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1 programming of a youth report center. Subdivision 2. and s. 938.34 (5g) apply to any  
2 community service work performed by a juvenile under this subdivision.

3 \*b0929/1.6\* SECTION 3900p. 938.355 (6m) (ag) of the statutes is amended to  
4 read:

5 938.355 (6m) (ag) If the court finds by a preponderance of the evidence that a  
6 juvenile who has been found to have violated a municipal ordinance enacted under  
7 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may  
8 order as a sanction any combination of the operating privilege suspension specified  
9 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to (j) (k) and (1m),  
10 regardless of whether the disposition was imposed in the order violated by the  
11 juvenile, if at the dispositional hearing under s. 938.335 the court explained those  
12 conditions to the juvenile and informed the juvenile of the possible sanctions under  
13 this paragraph for a violation or if before the violation the juvenile has acknowledged  
14 in writing that he or she has read, or has had read to him or her, those conditions and  
15 possible sanctions and that he or she understands those conditions and possible  
16 sanctions.”.

17 \*b1428/1.5\* 1548. Page 1223, line 20: after that line insert:

18 \*b1428/1.5\* SECTION 3901. 938.357 (2v) of the statutes is created to read:

19 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
20 placement would place the juvenile outside the home in a placement recommended  
21 by the person or agency primarily responsible for implementing the dispositional  
22 order, the change in placement order shall include a statement that the court  
23 approves the placement recommended by the person or agency or, if the juvenile is  
24 placed outside the home in a placement other than a placement recommended by that

1 person or agency, a statement that the court has given bona fide consideration to the  
2 recommendations made by that person or agency and all parties relating to the  
3 juvenile's placement."

4 **\*b2217/2.8\* 1549.** Page 1224, line 13: <sup>14</sup> ~~after~~ <sup>before</sup> that line insert:

5 **\*b2217/2.8\* "SECTION 3908g.** 938.46 of the statutes is amended to read:

6 **938.46 New evidence.** A juvenile whose status is adjudicated by the court  
7 under this chapter, or the juvenile's parent, guardian or legal custodian, may at any  
8 time within one year after the entering of the court's order petition the court for a  
9 rehearing on the ground that new evidence has been discovered affecting the  
10 advisability of the court's original adjudication. Upon a showing that such evidence  
11 does exist, the court shall order a new hearing. This section does not apply to motions  
12 made under s. 974.07 (2)."

13 **\*b1993/2.11\* 1550.** Page 1224, line 13: delete that line.

14 **\*b1993/2.12\* 1551.** Page 1226, line 12: delete lines 12 to 25.

15 **\*b1993/2.13\* 1552.** Page 1227, line 1: delete lines 1 to 25.

16 **\*b1993/2.14\* 1553.** Page 1228, line 1: delete lines 1 to 24.

17 **\*b1993/2.15\* 1554.** Page 1229, line 1: delete lines 1 to 25.

18 **\*b1993/2.16\* 1555.** Page 1230, line 1: delete lines 1 to 21 and substitute:

19 **\*b1993/2.16\* "SECTION 3921d.** 938.538 (4) (a) of the statutes is amended to  
20 read:

21 938.538 (4) (a) A participant in the serious juvenile offender program is under  
22 the supervision and control of the department, is subject to the rules and discipline  
23 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).

24 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or

1 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
2 secured correctional facility the department may, without a hearing, take the  
3 participant into custody and return him or her to placement in a Type 1 secured  
4 correctional facility, a secured child caring institution or, if the participant is 17 years  
5 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of  
6 a participant to remain within the extended limits of his or her placement while  
7 participating in the serious juvenile offender program or to return within the time  
8 prescribed by the administrator of the division of intensive sanctions in the  
9 department is considered an escape under s. 946.42 (3) (c). This paragraph does not  
10 preclude a juvenile who has violated a condition of the juvenile's participation in the  
11 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under  
12 ss. 938.19 to 938.21."

13 \*b1993/2.17\* **1556.** Page 1231, line 7: delete lines 7 to 11.

14 \*b1070/2.10\* **1557.** Page 1231, line 12: delete the material beginning with  
15 that line and ending with page 1232, line 7.

16 \*b2217/2.9\* **1558.** Page 1232, line 19: delete the material beginning with  
17 that line and ending with page 1233, line 13, and substitute:

18 \*b2217/2.9\* "SECTION 3936c. 939.74 (2d) of the statutes is created to read:

19 939.74 (2d) (a) In this subsection, "deoxyribonucleic acid profile" means an  
20 individual's patterned chemical structure of genetic information identified by  
21 analyzing biological material that contains the individual's deoxyribonucleic acid.

22 (b) If before the time limitation under sub. (1) expired, the state collected  
23 biological material that is evidence of the identity of the person who committed a  
24 violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile

1 from the biological material, and comparisons of that deoxyribonucleic acid profile  
2 to deoxyribonucleic acid profiles of known persons did not result in a probable  
3 identification of the person who is the source of the biological material, the state may  
4 commence prosecution of the person who is the source of the biological material for  
5 violation of s. 940.225 (1) or (2) within 12 months after comparison of the  
6 deoxyribonucleic acid profile relating to the violation results in a probable  
7 identification of the person.

8 (c) If before the time limitation under sub. (2) (c) expired, the state collected  
9 biological material that is evidence of the identity of the person who committed a  
10 violation of s. 948.02 (1) or (2) or 948.025, the state identified a deoxyribonucleic acid  
11 profile from the biological material, and comparisons of that deoxyribonucleic acid  
12 profile to deoxyribonucleic acid profiles of known persons did not result in a probable  
13 identification of the person who is the source of the biological material, the state may  
14 commence prosecution of the person who is the source of the biological material for  
15 violation of s. 948.02 (1) or (2) or 948.025 within 12 months after comparison of the  
16 deoxyribonucleic acid profile relating to the violation results in a probable  
17 identification of the person.”.

18 \*b2053/2.5\* **1559.** Page 1236, line 12: after that line insert:

19 \*b2053/2.5\* “**SECTION 3938r.** 942.06 (2m) (b) of the statutes is amended to  
20 read:

21 942.06 (2m) (b) An employee or agent of the department of health and family  
22 services who conducts a lie detector test of a person under the rules promulgated  
23 under s. 51.375.

1           **\*b2053/2.5\* SECTION 3938s.** 942.06 (2q) (b) (intro.) of the statutes is amended  
2 to read:

3           942.06 (2q) (b) (intro.) An employee or agent of the department of health and  
4 family services who discloses, to any of the following, the fact that a person has had  
5 a lie detector test under ~~the rules promulgated under~~ s. 51.375 or the results of such  
6 a lie detector test:

7           **\*b2053/2.5\* SECTION 3938l.** 942.06 (2q) (b) 1. of the statutes is amended to  
8 read:

9           942.06 (2q) (b) 1. Another employee or agent of the department of health and  
10 family services or another person to whom disclosure is permitted under s. 51.375  
11 (2) (b).”.

12           **\*b2193/1.24\* 1560.** Page 1236, line 12: after that line insert:

13           **\*b2193/1.24\* “SECTION 3938s.** 940.295 (2) (j) of the statutes is amended to  
14 read:

15           940.295 (2) (j) The Wisconsin School Educational Services Program for the  
16 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and  
17 Visually Impaired under s. 115.525.”.

18           **\*b1403/4.2\* 1561.** Page 1236, line 17: after that line insert:

19           **\*b1403/4.2\* “SECTION 3938up.** 943.01 (2d) of the statutes is created to read:

20           943.01 (2d) (a) In this subsection, “plant research and development” means  
21 research regarding plants or development of plants, if the research or development  
22 is undertaken in conjunction or coordination with the state, a federal or local  
23 government agency, a university, or a private research facility.

1 (b) Any person violating sub. (1) under all of the following circumstances is  
2 guilty of a Class E felony:

3 1. The property damaged is a plant, material taken, extracted, or harvested  
4 from a plant, or a seed or other plant material that is being used or that will be used  
5 to grow or develop a plant.

6 2. The plant referred to in subd. 1. is or was being grown as feed for animals  
7 being used or to be used for commercial purposes, for other commercial purposes, or  
8 in conjunction with plant research and development.”.

9 \*b1403/4.3\* **1562.** Page 1241, line 18: after that line insert:

10 \*b1403/4.3\* “SECTION 3951n. 943.76 of the statutes is created to read:

11 **943.76 Infecting animals with a contagious disease. (1)** In this section,  
12 “livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as defined in  
13 s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,  
14 or other commercial products.

15 (2) (a) Whoever intentionally introduces a contagious or infectious disease into  
16 livestock without the consent of the owner of the livestock is guilty of a Class C felony.

17 (b) Whoever intentionally introduces a contagious or infectious disease into  
18 wild deer without the consent of the department of natural resources is guilty of a  
19 Class C felony.”.

20 \*b1403/4.4\* **1563.** Page 1246, line 4: after “943.01 (2)” insert “, (2d),”.

21 \*b1403/4.5\* **1564.** Page 1246, line 8: after “943.70” insert “, 943.76”.

22 \*b1994/8.51\* **1565.** Page 1247, line 23: delete “the character” and substitute  
23 “character”.

\*\*\*\*NOTE: Removes extra “the”.

1           **\*b2217/2.10\* 1566.** Page 1250, line 5: after that line insert:

2           **\*b2217/2.10\* “SECTION 3984j.** 950.04 (1v) (s) of the statutes is amended to  
3 read:

4           950.04 (1v) (s) To have any stolen or other personal property expeditiously  
5 returned by law enforcement agencies when no longer needed as evidence, subject  
6 to s. 968.205. If feasible, all such property, except weapons, currency, contraband,  
7 property subject to evidentiary analysis, property subject to preservation under s.  
8 968.205, and property the ownership of which is disputed, shall be returned to the  
9 person within 10 days of being taken.”.

10           **\*b2217/2.11\* 1567.** Page 1250, line 14: after that line insert:

11           **\*b2217/2.11\* “SECTION 3984p.** 950.04 (1v) (yd) of the statutes is created to  
12 read:

13           950.04 (1v) (yd) To have the appropriate clerk of court make a reasonable  
14 attempt to send the victim a copy of a motion made under s. 974.07 (2) for  
15 postconviction deoxyribonucleic acid testing of certain evidence and notification of  
16 any hearing on that motion, as provided under s. 974.07 (4).”.

17           **\*b2221/3.146\* 1568.** Page 1250, line 14: after that line insert:

18           **\*b2221/3.146\* “SECTION 3984t.** 951.01 (4) of the statutes is amended to read:

19           951.01 (4) “Law enforcement officer” has the meaning assigned under s. 967.02  
20 (5), but does not include a conservation warden appointed under s. 23.10 or a state  
21 forest ranger.”.

\*\*\*\*NOTE: SECTION 9137 (5x) and (5y) will need redrafting once the effective date  
is finalized.

22           **\*b1070/2.11\* 1569.** Page 1255, line 22: delete the material beginning with  
23 that line and ending with page 1256, line 4.

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**\*b2217/2.12\* 1570.** Page 1256, line 4 after that line insert:

2 **\*b2217/2.12\*** "SECTION 3998c. 968.20 (1) (intro.) of the statutes is amended to  
3 read:

4 968.20 (1) (intro.) Any person claiming the right to possession of property  
5 seized pursuant to a search warrant or seized without a search warrant may apply  
6 for its return to the circuit court for the county in which the property was seized or  
7 where the search warrant was returned. The court shall order such notice as it  
8 deems adequate to be given the district attorney and all persons who have or may  
9 have an interest in the property and shall hold a hearing to hear all claims to its true  
10 ownership. If the right to possession is proved to the court's satisfaction, it shall  
11 order the property, other than contraband or property covered under sub. (1m) or (1r)  
12 or s. 173.12 or, 173.21 (4), or 968.205, returned if:

13 **\*b2217/2.12\* SECTION 3998e.** 968.20 (2) of the statutes is amended to read:  
14 968.20 (2) Property not required for evidence or use in further investigation,  
15 unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 or 968.205,  
16 may be returned by the officer to the person from whom it was seized without the  
17 requirement of a hearing.

18 **\*b2217/2.12\* SECTION 3998g.** 968.20 (4) of the statutes is amended to read:  
19 968.20 (4) Any property seized, other than property covered under s. 968.205,  
20 which that poses a danger to life or other property in storage, transportation or use  
21 and which that is not required for evidence or further investigation shall be safely  
22 disposed of upon command of the person in whose custody they are committed. The  
23 city, village, town or county shall by ordinance or resolution establish disposal  
24 procedures. Procedures may include provisions authorizing an attempt to return to

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1 the rightful owner substances which have a commercial value in normal business  
2 usage and do not pose an immediate threat to life or property. If enacted, any such  
3 provision shall include a presumption that if the substance appears to be or is  
4 reported stolen an attempt will be made to return the substance to the rightful owner.

5 **\*b2217/2.12\* SECTION 3998i.** 968.205 of the statutes is created to read:

6 **968.205 Preservation of certain evidence.** (1) In this section:

7 (a) “Custody” means actual custody of a person under a sentence of  
8 imprisonment, custody of a probationer, parolee, or person on extended supervision  
9 by the department of corrections, actual or constructive custody of a person pursuant  
10 to a dispositional order under ch. 938, supervision of a person, whether in  
11 institutional care or on conditional release, pursuant to a commitment order under  
12 s. 971.17 and supervision of a person under ch. 980, whether in detention before trial  
13 or while in institutional care or on supervised release pursuant to a commitment  
14 order.

15 (b) “Discharge date” means the date on which a person is released or discharged  
16 from custody that resulted from a criminal action, a delinquency proceeding under  
17 ch. 938, or a commitment proceeding under s. 971.17 or ch. 980 or, if the person is  
18 serving consecutive sentences of imprisonment, the date on which the person is  
19 released or discharged from custody under all of the sentences.

20 (2) Except as provided in sub. (3), if physical evidence that is in the possession  
21 of a law enforcement agency includes any biological material that was collected in  
22 connection with a criminal investigation that resulted in a criminal conviction,  
23 delinquency adjudication, or commitment under s. 971.17 or 980.06, the law  
24 enforcement agency shall preserve the physical evidence until every person in

1 custody as a result of the conviction, adjudication, or commitment has reached his  
2 or her discharge date.

3 (3) Subject to sub. (5), a law enforcement agency may destroy biological  
4 material before the expiration of the time period specified in sub. (2) if all of the  
5 following apply:

6 (a) The law enforcement agency sends a notice of its intent to destroy the  
7 biological material to all persons who remain in custody as a result of the criminal  
8 conviction, delinquency adjudication, or commitment, and to either the attorney of  
9 record for each person in custody or the state public defender.

10 (b) No person who is notified under par. (a) does either of the following within  
11 90 days after the date on which the person received the notice:

- 12 1. Files a motion for testing of the biological material under s. 974.07 (2).
- 13 2. Submits a written request to preserve the biological material to the law  
14 enforcement agency or district attorney.

15 (c) No other provision of federal or state law requires the law enforcement  
16 agency to preserve the biological material.

17 (4) A notice provided under sub. (3) (a) shall clearly inform the recipient that  
18 the biological material will be destroyed unless, within 90 days after the date on  
19 which the person receives the notice, either a motion for testing of the material is  
20 filed under s. 974.07 (2) or a written request to preserve the material is submitted  
21 to the law enforcement agency.

22 (5) If, after providing notice under sub. (3) (a) of its intent to destroy biological  
23 material, a law enforcement agency receives a written request to preserve the  
24 material, the law enforcement agency shall preserve the material until the discharge  
25 date of the person who made the request or on whose behalf the request was made,

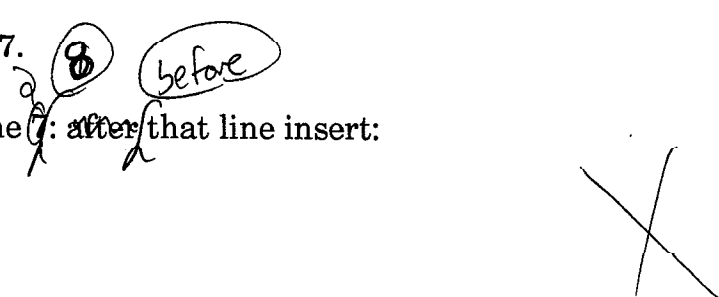
1 subject to a court order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court  
2 orders destruction or transfer of the biological material under s. 974.07 (9) (b) or (10)  
3 (a) 5.

4 **\*b2217/2.12\* SECTION 3998n.** 971.04 (3) of the statutes is amended to read:

5 971.04 (3) If the defendant is present at the beginning of the trial and  
6 thereafter, during the progress of the trial or before the verdict of the jury has been  
7 returned into court, voluntarily absents himself or herself from the presence of the  
8 court without leave of the court, the trial or return of verdict of the jury in the case  
9 shall not thereby be postponed or delayed, but the trial or submission of said case to  
10 the jury for verdict and the return of verdict thereon, if required, shall proceed in all  
11 respects as though the defendant were present in court at all times. A defendant  
12 need not be present at the pronouncement or entry of an order granting or denying  
13 relief under s. 974.02 ~~or~~, 974.06, or 974.07. If the defendant is not present, the time  
14 for appeal from any order under ss. ~~974.02 and 974.06, and 974.07~~ shall commence  
15 after a copy has been served upon the attorney representing the defendant, or upon  
16 the defendant if he or she appeared without counsel. Service of such an order shall  
17 be complete upon mailing. A defendant appearing without counsel shall supply the  
18 court with his or her current mailing address. If the defendant fails to supply the  
19 court with a current and accurate mailing address, failure to receive a copy of the  
20 order granting or denying relief shall not be a ground for tolling the time in which  
21 an appeal must be taken.”

22 **\*b1070/2.12\* 1571.** Page 1256, line 14: delete the material beginning with  
23 that line and ending with page 1258, line 7.

24 **\*b2217/2.13\* 1572.** Page 1258, line <sup>8</sup> ~~7~~: <sup>before</sup> after that line insert:



1           **\*b2217/2.13\*** **SECTION 4002r.** 971.23 (1) (e) of the statutes is amended to read:

2           971.23 (1) (e) Any relevant written or recorded statements of a witness named  
3 on a list under par. (d), including any videotaped oral statement of a child under s.  
4 908.08, any reports or statements of experts made in connection with the case or, if  
5 an expert does not prepare a report or statement, a written summary of the expert's  
6 findings or the subject matter of his or her testimony, and the results of any physical  
7 or mental examination, scientific test, experiment or comparison that the district  
8 attorney intends to offer in evidence at trial. ~~This paragraph does not apply to~~  
9 ~~reports subject to disclosure under s. 972.11 (5).~~

10           **\*b2217/2.13\*** **SECTION 4002t.** 971.23 (2m) (am) of the statutes is amended to  
11 read:

12           971.23 (2m) (am) Any relevant written or recorded statements of a witness  
13 named on a list under par. (a), including any reports or statements of experts made  
14 in connection with the case or, if an expert does not prepare a report or statement,  
15 a written summary of the expert's findings or the subject matter of his or her  
16 testimony, and including the results of any physical or mental examination, scientific  
17 test, experiment or comparison that the defendant intends to offer in evidence at  
18 trial. ~~This paragraph does not apply to reports subject to disclosure under s. 972.11~~  
19 ~~(5).~~

20           **\*b2217/2.13\*** **SECTION 4002v.** 971.23 (9) of the statutes is created to read:

21           971.23 (9) **DEOXYRIBONUCLEIC ACID EVIDENCE.** (a) In this subsection  
22 "deoxyribonucleic acid profile" has the meaning given in s. 939.74 (2d) (a).

23           (b) Notwithstanding sub. (1) (e) or (2m) (am), if either party intends to submit  
24 deoxyribonucleic acid profile evidence at a trial to prove or disprove the identity of  
25 a person, the party seeking to introduce the evidence shall notify the other party of

1 the intent to introduce the evidence in writing by mail at least 45 days before the date  
2 set for trial; and shall provide the other party, within 15 days of request, the material  
3 identified under sub. (1) (e), or par. (2m) (am), whichever is appropriate, that relates  
4 to the evidence.

5 (c) The court shall exclude deoxyribonucleic acid profile evidence at trial, if the  
6 notice and production deadlines under par. (b) are not met, except the court may  
7 waive the 45 day notice requirement or may extend the 15 day production  
8 requirement upon stipulation of the parties, or for good cause, if the court finds that  
9 no party will be prejudiced by the waiver or extension. The court may in appropriate  
10 cases grant the opposing party a recess or continuance.”.

11 \*b2217/2.14\* **1573.** Page 1258, line 15: after that line insert:

12 \*b2217/2.14\* “SECTION 4003r. 972.11 (1) of the statutes is amended to read:

13 972.11 (1) Except as provided in subs. (2) to ~~(5)~~ (4), the rules of evidence and  
14 practice in civil actions shall be applicable in all criminal proceedings unless the  
15 context of a section or rule manifestly requires a different construction. No guardian  
16 ad litem need be appointed for a defendant in a criminal action. Chapters 885 to 895,  
17 except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in all criminal  
18 proceedings.

19 \*b2217/2.14\* SECTION 4003t. 972.11 (5) of the statutes is repealed.”.

20 \*b1070/2.13\* **1574.** Page 1258, line 16: delete the material beginning with  
21 that line and ending with page 1260, line 9.

22 \*b0924/2.6\* **1575.** Page 1260, line 10: delete lines 10 to 24.

~~23 \*b1993/2.18\* **1576.** Page 1260, line 10: delete lines 10 to 24~~

24 \*b0924/2.7\* **1577.** Page 1261, line 1: delete lines 1 and 2 and substitute:

1           **\*b0924/2.7\*** “SECTION 4014d. 973.013 (3m) of the statutes is amended to read:  
2           973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
3           to the Wisconsin state prisons, the department of ~~corrections~~ shall place the person  
4           at a secured juvenile correctional facility or a secured child caring institution, unless  
5           the department of ~~corrections~~ determines that placement in an institution under s.  
6           302.01 is appropriate based on the person’s prior record of adjustment in a  
7           correctional setting, if any; the person’s present and potential vocational and  
8           educational needs, interests and abilities; the adequacy and suitability of available  
9           facilities; the services and procedures available for treatment of the person within  
10          the various institutions; the protection of the public; and any other considerations  
11          promulgated by the department of ~~corrections~~ by rule. The department may not  
12          place any person under the age of 18 years in the correctional institution authorized  
13          in s. 301.16 (1n). This subsection does not preclude the department of ~~corrections~~  
14          from designating an adult correctional institution, other than the correctional  
15          institution authorized in s. 301.16 (1n), as a reception center for the person and  
16          subsequently transferring the person to a secured juvenile correctional facility or a  
17          secured child caring institution. Section 302.11 and ch. 304 apply to all persons  
18          placed in a secured juvenile correctional facility or a secured child caring institution  
19          under this subsection.”.

20          ~~**\*b1993/2.19\* 1578.** Page 1261, line 1: delete lines 1 and 2.~~

21          **\*b1070/2.14\* 1579.** Page 1265, line 12: delete the material beginning with  
22          that line and ending with page 1267, line 7.

23          **\*b1070/2.15\* 1580.** Page 1268, line 17: delete the material beginning with  
24          that line and ending with page 1271, line 6.

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\*b2034/1.6\* **1581.** Page 1271, line 6: after that line insert:

\*b2034/1.6\* "SECTION 4028g. 973.20 (1r) of the statutes is amended to read:

973.20 (1r) When imposing sentence or ordering probation for any crime, other than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. When imposing sentence or ordering probation for a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was convicted or that was considered at sentencing, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime or, if the victim is deceased, to his or her estate, unless the court finds that imposing full or partial restitution will create an undue hardship on the defendant or victim and describes the undue hardship on the record. Restitution ordered under this section is a condition of probation, extended supervision or parole served by the defendant for a crime for which the defendant was convicted. After the termination of probation, extended supervision or parole, or if the defendant is not placed on probation, extended supervision or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785."

\*b2217/2.15\* **1582.** Page 1271, line 6: after that line insert:

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1           **\*b2217/2.15\*** **SECTION 4028c.** 974.02 (1) of the statutes is amended to read:

2           974.02 (1) A motion for postconviction relief other than under s. 974.06 or  
3           974.07 (2) by the defendant in a criminal case shall be made in the time and manner  
4           provided in ss. 809.30 and 809.40. An appeal by the defendant in a criminal case from  
5           a judgment of conviction or from an order denying a postconviction motion or from  
6           both shall be taken in the time and manner provided in ss. 808.04 (3), 809.30 and  
7           809.40. An appeal of an order or judgment on habeas corpus remanding to custody  
8           a prisoner committed for trial under s. 970.03 shall be taken under ss. 808.03 (2) and  
9           809.50, with notice to the attorney general and the district attorney and opportunity  
10          for them to be heard.

11          **\*b2217/2.15\*** **SECTION 4028g.** 974.05 (1) (b) of the statutes is amended to read:

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

14          **\*b2217/2.15\*** **SECTION 4028j.** 974.07 of the statutes is created to read:

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

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

20          (2) At any time after being convicted of a crime, adjudicated delinquent, or  
21          found not guilty by reason of mental disease or defect, a person may make a motion  
22          in the court in which he or she was convicted, adjudicated delinquent, or found not  
23          guilty by reason of mental disease or defect for an order requiring forensic  
24          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 at issue in the motion  
8 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. The movant claims that he or she is innocent of the offense at issue in the  
12 motion under sub. (2).

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

18           3. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

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

23           (b) A court in which a motion under sub. (2) is filed may order forensic  
24 deoxyribonucleic acid testing if all of the following apply:

1           1. It is reasonably probable that the outcome of the proceedings that resulted  
2 in the conviction, the finding of not guilty by reason of mental disease or defect, or  
3 the delinquency adjudication for the offense at issue in the motion under sub. (2), or  
4 the terms of the sentence, the commitment under s. 971.17, or the disposition under  
5 ch. 938, would have been more favorable to the movant if the results of  
6 deoxyribonucleic acid testing had been available before he or she was prosecuted,  
7 convicted, found not guilty by reason of mental disease or defect, or adjudicated  
8 delinquent for the offense.

9           2. The evidence to be tested meets the conditions under sub. (2) (a) to (c).

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

14          (8) The court may impose reasonable conditions on any testing ordered under  
15 this section in order to protect the integrity of the evidence and the testing process.  
16 If appropriate and if stipulated to by the movant and the district attorney, the court  
17 may order the state crime laboratories to perform the testing as provided under s.  
18 165.77 (2m).

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

24          (a) If a person other than the movant is in custody, as defined in s. 968.205 (1)  
25 (a), the evidence is relevant to the criminal, delinquency, or commitment proceeding

1 that resulted in the person being in custody, the person has not been denied  
2 deoxyribonucleic acid testing or postconviction relief under this section, and the  
3 person has not waived his or her right to preserve the evidence under s. 165.81 (3),  
4 757.54 (2), 968.205, or 978.08, the court shall order the evidence preserved until all  
5 persons entitled to have the evidence preserved are released from custody, and the  
6 court shall designate who shall preserve the evidence. The court may not issue an  
7 order under this paragraph requiring that an agency transfer evidence to a crime  
8 laboratory specified under s. 165.75 for the purpose of preservation of the evidence  
9 by the crime laboratory, unless the crime laboratory consents to the transfer.

10 (b) If the conditions in par. (a) are not present, the court shall determine the  
11 disposition of the evidence, and, if the evidence is to be preserved, by whom and for  
12 how long. The court shall issue appropriate orders concerning the disposition of the  
13 evidence based on its determinations. The court may not issue an order under this  
14 paragraph requiring that an agency transfer evidence to a crime laboratory specified  
15 under s. 165.75 for the purpose of preservation of the evidence by the crime  
16 laboratory, unless the crime laboratory consents to the transfer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           **\*b1993/2.20\* 1583.** Page 1271, line 7: delete lines 7 to 11.

7           **\*b2012/2.8\* 1584.** Page 1271, line 13: after that line insert:

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

9           978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
10 an attorney admitted to practice law in this state and, except as provided in ~~s.~~ ss.  
11 978.043 and 978.044, may perform any duty required by law to be performed by the  
12 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
13 or (2) may appoint such temporary counsel as may be authorized by the department  
14 of administration.

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

16           **978.044 Assistants to perform restorative justice services. (1)**

17           DEFINITIONS. In this section:

18           (a) “Crime” has the meaning given in s. 950.02 (1m).

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

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

23           **(2) DUTIES.** The district attorneys of Milwaukee county and the county selected  
24 under sub. (4) shall each assign one assistant district attorney in his or her

1 prosecutorial unit to be a restorative justice coordinator. An assistant district  
2 attorney assigned under this subsection to be a restorative justice coordinator shall  
3 do all the following:

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

- 8 1. Discuss the impact of the offender's crime on the victim or on the community.
- 9 2. Explore potential restorative responses by the offender.
- 10 3. Provide methods for reintegrating the offender into community life.

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

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

- 14 1. The amount of time spent implementing the requirements of pars. (a) and  
15 (b).
- 16 2. The number of victims and offenders served by programs established under  
17 par. (a).
- 18 3. The types of offenses addressed by programs established under par. (a).
- 19 4. The rate of recidivism among offenders served by programs established  
20 under par. (a) compared to the rate of recidivism by offenders not served by such  
21 programs.

22 (3) REPORT TO DEPARTMENT OF ADMINISTRATION. Annually, on a date specified by  
23 the department of administration, the district attorneys of Milwaukee county and  
24 the county selected under sub. (4) shall each submit to the department of  
25 administration a report summarizing the records under sub. (2) (c) covering the



1 preceding 12-month period. The department of administration shall maintain the  
2 information submitted under this subsection by the district attorney.

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

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

7 \*b2012/2.8\* SECTION 4031r. 978.05 (8) (b) of the statutes is amended to read:

8 978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~ss.~~  
9 978.043 and 978.044, make appropriate assignments of the staff throughout the  
10 prosecutorial unit. The district attorney may request the assistance of district  
11 attorneys, deputy district attorneys, or assistant district attorneys from other  
12 prosecutorial units or assistant attorneys general who then may appear and assist  
13 in the investigation and prosecution of any matter for which a district attorney is  
14 responsible under this chapter in like manner as assistants in the prosecutorial unit  
15 and with the same authority as the district attorney in the unit in which the action  
16 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
17 hiring, employment, and supervision of county employees.”.

18 \*b2217/2.16\* **1585**. Page 1271, line 13: after that line insert:

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

20 977.07 (1) (b) For referrals not made under ss. 809.30 and, 974.06, and 974.07,  
21 a representative of the state public defender is responsible for making indigency  
22 determinations unless the county became responsible under s. 977.07 (1) (b) 2. or 3.,  
23 1983 stats., for these determinations. Subject to the provisions of par. (bn), those  
24 counties may continue to be responsible for making indigency determinations. Any

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

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

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

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

15 **978.08 Preservation of certain evidence.** (1) In this section:

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

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

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

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

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

5 (b) No person who is notified under par. (a) does either of the following within  
6 90 days after the date on which the person received the notice:

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

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

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

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

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

23 \*b2053/2.6\* **1586.** Page 1280, line 9: after that line insert:

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

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

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

6           **980.067 Activities off grounds.** The superintendent of the facility at which  
7 a person is placed under s. 980.065 may allow the person to leave the grounds of the  
8 facility under escort. The department of health and family services shall promulgate  
9 rules for the administration of this section.”.

10          **\*b2056/1.2\* 1587.** Page 1280, line 10: delete lines 10 to 22 and substitute:

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

12          980.08 (5) If the court finds that the person is appropriate for supervised  
13 release, the court shall notify the department. The department shall make its best  
14 effort to arrange for placement of the person in a residential facility or dwelling that  
15 is in the person’s county of residence, as determined by the department under s.  
16 980.105. The department and the county department under s. 51.42 in the county  
17 of residence of the person, ~~as determined under s. 980.105,~~ shall prepare a plan that  
18 identifies the treatment and services, if any, that the person will receive in the  
19 community. The plan shall address the person’s need, if any, for supervision,  
20 counseling, medication, community support services, residential services, vocational  
21 services, and alcohol or other drug abuse treatment. In developing a plan for where  
22 the person may reside while on supervised release, the department shall consider the  
23 proximity of any potential placement to the residence of other persons on supervised  
24 release and to the residence of persons who are in the custody of the department of

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

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

23 **980.105 Determination of county of residence.** The ~~court~~ department  
24 shall determine a person's county of residence for the purposes of this chapter by  
25 doing all of the following:

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

4 (2) The ~~court~~ department shall apply the criteria for consideration of residence  
5 and physical presence under sub. (1) to the facts that existed on the date that the  
6 person committed the sexually violent offense that resulted in the sentence,  
7 placement or commitment that was in effect when the petition was filed under s.  
8 980.02.”.

RSM

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\*b2217/2.17\* **1588.** Page 1280, line 22: ~~after~~ that line insert:

23  
before

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

11 **980.101 Reversal, vacation or setting aside of judgment relating to a**  
12 **sexually violent offense; effect.** (1) In this section, “judgment relating to a  
13 sexually violent offense” means a judgment of conviction for a sexually violent  
14 offense, an adjudication of delinquency on the basis of a sexually violent offense, or  
15 a judgment of not guilty of a sexually violent offense by reason of mental disease or  
16 defect.

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

23 (a) If the sexually violent offense was the sole basis for the allegation under s.  
24 980.02 (2) (a) and there are no other judgments relating to a sexually violent offense

1 committed by the person, the court shall reverse, set aside, or vacate the judgment  
2 under s. 980.05 (5) that the person is a sexually violent person, vacate the  
3 commitment order, and discharge the person from the custody or supervision of the  
4 department.

5 (b) If the sexually violent offense was the sole basis for the allegation under s.  
6 980.02 (2) (a) but there are other judgments relating to a sexually violent offense  
7 committed by the person that have not been reversed, set aside, or vacated, or if the  
8 sexually violent offense was not the sole basis for the allegation under s. 980.02 (2)  
9 (a), the court shall determine whether to grant the person a new trial under s. 980.05  
10 because the reversal, setting aside, or vacating of the judgment for the sexually  
11 violent offense would probably change the result of the trial.

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

RJM

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\*b2221/3.147\* **1589**. Page 1280, line <sup>23</sup>22: ~~after~~ <sup>before</sup> that line insert:

15 \*b2221/3.147\* “SECTION 4034yr. 990.01 (39) of the statutes is created to read:  
16 990.01 (39) SOUTHERN STATE FOREST. “Southern state forest” means a state  
17 forest that is located within the region specified in s. 25.28 (3) (am).”.

18 \*b1409/1.4\* **1590**. Page 1281, line 6: after that line insert:

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

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

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

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

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

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

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

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

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

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

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

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

8           **\*b1409/1.5\* 1591.** Page 1282, line 16: after that line insert:

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

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

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

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

14          **\*b1545/2.4\* 1592.** Page 1282, line 16: after that line insert:

15          **\*b1545/2.4\* “SECTION 4041k.** 1997 Wisconsin Act 154, section 3 (2) is amended  
16 to read:

17           [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The  
18 department of health and family services shall submit the report under subsection  
19 (1) to the joint committee on finance of the legislature for its review under section  
20 13.10 of the statutes. ~~The department of health and family services may not submit~~  
21 ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~  
22 ~~legislative council staff for review under section 227.15 of the statutes until the joint~~  
23 ~~committee on finance approves the report under subsection (1).”.~~

24          **\*b0973/1.1\* 1593.** Page 1283, line 13: after that line insert:



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

3           **\*b2003/3.2\* 1594.** Page 1283, line 13: after that line insert:

4           **\*b2003/3.2\*** “SECTION 4046r. 1999 Wisconsin Act 9, section 9150 (3bm) is  
5 amended to read:

6           [1999 Wisconsin Act 9] Section 9150 (3bm) CONTRACTING FOR DESIGN OR  
7 CONSTRUCTION OF LIGHT RAIL PROHIBITED. Notwithstanding any other provision of  
8 chapter 59, 60, 61, 62 or 66 of the statutes, no governing body of any city, village, town  
9 or county and no agency, corporation, instrumentality or subunit of a city, village,  
10 town or county, may enter into a contract for any purpose related to a light rail mass  
11 transit system after the effective date of this subsection if the cost of any of the  
12 contracted items would be paid for by, or reimbursed with, federal funds received  
13 under P.L. 102–240, section 1045, or P.L. 105–277, section 373, or any funds received  
14 from the state. This subsection does not apply to any funds expended or activity  
15 related to a mass transit system that is done under the memorandum of agreement  
16 concerning USH 12 between Middleton and Lake Delton, Wisconsin, that was  
17 executed by the governor, the secretary of transportation, the secretary of natural  
18 resources, the county executive of Dane County, the administrative coordinator of  
19 Sauk County, and others, and that became effective on April 22, 1999. This  
20 subsection does not apply after June 30, ~~2001~~ 2002.”.

21           **\*b0757/2.51\* 1595.** Page 1287, line 18: delete lines 18 to 25.

22           **\*b0757/2.52\* 1596.** Page 1288, line 1: delete lines 1 to 11.

23           **\*b2210/1.8\* 1597.** Page 1289, line 11: on lines 11, 13, 15 and 17, delete  
24 “\$13,465,100” and substitute “\$4,479,700”.

1           **\*b2210/1.9\* 1598.** Page 1290, line 22: delete lines 22 to 25.

2           **\*b2210/1.10\* 1599.** Page 1291, line 2: delete “\$566,200” and substitute  
3           “\$499,100”.

4           **\*b2210/1.11\* 1600.** Page 1291, line 7: delete the material beginning with  
5           that line and ending with page 1292, line 5.

6           ~~**\*b2057/1.12\* 1601.** Page 1291, line 17: delete lines 17 to 25.~~

7           ~~**\*b2057/1.13\* 1602.** Page 1292, line 18: delete lines 18 to 23.~~

8           **\*b2210/1.12\* 1603.** Page 1292, line 18: delete the material beginning with  
9           that line and ending with page 1293, line 4.

10          **\*b2057/1.14\* 1604.** Page 1293, line 10: delete lines 10 to 14.

11          **\*b1069/1.3\* 1605.** Page 1295, line 7: delete “\$1,864,700” and substitute

12          “~~\$1,484,700~~”.           \$ 1, 218, 100

13          ~~**\*b1368/3.4\* 1606.** Page 1295, line 7: delete “\$1,864,700” and substitute  
14          “\$1,774,700”.~~

15          ~~**\*b2012/2.9\* 1607.** Page 1295, line 7: delete “\$1,864,700” and substitute  
16          “\$1,688,100”.~~

17          **\*b2225/1.5\* 1608.** Page 1295, line 22: after that line insert:

18          **\*b2225/1.5\*** “(14) ELECTRONIC PROCUREMENT AND COMMERCE ACTIVITIES. The  
19          department of administration shall report to the governor and the cochairpersons of  
20          the joint committee on finance concerning the status of the electronic procurement  
21          and commerce activities of the department. The department shall include in the  
22          report an assessment of the costs and benefits of those activities for the 2002–03

1 fiscal year and an assessment of the effectiveness of state executive branch agencies  
2 in increasing the volume of those activities.”.

3 **\*b1865/2.2\* 1609.** Page 1298, line 8: after that line insert:

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

5 (a) In this subsection:

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

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

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

14 (c) During fiscal year 2001–02, from the appropriation account under section  
15 20.505 (1) (ka) of the statutes, the secretary shall lapse that part of the amount  
16 determined under paragraph (b) to the general fund that is based on purchases made  
17 from appropriations from the general fund and shall transfer that part of the amount  
18 determined under paragraph (b) to the appropriate segregated fund that is based on  
19 purchases made from appropriations from that segregated fund.”.

20 **\*b2189/1.2\* 1610.** Page 1298, line 9: delete “AGENCY-ASSIGNED” and  
21 substitute “STATE-OWNED”.

22 **\*b2189/1.3\* 1611.** Page 1298, line 10: delete the material beginning with  
23 “all” and ending with “resources.” on line 14 and substitute “2 aircraft selected by the  
24 department that are owned by the state on the effective date of this subsection.”.

1           **\*b1601/1.7\* 1612.** Page 1298, line 16: after that line insert:

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

8           **\*b0750/1.1\* 1613.** Page 1298, line 24: after that line insert:

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

19           **\*b1069/1.4\* 1614.** Page 1298, line 24: after that line insert:

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

21           (a) From the appropriation accounts under section 20.505 (6) (kp) of the  
22 statutes and section 20.505 (6) (p) of the statutes, as affected by this act, the office  
23 of justice assistance shall allocate \$150,000 in fiscal year 2001–02 and \$150,000 in  
24 fiscal year 2002–03 in grants to consortiums consisting of local government agencies

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

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

18 **\*b1368/3.5\* 1615.** Page 1298, line 24: after that line insert:

19 **\*b1368/3.5\*** “(22w) CRIME PREVENTION RESOURCE CENTER. From federal and  
20 program revenue moneys appropriated to the department of administration for the  
21 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the  
22 department shall allocate \$55,000 in fiscal year 2001–02 and \$35,000 in fiscal year  
23 2002–03 to provide funding for a crime prevention resource center established under  
24 section 38.37 of the statutes, as created by this act.”.

1           **\*b1723/1.1\* 1616.** Page 1298, line 24: after that line insert:

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

4           (a) In this subsection:

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

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

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

11          **\*b1723/1.1\*** (c) The secretary shall, during the 2001–02 fiscal year, lapse to the  
12          general fund or appropriate segregated fund from each sum certain appropriation  
13          account made to each state agency from any revenue source except program revenue,  
14          segregated revenue derived from specific program receipts, or federal revenue, or  
15          shall reestimate to subtract from the expenditure estimate for each appropriation  
16          other than a sum certain appropriation made to each state agency from any revenue  
17          source except federal revenue, an amount equivalent to 20% of the total amount  
18          expended by that state agency for membership dues for any state or national  
19          organization from that appropriation in the 2000–01 fiscal year, if any. The secretary  
20          shall, during the 2002–03 fiscal year, lapse to the general fund or appropriate  
21          segregated fund from each such account or shall reestimate to subtract from each  
22          such estimate an equivalent amount.

23          **\*b1723/1.1\*** (d) Each sum certain appropriation to each state agency for the  
24          2001–02 fiscal year and the 2002–03 fiscal year from program revenue or segregated

1 revenue derived from specific program receipts is decreased by an amount  
2 equivalent to 20% of the total amount expended by that agency for membership dues  
3 for any state or national organization from that appropriation in the 2000–01 fiscal  
4 year, as determined by the secretary.”

(21jm)

5 \*b1752/1.1\* **1617**. Page 1298, line 24: after that line insert:

6 \*b1752/1.1\* ~~(21j)~~ STUDY ON POSTSECONDARY EDUCATION COMMISSION. The  
7 department of administration shall study the feasibility of creating a postsecondary  
8 education commission to provide a comprehensive and coordinated framework for all  
9 postsecondary education and training. The department shall report the results of  
10 the study, together with its findings and recommendations, to the legislature in the  
11 manner provided in section 13.172 (2) of the statutes no later than January 1, 2003.”

12 \*b1804/1.1\* **1618**. Page 1298, line 24: after that line insert:

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

15 (a) In this subsection:

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

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

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

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

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

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

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

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

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



1 revenues and segregated fund revenues—service for the 2000–01 fiscal year and for  
2 the 2001–02 fiscal year, as determined by the secretary under paragraph (b).”.

3 **\*b2026/1.4\* 1619.** Page 1298, line 24: after that line insert:

4 **\*b2026/1.4\*** “(21k) GRANTS FOR COOPERATIVE COUNTY–TRIBAL LAW ENFORCEMENT.

5 (a) From the appropriation account under section 20.505 (6) (kr) of the statutes,  
6 as created by this act, the department of administration shall allocate the following  
7 amounts to the following counties in each of fiscal years 2001–02 and 2002–03 to  
8 support law enforcement agreements with the following Indian bands:

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

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

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

15 **\*b2154/3.14\* 1620.** Page 1298, line 24: after that line insert:

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

18 (a) Notwithstanding section 16.518 (4) of the statutes, as created by this act,  
19 for the 2002–03 fiscal year, if the amount of moneys projected to be deposited in the  
20 general fund during the fiscal year that are designated as “Taxes” in the summary  
21 in section 20.005 (1) of the statutes, as affected by this act, is less than the amount  
22 of such moneys actually deposited in the general fund during the fiscal year, the  
23 secretary of administration shall calculate the difference between the amount  
24 calculated under section 16.518 (2) of the statutes, as created by this act, for that

1 fiscal year, and the amount transferred to the budget stabilization fund under section  
2 16.518 (3) of the statutes, as created by this act, for that fiscal year.

3 (b) If the amount calculated under paragraph (a) is at least \$115,000,000, the  
4 secretary shall calculate the difference between the amount that exceeds  
5 \$115,000,000 and the amount that is necessary to maintain a required general fund  
6 balance under section 20.003 (4) of the statutes of 1.2% for fiscal year 2002–03, less  
7 the amount designated as “Less Required Statutory Balance” in the summary in  
8 section 20.005 (1) of the statutes, as affected by this act, for that fiscal year.

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

12 \*b2171/1.1\* **1621.** Page 1298, line 24: after that line insert:

13 \*b2171/1.1\* “(26n) VACANT POSITIONS IN THE EXECUTIVE BRANCH OF STATE  
14 GOVERNMENT.

15 (a) In this subsection:

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

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

20 (b) 1. No later than 30 days after the effective date of this paragraph, the  
21 secretary shall determine for each state agency the number of FTE positions that as  
22 of July 1, 2001, have been vacant since October 1, 2000, other than any position  
23 authorized to perform duties in a state institution or facility that has not been  
24 completed or has not begun operations as of July 1, 2001. The secretary shall also

1 determine the annual salary and fringe benefits costs for such positions and shall  
2 identify the appropriations from which these costs are paid during the 2001–03 fiscal  
3 biennium.

4 2. The secretary shall notify each state agency affected by his or her  
5 determinations under subdivision 1. Any state agency so notified may request that  
6 the secretary reallocate the lapse, or any part thereof, to a different appropriation  
7 for state operations. Any state agency so notified may also request that the secretary  
8 not include any of the state agency's vacant FTE positions in subdivision 1. If the  
9 agency reallocates the lapse, or any part thereof, to a different appropriation for state  
10 operations or reallocates the lapse to a different category of expenditure in the  
11 appropriation identified by the secretary in subdivision 1. If the secretary agrees to  
12 any state agency's request, the secretary shall modify his or her determinations  
13 under subdivision 1.

14 (c) 1. During the 2001–02 fiscal year, the secretary shall lapse to the general  
15 fund or appropriate segregated fund from each sum certain appropriation account  
16 made to each state agency from any revenue source except program revenue, federal  
17 revenue, or segregated revenue derived from specific program receipts, or shall  
18 reestimate to subtract from the expenditure estimate for each appropriation other  
19 than a sum certain appropriation made to each state agency from any revenue  
20 source, an amount equivalent to the amount expended by that state agency for  
21 annual salary and fringe benefit costs for the vacant positions identified by the  
22 secretary under paragraph (b) from that appropriation in the 2000–01 fiscal year.  
23 During the 2002–03 fiscal year, the secretary shall lapse to the general fund or  
24 appropriate segregated fund from each such account or shall reestimate to subtract  
25 from each such estimate an equivalent amount.

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

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

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

13           **\*b2198/2.1\* 1622.** Page 1298, line 24: after that line insert:

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

15           (a) In this subsection:

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

17           2. “State agency” means any office, department, or independent agency in the  
18 executive branch of government, other than the investment board, the department  
19 of employee trust funds, and the board of regents of the University of Wisconsin  
20 System.

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

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

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

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

7           c. An appropriation for lease rental payments.

8           d. An appropriation to the department of transportation for the purpose of  
9 undertaking construction projects.

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

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

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

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

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

19          (c) After making the recommendations under paragraph (b), the secretary shall  
20 notify the joint committee on finance in writing of the recommendations. If the  
21 cochairpersons of the committee do not notify the secretary within 14 working days  
22 after the date of the secretary's notification that the committee has scheduled a  
23 meeting to review the determinations, the secretary may make the lapses and  
24 transfers under paragraph (d). If, within 14 working days after the date of the  
25 secretary's notification, the chairpersons of the committee notify the secretary that

1 the committee has scheduled a meeting to review the recommendations, the  
2 secretary may make the lapses and transfers under paragraph (d) only upon  
3 approval of the committee.

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

9 \*b1461/3.20\* **1623.** Page 1299, line 6: after that line insert:

10 \*b1461/3.20\* “(1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding  
11 the length of terms specified for the members of the agricultural producer security  
12 council under section 15.137 (1) (a) of the statutes, as created by this act, the initial  
13 members shall be appointed for terms expiring on July 1, 2005.

14 \*b1461/3.20\* (1v) QUALIFIED PRODUCER AGENT RULES. Using the procedure  
15 under section 227.24 of the statutes, the department of agriculture, trade and  
16 consumer protection may promulgate the rule required under section 126.51 of the  
17 statutes, as created by this act, for the period before the effective date of the  
18 permanent rule, but not to exceed the period authorized under section 227.24 (1) (c)  
19 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
20 statutes, the department is not required to provide evidence that promulgating a rule  
21 under this subsection as an emergency rule is necessary for the preservation of the  
22 public peace, health, safety, or welfare and is not required to provide a finding of  
23 emergency for a rule promulgated under this subsection.

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

1           (a) *Vegetable contractors.* Notwithstanding SECTION 9404 (1) of this act, chapter  
2 126 of the statutes, as created by this act, does not apply with respect to vegetable  
3 contractors until February 1, 2002, except as follows:

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

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

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

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

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

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

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

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

4           3. A grain warehouse keeper applying for a license for the license year that  
5           begins on September 1, 2002, shall submit an application that complies with section  
6           126.26 of the statutes, as created by this act.”.

7           **\*b2014/2.2\* 1624.** Page 1299, line 10: delete lines 10 to 25 and substitute  
8           “shall submit to the committee a comprehensive plan recommending how to keep  
9           wood that is treated with arsenic, inorganic arsenic, or an arsenic copper  
10          combination, such as chromated copper arsenate wood preservative fungicide, from  
11          being used in picnic tables, park benches, and children’s playground equipment at  
12          elementary and secondary schools and municipal parks, if there is a less harmful  
13          substitute wood preservative that may be used.”.

14          **\*b2206/1.5\* 1625.** Page 1300, line 1: delete lines 1 to 7.

15          **\*b0768/4.6\* 1626.** Page 1300, line 12: after that line insert:

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

21          **\*b0845/3.29\* 1627.** Page 1300, line 12: after that line insert:

22          **\*b0845/3.29\*** “(4f) SOIL AND WATER MANAGEMENT POSITIONS. The authorized FTE  
23          positions for the department of agriculture, trade and consumer protection are  
24          increased by 11.0 SEG positions, funded by the appropriation under section 20.115



1 (7) (qd) of the statutes, to reflect the transfer of funding for nonpoint source water  
2 pollution control to the environmental fund.”.

3 \*b1461/3.21\* **1628.** Page 1300, line 12: after that line insert:

4 \*b1461/3.21\* “(4z) AGRICULTURAL PRODUCER SECURITY POSITIONS.

5 (a) The authorized FTE positions for the department of agriculture, trade and  
6 consumer protection are increased on January 1, 2002, by 12.12 SEG positions, to be  
7 funded from the appropriation under section 20.115 (1) (q) of the statutes, as created  
8 by this act, for agricultural producer security.

9 (b) The authorized FTE positions for the department of agriculture, trade and  
10 consumer protection are increased on January 1, 2002, by 0.5 PR position, to be  
11 funded from the appropriation under section 20.115 (1) (h) of the statutes, for  
12 agricultural producer security.”.

13 \*b1684/1.7\* **1629.** Page 1300, line 21: after that line insert:

14 \*b1684/1.7\* “(1k) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND  
15 COMPACT WITHDRAWAL. The state of Wisconsin withdraws from the  
16 Minnesota–Wisconsin boundary area commission and from the compact creating the  
17 commission under chapter 274, laws of 1965. The governor of Wisconsin shall inform  
18 the governor of Minnesota of this withdrawal no later than 10 days after the effective  
19 date of this subsection.”.

20 \*b2147/1.2\* **1630.** Page 1301, line 4: delete that line, and adjust the  
21 appropriate totals accordingly.

22 \*b2147/1.3\* **1631.** Page 1301, line 5: before “3,700,100” insert a dollar sign.

23 \*b2121/1.6\* **1632.** Page 1301, line 12: delete “\$8,100,000” and substitute  
24 “\$5,100,000”, and adjust the appropriate totals accordingly.

1           **\*b2118/1.3\* 1633.** Page 1302, line 15: after that line insert (and adjust the  
2 appropriate totals accordingly):

3           “(e) STATE HISTORICAL SOCIETY

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

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

7           2. *Agency totals:*

8                 Program revenue supported borrowing and gifts, grants and other receipts

9   131,500,000

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

11           **\*b2058/1.12\* 1634.** Page 1302, line 22: after that line insert (and adjust the  
12 appropriate totals accordingly):

13           “(g) KICKAPOO VALLEY RESERVE BOARD

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

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

17           2. *Agency totals:*

18                 Existing general fund supported borrowing authority — stewardship funds             2,370,000

19                 Total — all sources of funds                                 \$      2,370,000”.

20           **\*b0999/1.2\* 1635.** Page 1304, line 15: after that line insert (and adjust the  
21 appropriate totals accordingly):

1 "Grant Park beach redevelopment — Milwaukee

2 County

648,100".

3 \*b2121/1.7\* **1636.** Page 1306, line 8: after that line insert (and adjust the  
4 appropriate totals accordingly):

5 "Agricultural buildings

9,000,000".

6 \*b2121/1.8\* **1637.** Page 1306, line 11: delete lines 11 and 12 and substitute  
7 (and adjust the appropriate totals accordingly):

8 "Exposition hall

34,000,000

9 Grandstand replacement

6,000,000".

10 \*b2058/1.13\* **1638.** Page 1306, line 13: delete lines 13 to 15, and adjust the  
11 appropriate totals accordingly.

12 \*b2121/1.9\* **1639.** Page 1306, line 18: delete lines 18 to 20, and adjust the  
13 appropriate totals accordingly.

14 \*b1419/1.3\* **1640.** Page 1309, line 18: after that line insert (and adjust the  
15 appropriate totals accordingly):

16 "Meat/muscle science laboratory — Madison

20,000,000

17 Veterinary diagnostic laboratory — Madison

20,000,000

18 (Total project all funding sources \$23,600,000)".

19 \*b2121/1.10\* **1641.** Page 1310, line 5: delete "16,790,000" and substitute  
20 "16,290,000", and adjust the appropriate totals accordingly.

21 \*b2121/1.11\* **1642.** Page 1310, line 21: delete "6,500,000" and substitute  
22 "23,000,000", and adjust the appropriate totals accordingly.

1           **\*b2121/1.12\* 1643.** Page 1310, line 22: delete “\$16,500,000” and substitute  
2           “\$33,000,000”.

3           **\*b1419/1.4\* 1644.** Page 1311, line 8: after that line insert (and adjust the  
4           appropriate totals accordingly):

5           “Veterinary diagnostic laboratory — Madison

3,600,000

6           (Total project all funding sources \$23,600,000”).

Fix font

7           **\*b2121/1.13\* 1645.** Page 1312, line 8: after that line insert (and adjust the  
8           appropriate totals accordingly):

9           “Klotsche Center physical education addition — Milwaukee

500,000

11          (Total project all funding sources \$42,117,000”).

12          **\*b2121/1.14\* 1646.** Page 1312, line 16: delete “\$16,500,000” and substitute  
13          “\$33,000,000”.

14          **\*b1090/1.4\* 1647.** Page 1314, line 4: delete “45,500,000” and substitute  
15          “140,500,000”, and adjust the appropriate totals accordingly.

16          **\*b1090/1.5\* 1648.** Page 1314, line 12: delete “45,500,000” and substitute  
17          “149,500,000”.

18          **\*b0853/1.6\* 1649.** Page 1315, line 6: after that line insert the following (and  
19          adjust the appropriate totals accordingly):

20          “(ob) HR ACADEMY, INC.

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

22          Youth and family center

\$1,500,000

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

Youth and family center 3,500,000

3. *Agency totals:*

General fund supported borrowing 1,500,000

Gifts, grants and other receipts 3,500,000

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

\*b2116/1.11\* **1650**. Page 1315, line 6: after that line insert (and adjust the appropriate totals accordingly):

“(p) OTHER PROJECTS

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

Discovery Place museum — Racine \$ 1,000,000

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

2. *Projects financed by segregated funds:*

Discovery Place museum — Racine 2,000,000

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

3. *Totals:*

General fund supported borrowing 1,000,000

Segregated funds 2,000,000

Total — all sources of funds \$ 3,000,000”.

FIX FONT

\*b2119/1.2\* **1651**. Page 1315, line 9: delete “44,838,500” and substitute “111,313,000”, and adjust the appropriate totals accordingly.

1           **\*b2119/1.3\* 1652.** Page 1315, line 10: delete “111,332,500” and substitute  
2           “177,807,000”.

3           **\*b2119/1.4\* 1653.** Page 1315, line 11: delete “21,338,000” and substitute  
4           “38,694,900”, and adjust the appropriate totals accordingly.

5           **\*b2119/1.5\* 1654.** Page 1315, line 12: delete “35,966,000” and substitute  
6           “53,322,900”.

7           **\*b2119/1.6\* 1655.** Page 1315, line 13: delete “11,922,000” and substitute  
8           “21,619,200”, and adjust the appropriate totals accordingly.

9           **\*b2119/1.7\* 1656.** Page 1315, line 14: delete “22,943,000” and substitute  
10          “32,640,200”.

11          **\*b2119/1.8\* 1657.** Page 1315, line 15: delete “3,038,000” and substitute  
12          “5,509,500”, and adjust the appropriate totals accordingly.

13          **\*b2119/1.9\* 1658.** Page 1315, line 16: delete “\$4,838,000” and substitute  
14          “\$7,309,500”.

15          **\*b2119/1.10\* 1659.** Page 1316, line 1: delete “\$111,332,500” and substitute  
16          “\$177,807,000”.

17          **\*b2119/1.11\* 1660.** Page 1316, line 3: delete “\$35,966,000” and substitute  
18          “\$53,322,900”.

19          **\*b2119/1.12\* 1661.** Page 1316, line 5: delete “\$22,943,000” and substitute  
20          “\$32,640,200”.

21          **\*b2119/1.13\* 1662.** Page 1316, line 9: delete “\$111,332,500” and substitute  
22          “\$177,807,000”.

1           **\*b2119/1.14\* 1663.** Page 1316, line 11: delete “\$35,966,000” and substitute  
2           “\$53,322,900”.

3           **\*b2119/1.15\* 1664.** Page 1316, line 13: delete “\$22,943,000” and substitute  
4           “\$32,640,200”.

5           **\*b2119/1.16\* 1665.** Page 1316, line 18: delete “\$111,332,500” and substitute  
6           “\$177,807,000”.

7           **\*b2119/1.17\* 1666.** Page 1316, line 20: delete “\$35,966,000” and substitute  
8           “\$53,322,900”.

9           **\*b2119/1.18\* 1667.** Page 1317, line 2: delete “\$111,332,500” and substitute  
10          “\$177,807,000”.

11          **\*b2119/1.19\* 1668.** Page 1317, line 5: delete “\$111,332,500” and substitute  
12          “\$177,807,000”.

13          **\*b2119/1.20\* 1669.** Page 1317, line 8: delete “\$111,332,500” and substitute  
14          “\$177,807,000”.

15          **\*b2119/1.21\* 1670.** Page 1317, line 10: delete “\$35,966,000” and substitute  
16          “\$53,322,900”.

17          **\*b2119/1.22\* 1671.** Page 1317, line 12: delete “\$4,838,000” and substitute  
18          “\$7,309,500”.

19          **\*b2119/1.23\* 1672.** Page 1317, line 15: delete “\$35,966,000” and substitute  
20          “\$53,322,900”.

21          **\*b2119/1.24\* 1673.** Page 1317, line 19: delete “\$111,332,500” and substitute  
22          “\$177,807,000”.