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1 herein shall deprive or relieve local peace officers of the power and duty to enforce  
2 these provisions enumerated in sub. (1).

3 SECTION 2099xd. 165.72 (title) of the statutes is amended to read:

4 165.72 (title) ~~Dangerous weapons in public schools and controlled~~  
5 Controlled substances hotline and rewards for controlled substances tips.

6 SECTION 2099xg. 165.72 (1) (ad) of the statutes is repealed.

7 SECTION 2099xm. 165.72 (2) (c) of the statutes is repealed.

8 SECTION 2099xs. 165.72 (2g) of the statutes is repealed.

9 SECTION 2099xx. 165.72 (2m) of the statutes is repealed.

10 SECTION 2099xz. 165.72 (7) of the statutes is amended to read:

11 165.72 (7) PUBLICITY. ~~From the appropriation under s. 20.455 (2) (a), the~~  
12 ~~department shall purchase public information and promotion services regarding the~~  
13 ~~toll-free telephone number under sub. (2).~~ The department and any agency  
14 ~~providing publicity services under this subsection~~ shall cooperate with the  
15 department of public instruction in publicizing, in public schools, the use of the  
16 toll-free telephone number under sub. (2).

17 SECTION 2100. 165.755 (1) (a) of the statutes is amended to read:

18 165.755 (1) (a) Except as provided in par. (b), a court shall impose a crime  
19 laboratories and drug law enforcement assessment of \$5 ~~\$7~~ if the court imposes a  
20 sentence, places a person on probation or imposes a forfeiture for a violation of state  
21 law or for a violation of a municipal or county ordinance.

22 SECTION 2101. 165.755 (3) of the statutes is amended to read:

23 165.755 (3) Except as provided in sub. (4), after the court determines the  
24 amount due under sub. (1) (a), the clerk of the court shall collect and transmit the  
25 amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall

1 then make payment to the ~~state treasurer~~ secretary of administration under s. 59.25  
2 (3) (f) 2.

3 **SECTION 2102.** 165.755 (4) of the statutes is amended to read:

4 165.755 (4) If a municipal court imposes a forfeiture, after determining the  
5 amount due under sub. (1) (a) the court shall collect and transmit such amount to the  
6 treasurer of the county, city, town, or village, and that treasurer shall make payment  
7 to the ~~state treasurer~~ secretary of administration as provided in s. 66.0114 (1) (bm).

8 **SECTION 2103.** 165.755 (5) of the statutes is amended to read:

9 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.  
10 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount  
11 to include the assessment prescribed in sub. (1) (a) for forfeited bail. If bail is  
12 forfeited, the amount of the assessment under sub. (1) (a) shall be transmitted  
13 monthly to the ~~state treasurer~~ secretary of administration under this section. If bail  
14 is returned, the assessment shall also be returned.

15 **SECTION 2104.** 165.755 (6) of the statutes is amended to read:

16 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison  
17 has not paid the crime laboratories and drug law enforcement assessment under sub.  
18 (1) (a), the department shall assess and collect the amount owed from the inmate's  
19 wages or other moneys. Any amount collected shall be transmitted to the ~~state~~  
20 ~~treasurer~~ secretary of administration.

21 **SECTION 2105.** 165.755 (7) of the statutes is amended to read:

22 165.755 (7) All moneys collected from crime laboratories and drug law  
23 enforcement assessments under this section shall be deposited by the ~~state treasurer~~  
24 secretary of administration and used as specified in s. 20.455 (2) (kd) and (Lm).

25 **SECTION 2106.** 165.82 (1) (intro.) of the statutes is amended to read:

1           165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
2 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
3 history searches for purposes unrelated to criminal justice or to s. 175.35:

4           **SECTION 2107.** 165.82 (1) (ar) of the statutes is amended to read:

5           165.82 (1) (ar) For each fingerprint card record check requested by a  
6 governmental agency or nonprofit organization, ~~\$10~~ \$15.

7           **SECTION 2108.** 165.82 (1m) of the statutes is created to read:

8           165.82 (1m) The department of justice shall impose a \$5 surcharge if a person  
9 requests a paper copy of the results of a criminal history search requested under sub.  
10 (1).

11           **SECTION 2111.** 166.03 (1) (b) 7. of the statutes is repealed.

12           **SECTION 2111g.** 166.03 (2) (a) 7. of the statutes is created to read:

13           166.03 (2) (a) 7. Apply for contracts and receive and expend any moneys or  
14 grant from the federal government related to homeland security. Before the adjutant  
15 general expends any moneys or grant under this subdivision, the adjutant general  
16 shall notify the joint committee on finance in writing of the proposed action. If the  
17 cochairpersons of the committee do not notify the adjutant general that the  
18 committee has scheduled a meeting for the purpose of reviewing the proposed  
19 expenditure within 14 working days after the date of the adjutant general's  
20 notification, the expenditure may be completed. If, within 14 working days after the  
21 date of the adjutant general's notification, the cochairpersons of the committee notify  
22 the adjutant general that the committee has scheduled a meeting for the purpose of  
23 reviewing the proposed expenditure, the expenditure may be completed under this  
24 subdivision only upon approval of the committee.

25           **SECTION 2111j.** 166.03 (2) (a) 8. of the statutes is created to read:

1           166.03 (2) (a) 8. Administer the federal homeland security programs using the  
2 funds received under s. 20.465 (3) (mg).

3           **SECTION 2112.** 166.03 (2) (b) 9. of the statutes is repealed.

4           **SECTION 2113.** 166.03 (8) (f) of the statutes is amended to read:

5           166.03 (8) (f) If the total liability for worker's compensation benefits under par.  
6 (d), indemnification under par. (e), and loss from destruction of equipment under sub.  
7 (9), incurred in any calendar year exceeds \$1 per capita of the sponsor's population,  
8 the state shall reimburse the sponsor for the excess, except that if any additional  
9 costs are incurred in a future calendar year for an injury that occurred in the  
10 calendar year the state shall pay all of those additional costs. Payment shall be made  
11 from the appropriation in s. 20.465 (3) (a) on certificate of the adjutant general.

12           **SECTION 2114.** 167.31 (5) (c) of the statutes is amended to read:

13           167.31 (5) (c) If any deposit is made for an offense to which this subsection  
14 applies, the person making the deposit shall also deposit a sufficient amount to  
15 include the weapons assessment under this subsection. If the deposit is forfeited, the  
16 amount of the weapons assessment shall be transmitted to the ~~state treasurer~~  
17 secretary of administration under par. (d). If the deposit is returned, the amount of  
18 the weapons assessment shall also be returned.

19           **SECTION 2115.** 167.31 (5) (d) of the statutes is amended to read:

20           167.31 (5) (d) The clerk of the circuit court shall collect and transmit to the  
21 county treasurer the weapons assessment as required under s. 59.40 (2) (m). The  
22 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.  
23 The ~~state treasurer~~ secretary of administration shall deposit all amounts received  
24 under this paragraph in the conservation fund to be appropriated under s. 20.370 (3)  
25 (mu).

1           **SECTION 2116.** 169.46 (1) (c) of the statutes is amended to read:

2           169.46 (1) (c) If any deposit is made for an offense to which this subsection  
3 applies, the person making the deposit shall also deposit a sufficient amount to  
4 include the natural resources assessment prescribed in this subsection. If the  
5 deposit is forfeited, the amount of the natural resources assessment shall be  
6 transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the  
7 deposit is returned, the natural resources assessment shall also be returned.

8           **SECTION 2117.** 169.46 (1) (d) of the statutes is amended to read:

9           169.46 (1) (d) The clerk of the court shall collect and transmit to the county  
10 treasurer the natural resources assessment and other amounts required under s.  
11 59.40 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
12 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
13 secretary of administration shall deposit the amount of the natural resources  
14 assessment in the conservation fund.

15           **SECTION 2118.** 169.46 (2) (c) of the statutes is amended to read:

16           169.46 (2) (c) If any deposit is made for an offense to which this subsection  
17 applies, the person making the deposit shall also deposit a sufficient amount to  
18 include the natural resources restitution payment prescribed in this subsection. If  
19 the deposit is forfeited, the amount of the natural resources restitution payment  
20 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).  
21 If the deposit is returned, the natural resources restitution payment shall also be  
22 returned.

23           **SECTION 2119.** 169.46 (2) (d) of the statutes is amended to read:

24           169.46 (2) (d) The clerk of the court shall collect and transmit to the county  
25 treasurer the natural resources restitution payment and other amounts required

1 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state  
2 ~~treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2. The state  
3 ~~treasurer~~ secretary of administration shall deposit the amount of the natural  
4 resources restitution payment in the conservation fund.

5 **SECTION 2120b.** 173.40 (title) of the statutes, as created by 2001 Wisconsin Act  
6 16, is amended to read:

7 **173.40 (title) Pet dealers, pet breeders, kennels, and animal shelters.**

8 **SECTION 2120bb.** 173.40 (1) (c) of the statutes, as created by 2001 Wisconsin  
9 Act 16, is repealed.

10 **SECTION 2120bd.** 173.40 (1) (e) of the statutes, as created by 2001 Wisconsin  
11 Act 16, is repealed.

12 **SECTION 2120bf.** 173.40 (1) (f) of the statutes, as created by 2001 Wisconsin Act  
13 16, is repealed.

14 **SECTION 2120bh.** 173.40 (1) (fm) of the statutes, as created by 2001 Wisconsin  
15 Act 16, is amended to read:

16 173.40 (1) (fm) “Pet breeder” means a person who sells or offers to sell at least  
17 ~~25~~ 50 dogs or cats for resale as pets in a year, except that “pet breeder” does not  
18 include a pet dealer.

19 **SECTION 2120bj.** 173.40 (2) (a) of the statutes, as created by 2001 Wisconsin  
20 Act 16, is repealed.

21 **SECTION 2120bL.** 173.40 (2) (b) of the statutes, as created by 2001 Wisconsin  
22 Act 16, is amended to read:

23 173.40 (2) (b) ~~Except as provided in par. (e), no~~ No person may act as a pet dealer  
24 or pet breeder without a license from the department. A person shall obtain a license

1 under this paragraph for each separate location at which the person conducts  
2 business as a ~~pet dealer or~~ pet breeder.

3 **SECTION 2120bn.** 173.40 (2) (c) of the statutes, as created by 2001 Wisconsin  
4 Act 16, is repealed.

5 **SECTION 2120bp.** 173.40 (2) (d) of the statutes, as created by 2001 Wisconsin  
6 Act 16, is amended to read:

7 173.40 (2) (d) Licenses issued under ~~pars. (a) and par.~~ (b) expire on October 31  
8 of each even-numbered year.

9 **SECTION 2120br.** 173.40 (2) (e) of the statutes, as created by 2001 Wisconsin  
10 Act 16, is amended to read:

11 173.40 (2) (e) A license issued under par. ~~(a) or~~ (b) is not transferable.

12 **SECTION 2120bt.** 173.40 (4) (a) of the statutes, as created by 2001 Wisconsin  
13 Act 16, is repealed.

14 **SECTION 2120bv.** 173.40 (4) (b) of the statutes, as created by 2001 Wisconsin  
15 Act 16, is renumbered 173.40 (4) and amended to read:

16 173.40 (4) INSPECTIONS. ~~In addition to the inspections required under par. (a),~~  
17 ~~the~~ The department may enter and inspect a facility for which a person is required  
18 to obtain a license under sub. (2) ~~at any reasonable time when the department has~~  
19 ~~reason to suspect that human or animal health violations exist or when a person who~~  
20 ~~is not an employee of the department notifies the department of a potential health~~  
21 ~~hazard or violation.~~

22 **SECTION 2120bw.** 173.40 (5) (a) of the statutes, as created by 2001 Wisconsin  
23 Act 16, is amended to read:

24 173.40 (5) (a) Minimum standards for ~~animal shelter and kennel facilities and~~  
25 ~~facilities at which pet dealers and pet breeders operate.~~

1           **SECTION 2120m.** 175.38 of the statutes is created to read:

2           **175.38 Enforcement of video gambling law.** (1) In this section, “law  
3 enforcement officer” has the meaning given in s. 165.85 (2) (c) but does not include  
4 a special agent of the department of revenue.

5           (2) Notwithstanding s. 945.041, no law enforcement officer may investigate  
6 violations of or otherwise enforce s. 945.03 (2m) or 945.04 (2m).

7           (3) No law enforcement officer may investigate violations of or otherwise  
8 enforce s. 945.05 (1m) unless he or she reasonably believes that the video gambling  
9 machine involved may be used in connection with a violation of ch. 945 other than  
10 a violation of s. 945.03 (2m) or 945.04 (2m).

11           **SECTION 2120n.** 177.075 of the statutes is created to read:

12           **177.075 Distributions caused by certain insurance company activities.** A

*extra space*  
13 **No 4** (1) Any intangible property distributable before January 1, 2003, in the course  
14 of a demutualization of an insurance company is presumed abandoned if the  
15 distribution remains unclaimed for more than 2 years after the date on which the  
16 property is distributable and if all of the following apply:

17           (a) At the time the property is distributable, the holder knows that the  
18 last-known address of the owner, as reflected in the records of the holder, is incorrect  
19 or the holder has mailed the distribution or notice thereof to the owner at the  
20 last-known address of the owner, as reflected in the records of the holder, and the  
21 mailing has been returned to the holder as undeliverable.

22           (b) The holder has not communicated with the owner in writing concerning the  
23 distribution after the date on which the property is distributable.



1 (c) The holder has not communicated with the owner in any other manner  
2 concerning the distribution, as reflected in the records of the holder, after the date  
3 on which the property is distributable.

4 (2) Any intangible property distributable in the course of a demutualization of  
5 an insurance company is presumed abandoned as otherwise provided under this  
6 chapter if sub. (1) (a), (b), or (c) does not apply with respect to the distribution.

7 **SECTION 2120p.** 177.10 (1) (intro.) of the statutes is amended to read:

8 177.10 (1) (intro.) Except as provided in subs. (2) and (5) and s. 177.075 (1), any  
9 stock or other intangible ownership interest in a business association, the existence  
10 of which is evidenced by records available to the association, is presumed abandoned  
11 and, with respect to the interest, the association is the holder, if a dividend,  
12 distribution or other sum payable as a result of the interest has remained unclaimed  
13 by the owner for 5 years and the owner has not done either of the following within  
14 5 years:

15 **SECTION 2120s.** 177.17 (4) (b) of the statutes is amended to read:

16 177.17 (4) (b) The holder of an interest under s. 177.10 or a stock or other  
17 intangible ownership interest presumed abandoned under s. 177.075 (1) shall  
18 deliver to the administrator, upon filing the report required under this section, a  
19 duplicate certificate or other evidence of ownership if the holder does not issue  
20 certificates of ownership. Upon delivery of a duplicate certificate to the  
21 administrator, the holder and any transfer agent, registrar or other person acting for  
22 or on behalf of a holder in executing or delivering the duplicate certificate are  
23 relieved of all liability, as provided under s. 177.20, to any person, including any  
24 person acquiring the original certificate or the duplicate of the certificate issued to

1 the administrator, for any loss or damage caused by the issuance and delivery of the  
2 duplicate certificate to the administrator.

3 **SECTION 2122.** 183.0105 (2) (c) of the statutes is amended to read:

4 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~  
5 Including the name of its registered agent and the street address of its registered  
6 office, as changed, in its annual report under s. 183.0120. This paragraph also  
7 applies to a foreign limited liability company. A change under this paragraph is  
8 effective on the date the annual report is filed by ~~the office of the department.~~

9 **SECTION 2123.** 183.0109 (1) (a) 4. of the statutes is amended to read:

10 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under  
11 s. 183.0120.

12 **SECTION 2124.** 183.0113 (2) (b) 1m. of the statutes is amended to read:

13 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The  
14 domestic or foreign limited liability company has, during its most recently completed  
15 report year, filed with the department an annual report required by s. 183.0120.

16 **SECTION 2125.** 183.0114 (1) (v) of the statutes is created to read:

17 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

18 **SECTION 2126.** 183.0120 (title) of the statutes is amended to read:

19 **183.0120** (title) ~~Annual report for foreign limited liability companies.~~

20 **SECTION 2127.** 183.0120 (1) of the statutes is amended to read:

21 183.0120 (1) Each foreign limited liability company registered to transact  
22 business in this state and each domestic limited liability company shall file with the  
23 department an annual report that includes all of the following information:

1 (a) The name of the domestic or foreign limited liability company and, if a  
2 foreign limited liability company, the state or country under whose law it is  
3 organized.

4 (b) The address of the domestic or foreign limited liability company's registered  
5 office and the name of its registered agent at that office in this state.

6 (c) The address of the domestic or foreign limited liability company's principal  
7 office.

8 (d) If management of the domestic or foreign limited liability company is vested  
9 in one or more managers, the name and business address of each manager.

10 (e) ~~The~~ If the company is a foreign limited liability company, the name and  
11 business address of each member of the foreign limited liability company.

12 (f) A brief description of the nature of the domestic or foreign limited liability  
13 company's business.

14 **SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

15 183.0120 (2) Information in the annual report shall be current as of the date  
16 on which the annual report is executed on behalf of a the domestic or foreign limited  
17 liability company, except that the information required by sub. (1) (e) shall be current  
18 as of the close of the domestic or foreign limited liability company's fiscal year  
19 immediately before the date by which the annual report is required to be delivered  
20 to the department.

21 **SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

22 183.0120 (3) A domestic limited liability company shall deliver its annual  
23 report to the department during the calendar quarter during which each  
24 anniversary of the effective date of the limited liability company's articles of  
25 organization under s. 183.0111 occurs. A foreign limited liability company registered

1 to transact business in this state shall deliver its annual report to the department  
2 during the first calendar quarter of each year following the calendar year in which  
3 the foreign limited liability company becomes registered to transact business in this  
4 state.

5 **SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

6 183.0120 (4) If an annual report does not contain the information required by  
7 this section, the department shall promptly notify the reporting domestic or foreign  
8 limited liability company in writing and return the report to it for correction.

9 **SECTION 2131.** 183.0901 (3) of the statutes is created to read:

10 183.0901 (3) The department administratively dissolves the limited liability  
11 company under s. 183.09025 (2) (c), unless the limited liability company is  
12 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review  
13 under ss. 227.52 to 227.58.

14 **SECTION 2132.** 183.09025 of the statutes is created to read:

15 **183.09025 Administrative dissolution and reinstatement. (1) GROUNDS**  
16 **FOR ADMINISTRATIVE DISSOLUTION.** The department may bring a proceeding under sub.  
17 (2) to administratively dissolve any limited liability company that does not deliver  
18 to the department the limited liability company's complete annual report within one  
19 year after the annual report is due.

20 **(2) PROCEDURE FOR ADMINISTRATIVE DISSOLUTION.** (a) If the department  
21 determines that grounds exist under sub. (1) for dissolving a limited liability  
22 company, the department shall mail the limited liability company a notice of the  
23 determination. The notice shall be in writing and addressed to the registered office  
24 of the limited liability company.

1           (b) Within 60 days after the date on which the notice is received or the date on  
2 which the second insertion of the class 2 notice under par. (d) is published, the limited  
3 liability company shall correct each ground for dissolution or demonstrate to the  
4 reasonable satisfaction of the department that each ground determined by the  
5 department does not exist.

6           (c) If a limited liability company fails to satisfy par. (b), the department shall  
7 administratively dissolve the limited liability company. The department shall enter  
8 a notation in its records to reflect each ground for dissolution and the effective date  
9 of dissolution and shall mail the limited liability company a notice of those facts and  
10 a certificate of dissolution. The notice and certificate shall be in writing and  
11 addressed to the registered office of the limited liability company. The dissolution  
12 is subject to judicial review as provided in ss. 227.52 to 227.58.

13           (d) If a notice under par. (a) or (c) is returned to the department as  
14 undeliverable, the department shall again mail the notice to the limited liability  
15 company as provided under that paragraph. If the notice is again returned to the  
16 department as undeliverable, the department shall give the notice by publishing a  
17 class 2 notice under ch. 985 in the official state newspaper.

18           **(3) USE OF NAME FOLLOWING ADMINISTRATIVE DISSOLUTION.** A limited liability  
19 company's right to the exclusive use of its name terminates on the date of the  
20 administrative dissolution under sub. (2) (c).

21           **(4) REINSTATEMENT.** (a) A limited liability company that is administratively  
22 dissolved under sub. (2) (c) may apply to the department for reinstatement within  
23 30 days after the date on which the limited liability company is dissolved. The  
24 application shall include all of the following:

1           1. The name of the limited liability company and the date on which it was  
2           administratively dissolved.

3           2. A statement that each ground for dissolution either did not exist or has been  
4           cured.

5           3. A statement that the limited liability company's name satisfies s. 183.0103.

6           (b) The department shall cancel the certificate of dissolution and issue a  
7           certificate of reinstatement under this paragraph if the department determines that  
8           the application contains the information required under par. (a), that the  
9           information is correct, and that all fees and penalties owed by the limited liability  
10          company to the department under this chapter have been paid. The certificate of  
11          reinstatement shall state the department's determination under this paragraph and  
12          the effective date of reinstatement. The department shall file the certificate and  
13          provide a copy to the limited liability company or its representative.

14          (c) When the reinstatement becomes effective, it shall relate back to and take  
15          effect as of the effective date of the administrative dissolution, and the limited  
16          liability company may resume carrying on its business as if the administrative  
17          dissolution had never occurred.

18          (d) If the department denies a limited liability company's application for  
19          reinstatement under par. (a), the department shall serve the limited liability  
20          company with a written notice of denial that explains each reason for the denial. The  
21          denial is subject to judicial review as provided in ss. 227.52 to 227.58.

22           **SECTION 2133.** 186.098 (12) of the statutes is amended to read:

23           186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members  
24           secured by assignment or transfer of stock certificates or other evidence of the  
25           borrower's ownership interest in a corporation formed for the cooperative ownership

1 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a  
2 mortgage involving a one-family residence, apply to a proceeding to enforce the  
3 lender's rights in security given for a loan under this subsection. The office of credit  
4 unions shall promulgate joint rules with ~~the division of savings institutions and the~~  
5 ~~division of banking that establish procedures for enforcing a lender's rights in~~  
6 ~~security given for a loan under this subsection.~~

7 **SECTION 2204.** 194.51 of the statutes is amended to read:

8 **194.51 Suit to recover protested tax.** No suit shall be maintained in any  
9 court to restrain or delay the collection or payment of the taxes levied in this chapter.  
10 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,  
11 may at any time within 90 days from the date of such payment, sue the state in an  
12 action at law to recover the tax so paid. If it is finally determined that said tax, or  
13 any part thereof, was wrongfully collected for any reason, it shall be the duty of the  
14 ~~department secretary of administration to issue a warrant on the state treasurer for~~  
15 ~~pay out of the transportation fund~~ the amount of such tax so adjudged to have been  
16 ~~wrongfully collected, and the treasurer shall pay the same out of the transportation~~  
17 ~~fund.~~ A separate suit need not be filed for each separate payment made by any  
18 taxpayer, but a recovery may be had in one suit for as many payments as may have  
19 been made within any 90-day period preceding the commencement of such an action.  
20 Such suits shall be commenced as provided in s. 775.01.

21 **SECTION 2273d.** 195.29 (5) of the statutes is amended to read:

22 **195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS.** Upon petition of the  
23 department, or of the common council or board of any city, village, town, or county,  
24 alleging that one or more of them have undertaken or propose to undertake to  
25 relocate or improve an existing highway or to construct a new highway in such

1 manner as to eliminate a highway grade crossing with any railroad or so as to  
2 permanently divert a material portion of the highway traffic from a highway grade  
3 crossing with any railroad, the office shall issue notice of investigation and hearing,  
4 as provided in s. 195.04. If upon such hearing the office finds that the public safety  
5 will be promoted by the highway relocation, improvement, or new construction, the  
6 office shall order the old crossings closed and new crossings opened as are deemed  
7 necessary for public safety. The order shall require the railroad company or  
8 companies to pay to the interested municipality or municipalities such sum as the  
9 office finds to be an equitable portion of the cost of the highway relocation,  
10 improvement, or new construction, if the work is performed by the municipalities;  
11 or to the ~~state treasurer~~ secretary of administration if the work is performed by the  
12 state; or to the proper county treasurer if the work is performed by the county. The  
13 sum shall be added to the joint fund available for the improvement and may be  
14 expended in like manner as the other portions of the fund.

15 **SECTION 2297m.** 195.60 (3) of the statutes is amended to read:

16 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)  
17 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the  
18 same or fails to file objections to the bill with the office, the office shall transmit to  
19 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together  
20 with notice of neglect or refusal to pay the bill, and on the same day the office shall  
21 mail to the railroad against which the bill has been rendered a copy of the notice  
22 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within  
23 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~  
24 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be  
25 due, with interest, by distress and sale of any goods and chattels, including stocks,



1 securities, bank accounts, evidences of debt, and accounts receivable belonging to  
2 such delinquent railroad. Such levy by distress and sale shall be governed by the  
3 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~  
4 secretary of administration and that said goods and chattels anywhere within the  
5 state may be levied upon.

6 **SECTION 2302m.** 195.60 (4) (d) of the statutes is amended to read:

7 195.60 (4) (d) If any bill against which objections have been filed is not paid  
8 within 10 days after notice of a finding that such objections have been overruled and  
9 disallowed by the office has been mailed to the objector, the office shall give notice  
10 of such delinquency to the ~~state treasurer~~ secretary of administration and to the  
11 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of  
12 administration shall then proceed to collect the amount of the bill as provided in sub.  
13 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the  
14 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of  
15 administration and the objector as in the case of delinquency in the payment of an  
16 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to  
17 collect the amount of the bill as provided in the case of an original bill.

18 **SECTION 2304m.** 195.60 (5) of the statutes is amended to read:

19 195.60 (5) No suit or proceeding shall be maintained in any court for the  
20 purpose of restraining or in any way delaying the collection or payment of any bill  
21 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
22 pay the amount thereof, and after such payment may in the manner herein provided,  
23 at any time within 2 years from the date the payment was made, sue the state in an  
24 action at law to recover the amount paid with legal interest thereon from the date  
25 of payment, upon the ground that the assessment was excessive, erroneous,

1 unlawful, or invalid in whole or in part. If it is finally determined in such action that  
2 any part of the bill for which payment was made was excessive, erroneous, unlawful,  
3 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the  
4 claimant as directed by the court, which shall be charged to the appropriations to the  
5 office.

6 **SECTION 2310.** 196.199 (3) (d) of the statutes is amended to read:

7 196.199 (3) (d) If, at any time during a proceeding under this subsection, the  
8 commission determines, after notice and reasonable opportunity to be heard, that a  
9 person has made a filing in violation of par. (c), the commission shall order the person  
10 to pay to any party to the proceeding the amount of reasonable expenses incurred by  
11 that party because of the filing, including reasonable attorney fees, and the  
12 commission may directly assess a forfeiture against the person of not less than \$25  
13 nor more than \$5,000. A person against whom the commission assesses a forfeiture  
14 under this paragraph shall pay the forfeiture to the commission within 10 days after  
15 receipt of notice of the assessment or, if the person petitions for judicial review under  
16 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial  
17 review. The commission shall remit all forfeitures paid under this paragraph to the  
18 ~~state treasurer~~ secretary of administration for deposit in the school fund. The  
19 attorney general may bring an action in the name of the state to collect any forfeiture  
20 assessed by the commission under this paragraph that has not been paid as provided  
21 in this paragraph. The only contestable issue in such an action is whether or not the  
22 forfeiture has been paid.

23 **SECTION 2311d.** 196.218 (3) (a) 3. b. of the statutes is amended to read:

24 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~  
25 ~~(1) (s), (t) and (tm)~~ and (qm), 20.285 (1) (q), and 20.505 (4) (s), (t), ~~(tm)~~, (tu), and (tw).

1           **SECTION 2311e.** 196.218 (3) (a) 4. of the statutes is amended to read:

2           196.218 (3) (a) 4. In calculating contribution amounts that must be paid into  
3 the universal service fund by telecommunications utilities that provide local  
4 exchange service, the commission shall determine the portion of the contributions  
5 that ~~are~~ is used for the purposes specified in sub. (5) (a) 5. to 7. 11.

6           **SECTION 2311m.** 196.218 (3) (e) of the statutes is amended to read:

7           196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a  
8 telecommunications provider or other person may not establish a surcharge on  
9 customers' bills to collect from customers contributions required under this  
10 subsection.

11           **SECTION 2311s.** 196.218 (3) (f) of the statutes is amended to read:

12           196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)  
13 and (6), 196.213 and 196.215, a telecommunications utility that provides local  
14 exchange service may make adjustments to local exchange service rates for the  
15 purpose of recovering the portion of its contributions to the universal service fund  
16 that is determined by the commission under par. (a) 4. A telecommunications utility  
17 that adjusts local exchange service rates for the purpose of recovering all or any  
18 amount of that portion shall identify on customer bills a single amount that is the  
19 total amount of the adjustment.

20           **SECTION 2312d.** 196.218 (4t) of the statutes is amended to read:

21           196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The  
22 commission, in consultation with the department of administration ~~and the~~  
23 ~~technology for educational achievement in Wisconsin~~ board, shall promulgate rules  
24 specifying the telecommunications services eligible for funding through the  
25 educational telecommunications access program under s. ~~44.73~~ 16.997.

1           **SECTION 2313d.** 196.218 (5) (a) 5. of the statutes is amended to read:

2           196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the  
3 extent that these costs are not paid under s. ~~44.73~~ 16.997 (2) (d), except that no  
4 moneys in the universal service fund may be used to pay installation costs that are  
5 necessary for a political subdivision to obtain access to bandwidth under a shared  
6 service agreement under s. ~~44.73~~ 16.997 (2r) (a).

7           **SECTION 2314d.** 196.218 (5) (a) 5. of the statutes, as affected by 2003 Wisconsin  
8 Act .... (this act), is amended to read:

9           196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971  
10 (13) to (16) to the extent that these costs are not paid under s. 16.997 (2) (d), except  
11 that no moneys in the universal service fund may be used to pay installation costs  
12 that are necessary for a political subdivision to obtain access to bandwidth under a  
13 shared service agreement under s. 16.997 (2r) (a).

14           **SECTION 2315.** 196.218 (5) (a) 6. of the statutes is amended to read:

15           196.218 (5) (a) 6. To pay the department of ~~electronic government~~  
16 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)  
17 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
18 and Whitewater.

19           **SECTION 2316d.** 196.218 (5) (a) 7. of the statutes is amended to read:

20           196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~  
21 ~~achievement in Wisconsin board~~ department of administration to school districts  
22 and private schools under s. ~~44.73~~ 16.997 (6). This subdivision does not apply after  
23 ~~June 30, 2002~~ December 31, 2005.

24           **SECTION 2317.** 196.218 (5) (a) 10. of the statutes is repealed.

25           **SECTION 2317c.** 196.218 (5) (a) 11. of the statutes is created to read:

1           196.218 (5) (a) 11. To provide for state aid to public library systems under s.  
2 43.24.

3           **SECTION 2317m.** 196.374 (5) of the statutes is created to read:

4           196.374 (5) The commission may not require any public utility to operate or  
5 otherwise provide for, or impose any assessment on public utility customers for, any  
6 program established by the department of administration under s. 16.957 (2) (b) 1.  
7 This subsection does not apply to contributions that are required under sub. (3).

8           **SECTION 2318.** 196.491 (2) (e) of the statutes is amended to read:

9           196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,  
10 municipality, town or person may submit written comments to the commission on a  
11 strategic energy assessment within 90 days after copies of the draft are issued under  
12 par. (b).

13           **SECTION 2321.** 196.85 (3) of the statutes is amended to read:

14           196.85 (3) If any public utility, sewerage system, joint local water authority, or  
15 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30  
16 days or fails to file objections to the bill with the commission, as provided in this  
17 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of  
18 administration a certified copy of the bill, together with notice of failure to pay the  
19 bill, and on the same day the commission shall mail by registered mail to the public  
20 utility, sewerage system, joint local water authority, or power district a copy of the  
21 notice that it has transmitted to the state treasurer. Within 10 days after receipt of  
22 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of  
23 administration shall levy the amount stated on the bill to be due, with interest, by  
24 distress and sale of any property, including stocks, securities, bank accounts,  
25 evidences of debt, and accounts receivable belonging to the delinquent public utility,

1 sewerage system, joint local water authority, or power district. The levy by distress  
2 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the  
3 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere  
4 within the state may be levied upon.

5 **SECTION 2322.** 196.85 (4) (d) of the statutes is amended to read:

6 196.85 (4) (d) If any bill against which objections have been filed is not paid  
7 within 10 days after notice of a finding that the objections have been overruled and  
8 disallowed by the commission has been mailed to the objector as provided in this  
9 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~  
10 secretary of administration and to the objector, in the manner provided in sub. (3).  
11 The ~~state treasurer~~ secretary of administration shall then proceed to collect the  
12 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid  
13 within 10 days after a copy of the amended bill is mailed to the objector by registered  
14 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and  
15 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~  
16 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the  
17 amended bill as provided in the case of an original bill.

18 **SECTION 2323.** 196.85 (5) of the statutes is amended to read:

19 196.85 (5) No suit or proceeding may be maintained in any court to restrain or  
20 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every  
21 public utility, sewerage system, joint local water authority, or power district that is  
22 billed shall pay the amount of the bill, and after payment may in the manner  
23 provided under this section, at any time within 2 years from the date the payment  
24 was made, sue the state to recover the amount paid plus interest from the date of  
25 payment, upon the ground that the assessment was excessive, erroneous, unlawful,

1 or invalid in whole or in part. If the court finds that any part of the bill for which  
2 payment was made was excessive, erroneous, unlawful, or invalid, the state  
3 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed  
4 by the court. The refund shall be charged to the appropriations to the commission.

5 **SECTION 2324.** 196.858 (1) and (2) of the statutes are amended to read:

6 196.858 (1) The commission shall annually assess against local exchange and  
7 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the  
8 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

9 (2) The commission shall assess a sum equal to the annual total amount under  
10 sub. (1) to local exchange and interexchange telecommunications utilities in  
11 proportion to their gross operating revenues during the last calendar year. If total  
12 expenditures for telephone relay service exceeded the payment made under this  
13 section in the prior year, the commission shall charge the remainder to assessed  
14 telecommunications utilities in proportion to their gross operating revenues during  
15 the last calendar year. A telecommunications utility shall pay the assessment within  
16 30 days after the bill has been mailed to the assessed telecommunication utility. The  
17 bill constitutes notice of the assessment and demand of payment. Payments shall  
18 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

19 **SECTION 2325h.** 200.49 (1) (a) of the statutes is amended to read:

20 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~  
21 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~  
22 ~~controlled by one or more minority group members and that is engaged in~~  
23 ~~construction or construction-related activities~~ business that is certified by the  
24 department of commerce under s. 560.036 (2).

25 **SECTION 2325j.** 200.49 (3) (intro.) of the statutes is amended to read:





1 You may not be compelled to buy any product or service from either of the above  
2 companies or any other related company in order to participate in this transaction.

3 If you feel that you have been compelled to buy any product or service from  
4 either of the above companies or any other related company in order to participate  
5 in this transaction, you should contact the management of either of the above  
6 companies at either of the above addresses or the division of ~~savings institutions~~  
7 banking at .... (insert address).

8 **SECTION 2334.** 215.01 (6) of the statutes is amended to read:

9 215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

10 **SECTION 2335.** 215.01 (22) of the statutes is amended to read:

11 215.01 (22) “Review board” means the ~~savings and loan~~ institutions review  
12 board.

13 **SECTION 2336.** 215.02 (title) of the statutes is repealed and recreated to read:

14 **215.02 (title) Powers of the division.**

15 **SECTION 2337.** 215.02 (10) (a) 3. of the statutes is amended to read:

16 215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy  
17 of the order shall be served upon the association and upon the officer, director, or  
18 employee in the manner provided by law for service of a summons in a court of record  
19 or by mailing a copy to the association and officer, director, or employee at their  
20 last-known, post-office addresses. Any removal under this subsection has the same  
21 effect as if made by the board of directors or the members or stockholders of the  
22 association. An officer, director, or employee removed from office or employment  
23 under this subsection may not be elected as an officer or director of, or be employed  
24 by, an association without the approval of the division and the review board. An

1 order of removal under this subsection is a final ~~order or~~ determination of the review  
2 board under s. 215.04 ~~(6)~~ (5).

3 **SECTION 2338.** 215.04 of the statutes is repealed and recreated to read:

4 **215.04 Review board. (1) DUTIES.** The review board shall do all of the  
5 following:

6 (a) Advise the division on matters related to this chapter.

7 (b) Review the acts, orders, and determinations of the division.

8 (c) Act on any matters pertaining to this chapter that are submitted to it by the  
9 division.

10 (d) Perform other review functions relating to this chapter.

11 (e) Conduct hearings and take testimony, and subpoena and swear witnesses  
12 at such hearings. The review board shall have the subpoena powers under s. 885.01  
13 (4).

14 **(2) APPEARANCES.** An interested party may appear at a proceeding of the review  
15 board and may participate in the examination of witnesses and present evidence.

16 **(3) WITNESS FEES.** A person who causes a witness to be subpoenaed shall  
17 advance the fees and mileage expense of the witness. Witness fees shall be the same  
18 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the  
19 review board in the interests of the state shall be paid by the state upon presentation  
20 of proper vouchers approved by the chairperson of the review board and charged to  
21 the appropriation under s. 20.144 (1) (g).

22 **(4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS.** Any interested person or a  
23 savings association aggrieved by any act, order, or determination of the division,  
24 which relates to savings and loan associations, may, within 20 days after receipt or  
25 service of a copy of the act, order, or determination, file a written notice requesting

1 the review board's review of the division's act, order, or determination. The review  
2 of the division's decision shall be solely to determine if the division acted within the  
3 scope of the division's authority and did not act in an arbitrary or capricious manner  
4 and to determine if the act, order, or determination of the division is supported by  
5 substantial evidence in view of the entire record as submitted. The review of  
6 applications for new charters, branch offices, or relocation of offices shall be based  
7 exclusively on the record and new evidence may not be taken by the review board.  
8 Requests for review under this subsection shall be considered and disposed of as  
9 speedily as possible.

10 (5) REVIEW. A determination of the review board is subject to review under ch.  
11 227. If an act, order, or determination of the division is reversed or modified by the  
12 review board, the division shall be considered to be a person aggrieved and directly  
13 affected by the decision under s. 227.53 (1).

14 (6) BOARD MEMBER NOT TO ACT. A member of the review board may not act on  
15 any matter involving a savings and loan association or savings and loan holding  
16 company of which the member is an officer, director, employee, or agent.

17 SECTION 2339. 215.141 of the statutes is amended to read:

18 **215.141 Financially related services tie-ins.** In any transaction conducted  
19 by an association, a savings and loan holding company, or a subsidiary of either with  
20 a customer who is also a customer of any other subsidiary of any of them, the  
21 customer shall be given a notice in 12-point boldface type in substantially the  
22 following form:

23 NOTICE OF RELATIONSHIP

24 This company, ..... (insert name and address of association, savings and loan  
25 holding company, or subsidiary), is related to ..... (insert name and address of

1 association, savings and loan holding company, or subsidiary) of which you are also  
2 a customer. You may not be compelled to buy any product or service from either of  
3 the above companies or any other related company in order to participate in this  
4 transaction.

5 If you feel that you have been compelled to buy any product or service from  
6 either of the above companies or any other related company in order to participate  
7 in this transaction, you should contact the management of either of the above  
8 companies at either of the above addresses or the division of ~~savings institutions~~  
9 banking at .... (insert address).

10 **SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to read:

11 215.33 (3) (b) 2. The accounts of the association are insured by the deposit  
12 insurance corporation or any other insurer acceptable to the division, or that  
13 adequate and sufficient securities have been deposited with the ~~state treasurer~~  
14 secretary of administration to assure that the association will meet its obligations  
15 to the residents of this state.

16 **SECTION 2342.** 215.40 (18) of the statutes is amended to read:

17 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.  
18 If the division refuses to grant a certificate of authority to organize an association,  
19 and the applicants feel aggrieved thereby, they may appeal to the review board to  
20 review the division's determination under s. 215.04 (1) (d) (b) and (4).

21 **SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created to read:

22 220.02 (2) (e) Savings banks under ch. 214.

23 (f) Savings and loan associations under ch. 215.

24 **SECTION 2344.** 220.02 (3) of the statutes is amended to read:

1           220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
2 and carry out all laws relating to banks or banking in this state, including those  
3 relating to state banks, savings banks, savings and loan associations, and trust  
4 company banks, and also all laws relating to small loan companies or other loan  
5 companies or agencies, finance companies, motor vehicle dealers, adjustment service  
6 companies, community currency exchanges, and collection agencies and those  
7 relating to sellers of checks under ch. 217, whether doing business as corporations,  
8 individuals, or otherwise, but to exclude laws relating to credit unions.

9           **SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

10           221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
11 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or  
12 participate in the acquisition, placement, and operation of, at locations other than  
13 its main or branch offices, customer bank communications terminals, in accordance  
14 with rules established by the division. The rules of the division shall provide that  
15 any such customer bank communications terminal shall be available for use, on a  
16 nondiscriminatory basis, by any state or national bank and by all customers  
17 designated by a bank using the terminal. This subsection does not authorize a bank  
18 which has its principal place of business outside this state to conduct banking  
19 business in this state. The customer bank communications terminals also shall be  
20 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
21 association, or savings bank, if the credit union, savings and loan association, or  
22 savings bank requests to share its use, subject to rules jointly established by the  
23 division of banking, and the office of credit unions ~~and the division of savings~~  
24 ~~institutions~~. The division by order may authorize the installation and operation of

1 a customer bank communications terminal in a mobile facility, after notice and  
2 hearing upon the proposed service stops of the mobile facility.

3 **SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to read:

4 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
5 given in s. ~~22-01~~ 16.97 (7).

6 **SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

7 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
8 assignment or transfer of stock certificates or other evidence of the borrower’s  
9 ownership interest in a corporation formed for the cooperative ownership of real  
10 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
11 involving a one-family residence, apply to a proceeding to enforce the lender’s rights  
12 in security given for a loan under this subsection. The division shall promulgate joint  
13 rules with the office of credit unions and ~~the division of savings institutions~~ that  
14 establish procedures for enforcing a lender’s rights in security given for a loan under  
15 this subsection.

16 **SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to read:

17 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the  
18 ~~state treasurer~~ secretary of administration or the ~~state treasurer’s~~ secretary’s agent  
19 in accordance with the following provisions:

20 **SECTION 2350.** 223.02 (1) (b) of the statutes is amended to read:

21 223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~  
22 ~~treasurer’s~~ secretary’s agent shall pay over to the bank trust company the interest,  
23 dividends, or other income on deposit or may authorize the bank trust company to  
24 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of  
25 administration shall issue a certificate stating that a deposit has been made with the

1 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent  
2 in the manner provided in this section.

3 **SECTION 2351.** 223.02 (1) (c) of the statutes is amended to read:

4 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~  
5 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful  
6 execution of any trust which may be lawfully imposed upon and accepted by the trust  
7 company bank. The cash or securities shall remain in the possession of the ~~state~~  
8 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until  
9 otherwise ordered by a court of competent jurisdiction, unless released pursuant to  
10 par. (d).

11 **SECTION 2352.** 223.02 (1) (d) of the statutes is amended to read:

12 223.02 (1) (d) The securities and cash deposited by a trust company bank may  
13 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~  
14 secretary's agent and returned to the bank, if the division certifies to the ~~state~~  
15 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers  
16 and that the division is satisfied that there are no outstanding trust liabilities.

17 **SECTION 2353.** 223.02 (1) (e) of the statutes is amended to read:

18 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate  
19 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as  
20 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the  
21 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and  
22 securities received by it. The agent shall pay the cash and securities to the ~~state~~  
23 ~~treasurer~~ secretary of administration on demand without conditions.

24 **SECTION 2354.** 223.105 (3) (a) of the statutes is amended to read:

1           223.105 (3) (a) To assure compliance with such rules as may be established  
2 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~  
3 ~~division of savings institutions~~ shall, at least once every 18 months, examine the  
4 fiduciary operations of each organization which is under its respective jurisdiction  
5 and is subject to examination under sub. (2). If a particular organization subject to  
6 examination under sub. (2) is not otherwise under the jurisdiction of one of the  
7 foregoing agencies, such examination shall be conducted by the division of banking.

8           **SECTION 2355.** 223.105 (4) of the statutes is amended to read:

9           223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
10 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
11 operations as defined in this section shall, as required by rule, notify the division of  
12 banking, or the office of credit unions ~~or the division of savings institutions~~ of that  
13 fact, directing the notice to the agency then exercising regulatory authority over the  
14 organization or, if there is none, to the division of banking. Any organization which  
15 intends to engage in fiduciary operations shall, prior to engaging in such operations,  
16 notify the appropriate agency of this intention. The notifications required under this  
17 subsection shall be on forms and contain information required by the rules  
18 promulgated by the division of banking.

19           **SECTION 2356.** 223.105 (5) of the statutes is amended to read:

20           223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~  
21 ~~savings institutions~~ or office of credit unions shall, upon the failure of such  
22 organization to submit notifications or reports required under this section or  
23 otherwise to comply with the provisions of this section, or rules established by the  
24 division of banking under s. 220.04 (7), upon due notice, order such defaulting



1 organization to cease and desist from engaging in fiduciary activities and may apply  
2 to the appropriate court for enforcement of such order.

3 **SECTION 2357.** 223.105 (6) of the statutes is amended to read:

4 223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
5 unions ~~or the division of savings institutions, a savings bank or savings and loan~~  
6 association regulated by the division of banking, or an organization authorized by  
7 the division of banking to operate as a bank or trust company under ch. 221 or this  
8 chapter, an organization may not begin activity as a fiduciary operation under this  
9 section after May 12, 1992. An organization engaged in fiduciary operations under  
10 this section on May 12, 1992, may continue to engage in fiduciary operations after  
11 that date.

12 **SECTION 2358.** 223.20 (3) of the statutes is amended to read:

13 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has  
14 been fully discharged of all trusts committed to it, it may, by amendment to its  
15 articles of incorporation, duly adopted by its stockholders and approved by the  
16 division, surrender its powers to act in a fiduciary capacity. A trust company bank  
17 that surrenders its trust powers under this subsection shall eliminate from its  
18 corporate name the word ~~“trust;”~~ “trust” and may thereupon withdraw from the state  
19 ~~treasurer~~ secretary of administration all securities and cash that it has deposited  
20 with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

21 **SECTION 2359.** 224.71 (3) (b) 1m. of the statutes is amended to read:

22 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
23 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

24 **SECTION 2360.** 224.71 (4) (b) 1m. of the statutes is amended to read:

1           224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
2 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

3           **SECTION 2361.** 224.77 (1m) (c) of the statutes is amended to read:

4           224.77 (1m) (c) All forfeitures shall be paid to the division of banking within  
5 10 days after receipt of notice of assessment or, if the forfeiture is contested under  
6 par. (b), within 10 days after receipt of the final decision after exhaustion of  
7 administrative review. The division of banking shall remit all forfeitures paid to the  
8 ~~state treasurer~~ secretary of administration for deposit in the school fund.

9           **SECTION 2364.** 227.01 (13) (zk) of the statutes is repealed.

10          **SECTION 2367.** 227.03 (7) of the statutes is amended to read:

11          227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply  
12 to proceedings before the ~~personnel~~ employment relations commission in matters  
13 that are arbitrated in accordance with s. 230.44 (4) (bm).

14          **SECTION 2368.** 227.10 (3) (e) of the statutes is amended to read:

15          227.10 (3) (e) Nothing in this subsection prohibits the administrator of the  
16 division of merit recruitment and selection in the ~~department of employment~~  
17 relations office of state human resources management from promulgating rules  
18 relating to expanded certification under s. 230.25 (1n).

19          **SECTION 2369.** 227.115 (1) (a) and (b) of the statutes are amended to read:

20          227.115 (1) (a) “Department” means the department of ~~administration~~  
21 commerce.

22          (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~  
23 560.9802.

24          **SECTION 2370.** 227.115 (3) (a) 5. of the statutes is amended to read:

25          227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

1           **SECTION 2373.** 227.44 (2s) of the statutes is repealed.

2           **SECTION 2376.** 227.47 (2) of the statutes is amended to read:

3           227.47 (2) Except as otherwise provided in this subsection, a proposed or final  
4 decision of the personnel employment relations commission, hearing examiner or  
5 arbitrator concerning an appeal of the decision of the secretary of employment  
6 relations made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of  
7 fact or conclusions of law. If within 30 days after the commission issues a decision  
8 in such an appeal either party files a petition for judicial review of the decision under  
9 s. 227.53 and files a written notice with the commission that the party has filed such  
10 a petition, the commission shall issue written findings of fact and conclusions of law  
11 within 90 days after receipt of the notice. The court shall stay the proceedings  
12 pending receipt of the findings and conclusions.

13           **SECTION 2377.** 227.47 (2) of the statutes, as affected by 2003 Wisconsin Act ....  
14 (this act), is amended to read:

15           227.47 (2) Except as otherwise provided in this subsection, a proposed or final  
16 decision of the employment relations commission, hearing examiner or arbitrator  
17 concerning an appeal of the decision of the ~~secretary of employment relations~~  
18 director of the office of state human resources management made under s. 230.09 (2)  
19 (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If within  
20 30 days after the commission issues a decision in such an appeal either party files  
21 a petition for judicial review of the decision under s. 227.53 and files a written notice  
22 with the commission that the party has filed such a petition, the commission shall  
23 issue written findings of fact and conclusions of law within 90 days after receipt of  
24 the notice. The court shall stay the proceedings pending receipt of the findings and  
25 conclusions.

1           **SECTION 2378.** 227.52 (3) of the statutes is amended to read:

2           227.52 (3) Those decisions of the division of banking that are subject to review,  
3 prior to any judicial review, by the banking review board, and decisions of the division  
4 of banking relating to savings banks or savings and loan associations, but no other  
5 institutions subject to the jurisdiction of the division of banking.

6           **SECTION 2379.** 227.52 (5) of the statutes is repealed.

7           **SECTION 2380.** 227.53 (1) (a) 1. of the statutes is amended to read:

8           227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition  
9 therefor personally or by certified mail upon the agency or one of its officials, and  
10 filing the petition in the office of the clerk of the circuit court for the county where  
11 the judicial review proceedings are to be held. If the agency whose decision is sought  
12 to be reviewed is the tax appeals commission, the banking review board, the credit  
13 union review board, or the savings and loan institutions review board ~~or the savings~~  
14 ~~bank review board~~, the petition shall be served upon both the agency whose decision  
15 is sought to be reviewed and the corresponding named respondent, as specified under  
16 par. (b) 1. to ~~5.~~ 4.

17           **SECTION 2382.** 227.53 (1) (b) 4. of the statutes is amended to read:

18           227.53 (1) (b) 4. The ~~savings and loan~~ institutions review board, the division  
19 of ~~savings institutions~~ banking, except if the petitioner is the division of ~~savings~~  
20 ~~institutions~~ banking, the prevailing parties before the ~~savings and loan~~ institutions  
21 review board shall be the named respondents.

22           **SECTION 2383.** 227.53 (1) (b) 5. of the statutes is repealed.

23           **SECTION 2384.** 227.53 (1) (d) of the statutes is amended to read:

24           227.53 (1) (d) Except in the case of the tax appeals commission, the banking  
25 review board, the credit union review board, and the savings and loan institutions

1 review board ~~and the savings bank review board~~, the agency and all parties to the  
2 proceeding before it, shall have the right to participate in the proceedings for review.  
3 The court may permit other interested persons to intervene. Any person petitioning  
4 the court to intervene shall serve a copy of the petition on each party who appeared  
5 before the agency and any additional parties to the judicial review at least 5 days  
6 prior to the date set for hearing on the petition.

~~7~~ SECTION 2384c. 229.46 (1) (a) of the statutes is amended to read:

8 229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~  
9 means a business that is certified by the department of commerce under s. 560.036  
10 (2).

11 SECTION 2384cj. 229.70 (1) (a) of the statutes is amended to read:

12 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
13 means a business that is certified by the department of commerce under s. 560.036  
14 (2).

15 SECTION 2384cm. 229.8273 (1) (b) of the statutes is amended to read:

16 229.8273 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
17 means a business that is certified by the department of commerce under s. 560.036  
18 (2).

19 SECTION 2384cr. 229.845 (1) (a) of the statutes is amended to read:

20 229.845 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
21 means a business that is certified by the department of commerce under s. 560.036  
~~22~~ (2).

23 SECTION 2384e. 230.01 (2) of the statutes is amended to read:

24 230.01 (2) It is the policy of the state and the responsibility of the secretary  
25 director and the administrator to maintain a system of personnel management

1 which fills positions in the classified service through methods which apply the merit  
2 principle, with adequate civil service safeguards. It is the policy of this state to  
3 provide for equal employment opportunity by ensuring that all personnel actions  
4 including hire, tenure or term, and condition or privilege of employment be based on  
5 the ability to perform the duties and responsibilities assigned to the particular  
6 position without regard to age, race, creed or religion, color, disability, sex, national  
7 origin, ancestry, sexual orientation or political affiliation. It is the policy of this state  
8 to take affirmative action which is not in conflict with other provisions of this chapter.  
9 It is the policy of the state to ensure its employees opportunities for satisfying careers  
10 and fair treatment based on the value of each employee's services. It is the policy of  
11 this state to encourage disclosure of information under subch. III and to ensure that  
12 any employee employed by a governmental unit is protected from retaliatory action  
13 for disclosing information under subch. III. It is the policy of this state to correct pay  
14 inequities based on gender or race in the state civil service system.

15 **SECTION 2384m.** 230.02 of the statutes is amended to read:

16 **230.02 Liberal construction of statutes.** Statutes applicable to the  
17 department office shall be construed liberally in aid of the purposes declared in s.  
18 230.01.

19 **SECTION 2385.** 230.03 (8) of the statutes is amended to read:

20 230.03 (8) "Commission" means the ~~personnel~~ employment relations  
21 commission.

22 **SECTION 2386e.** 230.03 (9) of the statutes is repealed.

23 **SECTION 2386m.** 230.03 (9e) of the statutes is created to read:

24 230.03 (9e) "Director" means the director of the office.

25 **SECTION 2386s.** 230.03 (10) of the statutes is amended to read:

1           230.03 (10) “Division” means the division of merit recruitment and selection  
2 in the department office.

3           **SECTION 2387.** 230.03 (10e) of the statutes is created to read:

4           230.03 (10e) “Division of equal rights” means the division of equal rights in the  
5 department of workforce development.

6           **SECTION 2387e.** 230.03 (10r) of the statutes is amended to read:

7           230.03 (10r) “Job group” means a set of classifications combined by the  
8 department office on the basis of similarity in responsibility, pay range and nature  
9 of work.

10          **SECTION 2387m.** 230.03 (10w) of the statutes is created to read:

11          230.03 (10w) “Office” means the office of state human resources management.

12          **SECTION 2387s.** 230.03 (13) of the statutes is repealed.

13          **SECTION 2387w.** 230.04 (title) of the statutes is amended to read:

14          **230.04 (title) Powers and duties of the secretary director.**

15          **SECTION 2388.** 230.04 (1) of the statutes is amended to read:

16          230.04 (1) The secretary director is charged with the effective administration  
17 of this chapter. All powers and duties, necessary to that end, which are not  
18 exclusively vested by statute in the commission, the division of equal rights, the  
19 administrator or appointing authorities, are reserved to the secretary director.

20          **SECTION 2389.** 230.04 (1m) of the statutes is amended to read:

21          230.04 (1m) The secretary director may delegate, in writing, any of his or her  
22 functions set forth in this chapter to an appointing authority, within prescribed  
23 standards if the secretary director finds that the agency has personnel management  
24 capabilities to perform such functions effectively and has indicated its approval and  
25 willingness to accept such responsibility by written agreement. If the secretary

1 director determines that any agency is not performing such delegated function  
2 within prescribed standards, the secretary director shall forthwith withdraw such  
3 delegated function. Subject to the approval of the joint committee on finance, the  
4 secretary director may order transferred to the department office from the agency to  
5 which delegation was made such agency staff and other resources as necessary to  
6 perform such functions if increased staff was authorized to that agency as a  
7 consequence of such delegation or if the department office reduced staff or shifted  
8 staff to new responsibilities as a result of such delegation. Any delegatory action  
9 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be  
10 appealed to the personnel commission under s. 230.44 (1) (b). The secretary director  
11 shall be a party in such an appeal.

12 **SECTION 2389d.** 230.04 (2) of the statutes is amended to read:

13 230.04 (2) The secretary director may utilize the services of technical or  
14 specialized personnel to assist in implementing and maintaining a sound personnel  
15 management program. These services may be obtained from persons inside or  
16 outside of state service.

17 **SECTION 2389h.** 230.04 (3) of the statutes is amended to read:

18 230.04 (3) The secretary director may issue enforceable orders on all matters  
19 relating to the administration, enforcement and effect of this chapter and the rules  
20 prescribed thereunder except on matters relating to the provisions of subch. III or  
21 to those provisions of subch. II for which responsibility is specifically charged to the  
22 administrator.

23 **SECTION 2389p.** 230.04 (4) of the statutes is amended to read:

24 230.04 (4) The secretary director shall establish and maintain a collective  
25 bargaining capability under s. 111.815 (2).



1           **SECTION 2389s.** 230.04 (5) of the statutes is amended to read:

2           230.04 (5) The ~~secretary~~ director shall promulgate rules on all matters relating  
3 to the administration of the ~~department~~ office and the performance of the duties  
4 assigned to the ~~secretary~~ director, except on matters relating to those provisions of  
5 subch. II for which responsibility is specifically charged to the administrator.

6           **SECTION 2390.** 230.04 (7) of the statutes is repealed.

7           **SECTION 2390b.** 230.04 (8) of the statutes is amended to read:

8           230.04 (8) The ~~secretary~~ director shall establish an employee performance  
9 evaluation program under s. 230.37 (1).

10          **SECTION 2390c.** 230.04 (9) (intro.) of the statutes is amended to read:

11          230.04 (9) (intro.) The ~~secretary~~ director shall do all of the following:

12          **SECTION 2390d.** 230.04 (9) (f) of the statutes is renumbered 230.455 and  
13 amended to read:

14          **230.455 Division of affirmative action.** ~~Establish an affirmative action~~  
15 ~~subunit reporting directly to the secretary.~~ The division of affirmative action subunit  
16 shall advise and assist the ~~secretary~~ director, the administrator and agency heads  
17 on establishing policies and programs to ensure appropriate affirmative action. The  
18 ~~subunit~~ division of affirmative action shall advise and assist the ~~secretary~~ director  
19 in monitoring such programs and shall provide staff to the council on affirmative  
20 action council.

21          **SECTION 2390e.** 230.04 (9m) of the statutes is amended to read:

22          230.04 (9m) The ~~secretary~~ director shall conduct periodic reviews and  
23 evaluations of the written records of hiring decisions made by appointing authorities  
24 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

25          **SECTION 2390f.** 230.04 (9r) (b) (intro.) of the statutes is amended to read:

1           230.04 (9r) (b) (intro.) The secretary director shall keep a record of all of the  
2 following:

3           **SECTION 2390g.** 230.04 (10) (a) of the statutes is amended to read:

4           230.04 (10) (a) The secretary director may require all agencies and their  
5 officers to comply with the secretary's director's request to furnish current  
6 information pertaining to authorized positions, payroll and related items regarding  
7 civil service and employment relations functions.

8           **SECTION 2390h.** 230.04 (10) (b) of the statutes is amended to read:

9           230.04 (10) (b) The secretary director shall request from each agency and each  
10 agency shall furnish to the secretary director relevant racial, ethnic, gender and  
11 disability information on every new employee hired by the agency including limited  
12 term, project, seasonal and sessional employees. The secretary director shall  
13 maintain the data to permit a periodic review of the agency's affirmative action plan  
14 accomplishments.

15           **SECTION 2390i.** 230.04 (10) (c) of the statutes is amended to read:

16           230.04 (10) (c) The secretary director shall request from each agency and each  
17 agency shall furnish to the secretary director relevant information regarding the  
18 prior military service, if any, of every new employee hired by the agency including  
19 limited term, project, seasonal and sessional employees. The secretary director shall  
20 maintain the data to permit a periodic review of the progress being made to provide  
21 employment opportunities in civil service for veterans and disabled veterans.

22           **SECTION 2390j.** 230.04 (11) of the statutes is amended to read:

23           230.04 (11) The secretary director may provide by rule for an understudy  
24 program to assure continuity in selected positions.

25           **SECTION 2390k.** 230.04 (12) of the statutes is amended to read:

1           230.04 (12) The secretary director shall keep in the office an official roster of  
2 all permanent classified employees which shall include classification titles, pay and  
3 employment status changes and appropriate dates thereof.

4           **SECTION 2390L.** 230.04 (13) (intro.) of the statutes is amended to read:

5           230.04 (13) (intro.) The secretary director shall do all of the following:

6           **SECTION 2390m.** 230.04 (14) of the statutes is amended to read:

7           230.04 (14) The secretary director shall establish, by rule, the scope and  
8 minimum requirements of a state employee grievance procedure relating to  
9 conditions of employment.

10          **SECTION 2390n.** 230.04 (15) of the statutes is amended to read:

11          230.04 (15) The secretary director shall review and either approve or  
12 disapprove each determination by an agency head regarding the classification of a  
13 state employee as a protective occupation participant for purposes of the Wisconsin  
14 retirement system.

15          **SECTION 2390nm.** 230.04 (16) of the statutes is created to read:

16          230.04 (16) The director may appoint an executive assistant outside the  
17 classified service.

18          **SECTION 2390p.** 230.046 (5) (c) of the statutes is amended to read:

19          230.046 (5) (c) An agreement has been entered into by the trainee and the  
20 appointing authority relative to employment with the state, together with such other  
21 terms and conditions as may be necessary under the rules of the secretary director  
22 whenever on-the-job trainees are employed; and

23          **SECTION 2390q.** 230.046 (7) of the statutes is amended to read:

24          230.046 (7) ESTABLISH INTERNSHIPS. The secretary director shall establish in the  
25 classified service in-service training internships designed to give rigorous training

1 in public service administration for periods not to exceed 3 years under the direct  
2 supervision of experienced administrators.

3 **SECTION 2390r.** 230.046 (8) of the statutes is amended to read:

4 230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of  
5 qualified students of exceptional merit in government career service, the secretary  
6 director shall cooperate with the board of regents of the University of Wisconsin  
7 System in providing opportunities for recipients of public service scholarship loans  
8 to secure employment under the internship plan.

9 **SECTION 2390s.** 230.046 (9) of the statutes is amended to read:

10 230.046 (9) TUITION REFUND PROGRAM. The secretary director may establish by  
11 rule in the classified service a tuition refund program to supplement departmental  
12 training, to encourage employee job-related development and, upon satisfactory  
13 completion of training under this program to refund to the employee, an amount not  
14 to exceed the cost of tuition and necessary fees.

15 **SECTION 2390t.** 230.046 (10) (intro.) of the statutes is amended to read:

16 230.046 (10) ~~DEPARTMENT FUNCTIONS~~ FUNCTIONS OF THE OFFICE. (intro.) The  
17 department office may do all of the following:

18 **SECTION 2390w.** 230.047 (8) of the statutes is amended to read:

19 230.047 (8) ADMINISTRATION. The secretary director shall promulgate rules for  
20 the operation and implementation of this section. The rules shall prescribe the  
21 duration, terms and conditions of such interchange.

22 **SECTION 2391.** 230.05 (2) (a) of the statutes is amended to read:

23 230.05 (2) (a) Except as provided under par. (b), the administrator may  
24 delegate, in writing, any of his or her functions set forth in this subchapter to an  
25 appointing authority, within prescribed standards if the administrator finds that the

1 agency has personnel management capabilities to perform such functions effectively  
2 and has indicated its approval and willingness to accept such responsibility by  
3 written agreement. If the administrator determines that any agency is not  
4 performing such delegated function within prescribed standards, the administrator  
5 shall withdraw such delegated function. The administrator may order transfer to  
6 the division from the agency to which delegation was made such agency staff and  
7 other resources as necessary to perform such functions if increased staff was  
8 authorized to that agency as a consequence of such delegation or if the division  
9 reduced staff or shifted staff to new responsibilities as a result of such delegation  
10 subject to the approval of the joint committee on finance. Any delegatory action  
11 taken under this subsection by any appointing authority may be appealed to the  
12 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in  
13 such appeal.

14 **SECTION 2391c.** 230.06 (1) (c) of the statutes is amended to read:

15 230.06 (1) (c) Provide the secretary director with current information relative  
16 to the assignment of duties to permanent classified positions in his or her agency.

17 **SECTION 2391g.** 230.06 (1) (d) of the statutes is amended to read:

18 230.06 (1) (d) Report promptly to the secretary director or the administrator  
19 any information the secretary director or the administrator requires in connection  
20 with any delegated personnel function and with each appointment, promotion,  
21 demotion, suspension or separation from the service or other change in employee  
22 status.

23 **SECTION 2391h.** 230.06 (1) (e) of the statutes is amended to read:

1           230.06 (1) (e) When requested by the secretary director or the administrator,  
2 provide reports on employee work performance and any other records or information  
3 the secretary director or administrator requires to carry out this subchapter.

4           **SECTION 2391r.** 230.06 (1) (f) of the statutes is amended to read:

5           230.06 (1) (f) Provide the secretary director with the civil service information  
6 required under s. 16.004 (7).

7           **SECTION 2391t.** 230.06 (1) (g) of the statutes is amended to read:

8           230.06 (1) (g) Prepare an affirmative action plan which complies with the  
9 standards established by the secretary director under s. 230.04 (9) (a) and which sets  
10 goals and outlines steps for incorporating affirmative action and principles  
11 supporting affirmative action into the procedures and policies of his or her agency.

12           **SECTION 2391w.** 230.06 (1) (L) of the statutes is amended to read:

13           230.06 (1) (L) Provide information about the employment of each severely  
14 disabled employee for the secretary's director's report under s. 230.04 (9r) within 30  
15 days after the disabled employee is appointed, and at other times at the request of  
16 the secretary director.

17           **SECTION 2391x.** 230.06 (3) of the statutes is amended to read:

18           230.06 (3) All reports and records submitted under sub. (1) shall be prepared  
19 and presented at such times and in such manner as the secretary director or  
20 administrator prescribes.

21           **SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

22           230.08 (2) (e) 1. Administration — ~~10~~ 13.

23           **SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

24           230.08 (2) (e) 3. Commerce — ~~7~~ 6.

25           **SECTION 2394m.** 230.08 (2) (e) 3e. of the statutes is amended to read:

1           230.08 (2) (e) 3e. Corrections — 5 4.

2           **SECTION 2395.** 230.08 (2) (e) 3r. of the statutes is repealed.

3           **SECTION 2396.** 230.08 (2) (e) 4. of the statutes is repealed.

4           **SECTION 2397.** 230.08 (2) (e) 4f. of the statutes is amended to read:

5           230.08 (2) (e) 4f. Financial institutions — 4 3.

6           **SECTION 2398.** 230.08 (2) (e) 7. of the statutes is amended to read:

7           230.08 (2) (e) 7. Justice — 4 3.

8           **SECTION 2398r.** 230.08 (2) (g) of the statutes is amended to read:

9           230.08 (2) (g) One stenographer appointed by each elective executive officer,  
10          and one deputy or assistant appointed by each elective executive officer except the  
11          attorney general, the secretary of state, and the superintendent of public instruction.

12          **SECTION 2404m.** 230.08 (2) (ya) of the statutes is created to read:

13          230.08 (2) (ya) The director and executive assistant to the director of the office  
14          of state human resources management in the department of administration.

15          **SECTION 2405d.** 230.08 (2) (yr) of the statutes is repealed.

16          **SECTION 2406.** 230.08 (4) (c) of the statutes is amended to read:

17          230.08 (4) (c) Any proposal of a board, department or commission, as defined  
18          in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of  
19          positions enumerated in sub. (2) (e), before being submitted to the legislature, shall  
20          first be submitted by the board, department or commission or by the historical society  
21          for a separate review by the ~~department~~ secretary of administration and by the  
22          ~~secretary~~ director. The ~~department~~ secretary of administration's review shall  
23          include information on the appropriateness of the proposed change with regard to a  
24          board's, department's, commission's or society's current or proposed internal  
25          organizational structure under s. 15.02 (4). The ~~secretary's~~ director's review shall

1 include information on whether the existing classified or existing or proposed  
2 unclassified division administrator position involved is or would be assigned to pay  
3 range 1–18 or above in schedule 1, or a comparable level, of the compensation plan  
4 under s. 230.12. The results of these reviews shall be provided by the department  
5 secretary of administration and by the secretary director to the joint committee on  
6 finance and the joint committee on employment relations at the same time that the  
7 board's, department's, commission's or society's proposal is presented to either  
8 committee.

9 **SECTION 2407b.** 230.08 (8) of the statutes is amended to read:

10 230.08 (8) AUDITING OF PAYROLLS. The secretary director shall audit the payrolls  
11 of the classified and unclassified service, as necessary, to carry out this subchapter.

12 **SECTION 2407d.** 230.09 (1) (intro.) of the statutes is amended to read:

13 230.09 (1) (intro.) The secretary director shall ascertain and record the duties,  
14 responsibilities and authorities of, and establish grade levels and classifications for,  
15 all positions in the classified service. Each classification so established shall include  
16 all positions which are comparable with respect to authority, responsibility and  
17 nature of work required. Each classification shall be established to include as many  
18 positions as are reasonable and practicable. In addition, each class shall:

19 **SECTION 2407f.** 230.09 (2) (a) of the statutes is amended to read:

20 230.09 (2) (a) After consultation with the appointing authorities, the secretary  
21 director shall allocate each position in the classified service to an appropriate class  
22 on the basis of its duties, authority, responsibilities or other factors recognized in the  
23 job evaluation process. The secretary director may reclassify or reallocate positions  
24 on the same basis.

25 **SECTION 2407h.** 230.09 (2) (am) of the statutes is amended to read:



1           230.09 (2) (am) The secretary director shall maintain and improve the  
2 classification plan to meet the needs of the service, using methods and techniques  
3 which may include personnel management surveys, individual position reviews,  
4 occupational group classification surveys, or other appropriate methods of position  
5 review. Such reviews may be initiated by the secretary director after taking into  
6 consideration the recommendations of the appointing authority, or at his or her own  
7 discretion. The secretary director shall establish, modify or abolish classifications  
8 as the needs of the service require.

9           **SECTION 2407j.** 230.09 (2) (b) of the statutes is amended to read:

10           230.09 (2) (b) To accommodate and effectuate the continuing changes in the  
11 classification plan as a result of the classification survey program and otherwise, the  
12 secretary director shall, upon initial establishment of a classification, assign that  
13 class to the appropriate pay rate or range, and may, upon subsequent review,  
14 reassign classes to different pay rates or ranges. The secretary director shall assign  
15 each class to a pay range according to the skill, effort, responsibility and working  
16 conditions required for the class, without regard to whether the class is occupied  
17 primarily by members of a certain gender or racial group. The secretary director  
18 shall give notice to appointing authorities to permit them to make recommendations  
19 before final action is taken on any such assignment or reassignment of classes.

20           **SECTION 2407L.** 230.09 (2) (c) of the statutes is amended to read:

21           230.09 (2) (c) If anticipated changes in program or organization will  
22 significantly affect the assignment of duties or responsibilities to positions, the  
23 appointing authority shall, whenever practicable, confer with the secretary director  
24 within a reasonable time prior to the reorganization or changes in program to  
25 formulate methods to fill positions which are newly established or modified to the

1 extent that reclassification of the position is appropriate. In all cases, appointing  
2 authorities shall give written notice to the secretary director and employee of  
3 changes in the assignment of duties or responsibilities to a position when the  
4 changes in assignment may affect the classification of the position.

5 **SECTION 2407n.** 230.09 (2) (d) of the statutes is amended to read:

6 230.09 (2) (d) If after review of a filled position the secretary director  
7 reclassifies or reallocates the position, the secretary director shall determine  
8 whether the incumbent shall be regraded or whether the position shall be opened to  
9 other applicants.

10 **SECTION 2408b.** 230.09 (2) (g) of the statutes is amended to read:

11 230.09 (2) (g) When filling a new or vacant position, if the secretary director  
12 determines that the classification for a position is different than that provided for by  
13 the legislature as established by law or in budget determinations, or as authorized  
14 by the joint committee on finance under s. 13.10, or as specified by the governor  
15 creating positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals  
16 and Clinics Board creating positions under s. 16.505 (2n) or the board of regents of  
17 the University of Wisconsin System creating positions under s. 16.505 (2m), or is  
18 different than that of the previous incumbent, the secretary director shall notify the  
19 administrator and the secretary of administration. The administrator shall  
20 withhold action on the selection and certification process for filling the position. The  
21 secretary of administration shall review the position to determine that sufficient  
22 funds exist for the position and that the duties and responsibilities of the proposed  
23 position reflect the intent of the legislature as established by law or in budget  
24 determinations, the intent of the joint committee on finance acting under s. 13.10,  
25 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the

1 University of Wisconsin Hospitals and Clinics Board creating positions under s.  
2 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System  
3 creating positions under s. 16.505 (2m). The administrator may not proceed with the  
4 selection and certification process until the secretary of administration has  
5 authorized the position to be filled.

6 **SECTION 2408d.** 230.09 (3) of the statutes is amended to read:

7 230.09 (3) The secretary director shall establish separate classifications for  
8 career executive positions under s. 230.24 and rules governing the salary  
9 administration of positions in such classifications.

10 **SECTION 2408f.** 230.12 (1) (a) 3. of the statutes is amended to read:

11 230.12 (1) (a) 3. Provisions for administration of the compensation plan and  
12 salary transactions shall be provided, as determined by the secretary director, in  
13 either the rules of the secretary director or the compensation plan.

14 **SECTION 2408i.** 230.12 (1) (c) 2. of the statutes is amended to read:

15 230.12 (1) (c) 2. The secretary director may establish a plan of extra  
16 compensation for work performed during selected hours at an hourly rate or rates  
17 subject to approval of the joint committee on employment relations. Eligibility for  
18 such extra compensation shall be as provided in the compensation plan.

19 **SECTION 2408j.** 230.12 (1) (d) of the statutes is amended to read:

20 230.12 (1) (d) *Uniforms and safety equipment.* The secretary director, with  
21 approval of the joint committee on employment relations, may establish a schedule  
22 of payments to employees for uniforms or protective clothing and equipment  
23 required to perform their duties.

24 **SECTION 2408L.** 230.12 (3) (a) of the statutes is amended to read:

1           230.12 (3) (a) *Submission to the joint committee on employment relations.* The  
2 ~~secretary~~ director shall submit to the joint committee on employment relations a  
3 proposal for any required changes in the compensation plan which may include  
4 across the board pay adjustments for positions in the classified service. The proposal  
5 shall include the amounts and methods for within range pay progression, for pay  
6 transactions, and for performance awards. The proposal shall be based upon  
7 experience in recruiting for the service, the principle of providing pay equity  
8 regardless of gender or race, data collected as to rates of pay for comparable work in  
9 other public services and in commercial and industrial establishments,  
10 recommendations of agencies and any special studies carried on as to the need for  
11 any changes in the compensation plan to cover each year of the biennium. The  
12 proposal shall also take proper account of prevailing pay rates, costs and standards  
13 of living and the state's employment policies.

14           **SECTION 2408n.** 230.12 (3) (ad) of the statutes is amended to read:

15           230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other  
16 statute, the ~~secretary~~ director may delay timing for announcement or  
17 implementation of any recommended changes in the compensation plan under this  
18 section until after some or all of the collective bargaining agreements under subch.  
19 V of ch. 111 for that biennium are negotiated. Any such action taken under this  
20 paragraph is not appealable under s. 230.44.

21           **SECTION 2408p.** 230.12 (3) (b) of the statutes is amended to read:

22           230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The ~~secretary~~  
23 director shall submit the proposal for any required changes in the compensation plan  
24 to the joint committee on employment relations. The committee shall hold a public  
25 hearing on the proposal. The proposal, as may be modified by the joint committee

1 on employment relations together with the unchanged provisions of the current  
2 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan  
3 is adopted under this subsection, constitute the state's compensation plan for  
4 positions in the classified service. Any modification of the secretary's director's  
5 proposed changes in the compensation plan by the joint committee on employment  
6 relations may be disapproved by the governor within 10 calendar days. A vote of 6  
7 members of the joint committee on employment relations is required to set aside any  
8 such disapproval of the governor.

9 **SECTION 2408r.** 230.12 (3) (c) of the statutes is amended to read:

10 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the secretary  
11 director may propose amendments to one or more parts of the compensation plan at  
12 such times as the needs of the service require.

13 **SECTION 2408t.** 230.12 (3) (e) 1. of the statutes is amended to read:

14 230.12 (3) (e) 1. The secretary director, after receiving recommendations from  
15 the board of regents, shall submit to the joint committee on employment relations a  
16 proposal for adjusting compensation and employee benefits for employees under ss.  
17 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective  
18 bargaining unit under subch. V of ch. 111 for which a representative is certified. The  
19 proposal shall include the salary ranges and adjustments to the salary ranges for the  
20 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).  
21 The proposal shall be based upon the competitive ability of the board of regents to  
22 recruit and retain qualified faculty and academic staff, data collected as to rates of  
23 pay for comparable work in other public services, universities and commercial and  
24 industrial establishments, recommendations of the board of regents and any special  
25 studies carried on as to the need for any changes in compensation and employee

1 benefits to cover each year of the biennium. The proposal shall also take proper  
2 account of prevailing pay rates, costs and standards of living and the state's  
3 employment policies. The proposal for such pay adjustments may contain  
4 recommendations for across-the-board pay adjustments, merit or other  
5 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
6 shall apply to the process for approval of all pay adjustments for such employees  
7 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
8 by the joint committee on employment relations and the governor shall be based  
9 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
10 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
11 and adjustments other than across-the-board pay adjustments is available for  
12 discretionary use by the board of regents.

13 **SECTION 2408u.** 230.12 (3) (e) 2. of the statutes is amended to read:

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

24 **SECTION 2408v.** 230.12 (4) (a) of the statutes is amended to read:

1           230.12 (4) (a) When an approved compensation plan or an amendment thereto  
2 becomes effective, required individual pay adjustments shall be made in accordance  
3 with determinations made by the secretary director to implement the approved plan.

4           **SECTION 2408w.** 230.12 (4) (b) of the statutes is amended to read:

5           230.12 (4) (b) The secretary director may, without prior approval of the joint  
6 committee on employment relations, determine the circumstances under which it is  
7 appropriate for an appointing authority to grant, and authorize an appointing  
8 authority to grant, a general wage or parity adjustment, or appropriate portion  
9 thereof, previously approved by the committee under this section to employees who  
10 did not receive the adjustment on the effective date of the adjustment set forth in the  
11 plan. No general wage or parity adjustment may become effective for any employee  
12 prior to the effective date of the individual employee transaction, but the secretary  
13 director may authorize an appointing authority to grant a lump sum payment to an  
14 employee to reflect any wage or parity adjustment that the employee did not receive  
15 during the period between the effective date of the adjustment set forth in the plan  
16 and the effective date of the individual employee transaction.

17           **SECTION 2408x.** 230.12 (5) (c) of the statutes is amended to read:

18           230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the  
19 total amount for all such within range increases shall not exceed the amount for such  
20 increases specified and approved by the joint committee on employment relations in  
21 its action on the secretary's director's proposal for such increases.

22           **SECTION 2409.** 230.12 (7m) of the statutes is amended to read:

23           230.12 (7m) **PAY ADJUSTMENT FILING REQUIREMENTS.** Except as provided in the  
24 rules of the secretary director and in the compensation plan, pay increases shall be  
25 made only on the dates prescribed under sub. (8). Appointing authorities shall at

1 such times each year as specified by the secretary file with the ~~secretary~~ director and  
2 with the ~~department~~ secretary of administration a list of employees showing their  
3 then existing pay rates and their proposed new pay rates.

4 **SECTION 2409g.** 230.12 (9) of the statutes is amended to read:

5 230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The ~~secretary~~ director may  
6 recommend to the joint committee on employment relations a program,  
7 administered by the department of employee trust funds, that provides health  
8 insurance premium credits to employees whose compensation is established under  
9 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be  
10 used for the purchase of health insurance for a retired employee, or the retired  
11 employee's surviving insured dependents, and for an eligible employee under s. 40.02  
12 (25) (b) 6e., or the eligible employee's surviving insured dependents, and shall be  
13 based on the employee's years of continuous service, accumulated unused sick leave  
14 and any other factor recommended by the ~~secretary~~ director. The approval process  
15 for the program is the same as that provided under sub. (3) (b) and the program shall  
16 be incorporated into the compensation plan under sub. (1).

17 **SECTION 2409h.** 230.13 (1) (intro.) of the statutes is amended to read:

18 230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the ~~secretary~~  
19 director and the administrator may keep records of the following personnel matters  
20 closed to the public:

21 **SECTION 2409p.** 230.13 (2) of the statutes is amended to read:

22 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the  
23 ~~secretary~~ director and the administrator shall keep records of the identity of an  
24 applicant for a position closed to the public, except as provided in sub. (3).

25 **SECTION 2409t.** 230.13 (3) of the statutes is amended to read:



1           230.13 (3) The secretary director and the administrator shall provide to the  
2 department of workforce development or a county child support agency under s.  
3 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed  
4 to the public under this section. Information provided under this subsection may  
5 only include an individual's name and address, an individual's employer and  
6 financial information related to an individual.

7           **SECTION 2410.** 230.14 (4) of the statutes is amended to read:

8           230.14 (4) The administrator may charge an agency a fee to announce any  
9 vacancy to be filled in a classified or unclassified position in that agency. Funds  
10 received under this subsection shall be credited to the appropriation account under  
11 s. ~~20.512~~ 20.545 (1) (ka).

12           **SECTION 2411.** 230.143 (3) of the statutes is repealed.

13           **SECTION 2412.** 230.147 (3) of the statutes is amended to read:

14           230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall  
15 make every reasonable effort to employ in permanent full-time equivalent positions  
16 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or  
17 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the  
18 ~~department of employment relations~~ office to assure that its efforts under this  
19 subsection comply with ch. 230.

20           **SECTION 2412b.** 230.15 (1m) (b) (intro.) of the statutes is amended to read:

21           230.15 (1m) (b) (intro.) Whenever a position is included in the classified service  
22 under par. (a), the secretary director shall determine all of the following:

23           **SECTION 2412e.** 230.16 (7m) (b) (intro.) of the statutes is amended to read:

24           230.16 (7m) (b) (intro.) The ~~department~~ office shall accept an application after  
25 its due date from a veteran if all of the following apply: