

1 **SECTION 2412m.** 230.16 (7m) (c) of the statutes is amended to read:

2 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
3 (b), the department office shall give the applicant an examination.

4 **SECTION 2412s.** 230.21 (1m) (b) of the statutes is amended to read:

5 230.21 (1m) (b) If the administrator uses the method of random certification
6 to determine which applicants for an unskilled labor or service position will receive
7 further consideration for the position and the appointing authority does not select
8 a veteran or a person the hiring of whom would serve affirmative action purposes,
9 the appointing authority shall make and retain a written record of the appointing
10 authority's reasons for selecting the person who was appointed. The appointing
11 authority shall make the written records available to the department office and
12 annually submit a report to the department office summarizing the reasons
13 contained in the written records.

14 **SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

15 230.215 (3) (a) An agency may, with the approval of the secretary director and
16 with the approval of the secretary of administration under s. 16.50, restructure
17 budgeted permanent positions as such positions become vacant or if an employee
18 voluntarily requests a job-sharing or permanent part-time employment
19 opportunity. No employee occupying a full-time permanent position may be
20 involuntarily terminated, demoted, transferred or reassigned in order to restructure
21 that position for permanent part-time employment and no such employee may be
22 required to accept a permanent part-time position as a condition of continued
23 employment.

24 **SECTION 2413b.** 230.215 (3) (b) of the statutes is amended to read:

1 230.215 (3) (b) If the secretary director, upon review of the report submitted
2 under sub. (4), determines that an agency's past or proposed actions relating to
3 permanent part-time employment opportunities do not adequately reflect the policy
4 under sub. (1) (e), the secretary director may recommend procedures designed to
5 enable the agency to effect such policy.

6 **SECTION 2413d.** 230.215 (4) of the statutes is amended to read:

7 230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall
8 include a report on the progress or failure of the plans of such agency in achieving
9 the policies stated under sub. (1) and shall submit a copy of such report to the
10 secretary director.

11 **SECTION 2413f.** 230.22 (1) of the statutes is amended to read:

12 230.22 (1) The secretary director may establish by rule an entry professional
13 class program for use in a wide range of entry professional positions.

14 **SECTION 2413h.** 230.22 (2) of the statutes is amended to read:

15 230.22 (2) In connection with this program the secretary director may establish
16 separate classifications and corresponding pay provisions to provide agencies an
17 entry professional program, through which they can compete on campuses and in the
18 labor market for the best available applicants.

19 **SECTION 2413i.** 230.24 (1) of the statutes is amended to read:

20 230.24 (1) The secretary director may by rule develop a career executive
21 program that emphasizes excellence in administrative skills in order to provide
22 agencies with a pool of highly qualified executive candidates, to provide outstanding
23 administrative employees a broad opportunity for career advancement and to
24 provide for the mobility of such employees among the agencies and units of state
25 government for the most advantageous use of their managerial and administrative

1 skills. To accomplish the purpose of this program, the administrator may provide
2 policies and standards for recruitment, examination, probation, employment
3 register control, certification, transfer, promotion and reemployment, and the
4 ~~secretary~~ director may provide policies and standards for classification and salary
5 administration, separate from procedures established for other employment. The
6 ~~secretary~~ director shall determine the positions which may be filled from career
7 executive employment registers.

8 **SECTION 2413k.** 230.25 (1p) of the statutes is amended to read:

9 230.25 (1p) If an appointing authority appoints a person certified under this
10 section and the person is not a veteran, the spouse of a veteran or a person the hiring
11 of whom would serve affirmative action purposes, the appointing authority shall
12 make and retain a written record of the appointing authority's reasons for selecting
13 the person who was appointed. The appointing authority shall make the written
14 records available to the ~~department~~ office and annually submit a report to the
15 ~~department~~ office summarizing the reasons contained in the written records. The
16 ~~department~~ office shall annually prepare a report summarizing, for each agency, the
17 reasons contained in the records prepared by appointing authorities under this
18 subsection.

19 **SECTION 2413r.** 230.27 (2k) of the statutes is amended to read:

20 230.27 (2k) If an appointing authority selects, for a project position, a person
21 who is not a veteran or is not a person the hiring of whom would serve affirmative
22 action purposes, the appointing authority shall make and retain a written record of
23 the appointing authority's reasons for selecting the person who was appointed. The
24 appointing authority shall make the written records available to the ~~department~~
25 office and annually submit a report to the ~~department~~ office summarizing the

1 reasons contained in the written records. The department office shall annually
2 prepare a report summarizing, for each agency, the information submitted by
3 appointing authorities under this subsection.

4 **SECTION 2413s.** 230.32 (3) of the statutes is amended to read:

5 230.32 (3) (a) Any classified employee who leaves state service and enters the
6 armed forces of the United States shall, under this section, be granted written
7 military leave of absence by the appointing authority. Notice of such leave from state
8 service and the terms of any such leave shall be given in writing by the appointing
9 authority to the secretary director for purposes of record.

10 (b) Any classified employee who leaves state service for civilian employment
11 in response to a specific request or order of the federal government or any of its
12 agencies in connection with manpower redistribution and utilization shall, under
13 this section, make written application to the appointing authority for civilian leave
14 of absence presenting such specific request or order of the federal government as
15 supporting evidence. Such civilian leave shall be allowed by the appointing
16 authority and its terms, which shall conform to the rules of the secretary director,
17 shall be in writing. Notice of such leave from state service shall be made in writing
18 by the appointing authority to the secretary director for purposes of record.

19 (c) All such military or civilian leaves of absence as heretofore may have been
20 granted are validated and shall be deemed to be sufficient and effective hereunder.
21 Such leaves shall be recorded with the secretary director.

22 **SECTION 2413t.** 230.33 (2) of the statutes is amended to read:

23 230.33 (2) A person appointed to an unclassified position by an appointing
24 authority other than an appointing authority described under sub. (1), to a
25 department other than the one in which the person was a classified employee may

1 be granted a leave of absence without pay at the option of the person's former
2 appointing authority in accordance with the leave of absence provisions in the rules
3 of the ~~secretary~~ director. An employee granted a leave of absence shall have the same
4 restoration rights and reinstatement privileges as under sub. (1m). If not granted
5 a leave of absence, the employee shall be entitled only to the reinstatement privileges
6 under sub. (1m).

7 **SECTION 2416b.** 230.34 (1) (c) of the statutes is amended to read:

8 230.34 (1) (c) The ~~secretary~~ director shall establish guidelines for uniform
9 application of this authority among the various agencies.

10 **SECTION 2416d.** 230.34 (4) of the statutes is amended to read:

11 230.34 (4) Resignations shall be regulated by the rules of the ~~secretary~~ director.

12 **SECTION 2416f.** 230.35 (1) (d) of the statutes is amended to read:

13 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
14 sub. (1p) and except that unused annual leave shall, subject to the rules of the
15 ~~secretary~~ director, be used in the year following the one in which it was earned, but
16 no employee shall lose any unused annual leave because the employee's work
17 responsibilities prevented the usage of the unused annual leave during the first 6
18 months of the year following the year in which it was earned.

19 **SECTION 2416h.** 230.35 (2) of the statutes is amended to read:

20 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
21 without pay, other than annual leave and leave under s. 103.10, shall be regulated
22 by rules of the ~~secretary~~ director, except that unused sick leave shall accumulate
23 from year to year. After July 1, 1973, employees appointed to career executive
24 positions under the program established under s. 230.24 or positions designated in
25 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall

1 have any unused sick leave credits restored if they are reemployed in a career
2 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and
3 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.
4 Restoration of unused sick leave credits if reemployment is to a position other than
5 those specified above shall be in accordance with rules of the secretary director.

6 **SECTION 2416j.** 230.35 (2r) (b) of the statutes is amended to read:

7 230.35 (2r) (b) The secretary director may establish, by rule, a catastrophic
8 leave program that permits employees to donate certain types and amounts of leave
9 credits to other employees who have been absent from pay status because of a
10 catastrophic need for which there is no paid leave benefits or replacement income
11 available. The secretary director shall determine the types and amounts of leave
12 credits that may be donated.

13 **SECTION 2416L.** 230.35 (3) (d) of the statutes is amended to read:

14 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
15 absence to compete in promotional examinations and interviews. The secretary
16 director shall promulgate rules governing the lengths of time allowable for such
17 leaves, their frequency and the provisions for their use.

18 **SECTION 2416m.** 230.35 (3) (e) 2. e. of the statutes is amended to read:

19 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the secretary
20 director regarding leaves of absence to provide specialized disaster relief services.

21 **SECTION 2416n.** 230.35 (3) (e) 5. of the statutes is amended to read:

22 230.35 (3) (e) 5. The secretary director may promulgate any rules necessary to
23 implement this paragraph.

24 **SECTION 2416p.** 230.35 (5) (b) of the statutes is amended to read:

1 230.35 (5) (b) The standard basis of employment shall be divided into 5 work
2 days of 8 hours each except as provided under s. 230.215 (5), and except that when
3 the conditions of employment cannot be satisfied by adhering to this division or when
4 the public would not be inconvenienced, deviations may be permitted upon
5 recommendation of the appointing authority and subsequent approval by the
6 secretary director.

7 **SECTION 2416r.** 230.37 (1) of the statutes is amended to read:

8 230.37 (1) In cooperation with appointing authorities the secretary director
9 shall establish an employee performance evaluation program to provide a continuing
10 record of employee development and, when applicable, to serve as a basis for
11 pertinent personnel actions. Similar evaluations shall be conducted during the
12 probationary period but may not infringe upon the authority of the appointing
13 authority to retain or dismiss employees during the probationary period.

14 **SECTION 2416t.** 230.43 (5) of the statutes is amended to read:

15 230.43 (5) **TAXPAYERS' SUITS.** The right of any taxpayer to bring any action to
16 restrain the payment of compensation to any person appointed to or holding any
17 office or place of employment in violation of this subchapter shall not be limited or
18 denied by reason of the fact that the office or place of employment has been classified
19 as, or determined to be, not subject to competitive examination; however, any
20 judgment or injunction in any such action shall be prospective only, and shall not
21 affect payments already made or due to such persons by the proper disbursing
22 officers, in accordance with the rules of the secretary director in force at the time of
23 such payments.

24 **SECTION 2416v.** 230.44 (1) (b) of the statutes is amended to read:

1 230.44 (1) (b) *Decision made or delegated by secretary director*. Appeal of a
2 personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the secretary
3 director or by an appointing authority under authority delegated by the secretary
4 director under s. 230.04 (1m).

5 **SECTION 2417m.** 230.44 (1) (dm) of the statutes is amended to read:

6 230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans*. A
7 personnel action under s. 230.275 by an appointing authority that is alleged to be
8 illegal or an abuse of discretion. The administrator and the department office may
9 not be a party to any such appeal.

10 **SECTION 2417s.** 230.44 (4) (bm) of the statutes is amended to read:

11 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
12 of the secretary director made under s. 230.09 (2) (a) or (d), the appeal shall be heard
13 by a commissioner or attorney employed by the commission serving as arbitrator
14 under rules promulgated for this purpose by the commission. In such an arbitration,
15 the arbitrator shall orally render a decision at the conclusion of the hearing
16 affirming, modifying or rejecting the decision of the secretary director. The decision
17 of the arbitrator is final and is not subject to review by the commission. An
18 arbitrator's decision may not be cited as precedent in any other proceeding before the
19 commission or before any court. The arbitrator shall promptly file his or her decision
20 with the commission. The decision of the arbitrator shall stand as the decision of the
21 commission. The decision of the commission is subject to review under ss. 227.53 to
22 227.57 only on the ground that the decision was procured by corruption, fraud or
23 undue means or that the arbitrator or the commission exceeded the arbitrator's or
24 the commission's power. The record of a proceeding under this paragraph shall be
25 transcribed as provided in s. 227.44 (8).

1 SECTION 2418. 230.45 (title) of the statutes is amended to read:

2 230.45 (title) **Powers and duties of ~~personnel commission and division~~**
3 **of equal rights.**

4 SECTION 2419. 230.45 (1) (b) of the statutes is repealed.

5 SECTION 2420. 230.45 (1) (e) of the statutes is amended to read:

6 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
7 under s. ~~49.33~~ 49.78 (4), from any interested party.

8 SECTION 2421. 230.45 (1) (g) of the statutes is repealed.

9 SECTION 2422. 230.45 (1) (gm) of the statutes is repealed.

10 SECTION 2422g. 230.45 (1) (h) of the statutes is amended to read:

11 230.45 (1) (h) Keep minutes of its own proceedings and other official actions.
12 All such records shall, subject to reasonable rules, be open to public inspection.
13 Records of the ~~secretary~~ director or the administrator which are confidential shall
14 be kept confidential by the division of equal rights or the commission.

15 SECTION 2422r. 230.45 (1) (i) of the statutes is amended to read:

16 230.45 (1) (i) Adopt rules necessary to carry out this section. Notice of the
17 contents of such rules and amendments thereto shall be given promptly to the
18 ~~secretary~~ director, the administrator and appointing authorities affected thereby.

19 SECTION 2423. 230.45 (1) (j) of the statutes is repealed.

20 SECTION 2424. 230.45 (1) (k) of the statutes is repealed.

21 SECTION 2425. 230.45 (1) (L) of the statutes is repealed.

22 SECTION 2426. 230.45 (1) (m) of the statutes is repealed.

23 SECTION 2427. 230.45 (1e) of the statutes is created to read:

24 230.45 (1e) The division of equal rights shall:

1 (a) Receive and process complaints of discrimination of state employees under
2 s. 111.375. In the course of investigating or otherwise processing such a complaint,
3 the division of equal rights may require that an interview with any state employee,
4 except a management or supervisory employee who is a party to or immediately
5 involved in the subject matter of the complaint, be conducted outside the presence
6 of the appointing authority or any representative or agent thereof unless the
7 employee voluntarily requests that presence. An appointing authority shall permit
8 an employee to be interviewed without loss of pay and to have an employee
9 representative present at the interview. An appointing authority of an employee to
10 be interviewed may require the division of equal rights to give the appointing
11 authority reasonable notice prior to the interview.

12 (b) Receive and process complaints of retaliatory disciplinary action under s.
13 230.85.

14 (c) Keep minutes of its own proceedings and other official actions relating to
15 this chapter. All such records shall, subject to reasonable rules, be open to public
16 inspection. Records of the director or the administrator which are confidential shall
17 be kept confidential by the division of equal rights.

18 (d) Adopt rules necessary to carry out this section. Notice of the contents of such
19 rules and amendments thereto shall be given promptly to the director, the
20 administrator, and appointing authorities affected thereby.

21 **SECTION 2427g.** 230.46 of the statutes is amended to read:

22 **230.46 Duties of council on affirmative action.** The council on affirmative
23 action in the department office shall serve in a direct advisory capacity to the
24 secretary director and as part of that relationship shall evaluate the progress of
25 affirmative action programs throughout the civil service system, seek compliance

1 with state and federal regulations and recommend improvements in the state's
2 affirmative action efforts as an employer. In carrying out its responsibilities, the
3 council may recommend legislation, consult with agency personnel and other
4 interested persons, conduct hearings and take other appropriate action to promote
5 affirmative action. The council shall report at least once per year to the governor and
6 the legislature.

7 **SECTION 2427r.** 230.48 (2) of the statutes is amended to read:

8 230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. The ~~department~~ office shall
9 appoint, under the classified service, a secretary and such other employees as are
10 necessary to carry out the duties of the state employees suggestion board, and shall
11 provide such facilities and equipment as that board requires for the proper
12 performance of its work. The state employees suggestion board may request and
13 shall receive from any state department any assistance that it requires.

14 **SECTION 2428.** 230.81 (1) (b) of the statutes is amended to read:

15 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
16 governmental unit is appropriate to receive the information, disclose the information
17 in writing only to the governmental unit that the ~~commission~~ division of equal rights
18 determines is appropriate. The ~~commission~~ division of equal rights may not
19 designate the department of justice, the courts, the legislature or a service agency
20 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
21 Each appropriate governmental unit shall designate an employee to receive
22 information under this section.

23 **SECTION 2429.** 230.85 (1) of the statutes is amended to read:

24 230.85 (1) An employee who believes that a supervisor or appointing authority
25 has initiated or administered, or threatened to initiate or administer, a retaliatory

1 action against that employee in violation of s. 230.83 may file a written complaint
2 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
3 action or threat thereof and requesting relief, within 60 days after the retaliatory
4 action allegedly occurred or was threatened or after the employee learned of the
5 retaliatory action or threat thereof, whichever occurs last.

6 **SECTION 2430.** 230.85 (2) of the statutes is amended to read:

7 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as
8 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course
9 of investigating or otherwise processing such a complaint, the ~~commission~~ division
10 of equal rights may require that an interview with any employee described in s.
11 230.80 (3), except a management or supervisory employee who is a party to or is
12 immediately involved in the subject matter of the complaint, be conducted outside
13 the presence of the appointing authority or any representative or agent thereof
14 unless the employee voluntarily requests that presence. An appointing authority
15 shall permit an employee to be interviewed without loss of pay and to have an
16 employee representative present at the interview. An appointing authority of an
17 employee to be interviewed may require the ~~commission~~ division of equal rights to
18 give the appointing authority reasonable notice prior to the interview. If the
19 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
20 action has occurred or was threatened, it may endeavor to remedy the problem
21 through conference, conciliation or persuasion. If that endeavor is not successful, the
22 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
23 specifying the nature of the retaliatory action which has occurred or was threatened,
24 and requiring the person named, in this section called the “respondent”, to answer
25 the complaint at a hearing. The notice shall specify the place of hearing and a time

1 of hearing not less than 30 days after service of the complaint upon the respondent
2 nor less than 10 days after service of the notice of hearing. If, however, the
3 ~~commission~~ division of equal rights determines that an emergency exists with
4 respect to a complaint, the notice of hearing may specify a time of hearing within 30
5 days after service of the complaint upon the respondent, but not less than 10 days
6 after service of the notice of hearing. The testimony at the hearing shall be recorded
7 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

8 **SECTION 2431.** 230.85 (3) (a) (intro.) of the statutes is amended to read:

9 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
10 shall make written findings and orders. If the ~~commission~~ division of equal rights
11 finds that the respondent engaged in or threatened a retaliatory action, it shall order
12 the employee's appointing authority to insert a copy of the findings and orders into
13 the employee's personnel file and, if the respondent is a natural person, order the
14 respondent's appointing authority to insert such a copy into the respondent's
15 personnel file. In addition, the ~~commission~~ division of equal rights may take any
16 other appropriate action, including but not limited to the following:

17 **SECTION 2432.** 230.85 (3) (a) 4. of the statutes is amended to read:

18 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
19 a governmental unit respondent, or by a governmental unit employing a respondent
20 who is a natural person if that governmental unit received notice and an opportunity
21 to participate in proceedings before the ~~commission~~ division of equal rights.

22 **SECTION 2433.** 230.85 (3) (b) of the statutes is amended to read:

23 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
24 that the respondent did not engage in or threaten a retaliatory action it shall order
25 the complaint dismissed. The ~~commission~~ division of equal rights shall order the

1 employee's appointing authority to insert a copy of the findings and orders into the
2 employee's personnel file and, if the respondent is a natural person, order the
3 respondent's appointing authority to insert such a copy into the respondent's
4 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
5 that the employee filed a frivolous complaint it may order payment of the
6 respondent's reasonable actual attorney fees and actual costs. Payment may be
7 assessed against either the employee or the employee's attorney, or assessed so that
8 the employee and the employee's attorney each pay a portion. To find a complaint
9 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
10 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

11 **SECTION 2434.** 230.85 (3) (c) of the statutes is amended to read:

12 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
13 rights of any complaint under this section, the ~~commission~~ division of equal rights
14 may make interlocutory orders.

15 **SECTION 2435.** 230.85 (4) of the statutes is amended to read:

16 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
17 of the findings and order on the respondent and, if the respondent is a natural person,
18 upon the respondent's appointing authority.

19 **SECTION 2436.** 230.85 (5) (a) of the statutes is amended to read:

20 230.85 (5) (a) If a respondent does not comply with any lawful order by the
21 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
22 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
23 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
24 a separate violation of that order.

25 **SECTION 2437.** 230.85 (5) (b) of the statutes is amended to read:

1 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
2 rights may enforce an order by a suit in equity.

3 **SECTION 2438.** 230.87 (1) of the statutes is amended to read:

4 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
5 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
6 any enforcement action, the department of justice shall represent the ~~commission~~
7 division of equal rights unless a conflict of interest results from that representation.
8 A court may order payment of a prevailing appellant employee's reasonable attorney
9 fees by a governmental unit respondent, or by a governmental unit employing a
10 respondent who is a natural person if that governmental unit received notice and an
11 opportunity to appear before the court.

12 **SECTION 2439.** 230.88 (2) of the statutes is amended to read:

13 230.88 (2) EFFECT. (a) A final order issued under s. 230.85 or 230.87 which has
14 not been appealed and for which the time of appeal has passed binds all parties who
15 were subjected to the jurisdiction of the ~~commission~~ division of equal rights or the
16 court and who received an opportunity to be heard. With respect to these parties, the
17 decree is conclusive as to all issues of law and fact decided.

18 (b) No collective bargaining agreement supersedes the rights of an employee
19 under this subchapter. However, nothing in this subchapter affects any right of an
20 employee to pursue a grievance procedure under a collective bargaining agreement
21 under subch. V of ch. 111, and if the ~~commission~~ division of equal rights determines
22 that a grievance arising under such a collective bargaining agreement involves the
23 same parties and matters as a complaint under s. 230.85, it shall order the
24 arbitrator's final award on the merits conclusive as to the rights of the parties to the

1 complaint, on those matters determined in the arbitration which were at issue and
2 upon which the determination necessarily depended.

3 (c) No later than 10 days before the specified time of hearing under s. 230.85
4 (2), an employee shall notify the ~~commission~~ division of equal rights orally or in
5 writing if he or she has commenced or will commence an action in a court of record
6 alleging matters prohibited under s. 230.83 (1). If the employee does not
7 substantially comply with this requirement, the ~~commission~~ division of equal rights
8 may assess against the employee any costs attributable to the failure to notify.
9 Failure to notify the ~~commission~~ division of equal rights does not affect a court's
10 jurisdiction to proceed with the action. Upon commencement of such an action in a
11 court of record, the ~~commission~~ division of equal rights has no jurisdiction to process
12 a complaint filed under s. 230.85 except to dismiss the complaint and, if appropriate,
13 to assess costs under this paragraph.

14 **SECTION 2440.** 230.89 of the statutes is amended to read:

15 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
16 rights shall promulgate rules to carry out its responsibilities under this subchapter.

17 (2) Every 2 years, the ~~commission~~ division of equal rights shall submit a report
18 to the chief clerk of each house of the legislature, for distribution to the appropriate
19 standing committees under s. 13.172 (3), regarding complaints filed, hearings held
20 and actions taken under this subchapter, including the dollar amount of any
21 monetary settlement or final monetary award which has become binding on the
22 parties.

~~23~~ **SECTION 2440m.** 232.05 (2) (d) of the statutes is amended to read:

1 232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services
2 with minority businesses that are certified by the department of commerce under s.
3 560.036 (2).

4 **SECTION 2441.** 233.10 (3) (c) 4. of the statutes is amended to read:

5 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
6 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
7 and (4) (e) and, to the extent applicable, rules of the ~~department of employment~~
8 relations office of state human resources management governing such leaves for
9 employees in the classified service as of the last day of the employee's employment
10 as a state employee if the employee was entitled to those benefits on that day.

11 **SECTION 2442.** 233.10 (4) of the statutes is amended to read:

12 233.10 (4) Notwithstanding the requirement that an employee be a state
13 employee, a carry-over employee of the authority who was employed in a position in
14 the classified service immediately prior to beginning employment with the authority
15 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
16 230.29 and the rules of the ~~department of employment relations~~ office of state human
17 resources management governing transfers as a person who holds a position in the
18 classified service.

19 **SECTION 2442r.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

20 234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business
21 that is certified by the department of commerce under s. 560.036 (2) or that is more
22 than 50% owned or controlled by women or minorities.

23 **SECTION 2444.** 234.034 of the statutes is amended to read:

24 **234.034 Consistency with state housing strategy plan.** Subject to
25 agreements with bondholders or noteholders, the authority shall exercise its powers

1 and perform its duties related to housing consistent with the state housing strategy
2 plan under s. ~~16.31~~ 560.9802.

3 **SECTION 2445.** 234.06 (1) of the statutes is amended to read:

4 234.06 (1) The authority may, as authorized in the state housing strategy plan
5 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
6 make temporary loans to eligible sponsors, with or without interest, and with such
7 security for repayment, if any, as the authority determines reasonably necessary and
8 practicable, solely from the housing development fund, to defray development costs
9 for the construction of proposed housing projects for occupancy by persons and
10 families of low and moderate income. No temporary loan may be made unless the
11 authority may reasonably anticipate that satisfactory financing may be obtained by
12 the eligible sponsor for the permanent financing of the housing project.

13 **SECTION 2446.** 234.06 (3) of the statutes is amended to read:

14 234.06 (3) The authority may, as authorized in the state housing strategy plan
15 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
16 establish and administer programs of grants to counties, municipalities and eligible
17 sponsors of housing projects for persons of low and moderate income, to pay
18 organizational expenses, administrative costs, social services, technical services,
19 training expenses or costs incurred or expected to be incurred by counties,
20 municipalities or sponsors for land and building acquisition, construction,
21 improvements, renewal, rehabilitation, relocation or conservation under a plan to
22 provide housing or related facilities, if the costs are not reimbursable from other
23 private or public loan, grant or mortgage sources.

24 **SECTION 2447.** 234.165 (2) (b) 2. of the statutes is amended to read:

1 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
2 governor a plan for expending or encumbering the actual surplus reported under
3 subd. 1. The part of the plan related to housing shall be consistent with the state
4 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this
5 subdivision may be attached to and submitted as a part of the report filed under subd.
6 1.

7 **SECTION 2448.** 234.25 (1) (e) of the statutes is amended to read:

8 234.25 (1) (e) An evaluation of its progress in implementing within its own
9 housing programs the goals, policies and objectives of the state housing strategy plan
10 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
11 to carry out its programs consistent with the state housing strategy plan.

~~12~~ **SECTION 2448g.** 234.65 (1) (g) of the statutes is amended to read:

13 234.65 (1) (g) In granting loans under this section the authority shall give
14 preference to businesses ~~which~~ that are minority businesses certified by the
15 department of commerce under s. 560.036 (2) or that are more than 50% owned or
16 controlled by women ~~or minorities~~, to businesses that, together with all of their
17 affiliates, subsidiaries, and parent companies, have current gross annual sales of
18 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that
19 have less than 50% of their ownership held or controlled by another business and
20 have their principal business operations in this state.

21 **SECTION 2448r.** 252.12 (2) (c) 2. of the statutes is amended to read:

22 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
23 department shall award \$75,000 in each fiscal year as grants for services to prevent
24 HIV infection and related infections, including hepatitis C virus infection. Criteria
25 for award of the grants shall include the criteria specified under subd. 1. The

1 department shall award 60% of the funding to applying organizations that receive
2 funding under par. (a) 8. and 40% of the funding to applying community-based
3 organizations that are operated by minority group members, as defined in s. 560.036
4 (1) (f) minority businesses certified by the department of commerce under s. 560.036
5 (2).

6 **SECTION 2449.** 253.06 (4) (c) 2. of the statutes is amended to read:

7 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a
8 determination by the court of the amount due, the clerk of the court shall collect and
9 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The
10 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
11 administration as provided in s. 59.25 (3) (f) 2.

12 **SECTION 2450.** 253.06 (5) (e) of the statutes is amended to read:

13 253.06 (5) (e) The suspension or termination of authorization of a vendor or
14 eligibility of a participant shall be effective beginning on the 15th day after receipt
15 of the notice of suspension or termination. All forfeitures, recoupments, and
16 enforcement assessments shall be paid to the department within 15 days after
17 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
18 assessment is contested under sub. (6), within 10 days after receipt of the final
19 decision after exhaustion of administrative review, unless the final decision is
20 adverse to the department or unless the final decision is appealed and the decision
21 is stayed by court order under sub. (7). The department shall remit all forfeitures
22 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.
23 The department shall deposit all enforcement assessments in the appropriation
24 under s. 20.435 (1) (gr).

25 **SECTION 2451.** 254.45 (4) (b) of the statutes is amended to read:

1 254.45 (4) (b) The department shall remit all forfeitures paid to the state
2 ~~treasurer~~ secretary of administration for deposit in the school fund.

3 **SECTION 2452.** 254.59 (2) of the statutes is amended to read:

4 254.59 (2) If a human health hazard is found on private property, the local
5 health officer shall notify the owner and the occupant of the property, by registered
6 mail with return receipt requested, of the presence of the human health hazard and
7 order its abatement or removal within 30 days of receipt of the notice. If the human
8 health hazard is not abated or removed by that date, the local health officer shall
9 immediately enter upon the property and abate or remove the human health hazard
10 or may contract to have the work performed. The human health hazard shall be
11 abated in a manner which is approved by the local health officer. The cost of the
12 abatement or removal may be recovered from the person permitting the violation or
13 may be paid by the municipal treasurer and the account, after being paid by the
14 treasurer, shall be filed with the municipal clerk, who shall enter the amount
15 chargeable to the property in the next tax roll in a column headed “For Abatement
16 of a Nuisance” as a special tax on the lands upon which the human health hazard was
17 abated, and the tax shall be collected as are other taxes. In case of railroads or other
18 lands not taxed in the usual way, the amount chargeable shall be certified by the
19 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
20 designated in the certificate to the sum due from the company owning, occupying, or
21 controlling the land specified, and the ~~state treasurer~~ secretary of administration
22 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
23 collected to the town, city, or village from which the certificate was received. Anyone
24 maintaining such a human health hazard may also be fined not more than \$300 or
25 imprisoned for not more than 90 days or both. The only defenses an owner may have

1 against the collection of a tax under this subsection are that no human health hazard
2 existed on the owner's property, that no human health hazard was corrected on the
3 owner's property, that the procedure outlined in this subsection was not followed or
4 any applicable defense under s. 74.33.

5 **SECTION 2453.** 254.59 (5) of the statutes is amended to read:

6 254.59 (5) The cost of abatement or removal of a human health hazard under
7 this section may be at the expense of the municipality and may be collected from the
8 owner or occupant, or person causing, permitting, or maintaining the human health
9 hazard, or may be charged against the premises and, upon certification of the local
10 health officer, assessed as are other special taxes. In cases of railroads or other lands
11 not taxed in the usual way, the amount chargeable shall be certified by the clerk to
12 the ~~state treasurer~~ secretary of administration who shall add the amount designated
13 in the certificate to the sum due from the company owning, occupying, or controlling
14 the land specified, and the ~~state treasurer~~ secretary of administration shall collect
15 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the
16 town, city, or village from which the certificate was received. Anyone maintaining
17 such a human health hazard may also be fined not more than \$300 or imprisoned for
18 not more than 90 days or both. The only defenses an owner may have against the
19 collection of a tax under this subsection are that no human health hazard existed on
20 the owner's property, that no human health hazard was corrected on the owner's
21 property, that the procedure outlined in this subsection was not followed, or any
22 applicable defense under s. 74.33.

23 **SECTION 2453m.** Subchapter VIII (title) of chapter 254 [precedes 254.89] of the
24 statutes is repealed.

1 **SECTION 2454.** 254.89 of the statutes is renumbered 97.24 (5) and amended to
2 read:

3 **97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS.** The department shall
4 conduct evaluation surveys of grade A dairy operations in this state to the extent
5 necessary to certify to the federal food and drug administration, out-of-state
6 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal
7 public health service, and local health departments, the compliance rating of the
8 grade A dairy operations based upon the sanitation and enforcement requirements
9 of the grade A pasteurized milk ordinance of the federal public health service and its
10 related documents. The department may promulgate rules establishing fees which
11 may be charged to dairy plants to fund these activities.

12 **SECTION 2455r.** 255.06 (2) (i) of the statutes is created to read:

13 **255.06 (2) (i) Multiple sclerosis screening services.** Allocate and expend at least
14 \$60,000 in each fiscal year as reimbursement for the provision of multiple sclerosis
15 screening services to women.

16 **SECTION 2455t.** 255.10 (intro.) of the statutes is amended to read:

17 **255.10 Thomas T. Melvin youth tobacco prevention and education**
18 **program.** (intro.) From the moneys distributed under s. 255.15 (3) (a)-2. (b), the
19 department shall administer the Thomas T. Melvin youth tobacco prevention and
20 education program, with the primary purpose of reducing the use of cigarettes and
21 tobacco products by minors. The department shall award grants for the following
22 purposes:

23 **SECTION 2455v.** 255.15 (title) of the statutes is amended to read:

24 **255.15 (title) Statewide tobacco use control program.**

25 **SECTION 2456.** 255.15 (1) of the statutes is repealed.

1 **SECTION 2457.** 255.15 (1m) (intro.) of the statutes is amended to read:

2 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

3 **SECTION 2458.** 255.15 (1m) (a) of the statutes is repealed.

4 **SECTION 2459.** 255.15 (1m) (c) of the statutes is amended to read:

5 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
6 awarded under sub. (3), including performance-based standards for grant recipients
7 that propose to use the grant for media efforts. The ~~board~~ department shall ensure
8 that programs or projects conducted under the grants are culturally sensitive.

9 **SECTION 2459d.** 255.15 (1m) (f) of the statutes is amended to read:

10 255.15 (1m) (f) ~~Develop and prepare an annual plan regarding~~ Continue
11 implementation of a strategic plan for a statewide tobacco use control program,
12 including the allocation of funding for a statewide tobacco control program, and
13 update the plan annually.

14 **SECTION 2459x.** 255.15 (2m) of the statutes is created to read:

15 255.15 (2m) TOBACCO CONTROL ADVISORY COMMITTEE. (a) The secretary shall,
16 under s. 15.04 (1) (c), create a tobacco control advisory committee. The committee
17 shall consist of not more than 17 members, appointed by the secretary for 3-year
18 terms, and shall include all of the following:

19 1. At least one representative of a local tobacco prevention coalition.

20 2. At least one youth who represents youth involved in tobacco prevention and
21 control efforts.

22 3. At least one representative of a population that is disproportionately
23 impacted by tobacco use.

24 4. At least one representative of a statewide health care provider association
25 or organization.

1 5. At least one representative of a statewide or regional hospital association or
2 organization.

3 6. At least one representative of a statewide or regional insurance association
4 or organization.

5 7. At least one representative of a state or local chamber of commerce or other
6 business association or organization.

7 8. One senator.

8 9. One representative to the assembly who is of a different political party from
9 the senator appointed under subd. 8.

10 10. At least 3 representatives of organizations that have the reduction of the
11 health and economic impacts of tobacco use as their primary organizational
12 missions.

13 11. The secretary.

14 12. The superintendent of public instruction or his or her designee.

15 13. The attorney general or his or her designee.

16 14. One or more members of organizations or associations specified by the
17 department.

18 (b) The tobacco control advisory committee shall do all of the following:

19 1. Develop public–private partnerships on tobacco use control issues and
20 initiatives.

21 2. Ensure regular review and monitoring of the plan under sub. (1m) (f).

22 3. Identify external resources and steps that the department could take to
23 support implementation of the plan under sub. (1m) (f) or other local tobacco use
24 prevention and control policy initiatives.

25 4. Ensure coordination with other tobacco control efforts in this state.

1 5. Provide advice and guidance on proposed tobacco use prevention and control
2 plans and strategies, including those funded under sub. (3).

3 6. Ensure that an external evaluator conducts regular outcome-based
4 evaluations of tobacco use prevention and control projects and presents the
5 evaluations to the joint legislative audit committee.

6 7. Develop and distribute an annual report on the impacts of tobacco use in this
7 state and the progress of tobacco use prevention and control efforts.

8 8. For members specified in par. (a) 1., 4., 5., 6., 7., 10., and 14., commit the
9 human and material resources of the associations or organizations represented by
10 those members to efforts toward tobacco use prevention and control to the greatest
11 extent possible.

12 9. Address the issue of populations most adversely affected by tobacco use.

13 **SECTION 2460d.** 255.15 (3) (a) of the statutes is repealed.

14 **SECTION 2461d.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

15 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1) (te)~~ 20.435 (5)
16 (fm), the ~~board~~ department may distribute grants for any of the following:

17 **SECTION 2461r.** 255.15 (3) (b) 8. of the statutes is amended to read:

18 255.15 (3) (b) 8. Other tobacco use cessation or prevention programs, including
19 tobacco research and intervention.

20 **SECTION 2462.** 255.15 (4) of the statutes is amended to read:

21 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the
22 ~~board~~ department shall submit to the governor and to the chief clerk of each house
23 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
24 success of the grant program under sub. (3). The report shall specify the number of
25 grants awarded during the immediately preceding fiscal year and the purpose for

1 which each grant was made. The report shall also specify donations and grants
2 accepted by the board department under sub. (5).

3 **SECTION 2463.** 255.15 (5) of the statutes is amended to read:

4 255.15 (5) FUNDS. The board department may accept for any of its the purposes
5 under this section any donations and grants of money, equipment, supplies,
6 materials and services from any person. The board department shall include in the
7 report under sub. (4) any donation or grant accepted by the board department under
8 this subsection, including the nature, amount and conditions, if any, of the donation
9 or grant and the identity of the donor.

10 **SECTION 2464d.** 255.15 (6) of the statutes is repealed.

11 **SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

12 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$55,100,000 during the ~~2001–03~~
13 2003–05 biennium.

14 3. Equal to \$1,000 for any biennium after the ~~2001–03~~ 2003–05 biennium.

15 **SECTION 2467.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

16 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$4,000,000 during the ~~2001–03~~ 2003–05
17 biennium.

18 2. Equal to \$1,000 for any biennium after the ~~2001–03~~ 2003–05 biennium.

19 **SECTION 2468.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

20 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the ~~2001–03~~
21 2003–05 biennium.

22 2. Equal to \$1,000 for any biennium after the ~~2001–03~~ 2003–05 biennium.

23 **SECTION 2469.** 281.59 (4) (f) of the statutes is amended to read:

24 281.59 (4) (f) Revenue obligations may be contracted by the building
25 commission when it reasonably appears to the building commission that all

1 obligations incurred under this subsection can be fully paid on a timely basis from
2 moneys received or anticipated to be received. Revenue obligations issued under this
3 subsection for the clean water fund program shall not exceed \$1,398,355,000
4 \$1,615,955,000 in principal amount, excluding obligations issued to refund
5 outstanding revenue obligation notes.

6 **SECTION 2470.** 281.65 (10) of the statutes is repealed.

7 **SECTION 2471.** 281.99 (4) of the statutes is amended to read:

8 281.99 (4) All forfeitures shall be paid to the department within 60 days after
9 receipt of the order or according to a schedule agreed to by the department and the
10 water system owner or operator or, if the forfeiture is contested under sub. (3), within
11 10 days after receipt of the final decision after exhaustion of administrative review,
12 unless the final decision is appealed and the order is stayed by court order. The
13 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
14 administration for deposit in the school fund.

15 **SECTION 2472.** 283.84 (1) (c) of the statutes is amended to read:

16 283.84 (1) (c) Reaches an agreement with the department or a local
17 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
18 money to the department or local governmental unit and the department or local
19 governmental unit uses the money to reduce water pollution in the project area.

20 **SECTION 2473.** 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and
21 amended to read:

22 285.69 (3) (a) The department may promulgate rules for the payment and
23 collection of fees for inspecting nonresidential asbestos demolition and renovation
24 projects regulated by the department. The fees under this subsection for an
25 inspection plus the fee under sub. (1) (c) may not exceed ~~\$210 per~~ \$400 if the

1 combined square and linear footage of friable asbestos-containing material involved
2 in the project is less than 5,000. The fees under this subsection for an inspection plus
3 the fee under sub. (1) (c) may not exceed \$750 if the combined square and linear
4 footage of friable asbestos-containing material involved in the project is 5,000 or
5 more. The fees collected under this subsection shall be credited to the appropriation
6 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
7 nonresidential asbestos demolition and ~~inspection~~ renovation projects regulated by
8 the department.

9 **SECTION 2474.** 285.69 (3) (b) and (c) of the statutes are created to read:

10 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
11 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
12 renovation project.

13 (c) For the purpose of par. (a), combined square and linear footage shall be
14 determined by adding the number of square feet of friable asbestos-containing
15 material on areas other than pipes to the number of linear feet of friable
16 asbestos-containing material on pipes.

17 **SECTION 2474kd.** 287.03 (1) (d) of the statutes is repealed.

18 **SECTION 2474kf.** 287.19 (2) of the statutes is amended to read:

19 287.19 (2) POWERS. In providing assistance under sub. (1), the department may
20 provide assistance relating to the marketing of materials recovered from solid waste,
21 ~~if the provision of that assistance is a responsibility assigned to the department in~~
22 ~~a memorandum of understanding, contract or other agreement with the recycling~~
23 ~~market development board.~~

24 **SECTION 2474kq.** 287.22 (2) (c) of the statutes is amended to read:

1 287.22 (2) (c) Advise state agencies concerning the promulgation of rules under
2 ss. 100.29, 100.295, and 101.126 ~~and 560.031~~.

3 **SECTION 2474L.** 287.26 of the statutes is created to read:

4 **287.26 Recycling market development grants. (1)** The department shall
5 award a grant of \$50,000 in each fiscal year to a private, nonprofit,
6 industry-supported organization that is described in section 501 (c) (3) of the
7 Internal Revenue Code and that provides waste reduction and recycling assistance
8 through business-to-business peer exchange. An organization that is awarded a
9 grant must be instrumental in assisting and encouraging companies and institutions
10 to reduce their operating costs through improved production and solid waste
11 management practices and must be in existence on October 29, 1999.

12 **(2)** The department shall annually contract for the operation of a statewide
13 materials exchange program with a materials exchange program that received
14 funding from the recycling market development board in the 1997–99 fiscal
15 biennium.

16 **SECTION 2475g.** 289.64 (6) of the statutes is amended to read:

17 289.64 (6) **USE OF SOLID WASTE FACILITY SITING BOARD FEES.** The fees collected
18 under sub. (2) shall be credited to the appropriation under s. 20.370 (2) ~~(eg)~~ ~~for~~
19 ~~transfer to the appropriation under s. 20.505 (4) (k) (ei).~~

20 **SECTION 2475e.** 289.645 (4) (d) of the statutes is created to read:

21 289.645 (4) (d) The recycling fee does not apply to sediments that are
22 contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from
23 the bed of a navigable water of this state in connection with a phase of a project to
24 remedy contamination of the bed of the navigable water if the quantity of the

1 sediments removed, either in the phase or in combination with other planned phases
2 of the project, will exceed 200,000 cubic yards.

3 **SECTION 2475r.** 292.11 (14) of the statutes is created to read:

4 292.11 (14) FUNDING FROM AGRICHEMICAL MANAGEMENT FUND. If the department
5 expends funds from the appropriation under s. 20.370 (2) (dv) to take action
6 authorized under s. 94.73 (2m), the department may request the joint committee on
7 finance to supplement the appropriation under s. 20.370 (2) (dx) in an amount equal
8 to the amount expended. If the department proposes to take action authorized under
9 s. 94.73 (2m), the department may request the joint committee on finance to
10 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the
11 amount that the department expects to expend to take that action. The joint
12 committee on finance may, from the appropriation under s. 20.865 (4) (u),
13 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the
14 amount that the department expended or expects to expend to take action under s.
15 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is not required to find
16 that an emergency exists.

17 **SECTION 2479.** 292.77 of the statutes is repealed.

18 **SECTION 2481.** 292.94 of the statutes is created to read:

19 **292.94 Fees related to enforcement actions.** The department may assess
20 and collect fees from a person who is subject to an order or other enforcement action
21 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
22 review the planning and implementation of any environmental investigation or
23 environmental cleanup that the person is required to conduct. The department shall
24 promulgate rules for the assessment and collection of fees under this section. Fees

1 collected under this section shall be credited to the appropriation account under s.
2 20.370 (2) (dh).

3 **SECTION 2481s.** 299.41 of the statutes is renumbered 93.57 and amended to
4 read:

5 **93.57 Household hazardous waste.** The department shall establish and
6 administer a grant program to assist municipalities and regional planning
7 commissions in creating and operating local programs for the collection and disposal
8 of household hazardous waste.

9 **SECTION 2482.** 299.93 (3) of the statutes is amended to read:

10 299.93 (3) If any deposit is made for an offense to which this section applies,
11 the person making the deposit shall also deposit a sufficient amount to include the
12 environmental assessment prescribed in this section. If the deposit is forfeited, the
13 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~
14 secretary of administration under sub. (4). If the deposit is returned, the
15 environmental assessment shall also be returned.

16 **SECTION 2483.** 299.93 (4) of the statutes is amended to read:

17 299.93 (4) The clerk of the court shall collect and transmit to the county
18 treasurer the environmental assessment and other amounts required under s. 59.40
19 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
20 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
21 secretary of administration shall deposit the amount of the assessment in the
22 environmental fund.

23 **SECTION 2484.** 301.025 of the statutes is amended to read:

24 **301.025 Division of juvenile corrections.** The division of juvenile
25 corrections shall exercise the powers and perform the duties of the department that

1 relate to juvenile correctional services and institutions, juvenile offender review,
2 aftercare, corrective sanctions, the juvenile boot camp program under s. 938.532, the
3 serious juvenile offender program under s. 938.538, and youth aids.

4 **SECTION 2485g.** 301.0465 of the statutes is created to read:

5 **301.0465 Halfway houses for nonviolent offenders. (1) ESTABLISHMENT**
6 **AND COST.** The department shall request proposals and may contract for the
7 establishment of 2 25-bed halfway houses for nonviolent offenders, with one to be
8 located in an urban area and one in a rural area. The department, however, may not
9 accept a proposal unless its daily cost per inmate under the proposal is less than or
10 equal to its highest daily cost per inmate under contracts entered into under s.
11 301.21.

12 **(2) FACILITY, INMATE, OFFICER, AND EMPLOYEE STATUS.** A halfway house
13 established under sub. (1) is a state prison under s. 302.01. Inmates confined in a
14 halfway house under this section are under the care and control of the halfway house,
15 subject to its rules and discipline, and subject to all laws pertaining to inmates of
16 other state prisons. Officers and employees of a halfway house are subject to all laws
17 pertaining to other state prisons.

18 **(3) ELIGIBILITY.** The department shall determine which prisoners are to be
19 confined in a halfway house established under sub. (1), but a prisoner is eligible for
20 this confinement only if all of the following apply:

21 (a) The prisoner is a nonviolent offender to whom one of the following applies:

22 1. He or she is serving no more than the last 6 months of the term of confinement
23 of a bifurcated sentence.

24 2. He or she was returned to prison under s. 302.113 (9) and there are no more
25 than 6 months remaining of the time for which he or she is to be incarcerated.

1 3. He or she is serving an indeterminate sentence for a crime other than a
2 serious felony, as defined in s. 302.11 (1g), and there are no more than 6 months
3 remaining until his or her mandatory release date under s. 302.11.

4 4. He or she is serving an indeterminate sentence and the parole commission
5 has authorized his or her release on parole within the next 6 months.

6 5. He or she is serving no more than the last 6 months of an indeterminate
7 sentence.

8 (b) Upon a petition by the department within the 3 months immediately
9 preceding the person's placement in the halfway house, the sentencing court entered
10 an order authorizing the placement.

11 (4) NO DIRECT COMMITMENT BY COURT. A court may not directly commit persons
12 to a halfway house established under sub. (1).

13 (5) REPORT. The department shall submit a report to the legislature under s.
14 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

15 (a) The success of the halfway house program under this section in
16 reintegrating offenders into the community as compared to other programs for
17 incarcerated offenders.

18 (b) The cost effectiveness of the program.

19 (c) The administration of the program.

20 (d) The public's opinion of the program.

21 **SECTION 2485r.** 301.0465 of the statutes, as created by 2003 Wisconsin Act
22 (this act), is repealed.

23 **SECTION 2486.** 301.105 (intro.) of the statutes is amended to read:

24 **301.105 Telephone company commissions.** (intro.) The department shall
25 collect moneys for commissions from telephone companies for contracts to provide

1 telephone services to inmates. The department shall transmit those moneys to the
2 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
3 administration shall do all of the following:

4 **SECTION 2489.** 301.16 (1o) (b) of the statutes is amended to read:

5 301.16 (1o) (b) In the selection of classified service employees of the institution
6 specified in par. (a), the appointing authority shall, whenever possible, use the
7 expanded certification program under rules of the administrator of the division of
8 merit recruitment and selection in the ~~department of employment relations~~ office of
9 state human resources management to ensure that employees of the institution
10 reflect the general population of either the county in which the institution is located
11 or the most populous county contiguous to the county in which the institution is
12 located, whichever population is greater. The administrator of the division of merit
13 recruitment and selection in the ~~department of employment relations~~
14 administration shall provide guidelines for the administration of this selection
15 procedure.

16 **SECTION 2490.** 301.16 (1r) of the statutes is amended to read:

17 301.16 (1r) In addition to the institutions under sub. (1), the department shall
18 establish a medium security correctional institution for persons 15 years of age or
19 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison
20 under s. 302.01. The medium security correctional institution under this subsection
21 shall be known as the Racine Youthful Offender Correctional Facility and shall be
22 located at the intersection of Albert Street and North Memorial Drive in the city of
23 Racine. The department shall limit the number of prisoners who may be placed at
24 the Racine Youthful Offender Correctional Facility to no more than 400 450 at any
25 one time.

1 **SECTION 2490d.** 301.16 (1v) of the statutes is amended to read:

2 301.16 (1v) In addition to the institutions under sub. (1), the department shall
3 establish a ~~medium~~ minimum security correctional institution in Chippewa Falls.
4 The department shall designate 50 beds at this correctional institution for
5 programming for offenders in prison as an alternative to the revocation of probation,
6 extended supervision, or parole.

7 **SECTION 2491g.** 301.215 of the statutes is created to read:

8 **301.215 Contracts with counties.** (1) During any period that the
9 department contracts with a private person under s. 301.21 (2m) for the transfer and
10 confinement in another state of prisoners who have been committed to the custody
11 of the department, the department shall do all of the following:

12 (a) By July 1 annually, accept proposals submitted from county sheriffs to place
13 prisoners who have been committed to the custody of the department in county jails.

14 (b) By the following October 1, evaluate every proposal submitted under par.
15 (a) and notify each county that submitted a proposal whether, based on criteria that
16 the department establishes, prisoners who have been committed to the custody of the
17 department may be placed in the county's jail under a contract with the department
18 beginning on the following January 1.

19 (2) If the department determines under sub. (1) (b) that prisoners may be
20 placed in the county's jail, the department and county shall establish the daily cost
21 to the department of placing the prisoner in the county's jail. Notwithstanding s.
22 302.27, the daily cost established under this subsection may not exceed the highest
23 daily cost paid by the department to a private person under an existing contract
24 under s. 301.21 (2m).

1 (3) If the department and a county enter into a contract for the placement of
2 prisoners who have been committed to the custody of the department in county jails,
3 the department shall give priority to placing prisoners in the county jail before
4 placing any prisoner with a private person outside the state under a contract under
5 s. 301.21 (2m).

6 **SECTION 2492d.** 301.26 (4) (d) 2. of the statutes is amended to read:

7 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
8 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$183 for care
9 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$183 for
10 care for juveniles transferred from a juvenile correctional institution under s. 51.35
11 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142
12 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
13 care in a treatment foster home, ~~\$82.56~~ \$86 for departmental corrective sanctions
14 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

15 **SECTION 2493d.** 301.26 (4) (d) 3. of the statutes is amended to read:

16 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
17 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$187 for care
18 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$187 for
19 care for juveniles transferred from a juvenile correctional institution under s. 51.35
20 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
21 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
22 care in a treatment foster home, ~~\$84.50~~ \$87 for departmental corrective sanctions
23 services, and ~~\$22.66~~ \$26 for departmental aftercare services.

24 **SECTION 2493m.** 301.26 (5) of the statutes is created to read:

1 301.26 (5) REVENUE SUFFICIENCY. (a) By September 15, December 15, March
2 15, and June 15 of each fiscal year, the department of corrections shall submit a
3 report to the joint committee on finance, and by March 15 of each odd-numbered
4 year, the department of corrections shall submit a report to the department of
5 administration, detailing year-to-date revenues and expenditures under the
6 appropriation account under s. 20.410 (3) (hm) and projecting the balance that will
7 remain in that appropriation account on June 30 of that fiscal year. If a report
8 submitted under this paragraph projects a deficit in that appropriation account on
9 June 30 of a fiscal year, the department of corrections shall include in the report a
10 description of the efforts that it is making to reduce operating costs so as to minimize
11 or eliminate that projected deficit.

12 (b) 1. If based on a report submitted under par. (a) for March 15 of an
13 odd-numbered year the joint committee on finance projects that there will be a
14 deficit in the appropriation account under s. 20.410 (3) (hm) on June 30 of that year,
15 the joint committee on finance shall ensure that the per person daily cost
16 assessments under sub. (4) (d) 2. and 3. for care in a Type 1 secured correctional
17 facility, as defined in s. 938.02 (19), for the next fiscal biennium are sufficient to
18 recoup that projected deficit by adding 50% of that projected deficit to the cost basis
19 used to determine the per person daily cost assessment under sub. (4) (d) 2. for care
20 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the first year
21 of the next fiscal biennium and by adding 50% of that projected deficit to the cost
22 basis used to determine the per person daily cost assessment under sub. (4) (d) 3. for
23 care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the 2nd
24 year of the next fiscal biennium.

1 2. The secretary of administration shall place in unallotted reserve and use to
2 recoup the projected deficit specified in subd. 1. all moneys generated by the
3 increases in the per person daily cost assessments specified in subd. 1. that result
4 from adding that projected deficit to the cost basis specified in subd. 1.

5 (c) If on June 30 of the odd-numbered year of the next fiscal biennium the
6 moneys placed in unallotted reserve under par. (b) 2. exceed the amount of the actual
7 deficit on June 30 of the odd-numbered year of the fiscal biennium in which that
8 deficit was incurred, all moneys in excess of that actual deficit shall be remitted to
9 the counties or transferred to the appropriation account under s. 20.410 (3) (kx) by
10 September 30 of that odd-numbered year. Each county and the department shall
11 receive a proportionate share of the remittance and transfer depending on the total
12 number of days of placement at Type 1 secured correctional facilities, as defined in
13 s. 938.02 (19), for each county and the state. Counties shall use any amounts
14 remitted under this paragraph for the purposes specified in this section. The
15 department shall deposit in the general fund the amounts transferred under this
16 paragraph to the appropriation account under s. 20.410 (3) (kx).

17 **SECTION 2494.** 301.26 (7) (intro.) of the statutes is amended to read:

18 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
19 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
20 department shall allocate funds for community youth and family aids for the period
21 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
22 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

23 **SECTION 2495.** 301.26 (7) (a) of the statutes is amended to read:

24 301.26 (7) (a) For community youth and family aids under this section,
25 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001~~,

1 ~~\$87,760,300 for 2002~~ 2003, ~~\$88,290,200 for 2004~~, and \$44,145,100 for the first 6
2 months of ~~2003~~ 2005.

3 **SECTION 2496.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

4 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
5 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
6 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
7 following factors weighted equally:

8 **SECTION 2497d.** 301.26 (7) (c) of the statutes is amended to read:

9 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
10 ~~\$523,300~~ \$1,053,200 for the last 6 months of ~~2001~~, ~~\$1,576,600 for 2002~~ 2003,
11 \$2,106,500 for 2004, and \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties
12 based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that
13 no county may receive an allocation under this paragraph that is less than 93% nor
14 more than 115% of the amount that the county would have received under this
15 paragraph if the allocation had been distributed only on the basis of the factor
16 specified in par. (b) 3.

17 **SECTION 2498.** 301.26 (7) (e) of the statutes is amended to read:

18 301.26 (7) (e) For emergencies related to community youth and family aids
19 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
20 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
21 county is eligible for payments under this paragraph only if it has a population of not
22 more than 45,000.

23 **SECTION 2499.** 301.26 (7) (h) of the statutes is amended to read:

24 301.26 (7) (h) For counties that are participating in the corrective sanctions
25 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,

1 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
2 provision of corrective sanctions services for juveniles from that county. In
3 distributing funds to counties under this paragraph, the department shall determine
4 a county's distribution by dividing the amount allocated under this paragraph by the
5 number of slots authorized for the program under s. 938.533 (2) and multiplying the
6 quotient by the number of slots allocated to that county by agreement between the
7 department and the county. The department may transfer funds among counties as
8 necessary to distribute funds based on the number of slots allocated to each county.

9 **SECTION 2500.** 301.26 (8) of the statutes is amended to read:

10 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
11 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
12 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
13 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

14 **SECTION 2501.** 302.01 (1) (d) of the statutes is amended to read:

15 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
16 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u).~~

17 **SECTION 2502.** 302.045 (title) of the statutes is amended to read:

18 **302.045 (title) Challenge incarceration program for youthful**
19 **offenders.**

20 **SECTION 2503.** 302.045 (1) of the statutes is amended to read:

21 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
22 program for inmates selected to participate under sub. (2). The program shall
23 provide participants with ~~strenuous physical exercise~~, manual labor, personal
24 development counseling, substance abuse treatment and education, military drill
25 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~

1 have not attained the age of 30 as of the date on which they begin participating in
2 the program, or age-appropriate strenuous physical exercise, for all other
3 participants, in preparation for release on parole or extended supervision. The
4 department shall design the program to include not less than 50 participants at a
5 time and so that a participant may complete the program in not more than 180 days.
6 The department may restrict participant privileges as necessary to maintain
7 discipline.

8 **SECTION 2504.** 302.045 (2) (b) of the statutes is amended to read:

9 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
10 inmate will begin participating in the program.

11 **SECTION 2505.** 302.05 (3) of the statutes is created to read:

12 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
13 all of the following apply:

14 1. The inmate is incarcerated regarding a violation other than a crime specified
15 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
16 948.08, or 948.095.

17 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
18 sentencing court decided under par. (e) or s. 973.01 (3g) that the inmate is eligible
19 to participate in the earned release program described in this subsection.

20 (b) Except as provided in par. (d), if the department determines that an eligible
21 inmate serving a sentence other than one imposed under s. 973.01 has successfully
22 completed the treatment program described in sub. (1), the parole commission shall
23 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
24 has served. If the parole commission grants parole under this paragraph, it shall

1 require the parolee to participate in an intensive supervision program for drug
2 abusers as a condition of parole.

3 (c) 1. Except as provided in par. (d), if the department determines that an
4 eligible inmate serving the term of confinement in prison portion of a bifurcated
5 sentence imposed under s. 973.01 has successfully completed the treatment program
6 described in sub. (1), the department shall inform the court that sentenced the
7 inmate.

8 2. Upon being informed by the department under subd. 1. that an inmate whom
9 the court sentenced under s. 973.01 has successfully completed the treatment
10 program described in sub. (1), the court shall modify the inmate's bifurcated sentence
11 as follows:

12 a. The court shall reduce the term of confinement in prison portion of the
13 inmate's bifurcated sentence in a manner that provides for the release of the inmate
14 to extended supervision within 30 days of the date on which the court receives the
15 information from the department under subd. 1.

16 b. The court shall lengthen the term of extended supervision imposed so that
17 the total length of the bifurcated sentence originally imposed does not change.

18 (d) The department may place intensive sanctions program participants in the
19 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
20 participants.

21 (e) If an inmate is serving the term of confinement portion of a bifurcated
22 sentence imposed under s. 973.01, the sentence was imposed before the effective date
23 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
24 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
25 court to determine whether he or she is eligible or ineligible to participate in the

1 earned release program under this subsection during the term of confinement. The
2 inmate shall serve a copy of the petition on the district attorney who prosecuted him
3 or her, and the district attorney may file a written response. The court shall exercise
4 its discretion in granting or denying the inmate's petition but must do so no later
5 than 90 days after the inmate files the petition. If the court determines under this
6 paragraph that the inmate is eligible to participate in the earned release program,
7 the court shall inform the inmate of the provisions of par. (c).

8 **SECTION 2506.** 302.113 (2) of the statutes is amended to read:

9 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
10 section is entitled to release to extended supervision after he or she has served the
11 term of confinement in prison portion of the sentence imposed under s. 973.01, as
12 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
13 (c) 2. a., or 973.195 (1r), if applicable.

14 **SECTION 2507.** 303.066 of the statutes is repealed.

15 **SECTION 2508.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
16 109, is amended to read:

17 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
18 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
19 an inmate of the Wisconsin state prisons or any felon or any person serving at least
20 one year or more in a county house of correction or a county reforestation camp
21 organized under s. 303.07, when he or she has served 25% of the sentence imposed
22 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
23 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
24 inmate serving a life term when he or she has served 20 years, as modified by the
25 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if

1 applicable. The person serving the life term shall be given credit for time served prior
2 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
3 secretary may grant special action parole releases under s. 304.02. The department
4 or the parole commission shall not provide any convicted offender or other person
5 sentenced to the department's custody any parole eligibility or evaluation until the
6 person has been confined at least 60 days following sentencing.

7 **SECTION 2509.** 304.073 of the statutes is repealed.

8 **SECTION 2510.** 304.074 (1) of the statutes is repealed.

9 **SECTION 2511.** 304.074 (4) of the statutes is repealed.

10 **SECTION 2512.** 340.01 (7m) of the statutes is amended to read:

11 340.01 (7m) "Commercial driver license" means a license issued to a person by
12 this state or another jurisdiction which is in accordance with the requirements of the
13 ~~federal commercial motor vehicle safety act of 1986~~, 49 USC 31301 to 31317 or by
14 Canada or Mexico, and which authorizes the licensee to operate certain commercial
15 motor vehicles.

16 **SECTION 2512m.** 340.01 (8) (d) of the statutes is amended to read:

17 340.01 (8) (d) The vehicle is transporting hazardous materials requiring
18 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
19 73.

20 **SECTION 2513.** 340.01 (13m) of the statutes is amended to read:

21 340.01 (13m) "Disqualification" means the loss or withdrawal of a person's
22 privilege to operate a commercial motor vehicle relating to certain offenses
23 committed by the person while driving or operating a motor vehicle or while on duty
24 time with respect to a commercial motor vehicle.

25 **SECTION 2516.** 341.25 (1) (a) of the statutes is amended to read:

1 341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile
2 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
3 registered at such lesser fee plus an additional fee of \$2.

4 **SECTION 2518.** 342.14 (1) of the statutes is amended to read:

5 342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,
6 by the owner of the vehicle.

7 **SECTION 2519.** 342.14 (1r) of the statutes is amended to read:

8 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
9 impact fee of \$9, by the person filing the application. All moneys collected under this
10 subsection shall be credited to the environmental fund for environmental
11 management. This subsection does not apply after December 31, ~~2003~~ 2005.

12 **SECTION 2520.** 342.14 (3) of the statutes is amended to read:

13 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
14 of the vehicle.

15 **SECTION 2521m.** 343.025 (2) of the statutes is amended to read:

16 343.025 (2) Beginning in 1991, the department shall annually submit a report
17 to the chief clerk of each house of the legislature for distribution to the legislature
18 under s. 13.172 (2) concerning the numbers of individuals, by counties in this state,
19 to whom the department distributed explanatory materials under ss. ~~343.14 (8)~~,
20 343.20 (2m) and 343.50 (4).

21 **SECTION 2521w.** 343.03 (1) (a) of the statutes is amended to read:

22 343.03 (1) (a) The department shall institute a classified driver license system
23 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and 384.

24 **SECTION 2522.** 343.03 (1) (a) of the statutes, as affected by 2003 Wisconsin Act
25 (this act), is amended to read:

1 343.03 (1) (a) The department shall institute a classified driver license system
2 meeting all federal standards under 49 USC 30304 (e) and 31301 to 31317 and 49
3 CFR 383 and 384.

4 **SECTION 2523.** 343.03 (3) (a) of the statutes is amended to read:

5 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
6 readily recognizable abbreviation thereof. The regular license, without any express
7 endorsements or restrictions as provided in this chapter, authorizes the licensee to
8 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
9 provided in this subsection. The license may be endorsed to permit operation of Type
10 1 motorcycles or school buses that are not commercial motor vehicles. A regular
11 license may be subject to restrictions, including the attachment of a special
12 restrictions card as provided in s. 343.17 (4).

13 **SECTION 2524.** 343.03 (3) (e) of the statutes is amended to read:

14 343.03 (3) (e) *Occupational license.* A license issued under s. 343.10
15 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
16 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses issued under s.~~
17 ~~343.10 authorizing the operation of “Class A”, “Class B” or “Class C” vehicles shall~~
18 ~~be labeled “CDL Occupational”.~~ An occupational license may authorize the operation
19 of “Class D” or “Class M” vehicles, or both, but may not be endorsed to permit
20 operation of the vehicle types described in s. 343.04 (2). The license may be subject
21 to restrictions in addition to those provided in s. 343.10, including the attachment
22 of a special restrictions card as provided in s. 343.17 (4).

23 **SECTION 2524r.** 343.03 (5) (title) of the statutes is amended to read:

24 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE or renewal.

1 **SECTION 2525.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and
2 amended to read:

3 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
4 department shall obtain driver record information from the national driver registry
5 and commercial driver license information system to determine whether the
6 applicant holds a commercial driver license, or a license that is revoked, suspended
7 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
8 another state, the department shall obtain information on the applicant's license
9 status with the state of licensure before issuing a license.

10 **SECTION 2526.** 343.03 (5) (b) of the statutes is created to read:

11 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
12 department shall, within the time period specified in 49 CFR 384.232, request from
13 any other jurisdiction that has issued an operator's license or commercial driver
14 license to the person within the previous 10 years the driving record of the person
15 as required under 49 CFR 384.206 (a) (2) (ii).

16 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
17 license if the department has previously issued or renewed a commercial driver
18 license after the effective date of this subdivision [revisor inserts date], and, in
19 connection with the previous issuance or renewal, the department recorded on the
20 person's driving record under s. 343.23 (2) (a) the date on which the operator's record
21 check under subd. 1. was performed.

22 **SECTION 2527.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

23 **SECTION 2528.** 343.03 (6) (b) of the statutes is created to read:

24 343.03 (6) (b) The department shall, upon request and within 30 days of the
25 request, provide to the driver licensing agencies of other jurisdictions the driving

1 record of any person currently or previously licensed by the department, as required
2 under 49 CFR 384.206 (a) (2) (iii).

3 **SECTION 2529.** 343.03 (6) (c) of the statutes is created to read:

4 343.03 (6) (c) The department shall, upon request and within the time period
5 specified in s. 343.23 (2) (am) 1. b. and c., provide the operating record file
6 information specified in s. 343.23 (2) (am) 1. b. and c. to any of the following
7 requesters:

- 8 1. The person holding the commercial driver license.
- 9 2. The U.S. secretary of transportation.
- 10 3. Any employer or prospective employer of the person holding the commercial
11 driver license, after notice to such person.
- 12 4. Any driver licensing agency of another jurisdiction or law enforcement
13 agency.
- 14 5. Any governmental entity having access to the commercial driver license
15 information system.
- 16 6. Any authorized agent of a requester specified in subds. 1. to 5.

17 **SECTION 2530.** 343.03 (7) (title) of the statutes is amended to read:

18 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
19 CERTAIN VIOLATIONS.

20 **SECTION 2531.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

21 **SECTION 2532.** 343.03 (7) (b) of the statutes is created to read:

22 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
23 commercial driver license from operating a commercial motor vehicle for at least 60
24 days, or after the revocation, suspension, or cancellation of a commercial driver
25 license for at least 60 days, the department shall notify the commercial driver license

1 information system and, if the license was not issued by the department, the
2 jurisdiction that issued the license of the disqualification, revocation, suspension, or
3 cancellation and the violation that resulted in the disqualification, revocation,
4 suspension, or cancellation.

5 **SECTION 2533.** 343.03 (7) (c) of the statutes is created to read:

6 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
7 driver license issued by another jurisdiction for violating any state law or local
8 ordinance of this state or any law of a federally recognized American Indian tribe or
9 band in this state in conformity with any state law relating to motor vehicle traffic
10 control, other than parking violations, or after a conviction of the holder of an
11 operator's license issued by another jurisdiction, other than a commercial driver
12 license, for operating a commercial motor vehicle without a commercial driver
13 license, the department shall notify the driver licensing agency of the jurisdiction
14 that issued the license of the conviction.

15 **SECTION 2534.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
16 (this act), is amended to read:

17 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
18 driver license issued by another jurisdiction for violating any state law or local
19 ordinance of this state or any law of a federally recognized American Indian tribe or
20 band in this state in conformity with any state law relating to motor vehicle traffic
21 control, other than parking violations, or after a conviction of the holder of an
22 operator's license issued by another jurisdiction, other than a commercial driver
23 license, for operating a commercial motor vehicle without a commercial driver
24 license, the department shall notify the driver licensing agency of the jurisdiction
25 that issued the license of the conviction.