the statutes, as created by this act.”.

22 *b0845/3.29* **1391.** Page 1300, line 12: after that line insert:

23 *b0845/3.29* “(4f) SOIL AND WATER MANAGEMENT POSITIONS. The authorized FTE
24 positions for the department of agriculture, trade and consumer protection are

1 increased by 11.0 SEG positions, funded by the appropriation under section 20.115
2 (7) (qd) of the statutes, to reflect the transfer of funding for nonpoint source water
3 pollution control to the environmental fund.”.

4 ***b1029/2.26* 1392.** Page 1300, line 12: after that line insert:

5 ***b1029/2.26*** “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS

6 (a) *Assets and liabilities.* All assets and liabilities of the department of
7 agriculture, trade and consumer protection that are primarily related to programs
8 or functions transferred to the department of justice under this act shall become the
9 assets and liabilities of the department of justice. The departments of justice and
10 agriculture, trade and consumer protection shall jointly determine these assets and
11 liabilities and shall jointly develop and implement a plan for their orderly transfer.
12 In the event of any disagreement between the departments, the secretary of
13 administration shall decide the question. If either department is dissatisfied with
14 the secretary’s decision, the department may bring the matter to the cochairpersons
15 of the joint committee on finance for consideration by the committee, and the
16 committee shall affirm or modify the decision.

17 (b) *Employee transfers.* In the department of agriculture, trade and consumer
18 protection 15.5 FTE positions that are primarily related to programs or functions
19 that are transferred to the department of justice under this act, and the incumbents
20 holding these positions are transferred to the department of justice. The secretary
21 of administration shall determine which incumbents will be transferred. If either
22 department is dissatisfied with the secretary’s decision, the department may bring
23 the matter to the cochairpersons of the joint committee on finance for consideration
24 by the committee, and the committee shall affirm or modify the decision.

1 (c) *Employee status.* Employees transferred under paragraph (b) have all the
2 rights and same status under subchapter V of chapter 111 and chapter 230 of the
3 statutes in the department of justice that they enjoyed in the department of
4 agriculture, trade and consumer protection immediately before the transfer.
5 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
6 has attained permanent status in class is required to serve a probationary period.

7 (d) *Supplies and equipment.* All tangible personal property, including records,
8 of the department of agriculture, trade and consumer protection that are primarily
9 related to programs or functions that are transferred to the department of justice
10 under this act are transferred to the department of justice. The departments of
11 justice and agriculture, trade and consumer protection shall jointly identify the
12 tangible personal property, including records, and shall jointly develop and
13 implement a plan for their orderly transfer. In the event of any disagreement
14 between the departments, the secretary of administration shall decide the question.
15 If either department is dissatisfied with the secretary's decision, the department
16 may bring the matter to the cochairpersons of the joint committee on finance for
17 consideration by the committee, and the committee shall affirm or modify the
18 decision.

19 (e) *Pending matters.* Any matter pending with the department of agriculture,
20 trade and consumer protection that is primarily related to a program or function that
21 is transferred to the department of justice under this act is transferred to the
22 department of justice. All materials submitted or actions taken by the department
23 of agriculture, trade and consumer protection with respect to the pending matter are
24 considered as having been submitted to or taken by the department of justice.

1 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
2 and consumer protection or the department of justice that are primarily related to
3 programs or functions transferred to the department of justice under this act, and
4 that are in effect on the effective date of this paragraph, remain in effect and those
5 contracts entered into by the department of agriculture, trade and consumer
6 protection are transferred to the department of justice. The departments of justice
7 and agriculture, trade and consumer protection shall jointly identify these contracts
8 and shall jointly develop and implement a plan for their orderly transfer. In the event
9 of any disagreement between the departments, the secretary of administration shall
10 decide the question. If either department is dissatisfied with the secretary's decision,
11 the department may bring the matter to the cochairpersons of the joint committee
12 on finance for consideration by the committee, and the committee shall affirm or
13 modify the decision. The department of justice shall carry out the obligations under
14 these contracts until the obligations are modified or rescinded by the department of
15 justice to the extent allowed under the contract.

16 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
17 trade and consumer protection that are in effect on the effective date of this
18 paragraph and that are primarily related to programs or functions that are
19 transferred to the department of justice under this act remain in effect until their
20 specified expiration date or until amended or repealed by the department of justice.
21 All orders issued by the department of agriculture, trade and consumer protection
22 that are in effect on the effective date of this paragraph and that are primarily related
23 to programs or functions transferred to the department of justice under this act
24 remain in effect until their specified expiration date or until modified or rescinded
25 by the department of justice.

1 (h) *Decrease in positions.* The authorized FTE positions for the department of
2 agriculture, trade and consumer protection, funded from the appropriation under
3 section 20.115 (1) (c) of the statutes, as affected by this act, are decreased by 4.0 GPR
4 positions.”.

5 ***b1093/2.3* 1393.** Page 1302, line 15: after that line insert (and adjust the
6 appropriate totals accordingly):

7 “(e) STATE HISTORICAL SOCIETY

8 1. *Projects financed by program revenue supported*
9 *borrowing and gifts, grants and other receipts:*

10 Wisconsin History Center — Madison \$ 131,500,000

11 2. *Agency totals:*

12 Program revenue supported borrowing and gifts,
13 grants and other receipts 131,500,000

14 Total — all sources of funds \$ 131,500,000”.

15 ***b1003/3.10* 1394.** Page 1302, line 22: after that line insert (and adjust the
16 appropriate totals accordingly):

17 “(g) KICKAPOO VALLEY RESERVE BOARD

18 1. *Projects financed by existing general fund supported*
19 *borrowing authority — stewardship funds:*

20 Kickapoo Valley Reserve Visitor Center and
21 administration building \$ 2,370,000

22 2. *Agency totals:*

1	Existing general fund supported borrowing authority	
2	— stewardship funds	<u>2,370,000</u>
3	Total — all sources of funds	\$ 2,370,000”.

4 ***b0999/1.2* 1395.** Page 1304, line 15: after that line insert (and adjust the
5 appropriate totals accordingly):

6	“Grant Park beach redevelopment — Milwaukee	
7	County	648,100”.

8 ***b1003/3.11* 1396.** Page 1306, line 13: delete lines 13 to 15, and adjust the
9 appropriate totals accordingly.

10 ***b1090/1.4* 1397.** Page 1314, line 4: delete “45,500,000” and substitute
11 “140,500,000”, and adjust the appropriate totals accordingly.

12 ***b1090/1.5* 1398.** Page 1314, line 12: delete “45,500,000” and substitute
13 “149,500,000”.

14 ***b0853/1.6* 1399.** Page 1315, line 6: after that line insert the following (and
15 adjust the appropriate totals accordingly):

16 “(ob) HR ACADEMY, INC.

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

18	Youth and family center	\$ 1,500,000
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19 2. *Projects financed by gifts, grants and other receipts:*

	Youth and family center	3,500,000
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20 3. *Agency totals:*

21	General fund supported borrowing	1,500,000
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1	Gifts, grants and other receipts	<u>3,500,000</u>
2	Total — All sources of funds	\$ 5,000,000”.

3 ***b0918/1.7* 1400.** Page 1315, line 6: after that line insert the following (and
4 adjust the appropriate totals accordingly):

5 “(o) OTHER PROJECTS

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

7	Milwaukee children’s village	\$ 550,000
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8 (Total project all funding sources \$3,820,000)

9 2. *Projects financed by gifts, grants, and other receipts:*

10	Milwaukee children’s village	3,270,000
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11 (Total project all funding sources \$3,820,000)

12 3. *Agency totals:*

13	General fund supported borrowing	550,000
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14	Gifts, grants, and other receipts	<u>3,270,000</u>
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15	Total — all sources of funds	\$ 3,820,000”.
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16 ***b0952/1.11* 1401.** Page 1315, line 6: after that line insert (and adjust the
17 appropriate totals accordingly):

18 “(p) OTHER PROJECTS

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

20	Kenosha Civil War museum	\$ 1,000,000
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21 (Total project all funding sources \$2,000,000)

22	Discovery Place museum — Racine	1,000,000
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1 (Total project all funding sources \$3,000,000)

2 *2. Project financed by segregated funds:*

3 Kenosha Civil War museum 1,000,000

4 (Total project all funding sources \$2,000,000)

5 Discovery Place museum — Racine 2,000,000

6 (Total project all funding sources \$3,000,000)

7 *3. Totals:*

8 General fund supported borrowing 2,000,000

9 Segregated funds 3,000,000

10 Total — all sources of funds \$ 5,000,000”.

11 ***b1020/2.14* 1402.** Page 1315, line 6: after that line insert the following
12 (and adjust the appropriate totals accordingly):

13 “(od) MILWAUKEE PUBLIC SCHOOLS FOUNDATION, INC.

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

15 Alumni center 2,000,000

16 *2. Agency totals:*

17 General fund supported borrowing 2,000,000

18 Total — all sources of funds \$ 2,000,000”.

19 ***b1091/3.3* 1403.** Page 1315, line 9: delete “44,838,500” and substitute
20 “128,552,500”, and adjust the appropriate totals accordingly.

21 ***b1091/3.4* 1404.** Page 1315, line 11: delete “21,338,000” and substitute
22 “42,140,000”, and adjust the appropriate totals accordingly.

1 ***b1091/3.5* 1405.** Page 1315, line 13: delete “11,922,000” and substitute
2 “23,544,000”, and adjust the appropriate totals accordingly.

3 ***b1091/3.6* 1406.** Page 1315, line 15: delete “3,038,000” and substitute
4 “6,000,000”, and adjust the appropriate totals accordingly.

5 ***b1124/3.3* 1407.** Page 1320, line 17: after that line insert:

6 ***b1124/3.3*** “(3c) UNIVERSITY OF WISCONSIN SYSTEM FACILITIES REPAIR AND
7 RENOVATION. Notwithstanding section 18.04 (1) and (2) of the statutes, the building
8 commission shall not authorize public debt to be contracted for the purpose for which
9 moneys are allocated under section 20.866 (2) (z) 4m. of the statutes, as created by
10 this act, prior to July 1, 2003.”.

11 ***b1020/2.15* 1408.** Page 1320, line 21: after that line insert:

12 ***b1020/2.15*** “(4d) PABST UNIVERSITY RESEARCH PARK. Notwithstanding section
13 18.04 (1) and (2) of the statutes, the building commission may not authorize public
14 debt to be contracted for the purpose of financing the acquisition, construction,
15 development, enlargement, or improvement of land on which was sited the former
16 Pabst Brewing Company, Inc., headquarters in the city of Milwaukee and any
17 structures on that land until the commission has determined that the department
18 of administration has not received a loan from the board of commissioners in an
19 amount equal to \$25,000,000.”.

20 ***b0853/1.7* 1409.** Page 1321, line 15: after that line insert:

21 ***b0853/1.7*** “(6q) HR ACADEMY, INC., YOUTH AND FAMILY CENTER.
22 Notwithstanding section 13.48 (35) of the statutes, as created by this act, the
23 building commission shall not make a grant to HR Academy, Inc., for the youth and
24 family center project enumerated in subsection (1) (ob) under section 13.48 (35) of the

1 statutes, as created by this act, unless the department of administration has
2 reviewed and approved the plans for the project. Notwithstanding sections 16.85 (1)
3 and 16.855 (1) of the statutes, the department of administration shall not supervise
4 any services or work or let any contract for the project. Section 16.87 of the statutes
5 does not apply to the project.”.

6 ***b1020/2.16* 1410.** Page 1321, line 15: after that line insert:

7 ***b1020/2.16*** “(6k) MILWAUKEE PUBLIC SCHOOLS FOUNDATION, INC., ALUMNI
8 CENTER. Notwithstanding section 13.48 (36) of the statutes, as created by this act,
9 the building commission shall not make a grant to Milwaukee Public Schools
10 Foundation, Inc., for the alumni center project enumerated in subsection (1) (od)
11 under section 13.48 (36) of the statutes, as created by this act, unless the department
12 of administration has reviewed and approved the plans for the project.
13 Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of
14 administration shall not supervise any services or work or let any contract for the
15 project. Section 16.87 of the statutes does not apply to the project.”.

16 ***b1093/2.4* 1411.** Page 1321, line 15: after that line insert:

17 ***b1093/2.4*** “(7x) WISCONSIN HISTORY CENTER. Notwithstanding section 18.04
18 (1) and (2) of the statutes, the building commission shall not authorize public debt
19 to be contracted for the purpose of funding construction of the Wisconsin history
20 center, as enumerated under subsection (1) (e), until the building commission
21 determines that the historical society has secured funding commitments of at least
22 \$75,000,000 from gifts, grants, or other receipts to finance construction of the
23 center.”.

24 ***b0918/1.8* 1412.** Page 1322, line 12: after that line insert:

1 ***b0918/1.8*** “(13x) MILWAUKEE CHILDREN’S VILLAGE. Notwithstanding section
2 13.48 (35) of the statutes, as created by this act, the building commission shall not
3 make a grant to SOS Children’s Villages of Wisconsin — Milwaukee Chapter for the
4 children’s village project enumerated in subsection (1) (p) under section 13.48 (35)
5 of the statutes, as created by this act, unless the department of administration has
6 reviewed and approved the plans for the project. Notwithstanding sections 16.85 (1)
7 of the statutes, as affected by this act, and section 16.855 (1) of the statutes, the
8 department of administration shall not supervise any services or work or let any
9 contract for the project. Section 16.87 of the statutes, as created by this act, does not
10 apply to the project.”.

11 ***b0952/1.12* 1413.** Page 1322, line 12: after that line insert:

12 ***b0952/1.12*** “(13q) KENOSHA CIVIL WAR MUSEUM.

13 (a) Notwithstanding section 13.48 (32m) of the statutes, as created by this act,
14 the building commission shall not make any grant to the city of Kenosha for the Civil
15 War museum project enumerated in subsection (1) (p) under section 13.48 (32m) of
16 the statutes, as created by this act, unless the department of administration has
17 reviewed and approved the plans for the project. Notwithstanding sections 16.85 (1)
18 and 16.855 (1) of the statutes, the department of administration shall not supervise
19 any services or work or let any contract for the project. Section 16.87 of the statutes
20 does not apply to the project.

21 ***b0952/1.12*** (13r) DISCOVERY PLACE MUSEUM.

22 (a) Notwithstanding section 13.48 (32r) of the statutes, as created by this act,
23 the building commission shall not make any grant to the city of Racine for the
24 Discovery Place museum project enumerated in subsection (1) (p) under section

1 13.48 (32r) of the statutes, as created by this act, unless the department of
2 administration has reviewed and approved the plans for the project.
3 Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of
4 administration shall not supervise any services or work or let any contract for the
5 project. Section 16.87 of the statutes does not apply to the project.”.

6 ***b1010/1.3* 1414.** Page 1322, line 15: after that line insert:

7 ***b1010/1.3*** “(1w) ELECTION OF CIRCUIT COURT JUDGES.

8 (a) The initial boundary of judicial subdistrict “A” created under section
9 753.015 (2) of the statutes, as created by this act, is the boundary that encloses
10 Milwaukee County supervisory districts 1 to 7, 9, 10, 13, 15, 18, and 25 as of January
11 1, 2001. The initial boundary of judicial subdistrict “B” created under section
12 753.015 (2) is the boundary that encloses Milwaukee County supervisory districts 8,
13 11, 12, 14, 16, 17, 19, and 20 to 24 as of January 1, 2001. These boundaries apply until
14 Milwaukee County initially adjusts the judicial subdistrict boundaries under section
15 753.015 (2) of the statutes, as created by this act.

16 (b) Notwithstanding paragraph (a), and section 753.015 (2) of the statutes, as
17 created by this act, if Milwaukee County adopts a final plan adjusting its supervisory
18 districts under section 59.10 (2) (a) of the statutes based on the results of the 2000
19 federal decennial census of population before the effective date of this paragraph, the
20 Milwaukee County board of supervisors shall, by November 1, 2001, designate the
21 supervisory districts that the judicial subdistricts are composed of so that, to the
22 extent possible, substantially the same territory exists in judicial subdistricts “A”
23 and “B” as existed in judicial subdistricts “A” and “B” described in paragraph (a).”.

24 ***b0852/1.3* 1415.** Page 1322, line 23: after that line insert:

1 ***b0852/1.3*** “(2k) GRANTS TO CHIPPEWA VALLEY TECHNICAL COLLEGE. From the
2 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the
3 department of commerce may make grants of up to \$250,000 in fiscal year 2001–02
4 and up to \$250,000 in fiscal year 2002–03 to the Chippewa Valley Technical College
5 for a health care education center. If the department of commerce makes a grant
6 under this subsection, the department of commerce shall enter into an agreement
7 with the Chippewa Valley Technical College that specifies the uses for the grant
8 proceeds and reporting and auditing requirements.”.

9 ***b1032/1.1* 1416.** Page 1325, line 12: after that line insert:

10 “2m. The plan provides for spending the grant proceeds for costs incurred in
11 Racine County.”.

12 ***b0857/1.3* 1417.** Page 1326, line 5: after that line insert:

13 ***b0857/1.3*** “(9c) GRANT FOR DEMOLITION AND CLEANUP OF BROWNFIELDS SITE.

14 (a) In this subsection:

15 1. “Department” means the department of commerce.

16 2. “Secretary” means the secretary of commerce.

17 (b) Subject to paragraph (c), from the appropriation under section 20.143 (1)
18 (qm) of the statutes, as affected by this act, the department shall make a grant of
19 \$1,000,000 to the city of Kenosha for the demolition and rehabilitation of the former
20 American Brass factory site in the city of Kenosha if all of the following apply:

21 1. The city of Kenosha submits a plan to the department detailing the proposed
22 use of the grant and the secretary approves the plan.

1 2. The city of Kenosha complies with the requirements under section 560.13 (2)
2 (a) 1m. of the statutes, as created by this act, and with the requirements under
3 section 560.13 (2) (a) 1. and 3. of the statutes.

4 3. The city of Kenosha enters into a written agreement with the department
5 that specifies the conditions for the use of the grant proceeds, including reporting and
6 auditing requirements.

7 4. The city of Kenosha agrees in writing to submit to the department, within
8 6 months after spending the entire amount of the grant, a report detailing how the
9 grant proceeds were used.

10 (c) The department may not pay grant proceeds under this subsection after
11 June 30, 2003.”.

12 ***b0862/1.4* 1418.** Page 1326, line 5: after that line insert:

13 ***b0862/1.4*** “(10p) GRANT FOR GREAT LAKES FORESTRY MUSEUM. From the
14 appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the
15 department of commerce shall make a grant of \$450,000 in fiscal biennium 2001–03
16 to the Great Lakes Forestry Museum in Rice Lake to develop a facility for educating
17 the public about the history of forestry and logging in the state. The department of
18 commerce shall enter into an agreement with the Great Lakes Forestry Museum that
19 specifies the uses for the grant proceeds and reporting and auditing requirements.”.

20 ***b0867/1.2* 1419.** Page 1326, line 5: after that line insert:

21 ***b0867/1.2*** “(10e) BUSINESS PLANNING GRANT. From the appropriation under
22 section 20.143 (1) (c) of the statutes, as affected by this act, the department of
23 commerce shall make a grant of \$25,000 to Clearwater Lake Distilling Company,
24 LLC., for business planning expenses related to a project that utilizes potatoes and

1 potato waste for vodka distillation. The department of commerce shall enter into an
2 agreement with Clearwater Lake Distilling Company, LLC., that specifies the uses
3 for the grant proceeds and reporting and auditing requirements. The department
4 of commerce may not pay grant proceeds under this subsection after June 30, 2003.”.

5 ***b0889/1.1* 1420.** Page 1326, line 5: after that line insert:

6 ***b0889/1.1*** “(10d) COMMUNITY DEVELOPMENT BLOCK GRANT FOR FIRE PROTECTION
7 NEEDS.

8 (a) In this subsection, “department” means the department of commerce.

9 (b) Subject to paragraph (c), the department shall make a grant of \$260,000
10 from the appropriation under section 20.143 (1) (n) of the statutes to the Westby fire
11 department for costs related to purchasing a new fire engine and constructing a new
12 fire station in the city of Westby. If the department makes the grant under this
13 paragraph, it shall pay the grant proceeds no later than June 30, 2003, and shall
14 enter into an agreement with the Westby fire department that specifies the uses for
15 the grant proceeds and reporting and auditing requirements.

16 (c) The department shall make the grant under paragraph (b) only if the federal
17 emergency management administration does not make a fire grant to the city of
18 Westby or the Westby fire department for the purposes specified in paragraph (b).”.

19 ***b0983/1.3* 1421.** Page 1326, line 5: after that line insert:

20 ***b0983/1.3*** “(9q) FEDERAL APPROVAL OF CRANE OPERATOR PROGRAM. No later than
21 the first day of the 3rd month beginning after the effective date of this subsection,
22 the department of commerce shall submit to the federal secretary of labor the plans
23 required under section 101.22 (4) of the statutes, as created by this act, if required
24 to do so under 29 USC 667 (b).

1 ***b0983/1.3*** (9qq) SUBMISSION OF PROPOSED CRANE OPERATOR RULES. No later
2 than the first day of the 9th month beginning after the effective date of this
3 subsection, the department of commerce shall submit in proposed form the rules
4 governing certified crane operator programs under section 101.22 (3) of the statutes,
5 as created by this act, and the fees permitted under section 101.19 (1) (ig) of the
6 statutes, as created by this act, to the legislative council staff under section 227.15
7 (1) of the statutes.

8 ***b0983/1.3*** (9qr) SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL
9 EXAMINATION. Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as
10 otherwise provided in this subsection, the department of commerce may authorize
11 a crane operator certification program only if a crane operator certificate issued by
12 the program before the first day of the 12th month beginning after the effective date
13 of this subsection has a term that expires on the first day of the 12th month beginning
14 after the effective date of this subsection. This subsection does not apply to a crane
15 operator certificate issued to an individual who satisfactorily completes a practical
16 examination regarding safe crane operation that is approved by the department of
17 commerce.

18 ***b0983/1.3*** (9qs) FEDERAL APPROVAL OF IRONWORKER PROGRAM. No later than
19 the first day of the 3rd month beginning after the effective date of this subsection,
20 the department of commerce shall submit to the federal secretary of labor the plans
21 required under sections 101.25 (4) and 101.255 (3) of the statutes, as created by this
22 act, if required to do so under 29 USC 667 (b).

23 ***b0983/1.3*** (9qt) SUBMISSION OF PROPOSED IRONWORKER RULES. No later than
24 the first day of the 9th month beginning after the effective date of this subsection,
25 the department of commerce shall submit in proposed form the rules governing

1 master ironworkers, journeymen ironworkers, ironworker apprentices, and
2 individuals training as ironworkers under sections 101.25 (3) and 101.255 (2) of the
3 statutes, as created by this act, and the fees permitted under section 101.19 (1) (ir)
4 of the statutes, as created by this act, to the legislative council staff under section
5 227.15 (1) of the statutes.

6 ***b0983/1.3*** (9qu) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN MASTER
7 IRONWORKERS. Except as provided in section 101.02 (20) (b) and (21) (b) of the statutes
8 and notwithstanding section 101.25 (3) (a) of the statutes, as created by this act, if
9 approval of the department of commerce's plan to certify ironworkers under section
10 101.25 (4) of the statutes, as created by this act, is not required under 29 USC 667
11 (b) or if an approval that is consistent with all of the provisions of section 101.25 of
12 the statutes, as created by this act, is granted and in effect, the department shall
13 certify as a master ironworker any individual who applies for a master ironworker
14 certification within one year after the effective date of this subsection and who
15 provides the department with sufficient evidence that the individual safely
16 completed at least 15,000 hours of work in the ironworking trade during the 15-year
17 period before the date of the application for certification.

18 ***b0983/1.3*** (9r) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN
19 JOURNEYMEN IRONWORKERS. Except as provided in section 101.02 (20) (b) and (21) (b)
20 of the statutes and notwithstanding section 101.25 (3) (b) of the statutes, as created
21 by this act, if approval of the department of commerce's plan to certify ironworkers
22 under section 101.25 (4) of the statutes, as created by this act, is not required under
23 29 USC 667 (b) or if an approval that is consistent with all of the provisions of section
24 101.25 of the statutes, as created by this act, is granted and in effect, the department
25 shall certify as a journeyman ironworker any individual who applies for a

1 journeyman ironworker certification within one year after the effective date of this
2 subsection and who provides the department with sufficient evidence of any of the
3 following:

4 (b) That the individual, before the date of the application for certification,
5 successfully completed an apprenticeship program for ironworking that is approved
6 by the department of workforce development.

7 (c) That the individual safely completed at least 8,000 hours of work in the
8 ironworking trade during the 8-year period before the date of the application for
9 certification.”.

10 *b0794/1.3* **1422.** Page 1326, line 15: after that line insert:

11 *b0794/1.3* “(9d) GRANT FOR ACQUISITION AND CLEANUP OF ABANDONED RAIL
12 CORRIDOR.

13 (a) In this subsection:

- 14 1. “Department” means the department of commerce.
15 2. “Secretary” means the secretary of commerce.

16 (b) Subject to paragraph (c), from the appropriation under section 20.143 (1)
17 (qm) of the statutes, as affected by this act, the department shall make a grant of
18 \$100,000 to the city of Beloit for the acquisition, cleanup, and redevelopment of a
19 brownfields site in the Fourth and Fifth Street rail corridor and adjacent industrial
20 property in the city of Beloit if all of the following apply:

21 1. The city of Beloit submits a plan to the department detailing the proposed
22 use of the grant and the secretary approves the plan.

1 2. The city of Beloit complies with the requirements under section 560.13 (2)
2 (a) 1m. of the statutes, as created by this act, and with the requirements under
3 section 560.13 (2) (a) 1. and 3. of the statutes.

4 3. The city of Beloit enters into a written agreement with the department that
5 specifies the conditions for the use of the grant proceeds, including reporting and
6 auditing requirements.

7 4. The city of Beloit agrees in writing to submit to the department, within 6
8 months after spending the entire amount of the grant, a report detailing how the
9 grant proceeds were used.

10 (c) The department may not pay grant proceeds under this subsection after
11 June 30, 2003.”.

12 ***b0788/2.2* 1423.** Page 1332, line 3: after that line insert:

13 ***b0788/2.2***“(6e) REPORT REGARDING GENDER-SPECIFIC TREATMENT PROGRAM. The
14 department of corrections and the department of health and family services shall
15 jointly prepare a report that includes a program plan regarding the gender-specific
16 treatment program required under section 301.03 (25) of the statutes, as created by
17 this act, and shall submit the report to the legislature under section 13.172 (2) of the
18 statutes by July 1, 2002.”.

19 ***b0790/1.1* 1424.** Page 1332, line 3: after that line insert:

20 ***b0790/1.1***“(8c) REPORT ON OUT-OF-STATE INMATE TRANSFERS. The department
21 of corrections shall submit a report to the joint committee on finance by July 1, 2002,
22 regarding Wisconsin inmates transferred to and confined in other states under
23 section 301.21 (1m) and (2m) of the statutes. The report shall address all of the
24 following:

1 (a) The overall impact that transfers have on prison populations in Wisconsin
2 and projections regarding future out-of-state transfers.

3 (b) The total cost of out-of-state transfers to the department, including the cost
4 of incarceration and transportation.

5 (c) The types of inmates being transferred based on the crimes for which the
6 inmates have been sentenced.

7 (d) Department policies regarding how inmates are selected for out-of-state
8 transfers.

9 (e) The average length of an inmate's stay in an out-of-state prison.

10 (f) The specific services, programs, and treatment provided to inmates in
11 out-of-state prisons compared to inmates confined in Wisconsin prisons.

12 (g) Complaint procedures for inmates in out-of-state prisons, the number of
13 complaints that have been received, the types of complaints that have been
14 submitted, and the ways in which the out-of-state prisons have addressed the
15 complaints.

16 (h) The rate of recidivism for inmates who have been confined in out-of-state
17 prisons compared to those remaining in Wisconsin for the entire sentence, classified
18 by the crimes for which the inmates have been sentenced.

19 (i) The impact of transfers on inmates' families in Wisconsin, the information
20 that inmates' families receive on the treatment of inmates, and the ways in which
21 the department has attempted to respond to concerns of the families.

22 (j) The steps taken by the department to implement alternatives to prison
23 transfers, the number of persons involved in enhanced community supervision
24 programs, the success of those programs, and the feasibility of reducing prison

1 transfers through increasing the use of some combination of community supervision
2 programs.

3 (k) The effects that the elimination of parole and probation would have on the
4 number of prisoners who will be sentenced to a term of imprisonment in the
5 Wisconsin state prisons and on recidivism rates for all prisoners.

6 (L) An evaluation of the health of inmates in out-of-state prisons and the
7 health care provided to them.”.

8 *b0795/1.2* **1425.** Page 1332, line 3: after that line insert:

9 *b0795/1.2* “(7d) REPORT REGARDING SERVICES FOR ALCOHOL AND OTHER DRUG
10 ABUSE BASED ON GENDER. The department of corrections shall submit a report to the
11 joint committee on finance no later than 6 months after the effective date of this
12 subsection comparing the evaluation and treatment services for alcohol and other
13 drug abuse that it provides to women to those that it provides to men.”.

14 *b0807/1.1* **1426.** Page 1332, line 3: after that line insert:

15 *b0807/1.1* “(9q) CARRYING COSTS FOR THE CORRECTIONAL FACILITY AT STANLEY.
16 Of the amount appropriated under section 20.410 (1) (a) of the statutes, the
17 department of corrections shall pay the owners of the correctional facility at Stanley
18 \$650,000 per month for carrying costs for the period beginning on July 1, 2001, and
19 ending on the earlier of October 31, 2001, or the date on which the building
20 commission purchases the correctional facility. If the building commission
21 purchases the correctional facility before October 31, 2001, the carrying costs for the
22 month in which the purchase takes place shall be prorated.”.

23 *b0811/2.31* **1427.** Page 1332, line 3: after that line insert:

1 ***b0811/2.31*** “(7w) DELAY OPENING OF CERTAIN FACILITIES. The department of
2 corrections may not open a new segregation unit at the Oshkosh Correctional
3 Institution or a new workhouse at the Winnebago Correctional Center until after
4 December 31, 2003.”.

5 ***b0924/2.8* 1428.** Page 1332, line 3: after that line insert:

6 ***b0924/2.8*** “(6d) PLACEMENT OF PERSONS UNDER 18 YEARS OF AGE IN MAXIMUM
7 SECURITY PRISON LOCATED NEAR BOSCOBEL. If on the effective date of this subsection
8 any person under 18 years of age is incarcerated in the correctional institution
9 authorized under section 301.16 (1n) of the statutes, the department of corrections
10 shall transfer that person out of that correctional institution within 30 days after the
11 effective date of this subsection.”.

12 ***b0989/2.1* 1429.** Page 1332, line 3: after that line insert:

13 ***b0989/2.1*** “(6g) SUPERMAX CORRECTIONAL FACILITY STUDY AND REPORT. The
14 department of corrections, in cooperation with the department of health and family
15 services and nonprofit community-based and faith-based organizations, shall study
16 the impact on inmates of being incarcerated in the facility created under section
17 301.16 (1n) of the statutes. The department shall report its findings and
18 recommendations by July 1, 2002 to the legislature in the manner provided in section
19 13.172 (2) of the statutes.”.

20 ***b1096/2.26* 1430.** Page 1332, line 3: after that line insert:

21 ***b1096/2.26*** “(7z) REPORT ON TREATMENT PROGRAMS FOR PRISONERS. By March
22 15, 2002, the department of corrections shall study and report on the availability and
23 effectiveness of programs that provide prisoners with treatment for drug and alcohol
24 abuse, instruction in basic skills such as reading and math, and training in job skills.

1 The report shall include an analysis of the racial composition of the enrollment in
2 such programs compared to the racial composition of the prison population as a
3 whole. The report shall also include recommendations for establishing new
4 programs that would better prepare prisoners to enter the workforce and
5 suggestions about how current programs could be improved. The report shall be
6 submitted to the appropriate standing committees of the legislature in the manner
7 provided under section 13.172 (3) of the statutes, to the joint committee on finance,
8 and to the governor.”.

9 *b0778/3.1* **1431.** Page 1332, line 5: after that line insert:

10 *b0778/3.1* “(1k) DISTRICT ATTORNEY POSITION REALLOCATIONS.
11 Notwithstanding sections 978.03 and 978.04 of the statutes, effective January 1,
12 2002, the department of administration shall reduce Juneau County’s and Rock
13 County’s allocation of FTE PR assistant district attorney positions funded from the
14 appropriation account under section 20.475 (1) (g) of the statutes, as created by this
15 act, by 0.25 position each and shall increase Ashland County’s allocation of FTE PR
16 assistant district attorney positions funded from the appropriation account under
17 section 20.475 (1) (g) of the statutes, as created by this act, by 0.5 position.

18 *b0778/3.1* (2k) DISTRICT ATTORNEY POSITION INCREASE FOR PEPIN COUNTY. The
19 authorized FTE positions for the department of administration are increased by 0.2
20 PR position on January 1, 2002, to be funded from the appropriation account under
21 section 20.475 (1) (g) of the statutes, as created by this act, for a 0.2 FTE district
22 attorney position in Pepin County.”.

23 *b1021/1.4* **1432.** Page 1334, line 7: after that line insert:

1 ***b1021/1.4*** “(4g) FOOD PANTRY GRANT RULES. Not later than the first day of the
2 6th month beginning after the effective date of this subsection, the department of
3 health and family services shall promulgate any rules necessary to implement the
4 grant program under section 46.766 of the statutes, as created by this act. Prior to
5 promulgating the rules, the department of health and family services shall convene
6 a committee to advise the department regarding the department’s proposed rules.
7 The committee shall be composed of all of the following:

8 (d) One representative of an emergency food provider.

9 (e) One representative of a food bank.

10 (f) One representative of a community action agency.

11 (g) One representative of a faith-based social services organization.

12 (h) One representative of the University of Wisconsin–Extension with
13 experience in hunger prevention policies.

14 (i) Two persons, other than those specified in paragraphs (d) to (h) with
15 experience in hunger prevention and emergency food distribution.”.

16 ***b0863/2.1* 1433.** Page 1335, line 11: delete lines 11 to 17 and substitute:

17 ***b0863/2.1*** “(8kk) STUDY OF VITAL RECORDS ON–LINE ELECTRONIC FILING SYSTEM.

18 (a) By January 1, 2002, the secretary of health and family services shall appoint
19 a committee to develop recommended guidelines for an on–line electronic filing
20 system for vital records in Wisconsin that incorporates privacy, flexibility, and
21 productivity; to study methods employed by other states to protect against identity
22 theft in on–line electronic filing systems; to recommend increases, if necessary, in
23 vital records fees for implementation of an on–line electronic filing system; and to

1 recommend allocation of revenues resulting from the fee increases. The members of
2 the committee shall include all of the following:

3 1. The state registrar of vital statistics.

4 2. Three local registrars, including one from a county with a population that
5 does not exceed 22,000; one from a county with a population that exceeds 22,000 but
6 does not exceed 300,000; and one from a county with a population that exceeds
7 300,000.

8 3. Three representatives of the department of health and family services.

9 4. One genealogist.

10 (b) By July 1, 2002, the committee appointed under paragraph (a) shall develop
11 an outline of its proposals.

12 (c) By January 1, 2003, the committee appointed under paragraph (a) shall
13 report its findings and recommendations, including a proposed schedule of fees
14 chargeable for vital records that supports implementation of an on-line electronic
15 filing system and security measures to protect against identity theft, to the
16 legislature in the manner provided under section 13.172 (2) of the statutes and to the
17 governor.”.

18 *b0906/3.5* **1434.** Page 1336, line 23: after that line insert:

19 *b0906/3.5* “(8zo) USE OF FEDERAL REIMBURSEMENT OF TARGETED CASE
20 MANAGEMENT COSTS FOR IMPLEMENTATION OF STATEWIDE AUTOMATED CHILD WELFARE
21 INFORMATION SYSTEM. If after the lapse under SECTION 9223 (5zo) of this act there
22 remains in the appropriation account under section 20.435 (8) (mb) of the statutes,
23 as affected by this act, any moneys received under 42 USC 1396 to 1396v in
24 reimbursement of the cost of providing case management services to children whose

1 care is not eligible for reimbursement under 42 USC 670 to 679a, the department of
2 health and family services shall allocate, from that appropriation account,
3 \$1,622,100 in fiscal year 2001–02 and \$1,839,000 in fiscal year 2002–03 to support
4 the counties' share of implementing the statewide automated child welfare
5 information system established by the department of health and family services
6 under section 46.03 (7) (g) of the statutes. If after the counties' full share of
7 implementing that system is met any of those moneys received under 42 USC 1396
8 to 1396v remain in that appropriation account, the department of health and family
9 services shall distribute those remaining moneys to counties having a population of
10 less than 500,000 for services and projects to assist children and families, and the
11 counties receiving those remaining moneys shall use not less than 50% of those
12 moneys for services for children who are at risk of abuse or neglect to prevent the
13 need for child abuse and neglect intervention services.”.

14 *b1031/1.3* **1435.** Page 1336, line 23: after that line insert:

15 *b1031/1.3* “(9bk) INCOME AUGMENTATION ACTIVITIES. The authorized FTE
16 positions for the department of health and family services are increased by 1.0 FED
17 position on October 1, 2001, to be funded from the appropriation under section 20.435
18 (8) (mb) of the statutes, for the purpose of performing income augmentation activities
19 under section 46.46 of the statutes.”.

20 *b0733/1.3* **1436.** Page 1338, line 20: after that line insert:

21 *b0733/1.3* “(14e) MILWAUKEE HEALTH CLINICS GRANTS. In fiscal year 2001–02,
22 from the appropriation account under section 20.435 (5) (fh) of the statutes, as
23 affected by this act, the department of health and family services shall provide all
24 of the following:

1 (a) One grant in the amount of \$410,000 to the Milwaukee Immediate Care
2 Center to allow continued operation of the facility.

3 (b) One grant in the amount of \$340,000 to the Martin Luther King Heritage
4 Health Center to expand primary care examination rooms and to create an
5 emergency care clinic at the Isaac Coggs Community Health Center.”.

6 *b0735/1.2* **1437.** Page 1338, line 20: after that line insert:

7 *b0735/1.2* “(13i) WISCONSIN IMMUNIZATION REGISTRY. The department of
8 health and family services shall allocate all of the following amounts to develop and
9 maintain an automated registry of child immunizations:

10 (a) From the appropriation under section 20.435 (4) (bm) of the statutes, as
11 affected by this act, \$299,000 in fiscal year 2001–02 and \$527,400 in fiscal year
12 2002–03.

13 (b) From the appropriation under section 20.435 (4) (o) of the statutes, \$793,500
14 in fiscal year 2001–02 and \$140,200 in fiscal year 2002–03.”.

15 *b0744/2.2* **1438.** Page 1338, line 20: after that line insert:

16 *b0744/2.2* “(13c) MEDICAL ASSISTANCE HOSPITAL REIMBURSEMENT RATE FUNDING.
17 No moneys appropriated in the 2001–03 fiscal biennium under section 20.435 (4) (o)
18 and (w) of the statutes, as affected by this act, for increasing the maximum
19 reimbursement rates paid to hospitals for outpatient services may be used to adjust
20 the rates paid to health maintenance organizations for reimbursement of health
21 services provided under the medical assistance program under subchapter IV of
22 chapter 49 of the statutes.”.

23 *b0796/1.1* **1439.** Page 1338, line 20: after that line insert:

1 ***b0796/1.1*** “(14d) ACCOUNTING METHOD USED FOR THE HEATH INSURANCE
2 RISK-SHARING PLAN. During the 2001–03 biennium, the department of health and
3 family services shall continue to use a cash–basis accounting method for purposes
4 of establishing, under section 149.143 of the statutes, as affected by this act, the
5 premiums, assessments, and rate adjustments for paying the costs of the health
6 insurance risk–sharing plan, unless the joint committee on finance, at a regularly
7 scheduled meeting of the committee under section 13.10 of the statutes, approves
8 using an accrual accounting method for those purposes.”.

9 ***b1039/1.3* 1440.** Page 1338, line 20: after that line insert:

10 ***b1039/1.3*** “(14g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The
11 department of health and family services shall submit in proposed form the rules
12 required under section 146.83 (3m) of the statutes, as created by this act, to the
13 legislative council staff under section 227.15 (1) of the statutes no later than the first
14 day of the 5th month beginning after the effective date of this subsection.”.

15 ***b1052/2.16* 1441.** Page 1338, line 20: after that line insert:

16 ***b1052/2.16*** “(15j) ASSISTIVE TECHNOLOGY AND ADAPTIVE EQUIPMENT.

17 (a) From the appropriation account under section 20.435 (6) (a) of the statutes,
18 the subunit in the department of health and family services that deals with physical
19 disabilities shall expend \$30,000 in each of state fiscal year 2001–02 and 2002–03
20 to administer funding for assistive technology and adaptive equipment for persons
21 with physical disabilities; develop statewide reporting mechanisms, contract
22 performance evaluation, and training; and work with vendors to obtain updated
23 assistive technology and adaptive equipment.

1 (b) From the appropriation account under section 20.435 (7) (bc) of the statutes,
2 the department of health and family services shall distribute \$60,000 in each of state
3 fiscal years 2001–02 and 2002–03 to the protection and advocacy agency designated
4 under section 51.62 (2) of the statutes to provide statewide systemic advocacy on
5 assistive technology issues, including assessing barriers to the provision of assistive
6 technology in school systems, human services programs, businesses, and public and
7 private insurance programs.

8 (c) From the appropriation account under section 20.435 (7) (bc) of the statutes,
9 the department of health and family services shall distribute \$30,000 in each of state
10 fiscal years 2001–02 and 2002–03 to the Easter Seals Society of Wisconsin, Inc., to
11 provide persons with disabilities in the agricultural industry with specialized
12 assistance regarding adaptations or modifications of agricultural equipment.

13 (d) From the appropriation account under section 20.435 (7) (bc) of the statutes,
14 the department of health and family services shall expend \$40,000 in each of state
15 fiscal years 2001–02 and 2002–03 to provide recycled medical equipment, including
16 wheelchairs, and equipment parts, maintenance, and distribution costs to persons
17 with disabilities.

18 (e) From the appropriation account under section 20.435 (7) (c) of the statutes,
19 the department of health and family services shall award grants of \$30,000 in each
20 of state fiscal years 2001–02 and 2002–03 to each of the eight independent living
21 centers for the severely disabled, to provide information, resources, and assessments
22 for the needs for assistive technology and adaptive equipment of persons with
23 disabilities who are residents of the independent living centers.”.

24 *b1055/1.3* **1442.** Page 1338, line 20: after that line insert:

1 ***b1055/1.3*** “(13e) HEALTH INSURANCE SUPPLEMENT FOR COMMUNITY DISABILITY
2 SERVICE PROVIDERS. From the appropriation under section 20.435 (4) (bu) of the
3 statutes, as created by this act, the department of health and family services shall
4 in state fiscal year 2001–02 distribute moneys to applying providers of services under
5 home and community–based waiver programs under 42 USC 1396n (c), including the
6 long–term support community options program under section 46.27 of the statutes
7 and the community integration programs under sections 46.275, 46.277, and 46.278
8 of the statutes, to offset costs of providing health insurance to employees of the
9 providers. Moneys distributed under this subsection to an applying provider are
10 limited to the amount the provider expends for employee health care insurance costs
11 or \$50,000, whichever is less.”.

12 ***b1058/2.19* 1443.** Page 1338, line 20: after that line insert:

13 ***b1058/2.19*** “(13xx) TOPICAL FLUORIDE VARNISH. In state fiscal year 2002–03,
14 from the appropriation under section 20.435 (4) (b) of the statutes, as affected by this
15 act, the department of health and family services shall provide medical assistance
16 coverage under the early and periodic screening, diagnosis, and treatment program
17 under 42 CFR 441 for topical fluoride varnish, for the purpose of preventing early
18 childhood caries in eligible children 0 to 60 months of age, when rendered by health
19 care professionals providing services under the program and acting within their
20 scope of practice and licensure. The department shall promulgate rules relating to
21 coverage of fluoride varnish treatments under the early and periodic screening,
22 diagnosis and treatment program that contain the following provisions:

23 (a) The department shall provide payment for up to 3 applications per year of
24 topical fluoride varnish per eligible child.

1 (b) Application of topical fluoride varnish may be, but is not required to be,
2 provided in conjunction with an early and periodic screening, diagnosis, and
3 treatment examination that includes a limited oral screening.

4 (c) Health care professionals providing services under this program shall refer
5 or facilitate referral of children receiving applications of topical fluoride varnish for
6 comprehensive dental care rendered by a dental professional.

7 *b1058/2.19* (13xy) ORAL HEALTH DATA COLLECTION SYSTEM; PLAN. The
8 department of health and family services shall prepare a plan for development of a
9 comprehensive oral health data collection system. The plan shall identify data to be
10 collected, sources from which the data can be collected, costs of implementing the
11 system, and any statutory changes that are needed. The department shall submit
12 its plan to the legislature, in the manner provided under section 13.172 (2) of the
13 statutes, and to the governor by September 1, 2002.

14 *b1058/2.19* (13xz) PRIOR AUTHORIZATION FOR DENTAL SERVICES; REPORT. The
15 department of health and family services shall prepare a report on its efforts to
16 reduce the requirement for prior authorization for dental services under medical
17 assistance and to simplify the prior authorization process for dental services. The
18 department shall submit its report to the legislature, in the manner provided under
19 section 13.172 (2) of the statutes, and to the governor by the first day of the 6th month
20 beginning after the effective date of this subsection.

21 *b1058/2.19* (13zz) ACCESS TO DENTAL SERVICES AND DENTAL HYGIENE SERVICES;
22 REPORT. The department of health and family services and the department of
23 regulation and licensing shall jointly prepare reports on whether the provisions of
24 this act that modify sections 447.06 and 447.065 of the statutes have improved access
25 to dental services and dental hygiene services. The departments shall submit the

1 reports to the legislature, in the manner provided under section 13.172 (2) of the
2 statutes, and to the governor by the first day of the 24th month and the first day of
3 the 48th month beginning after the effective date of this subsection.”.

4 ***b1059/2.8* 1444.** Page 1338, line 20: after that line insert:

5 ***b1059/2.8*** “(16h) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; ADMINISTRATION.

6 Before July 1, 2002, the department of health and family services may develop and
7 submit to the department of administration a proposal for expenditure of the funds
8 appropriated under section 20.865 (4) (a) of the statutes for administration of the
9 prescription drug assistance for elderly program under section 49.688 of the statutes,
10 as created by this act. The department of administration may approve, disapprove,
11 or modify and approve any proposal it receives under this subsection. If the
12 department of administration approves the proposal, the department shall submit
13 the proposal, together with any modifications, to the cochairpersons of the joint
14 committee on finance. If the cochairpersons of the committee do not notify the
15 secretaries of administration and health and family services within 14 working days
16 after receiving the proposal that the cochairpersons have scheduled a meeting for the
17 purpose of reviewing the proposal, the secretary of administration may transfer from
18 the appropriation account under section 20.865 (4) (a) of the statutes to the
19 appropriation account under section 20.435 (4) (a) of the statutes the amount
20 specified in the proposal or any proposed modifications of the proposal for
21 expenditure as specified in the proposal or any proposed modifications of the
22 proposal and may approve any position authority specified in the proposal or any
23 proposed modifications of the proposal. If, within 14 working days after receiving the
24 proposal, the cochairpersons notify the secretaries of administration and health and

1 family services that the cochairpersons have scheduled a meeting for the purpose of
2 reviewing the proposal, the secretary of administration may not transfer any amount
3 specified in the proposal or any proposed modifications of the proposal from the
4 appropriation account under section 20.865 (4) (a) of the statutes and may not
5 approve any position authority specified in the proposal or any proposed
6 modifications of the proposal, except as approved by the committee.

7 ***b1059/2.8*** (16j) NOTIFICATION OF ELIGIBILITY FOR THE HEALTH INSURANCE
8 RISK-SHARING PLAN. Before January 1, 2002, the department of health and family
9 services shall provide, to the extent permitted under federal law, to every resident
10 of this state who is covered by medicare because he or she is disabled under 42 USC
11 423 and who is not covered under the health insurance risk-sharing plan under
12 chapter 149 of the statutes, notice by mail of all of the following:

13 (a) That he or she may be eligible for coverage under the health insurance
14 risk-sharing plan.

15 (b) How to apply for coverage under the health insurance risk-sharing plan.”.

16 ***b1061/2.2* 1445.** Page 1338, line 20: after that line insert:

17 ***b1061/2.2*** “(13k) EXPANSION OF PROGRAM OF ALL-INCLUSIVE CARE OF THE
18 ELDERLY. From the appropriation under section 20.435 (7) (bc), the department of
19 health and family services shall provide \$60,000 for start-up costs to expand to
20 Racine County the program of all-inclusive care for persons aged 65 or older
21 authorized under 42 USC 1395 to 1395gg.”.

22 ***b1096/2.27* 1446.** Page 1338, line 22: after that line insert:

23 ***b1096/2.27*** “(1z) REPORT ON STUDENT LOAN FORGIVENESS TO ATTRACT WORKERS.
24 By January 1, 2002, the higher educational aids board shall study and report to the

1 legislature and to the appropriate standing committees of the legislature, in the
2 manner provided under section 13.172 (2) and (3) of the statutes, and to the governor
3 on the cost, desirability, and effectiveness of creating a general program of student
4 loan forgiveness for attracting workers to and retaining workers in this state. The
5 report shall include legislative recommendations.”.

6 ***b1187/2.3* 1447.** Page 1338, line 22: after that line insert:

7 ***b1187/2.3*** “(1x) REPORT ON LOAN FORGIVENESS PROGRAM. The higher
8 educational aids board shall develop a program to forgive loans of students who
9 graduate from the University of Wisconsin System or from the technical college
10 system and farm for a period of 5 consecutive years. The board shall submit a report
11 summarizing the program to the governor, and to the legislature in the manner
12 provided under section 13.172 (2) of the statutes, by March 1, 2002.”.

13 ***b1095/3.15* 1448.** Page 1338, line 24: delete “(1)mk)” and substitute
14 “(1mk)”.

15 ***b0830/1.3* 1449.** Page 1339, line 3: after that line insert:

16 ***b0830/1.3*** “(2x) CITY COMMEMORATIVE PROJECT. By June 30, 2002, the
17 historical society shall award a grant in the amount of \$30,000 from the
18 appropriation under section 20.245 (1) (d) of the statutes, as created by this act, to
19 the Greater Green Bay Area Foundation for the city stadium commemorative project
20 in Green Bay.”.

21 ***b0838/1.1* 1450.** Page 1343, line 11: after that line insert:

22 ***b0838/1.1*** “(4q) RESTRICTION ON EXPENDITURES FOR LEGAL AND CONSULTING FEES
23 FOR REDISTRICTING.

1 (a) Notwithstanding section 20.001 (3) (d) of the statutes, of the amounts
2 appropriated to the assembly under section 20.765 (1) (a) of the statutes in the
3 2001–03 fiscal biennium, no more than \$350,000 may be expended for legal and
4 consulting services, other than for those performed by employees of the Wisconsin
5 legislature in the performance of their regular job responsibilities, to assist the
6 legislature, its committees, and its members in the redistricting of congressional and
7 legislative districts. The limit may be exceeded by an amount approved by all of the
8 members of the committee on assembly organization.

9 (b) Notwithstanding section 20.001 (3) (d) of the statutes, of the amounts
10 appropriated to the senate under section 20.765 (1) (b) of the statutes in the 2001–03
11 fiscal biennium, no more than \$350,000 may be expended for legal and consulting
12 services, other than for those performed by employees of the Wisconsin legislature
13 in the performance of their regular job responsibilities, to assist the legislature, its
14 committees, and its members in the redistricting of congressional and legislative
15 districts. The limit may be exceeded by an amount approved by all of the members
16 of the committee on senate organization.”.

17 ***b0958/1.1* 1451.** Page 1343, line 11: after that line insert:

18 “(4z) STUDY ON NEW ECONOMY. The joint legislative council is requested to
19 conduct a study on how the state government, the state’s research universities, and
20 the state’s business community can foster economic development in this state by
21 assisting and developing businesses and industries that are based on science and
22 technology. If the joint legislative council conducts the study, the joint legislative
23 council shall report its findings, conclusions, and recommendations to the legislature

1 in the manner provided under section 13.172 (2) of the statutes by January 1, 2002,
2 and shall include in its report recommendations relating to all of the following:

3 (a) Ways to increase the number and percentage of jobs in this state in
4 businesses and industries that are based on science and technology.

5 (b) Ways to increase the average earnings of employees employed in this state
6 in businesses and industries that are based on science and technology.

7 (c) Ways to increase the amount of venture capital invested in this state and
8 the amount spent on research and development in this state.

9 (d) Ways to increase the number of homes in this state that have computers and
10 access to the Internet.

11 (e) A strategy to bring the best and brightest researchers to this state.”.

12 ***b0967/1.1* 1452.** Page 1343, line 11: after that line insert:

13 ***b0967/1.1*** “(4b) JURY SELECTION STUDY AND REPORT. The joint legislative
14 council is requested to study how juries are selected, including what actions are
15 needed to increase the participation of racial and ethnic minorities on juries so that
16 juries reflect the racial and ethnic composition of the areas from which the juries
17 were selected. If the joint legislative council conducts the study, it shall report its
18 findings and recommendations to the legislature in the manner provided under
19 section 13.172 (2) of the statutes.”.

20 ***b0834/3.13* 1453.** Page 1343, line 24: after that line insert:

21 ***b0834/3.13*** “(1k) RECYCLING EFFICIENCY PLANNING GRANTS.

22 (a) The department of natural resources shall establish and administer a
23 recycling efficiency planning grant program to obtain information to use in
24 implementing the recycling efficiency planning grant program under section

1 287.235 of the statutes, as created by this act, and to assist municipalities that are
2 responsible units in preparing to use recycling efficiency planning grants. The
3 department may award grants under this subsection only in fiscal year 2001–02.
4 The department may award grants under this subsection only to cities, villages, and
5 towns that are responsible units, as defined in section 287.01 (9) of the statutes. The
6 department shall award \$2,000,000 in grants under this subsection to municipalities
7 with populations of 50,000 or more and \$1,000,000 to municipalities with
8 populations of less than 50,000.

9 (b) A recipient of a grant under this subsection shall report information to the
10 department of natural resources concerning policies and activities that, if
11 implemented, would make its recycling program more efficient and effective,
12 including activities to provide coordinated program delivery as required under
13 section 287.235 (1) (b) of the statutes, as created by this act, and concerning any
14 barriers to implementation of these policies and procedures.

15 (c) The department of natural resources may promulgate rules for the program
16 under this subsection using the procedure under section 227.24 of the statutes.
17 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the rules may remain
18 in effect until June 30, 2003. Notwithstanding section 227.24 (1) (a) and (3) of the
19 statutes, the department is not required to provide evidence that promulgating a rule
20 under this paragraph as an emergency rule is necessary for the preservation of public
21 peace, health, safety, or welfare and is not required to provide a finding of emergency
22 for a rule promulgated under this paragraph.

23 ***b0834/3.13*** (1km) RECYCLING POSITION AUTHORIZATION. The authorized FTE
24 positions for the department of natural resources are increased by 1.0 SEG position

1 to be funded from the appropriation under section 20.370 (2) (hq) of the statutes, for
2 recycling program administration.”.

3 ***b0829/2.47* 1454.** Page 1344, line 8: delete lines 8 to 13.

4 ***b0845/3.30* 1455.** Page 1344, line 13: after that line insert:

5 ***b0845/3.30*** “(2g) NONPOINT SOURCE POSITIONS. The authorized FTE positions
6 for the department of natural resources are increased by 5.5 SEG positions, funded
7 by the appropriation under section 20.370 (3) (mt) of the statutes, to reflect the
8 transfer of funding for nonpoint source water pollution control to the environmental
9 fund.

10 ***b0845/3.30*** (2h) NONPOINT SOURCE ADMINISTRATION. The authorized FTE
11 positions for the department of natural resources are increased by 8.0 SEG positions,
12 funded by the appropriation under section 20.370 (4) (mr) of the statutes, to reflect
13 the transfer of funding for nonpoint source water pollution control to the
14 environmental fund.”.

15 ***b1060/1.4* 1456.** Page 1344, line 14: delete lines 14 to 19.

16 ***b0804/2.3* 1457.** Page 1344, line 19: after that line insert:

17 ***b0804/2.3*** “(4p) SPARTA OVERPASS. During the 2001–03 fiscal biennium, the
18 department of natural resources shall provide \$124,000 from the appropriation
19 under section 20.370 (5) (cz) of the statutes, as created by this act, to the city of Sparta
20 in Monroe County for construction of the snowmobile–bicycle–pedestrian overpass
21 over I 90 specified in SECTION 9152 (4k) of this act.”.

22 ***b0998/3.2* 1458.** Page 1346, line 17: delete “\$50,000 in fiscal year 2001–02
23 and \$50,000” and substitute “\$150,000 in fiscal year 2001–02 and \$150,000”.

24 ***b0780/2.1* 1459.** Page 1348, line 6: after that line insert: