

1 ***b0130/3.2* SECTION 2120bt.** 173.40 (4) (a) of the statutes, as created by 2001
2 Wisconsin Act 16, is repealed.

3 ***b0130/3.2* SECTION 2120bv.** 173.40 (4) (b) of the statutes, as created by 2001
4 Wisconsin Act 16, is renumbered 173.40 (4) and amended to read:

5 173.40 (4) INSPECTIONS. ~~In addition to the inspections required under par. (a),~~
6 ~~the~~ The department may enter and inspect a facility for which a person is required
7 to obtain a license under sub. (2) at any reasonable time when the department has
8 reason to suspect that human or animal health violations exist or when a person who
9 is not an employee of the department notifies the department of a potential health
10 hazard or violation.

11 ***b0130/3.2* SECTION 2120bw.** 173.40 (5) (a) of the statutes, as created by 2001
12 Wisconsin Act 16, is amended to read:

13 173.40 (5) (a) Minimum standards for ~~animal shelter and kennel facilities and~~
14 ~~facilities at which pet dealers and pet breeders operate.~~

15 ***b0350/2.4* SECTION 2120m.** 175.38 of the statutes is created to read:

16 **175.38 Enforcement of video gambling law. (1)** In this section, “law
17 enforcement officer” has the meaning given in s. 165.85 (2) (c) but does not include
18 a special agent of the department of revenue.

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

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

25 ***b0119/2.1* SECTION 2120n.** 177.075 of the statutes is created to read:

1 **177.075 Distributions caused by certain insurance company activities.**

2 (1) Any intangible property distributable before January 1, 2003, in the course of
3 a demutualization of an insurance company is presumed abandoned if the
4 distribution remains unclaimed for more than 2 years after the date on which the
5 property is distributable and if all of the following apply:

6 (a) At the time the property is distributable, the holder knows that the
7 last-known address of the owner, as reflected in the records of the holder, is incorrect
8 or the holder has mailed the distribution or notice thereof to the owner at the
9 last-known address of the owner, as reflected in the records of the holder, and the
10 mailing has been returned to the holder as undeliverable.

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

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

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

19 ***b0119/2.1* SECTION 2120p.** 177.10 (1) (intro.) of the statutes is amended to
20 read:

21 177.10 (1) (intro.) Except as provided in subs. (2) and (5) and s. 177.075 (1), any
22 stock or other intangible ownership interest in a business association, the existence
23 of which is evidenced by records available to the association, is presumed abandoned
24 and, with respect to the interest, the association is the holder, if a dividend,
25 distribution or other sum payable as a result of the interest has remained unclaimed

1 by the owner for 5 years and the owner has not done either of the following within
2 5 years:

3 *b0119/2.1* SECTION 2120s. 177.17 (4) (b) of the statutes is amended to read:

4 177.17 (4) (b) The holder of an interest under s. 177.10 or a stock or other
5 intangible ownership interest presumed abandoned under s. 177.075 (1) shall
6 deliver to the administrator, upon filing the report required under this section, a
7 duplicate certificate or other evidence of ownership if the holder does not issue
8 certificates of ownership. Upon delivery of a duplicate certificate to the
9 administrator, the holder and any transfer agent, registrar or other person acting for
10 or on behalf of a holder in executing or delivering the duplicate certificate are
11 relieved of all liability, as provided under s. 177.20, to any person, including any
12 person acquiring the original certificate or the duplicate of the certificate issued to
13 the administrator, for any loss or damage caused by the issuance and delivery of the
14 duplicate certificate to the administrator.

15 *-0419/2.1* SECTION 2122. 183.0105 (2) (c) of the statutes is amended to read:

16 183.0105 (2) (c) ~~In the case of a foreign limited liability company, including~~
17 Including the name of its registered agent and the street address of its registered
18 office, as changed, in its annual report under s. 183.0120. This paragraph also
19 applies to a foreign limited liability company. A change under this paragraph is
20 effective on the date the annual report is filed by ~~the office of the department.~~

21 *-0419/2.2* SECTION 2123. 183.0109 (1) (a) 4. of the statutes is amended to
22 read:

23 183.0109 (1) (a) 4. ~~A foreign limited liability company's~~ An annual report under
24 s. 183.0120.

1 *~~0419/2.3~~* SECTION 2124. 183.0113 (2) (b) 1m. of the statutes is amended to
2 read:

3 183.0113 (2) (b) 1m. ~~In the case of a foreign limited liability company, the~~ The
4 domestic or foreign limited liability company has, during its most recently completed
5 report year, filed with the department an annual report required by s. 183.0120.

6 *~~0419/2.4~~* SECTION 2125. 183.0114 (1) (v) of the statutes is created to read:
7 183.0114 (1) (v) Annual report of a domestic limited liability company, \$25.

8 *~~0419/2.5~~* SECTION 2126. 183.0120 (title) of the statutes is amended to read:
9 **183.0120 (title) Annual report for foreign limited liability companies.**

10 *~~0419/2.6~~* SECTION 2127. 183.0120 (1) of the statutes is amended to read:
11 183.0120 (1) Each foreign limited liability company registered to transact
12 business in this state and each domestic limited liability company shall file with the
13 department an annual report that includes all of the following information:

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

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

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

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

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

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

3 ***-0419/2.7* SECTION 2128.** 183.0120 (2) of the statutes is amended to read:

4 183.0120 (2) Information in the annual report shall be current as of the date
5 on which the annual report is executed on behalf of a the domestic or foreign limited
6 liability company, except that the information required by sub. (1) (e) shall be current
7 as of the close of the domestic or foreign limited liability company's fiscal year
8 immediately before the date by which the annual report is required to be delivered
9 to the department.

10 ***-0419/2.8* SECTION 2129.** 183.0120 (3) of the statutes is amended to read:

11 183.0120 (3) A domestic limited liability company shall deliver its annual
12 report to the department during the calendar quarter during which each
13 anniversary of the effective date of the limited liability company's articles of
14 organization under s. 183.0111 occurs. A foreign limited liability company registered
15 to transact business in this state shall deliver its annual report to the department
16 during the first calendar quarter of each year following the calendar year in which
17 the foreign limited liability company becomes registered to transact business in this
18 state.

19 ***-0419/2.9* SECTION 2130.** 183.0120 (4) of the statutes is amended to read:

20 183.0120 (4) If an annual report does not contain the information required by
21 this section, the department shall promptly notify the reporting domestic or foreign
22 limited liability company in writing and return the report to it for correction.

23 ***-0419/2.10* SECTION 2131.** 183.0901 (3) of the statutes is created to read:

24 183.0901 (3) The department administratively dissolves the limited liability
25 company under s. 183.09025 (2) (c), unless the limited liability company is

1 subsequently reinstated under s. 183.09025 (4) (b) or pursuant to judicial review
2 under ss. 227.52 to 227.58.

3 *~~0419/2.11~~* SECTION 2132. 183.09025 of the statutes is created to read:

4 **183.09025 Administrative dissolution and reinstatement. (1) GROUNDS**
5 **FOR ADMINISTRATIVE DISSOLUTION.** The department may bring a proceeding under sub.
6 (2) to administratively dissolve any limited liability company that does not deliver
7 to the department the limited liability company's complete annual report within one
8 year after the annual report is due.

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

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

19 (c) If a limited liability company fails to satisfy par. (b), the department shall
20 administratively dissolve the limited liability company. The department shall enter
21 a notation in its records to reflect each ground for dissolution and the effective date
22 of dissolution and shall mail the limited liability company a notice of those facts and
23 a certificate of dissolution. The notice and certificate shall be in writing and
24 addressed to the registered office of the limited liability company. The dissolution
25 is subject to judicial review as provided in ss. 227.52 to 227.58.

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

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

9 (4) REINSTATEMENT. (a) A limited liability company that is administratively
10 dissolved under sub. (2) (c) may apply to the department for reinstatement within
11 30 days after the date on which the limited liability company is dissolved. The
12 application shall include all of the following:

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

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

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

18 (b) The department shall cancel the certificate of dissolution and issue a
19 certificate of reinstatement under this paragraph if the department determines that
20 the application contains the information required under par. (a), that the
21 information is correct, and that all fees and penalties owed by the limited liability
22 company to the department under this chapter have been paid. The certificate of
23 reinstatement shall state the department's determination under this paragraph and
24 the effective date of reinstatement. The department shall file the certificate and
25 provide a copy to the limited liability company or its representative.

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

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

9 ***-1431/2.16* SECTION 2133.** 186.098 (12) of the statutes is amended to read:

10 186.098 (12) LOANS TO MEMBERS. A credit union may make loans to members
11 secured by assignment or transfer of stock certificates or other evidence of the
12 borrower's ownership interest in a corporation formed for the cooperative ownership
13 of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a
14 mortgage involving a one-family residence, apply to a proceeding to enforce the
15 lender's rights in security given for a loan under this subsection. The office of credit
16 unions shall promulgate joint rules with ~~the division of savings institutions and the~~
17 division of banking that establish procedures for enforcing a lender's rights in
18 security given for a loan under this subsection.

19 ***-0529/4.200* SECTION 2204.** 194.51 of the statutes is amended to read:

20 **194.51 Suit to recover protested tax.** No suit shall be maintained in any
21 court to restrain or delay the collection or payment of the taxes levied in this chapter.
22 The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest,
23 may at any time within 90 days from the date of such payment, sue the state in an
24 action at law to recover the tax so paid. If it is finally determined that said tax, or
25 any part thereof, was wrongfully collected for any reason, it shall be the duty of the

1 ~~department secretary~~ of administration to issue a warrant on the state treasurer for
2 pay out of the transportation fund the amount of such tax so adjudged to have been
3 wrongfully collected, ~~and the treasurer shall pay the same out of the transportation~~
4 ~~fund~~. A separate suit need not be filed for each separate payment made by any
5 taxpayer, but a recovery may be had in one suit for as many payments as may have
6 been made within any 90-day period preceding the commencement of such an action.
7 Such suits shall be commenced as provided in s. 775.01.

8 *b0107/1.27* SECTION 2273d. 195.29 (5) of the statutes is amended to read:

9 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the
10 department, or of the common council or board of any city, village, town, or county,
11 alleging that one or more of them have undertaken or propose to undertake to
12 relocate or improve an existing highway or to construct a new highway in such
13 manner as to eliminate a highway grade crossing with any railroad or so as to
14 permanently divert a material portion of the highway traffic from a highway grade
15 crossing with any railroad, the office shall issue notice of investigation and hearing,
16 as provided in s. 195.04. If upon such hearing the office finds that the public safety
17 will be promoted by the highway relocation, improvement, or new construction, the
18 office shall order the old crossings closed and new crossings opened as are deemed
19 necessary for public safety. The order shall require the railroad company or
20 companies to pay to the interested municipality or municipalities such sum as the
21 office finds to be an equitable portion of the cost of the highway relocation,
22 improvement, or new construction, if the work is performed by the municipalities;
23 or to the state treasurer secretary of administration if the work is performed by the
24 state; or to the proper county treasurer if the work is performed by the county. The

1 sum shall be added to the joint fund available for the improvement and may be
2 expended in like manner as the other portions of the fund.

3 *b0107/1.29* SECTION 2297m. 195.60 (3) of the statutes is amended to read:

4 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
5 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
6 same or fails to file objections to the bill with the office, the office shall transmit to
7 the ~~state treasurer~~ secretary of administration a certified copy of the bill, together
8 with notice of neglect or refusal to pay the bill, and on the same day the office shall
9 mail to the railroad against which the bill has been rendered a copy of the notice
10 which it has transmitted to the ~~state treasurer~~ secretary of administration. Within
11 10 days after the receipt of such notice and certified copy of such bill, the ~~state~~
12 ~~treasurer~~ secretary of administration shall levy the amount stated on such bill to be
13 due, with interest, by distress and sale of any goods and chattels, including stocks,
14 securities, bank accounts, evidences of debt, and accounts receivable belonging to
15 such delinquent railroad. Such levy by distress and sale shall be governed by the
16 provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~
17 secretary of administration and that said goods and chattels anywhere within the
18 state may be levied upon.

19 *b0107/1.31* SECTION 2302m. 195.60 (4) (d) of the statutes is amended to read:

20 195.60 (4) (d) If any bill against which objections have been filed is not paid
21 within 10 days after notice of a finding that such objections have been overruled and
22 disallowed by the office has been mailed to the objector, the office shall give notice
23 of such delinquency to the ~~state treasurer~~ secretary of administration and to the
24 objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of
25 administration shall then proceed to collect the amount of the bill as provided in sub.

1 (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the
2 objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of
3 administration and the objector as in the case of delinquency in the payment of an
4 original bill. The ~~state treasurer~~ secretary of administration shall then proceed to
5 collect the amount of the bill as provided in the case of an original bill.

6 *b0107/1.31* SECTION 2304m. 195.60 (5) of the statutes is amended to read:

7 195.60 (5) No suit or proceeding shall be maintained in any court for the
8 purpose of restraining or in any way delaying the collection or payment of any bill
9 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
10 pay the amount thereof, and after such payment may in the manner herein provided,
11 at any time within 2 years from the date the payment was made, sue the state in an
12 action at law to recover the amount paid with legal interest thereon from the date
13 of payment, upon the ground that the assessment was excessive, erroneous,
14 unlawful, or invalid in whole or in part. If it is finally determined in such action that
15 any part of the bill for which payment was made was excessive, erroneous, unlawful,
16 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the
17 claimant as directed by the court, which shall be charged to the appropriations to the
18 office.

19 *-0529/4.204* SECTION 2310. 196.199 (3) (d) of the statutes is amended to read:

20 196.199 (3) (d) If, at any time during a proceeding under this subsection, the
21 commission determines, after notice and reasonable opportunity to be heard, that a
22 person has made a filing in violation of par. (c), the commission shall order the person
23 to pay to any party to the proceeding the amount of reasonable expenses incurred by
24 that party because of the filing, including reasonable attorney fees, and the
25 commission may directly assess a forfeiture against the person of not less than \$25

1 nor more than \$5,000. A person against whom the commission assesses a forfeiture
2 under this paragraph shall pay the forfeiture to the commission within 10 days after
3 receipt of notice of the assessment or, if the person petitions for judicial review under
4 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial
5 review. The commission shall remit all forfeitures paid under this paragraph to the
6 ~~state treasurer~~ secretary of administration for deposit in the school fund. The
7 attorney general may bring an action in the name of the state to collect any forfeiture
8 assessed by the commission under this paragraph that has not been paid as provided
9 in this paragraph. The only contestable issue in such an action is whether or not the
10 forfeiture has been paid.

11 ***b0306/4.47* SECTION 2311d.** 196.218 (3) (a) 3. b. of the statutes is amended
12 to read:

13 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~
14 ~~(1) (s), (t) and (tm)~~ and (qm), 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

15 ***b0364/3.2* SECTION 2311e.** 196.218 (3) (a) 4. of the statutes is amended to
16 read:

17 196.218 (3) (a) 4. In calculating contribution amounts that must be paid into
18 the universal service fund by telecommunications utilities that provide local
19 exchange service, the commission shall determine the portion of the contributions
20 that are is used for the purposes specified in sub. (5) (a) 5. to 7. 11.

21 ***b0364/3.2* SECTION 2311m.** 196.218 (3) (e) of the statutes is amended to read:

22 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
23 telecommunications provider or other person may not establish a surcharge on
24 customers' bills to collect from customers contributions required under this
25 subsection.

1 ***b0364/3.2* SECTION 2311s.** 196.218 (3) (f) of the statutes is amended to read:

2 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)

3 and (6), 196.213 and 196.215, a telecommunications utility that provides local

4 exchange service may make adjustments to local exchange service rates for the

5 purpose of recovering the portion of its contributions to the universal service fund

6 that is determined by the commission under par. (a) 4. A telecommunications utility

7 that adjusts local exchange service rates for the purpose of recovering all or any

8 amount of that portion shall identify on customer bills a single amount that is the

9 total amount of the adjustment.

10 ***b0306/4.47* SECTION 2312d.** 196.218 (4t) of the statutes is amended to read:

11 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The

12 commission, in consultation with the department of administration ~~and the~~

13 ~~technology for educational achievement in Wisconsin board~~, shall promulgate rules

14 specifying the telecommunications services eligible for funding through the

15 educational telecommunications access program under s. 44.73 16.997.

16 ***b0306/4.47* SECTION 2313d.** 196.218 (5) (a) 5. of the statutes is amended to

17 read:

18 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the

19 extent that these costs are not paid under s. 44.73 16.997 (2) (d), except that no

20 moneys in the universal service fund may be used to pay installation costs that are

21 necessary for a political subdivision to obtain access to bandwidth under a shared

22 service agreement under s. 44.73 16.997 (2r) (a).

23 ***b0306/4.47* SECTION 2314d.** 196.218 (5) (a) 5. of the statutes, as affected by

24 2003 Wisconsin Act (this act), is amended to read:

1 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
2 (13) to (16) to the extent that these costs are not paid under s. 16.997 (2) (d), except
3 that no moneys in the universal service fund may be used to pay installation costs
4 that are necessary for a political subdivision to obtain access to bandwidth under a
5 shared service agreement under s. 16.997 (2r) (a).

6 *~~1289/7.112~~* SECTION 2315. 196.218 (5) (a) 6. of the statutes is amended to
7 read:

8 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
9 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)
10 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
11 and Whitewater.

12 *~~b0306/4.48~~* SECTION 2316d. 196.218 (5) (a) 7. of the statutes is amended to
13 read:

14 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
15 ~~achievement in Wisconsin board~~ department of administration to school districts
16 and private schools under s. ~~44.73~~ 16.997 (6). This subdivision does not apply after
17 ~~June 30, 2002~~ December 31, 2005.

18 *~~0666/9.104~~* SECTION 2317. 196.218 (5) (a) 10. of the statutes is repealed.

19 *~~b0364/3.3~~* SECTION 2317c. 196.218 (5) (a) 11. of the statutes is created to
20 read:

21 196.218 (5) (a) 11. To provide for state aid to public library systems under s.
22 43.24.

23 *~~b0384/2.1~~* SECTION 2317m. 196.374 (5) of the statutes is created to read:

24 196.374 (5) The commission may not require any public utility to operate or
25 otherwise provide for, or impose any assessment on public utility customers for, any

1 program established by the department of administration under s. 16.957 (2) (b) 1.

2 This subsection does not apply to contributions that are required under sub. (3).

3 *~~1634/7.53~~* SECTION 2318. 196.491 (2) (e) of the statutes is amended to read:

4 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,
5 municipality, town or person may submit written comments to the commission on a
6 strategic energy assessment within 90 days after copies of the draft are issued under
7 par. (b).

8 *~~0529/4.205~~* SECTION 2321. 196.85 (3) of the statutes is amended to read:

9 196.85 (3) If any public utility, sewerage system, joint local water authority, or
10 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30
11 days or fails to file objections to the bill with the commission, as provided in this
12 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of
13 administration a certified copy of the bill, together with notice of failure to pay the
14 bill, and on the same day the commission shall mail by registered mail to the public
15 utility, sewerage system, joint local water authority, or power district a copy of the
16 notice that it has transmitted to the state treasurer. Within 10 days after receipt of
17 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of
18 administration shall levy the amount stated on the bill to be due, with interest, by
19 distress and sale of any property, including stocks, securities, bank accounts,
20 evidences of debt, and accounts receivable belonging to the delinquent public utility,
21 sewerage system, joint local water authority, or power district. The levy by distress
22 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the
23 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere
24 within the state may be levied upon.

25 *~~0529/4.206~~* SECTION 2322. 196.85 (4) (d) of the statutes is amended to read:

1 196.85 (4) (d) If any bill against which objections have been filed is not paid
2 within 10 days after notice of a finding that the objections have been overruled and
3 disallowed by the commission has been mailed to the objector as provided in this
4 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~
5 secretary of administration and to the objector, in the manner provided in sub. (3).
6 The ~~state treasurer~~ secretary of administration shall then proceed to collect the
7 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid
8 within 10 days after a copy of the amended bill is mailed to the objector by registered
9 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and
10 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~
11 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the
12 amended bill as provided in the case of an original bill.

13 *~~0529/4.207~~* SECTION 2323. 196.85 (5) of the statutes is amended to read:

14 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
15 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every
16 public utility, sewerage system, joint local water authority, or power district that is
17 billed shall pay the amount of the bill, and after payment may in the manner
18 provided under this section, at any time within 2 years from the date the payment
19 was made, sue the state to recover the amount paid plus interest from the date of
20 payment, upon the ground that the assessment was excessive, erroneous, unlawful,
21 or invalid in whole or in part. If the court finds that any part of the bill for which
22 payment was made was excessive, erroneous, unlawful, or invalid, the ~~state~~
23 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed
24 by the court. The refund shall be charged to the appropriations to the commission.

1 *~~1289/7.113~~* SECTION 2324. 196.858 (1) and (2) of the statutes are amended
2 to read:

3 196.858 (1) The commission shall annually assess against local exchange and
4 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
5 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

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

16 *b0503/2.12* SECTION 2325h. 200.49 (1) (a) of the statutes is amended to read:
17 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~
18 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
19 ~~controlled by one or more minority group members and that is engaged in~~
20 ~~construction or construction-related activities~~ business that is certified by the
21 department of commerce under s. 560.036 (2).

22 *b0503/2.12* SECTION 2325j. 200.49 (3) (intro.) of the statutes is amended to
23 read:

24 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request
25 proposals for prime contracts from bondable general contractors or construction

1 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
2 submitted shall include all of the following conditions:

3 ***b0503/2.12* SECTION 2325k.** 200.49 (3) (b) of the statutes is amended to read:

4 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
5 the executive director to determine that the prime contractor has made or will make
6 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
7 ~~independent~~ minority business subcontractors.

8 ***b0503/2.12* SECTION 2325m.** 200.49 (4) of the statutes is repealed.

9 ***-1431/2.17* SECTION 2330.** 214.01 (1) (im) of the statutes is amended to read:

10 214.01 (1) (im) “Division” means the division of ~~savings institutions~~ banking.

11 ***-1431/2.18* SECTION 2331.** 214.01 (1) (sr) of the statutes is amended to read:

12 214.01 (1) (sr) “Review board” means the savings ~~bank~~ institutions review
13 board.

14 ***-1431/2.19* SECTION 2332.** 214.592 of the statutes is amended to read:

15 **214.592 Financially related services tie-ins.** In any transaction conducted
16 by a savings bank, a savings bank holding company, or a subsidiary of either with
17 a customer who is also a customer of any other subsidiary of any of them, the
18 customer shall be given a notice in 12-point boldface type in substantially the
19 following form:

20 NOTICE OF RELATIONSHIP

21 This company, (insert name and address of savings bank, savings bank
22 holding company, or subsidiary), is related to (insert name and address of savings
23 bank, savings bank holding company, or subsidiary) of which you are also a customer.
24 You may not be compelled to buy any product or service from either of the above
25 companies or any other related company in order to participate in this transaction.

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

6 *–1431/2.20* SECTION 2334. 215.01 (6) of the statutes is amended to read:
7 215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

8 *–1431/2.21* SECTION 2335. 215.01 (22) of the statutes is amended to read:
9 215.01 (22) “Review board” means the savings ~~and loan~~ institutions review
10 board.

11 *–1431/2.22* SECTION 2336. 215.02 (title) of the statutes is repealed and
12 recreated to read:
13 **215.02 (title) Powers of the division.**

14 *–1431/2.23* SECTION 2337. 215.02 (10) (a) 3. of the statutes is amended to
15 read:

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

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

3 *~~1431/2.24~~* SECTION 2338. 215.04 of the statutes is repealed and recreated
4 to read:

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

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

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

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

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

12 (e) Conduct hearings and take testimony, and subpoena and swear witnesses
13 at such hearings. The review board shall have the subpoena powers under s. 885.01
14 (4).

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

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

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

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

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

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

18 *-1431/2.25* SECTION 2339. 215.141 of the statutes is amended to read:

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

24 NOTICE OF RELATIONSHIP

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

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

12 ***-0529/4.208* SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to
13 read:

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

19 ***-1431/2.26* SECTION 2342.** 215.40 (18) of the statutes is amended to read:

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

24 ***-1431/2.27* SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created
25 to read:

1 220.02 (2) (e) Savings banks under ch. 214.

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

3 ***-1431/2.28* SECTION 2344.** 220.02 (3) of the statutes is amended to read:

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

12 ***-1431/2.29* SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

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

1 division of banking, and the office of credit unions ~~and the division of savings~~
2 ~~institutions~~. The division by order may authorize the installation and operation of
3 a customer bank communications terminal in a mobile facility, after notice and
4 hearing upon the proposed service stops of the mobile facility.

5 ***-1289/7.114* SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to
6 read:

7 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
8 given in s. ~~22.01~~ 16.97 (7).

9 ***-1431/2.30* SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

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

19 ***-0529/4.209* SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to
20 read:

21 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the
22 ~~state treasurer~~ secretary of administration or the ~~state treasurer’s~~ secretary’s agent
23 in accordance with the following provisions:

24 ***-0529/4.210* SECTION 2350.** 223.02 (1) (b) of the statutes is amended to read:

1 223.02 (1) (b) ~~The state treasurer~~ secretary of administration or the state
2 ~~treasurer's secretary's~~ agent shall pay over to the bank trust company the interest,
3 dividends, or other income on deposit or may authorize the bank trust company to
4 collect the interest, dividends, or other income. ~~The state treasurer~~ secretary of
5 administration shall issue a certificate stating that a deposit has been made with the
6 ~~state treasurer~~ secretary of administration or the ~~state treasurer's secretary's~~ agent
7 in the manner provided in this section.

8 ***-0529/4.211*** SECTION 2351. 223.02 (1) (c) of the statutes is amended to read:

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

16 ***-0529/4.212*** SECTION 2352. 223.02 (1) (d) of the statutes is amended to read:

17 223.02 (1) (d) The securities and cash deposited by a trust company bank may
18 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~
19 ~~secretary's~~ agent and returned to the bank, if the division certifies to the state
20 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers
21 and that the division is satisfied that there are no outstanding trust liabilities.

22 ***-0529/4.213*** SECTION 2353. 223.02 (1) (e) of the statutes is amended to read:

23 223.02 (1) (e) ~~The state treasurer~~ secretary of administration may designate
24 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as
25 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the

1 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and
2 securities received by it. The agent shall pay the cash and securities to the state
3 ~~treasurer~~ secretary of administration on demand without conditions.

4 *~~1431/2.31~~* SECTION 2354. 223.105 (3) (a) of the statutes is amended to read:

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

12 *~~1431/2.32~~* SECTION 2355. 223.105 (4) of the statutes is amended to read:

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

23 *~~1431/2.33~~* SECTION 2356. 223.105 (5) of the statutes is amended to read:

24 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~
25 ~~savings institutions~~ or office of credit unions shall, upon the failure of such

1 organization to submit notifications or reports required under this section or
2 otherwise to comply with the provisions of this section, or rules established by the
3 division of banking under s. 220.04 (7), upon due notice, order such defaulting
4 organization to cease and desist from engaging in fiduciary activities and may apply
5 to the appropriate court for enforcement of such order.

6 *–1431/2.34* SECTION 2357. 223.105 (6) of the statutes is amended to read:

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

15 *–0529/4.214* SECTION 2358. 223.20 (3) of the statutes is amended to read:

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

24 *–1634/7.54* SECTION 2359. 224.71 (3) (b) 1m. of the statutes is amended to
25 read:

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

3 *~~1634/7.55~~* SECTION 2360. 224.71 (4) (b) 1m. of the statutes is amended to
4 read:

5 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
6 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

7 *~~0529/4.215~~* SECTION 2361. 224.77 (1m) (c) of the statutes is amended to
8 read:

9 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within
10 10 days after receipt of notice of assessment or, if the forfeiture is contested under
11 par. (b), within 10 days after receipt of the final decision after exhaustion of
12 administrative review. The division of banking shall remit all forfeitures paid to the
13 ~~state treasurer~~ secretary of administration for deposit in the school fund.

14 *~~1688/2.27~~* SECTION 2364. 227.01 (13) (zk) of the statutes is repealed.

15 *~~1295/2.30~~* SECTION 2367. 227.03 (7) of the statutes is amended to read:

16 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply
17 to proceedings before the ~~personnel~~ employment relations commission in matters
18 that are arbitrated in accordance with s. 230.44 (4) (bm).

19 *~~0576/8.72~~* SECTION 2368. 227.10 (3) (e) of the statutes is amended to read:

20 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
21 division of merit recruitment and selection in the ~~department of employment~~
22 relations office of state human resources management from promulgating rules
23 relating to expanded certification under s. 230.25 (1n).

24 *~~1634/7.56~~* SECTION 2369. 227.115 (1) (a) and (b) of the statutes are amended
25 to read:

1 227.115 (1) (a) “Department” means the department of administration
2 commerce.

3 (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~
4 560.9802.

5 *~~1634/7.57~~* SECTION 2370. 227.115 (3) (a) 5. of the statutes is amended to
6 read:

7 227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

8 *~~1295/2.31~~* SECTION 2373. 227.44 (2s) of the statutes is repealed.

9 *~~1295/2.32~~* SECTION 2376. 227.47 (2) of the statutes is amended to read:

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

20 *~~0576/8.73~~* SECTION 2377. 227.47 (2) of the statutes, as affected by 2003
21 Wisconsin Act (this act), is amended to read:

22 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
23 decision of the employment relations commission, hearing examiner or arbitrator
24 concerning an appeal of the decision of the ~~secretary of employment relations~~
25 director of the office of state human resources management made under s. 230.09 (2)

1 (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If within
2 30 days after the commission issues a decision in such an appeal either party files
3 a petition for judicial review of the decision under s. 227.53 and files a written notice
4 with the commission that the party has filed such a petition, the commission shall
5 issue written findings of fact and conclusions of law within 90 days after receipt of
6 the notice. The court shall stay the proceedings pending receipt of the findings and
7 conclusions.

8 *–1431/2.35* SECTION 2378. 227.52 (3) of the statutes is amended to read:

9 227.52 (3) Those decisions of the division of banking that are subject to review,
10 prior to any judicial review, by the banking review board, and decisions of the division
11 of banking relating to savings banks or savings and loan associations, but no other
12 institutions subject to the jurisdiction of the division of banking.

13 *–1431/2.36* SECTION 2379. 227.52 (5) of the statutes is repealed.

14 *–1431/2.37* SECTION 2380. 227.53 (1) (a) 1. of the statutes is amended to read:

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

24 *–1431/2.38* SECTION 2382. 227.53 (1) (b) 4. of the statutes is amended to read:

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

5 *~~1431/2.39~~* SECTION 2383. 227.53 (1) (b) 5. of the statutes is repealed.

6 *~~1431/2.40~~* SECTION 2384. 227.53 (1) (d) of the statutes is amended to read:

7 227.53 (1) (d) Except in the case of the tax appeals commission, the banking
8 review board, the credit union review board, and the savings and loan institutions
9 review board ~~and the savings bank review board~~, the agency and all parties to the
10 proceeding before it, shall have the right to participate in the proceedings for review.
11 The court may permit other interested persons to intervene. Any person petitioning
12 the court to intervene shall serve a copy of the petition on each party who appeared
13 before the agency and any additional parties to the judicial review at least 5 days
14 prior to the date set for hearing on the petition.

15 *~~b0503/2.13~~* SECTION 2384c. 229.46 (1) (a) of the statutes is amended to read:

16 229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~
17 means a business that is certified by the department of commerce under s. 560.036
18 (2).

19 *~~b0503/2.13~~* SECTION 2384cj. 229.70 (1) (a) of the statutes is amended to read:

20 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
21 means a business that is certified by the department of commerce under s. 560.036
22 (2).

23 *~~b0503/2.13~~* SECTION 2384cm. 229.8273 (1) (b) of the statutes is amended to
24 read:

1 229.8273 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
2 means a business that is certified by the department of commerce under s. 560.036
3 (2).

4 ***b0503/2.13* SECTION 2384cr.** 229.845 (1) (a) of the statutes is amended to
5 read:

6 229.845 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
7 means a business that is certified by the department of commerce under s. 560.036
8 (2).

9 ***b0155/3.98* SECTION 2384e.** 230.01 (2) of the statutes is amended to read:

10 230.01 (2) It is the policy of the state and the responsibility of the ~~secretary~~
11 director and the administrator to maintain a system of personnel management
12 which fills positions in the classified service through methods which apply the merit
13 principle, with adequate civil service safeguards. It is the policy of this state to
14 provide for equal employment opportunity by ensuring that all personnel actions
15 including hire, tenure or term, and condition or privilege of employment be based on
16 the ability to perform the duties and responsibilities assigned to the particular
17 position without regard to age, race, creed or religion, color, disability, sex, national
18 origin, ancestry, sexual orientation or political affiliation. It is the policy of this state
19 to take affirmative action which is not in conflict with other provisions of this chapter.
20 It is the policy of the state to ensure its employees opportunities for satisfying careers
21 and fair treatment based on the value of each employee’s services. It is the policy of
22 this state to encourage disclosure of information under subch. III and to ensure that
23 any employee employed by a governmental unit is protected from retaliatory action
24 for disclosing information under subch. III. It is the policy of this state to correct pay
25 inequities based on gender or race in the state civil service system.

1 ***b0155/3.98* SECTION 2384m.** 230.02 of the statutes is amended to read:

2 **230.02 Liberal construction of statutes.** Statutes applicable to the
3 department office shall be construed liberally in aid of the purposes declared in s.
4 230.01.

5 ***-1295/2.33* SECTION 2385.** 230.03 (8) of the statutes is amended to read:

6 230.03 (8) “Commission” means the personnel employment relations
7 commission.

8 ***b0155/3.99* SECTION 2386e.** 230.03 (9) of the statutes is repealed.

9 ***b0155/3.99* SECTION 2386m.** 230.03 (9e) of the statutes is created to read:
10 230.03 (9e) “Director” means the director of the office.

11 ***b0155/3.99* SECTION 2386s.** 230.03 (10) of the statutes is amended to read:

12 230.03 (10) “Division” means the division of merit recruitment and selection
13 in the department office.

14 ***-1295/2.34* SECTION 2387.** 230.03 (10e) of the statutes is created to read:

15 230.03 (10e) “Division of equal rights” means the division of equal rights in the
16 department of workforce development.

17 ***b0155/3.100* SECTION 2387e.** 230.03 (10r) of the statutes is amended to read:

18 230.03 (10r) “Job group” means a set of classifications combined by the
19 department office on the basis of similarity in responsibility, pay range and nature
20 of work.

21 ***b0155/3.100* SECTION 2387m.** 230.03 (10w) of the statutes is created to read:

22 230.03 (10w) “Office” means the office of state human resources management.

23 ***b0155/3.100* SECTION 2387s.** 230.03 (13) of the statutes is repealed.

24 ***b0155/3.100* SECTION 2387w.** 230.04 (title) of the statutes is amended to
25 read:

1 **230.04 (title) Powers and duties of the secretary director.**

2 ***-1295/2.35*** SECTION 2388. 230.04 (1) of the statutes is amended to read:

3 230.04 (1) The secretary director is charged with the effective administration
4 of this chapter. All powers and duties, necessary to that end, which are not
5 exclusively vested by statute in the commission, the division of equal rights, the
6 administrator or appointing authorities, are reserved to the secretary director.

7 ***-1295/2.36*** SECTION 2389. 230.04 (1m) of the statutes is amended to read:

8 230.04 (1m) The secretary director may delegate, in writing, any of his or her
9 functions set forth in this chapter to an appointing authority, within prescribed
10 standards if the secretary director finds that the agency has personnel management
11 capabilities to perform such functions effectively and has indicated its approval and
12 willingness to accept such responsibility by written agreement. If the secretary
13 director determines that any agency is not performing such delegated function
14 within prescribed standards, the secretary director shall forthwith withdraw such
15 delegated function. Subject to the approval of the joint committee on finance, the
16 secretary director may order transferred to the department office from the agency to
17 which delegation was made such agency staff and other resources as necessary to
18 perform such functions if increased staff was authorized to that agency as a
19 consequence of such delegation or if the department office reduced staff or shifted
20 staff to new responsibilities as a result of such delegation. Any delegatory action
21 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be
22 appealed to the personnel commission under s. 230.44 (1) (b). The secretary director
23 shall be a party in such an appeal.

24 ***b0155/3.106*** SECTION 2389d. 230.04 (2) of the statutes is amended to read:

1 230.04 (2) The secretary director may utilize the services of technical or
2 specialized personnel to assist in implementing and maintaining a sound personnel
3 management program. These services may be obtained from persons inside or
4 outside of state service.

5 ***b0155/3.106* SECTION 2389h.** 230.04 (3) of the statutes is amended to read:

6 230.04 (3) The secretary director may issue enforceable orders on all matters
7 relating to the administration, enforcement and effect of this chapter and the rules
8 prescribed thereunder except on matters relating to the provisions of subch. III or
9 to those provisions of subch. II for which responsibility is specifically charged to the
10 administrator.

11 ***b0155/3.106* SECTION 2389p.** 230.04 (4) of the statutes is amended to read:

12 230.04 (4) The secretary director shall establish and maintain a collective
13 bargaining capability under s. 111.815 (2).

14 ***b0155/3.106* SECTION 2389s.** 230.04 (5) of the statutes is amended to read:

15 230.04 (5) The secretary director shall promulgate rules on all matters relating
16 to the administration of the department office and the performance of the duties
17 assigned to the secretary director, except on matters relating to those provisions of
18 subch. II for which responsibility is specifically charged to the administrator.

19 ***-0576/8.76* SECTION 2390.** 230.04 (7) of the statutes is repealed.

20 ***b0155/3.107* SECTION 2390b.** 230.04 (8) of the statutes is amended to read:

21 230.04 (8) The secretary director shall establish an employee performance
22 evaluation program under s. 230.37 (1).

23 ***b0155/3.107* SECTION 2390c.** 230.04 (9) (intro.) of the statutes is amended
24 to read:

25 230.04 (9) (intro.) The secretary director shall do all of the following:

1 ***b0155/3.107* SECTION 2390d.** 230.04 (9) (f) of the statutes is renumbered
2 230.455 and amended to read:

3 **230.455 Division of affirmative action.** ~~Establish an affirmative action~~
4 ~~subunit reporting directly to the secretary. The division of affirmative action subunit~~
5 ~~shall advise and assist the secretary director, the administrator and agency heads~~
6 ~~on establishing policies and programs to ensure appropriate affirmative action. The~~
7 ~~subunit division of affirmative action shall advise and assist the secretary director~~
8 ~~in monitoring such programs and shall provide staff to the council on affirmative~~
9 ~~action council.~~

10 ***b0155/3.107* SECTION 2390e.** 230.04 (9m) of the statutes is amended to read:

11 230.04 (9m) The secretary director shall conduct periodic reviews and
12 evaluations of the written records of hiring decisions made by appointing authorities
13 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

14 ***b0155/3.107* SECTION 2390f.** 230.04 (9r) (b) (intro.) of the statutes is
15 amended to read:

16 230.04 (9r) (b) (intro.) The secretary director shall keep a record of all of the
17 following:

18 ***b0155/3.107* SECTION 2390g.** 230.04 (10) (a) of the statutes is amended to
19 read:

20 230.04 (10) (a) The secretary director may require all agencies and their
21 officers to comply with the secretary's director's request to furnish current
22 information pertaining to authorized positions, payroll and related items regarding
23 civil service and employment relations functions.

24 ***b0155/3.107* SECTION 2390h.** 230.04 (10) (b) of the statutes is amended to
25 read:

1 230.04 (10) (b) The secretary director shall request from each agency and each
2 agency shall furnish to the secretary director relevant racial, ethnic, gender and
3 disability information on every new employee hired by the agency including limited
4 term, project, seasonal and sessional employees. The secretary director shall
5 maintain the data to permit a periodic review of the agency's affirmative action plan
6 accomplishments.

7 ***b0155/3.107* SECTION 2390i.** 230.04 (10) (c) of the statutes is amended to
8 read:

9 230.04 (10) (c) The secretary director shall request from each agency and each
10 agency shall furnish to the secretary director relevant information regarding the
11 prior military service, if any, of every new employee hired by the agency including
12 limited term, project, seasonal and sessional employees. The secretary director shall
13 maintain the data to permit a periodic review of the progress being made to provide
14 employment opportunities in civil service for veterans and disabled veterans.

15 ***b0155/3.107* SECTION 2390j.** 230.04 (11) of the statutes is amended to read:

16 230.04 (11) The secretary director may provide by rule for an understudy
17 program to assure continuity in selected positions.

18 ***b0155/3.107* SECTION 2390k.** 230.04 (12) of the statutes is amended to read:

19 230.04 (12) The secretary director shall keep in the office an official roster of
20 all permanent classified employees which shall include classification titles, pay and
21 employment status changes and appropriate dates thereof.

22 ***b0155/3.107* SECTION 2390L.** 230.04 (13) (intro.) of the statutes is amended
23 to read:

24 230.04 (13) (intro.) The secretary director shall do all of the following:

25 ***b0155/3.107* SECTION 2390m.** 230.04 (14) of the statutes is amended to read:

1 230.04 (14) The ~~secretary~~ director shall establish, by rule, the scope and
2 minimum requirements of a state employee grievance procedure relating to
3 conditions of employment.

4 ***b0155/3.107* SECTION 2390n.** 230.04 (15) of the statutes is amended to read:

5 230.04 (15) The ~~secretary~~ director shall review and either approve or
6 disapprove each determination by an agency head regarding the classification of a
7 state employee as a protective occupation participant for purposes of the Wisconsin
8 retirement system.

9 ***b0155/3.107* SECTION 2390nm.** 230.04 (16) of the statutes is created to read:

10 230.04 (16) The director may appoint an executive assistant outside the
11 classified service.

12 ***b0155/3.107* SECTION 2390p.** 230.046 (5) (c) of the statutes is amended to
13 read:

14 230.046 (5) (c) An agreement has been entered into by the trainee and the
15 appointing authority relative to employment with the state, together with such other
16 terms and conditions as may be necessary under the rules of the ~~secretary~~ director
17 whenever on-the-job trainees are employed; and

18 ***b0155/3.107* SECTION 2390q.** 230.046 (7) of the statutes is amended to read:

19 230.046 (7) ESTABLISH INTERNSHIPS. ~~The~~ ~~secretary~~ director shall establish in the
20 classified service in-service training internships designed to give rigorous training
21 in public service administration for periods not to exceed 3 years under the direct
22 supervision of experienced administrators.

23 ***b0155/3.107* SECTION 2390r.** 230.046 (8) of the statutes is amended to read:

24 230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of
25 qualified students of exceptional merit in government career service, the ~~secretary~~

1 director shall cooperate with the board of regents of the University of Wisconsin
2 System in providing opportunities for recipients of public service scholarship loans
3 to secure employment under the internship plan.

4 *b0155/3.107* SECTION 2390s. 230.046 (9) of the statutes is amended to read:

5 230.046 (9) TUITION REFUND PROGRAM. The ~~secretary~~ director may establish by
6 rule in the classified service a tuition refund program to supplement departmental
7 training, to encourage employee job-related development and, upon satisfactory
8 completion of training under this program to refund to the employee, an amount not
9 to exceed the cost of tuition and necessary fees.

10 *b0155/3.107* SECTION 2390t. 230.046 (10) (intro.) of the statutes is amended

11 to read:

12 230.046 (10) ~~DEPARTMENT FUNCTIONS~~ FUNCTIONS OF THE OFFICE. (intro.) The
13 department office may do all of the following:

14 *b0155/3.107* SECTION 2390w. 230.047 (8) of the statutes is amended to read:

15 230.047 (8) ADMINISTRATION. The ~~secretary~~ director shall promulgate rules for
16 the operation and implementation of this section. The rules shall prescribe the
17 duration, terms and conditions of such interchange.

18 *-1295/2.37* SECTION 2391. 230.05 (2) (a) of the statutes is amended to read:

19 230.05 (2) (a) Except as provided under par. (b), the administrator may
20 delegate, in writing, any of his or her functions set forth in this subchapter to an
21 appointing authority, within prescribed standards if the administrator finds that the
22 agency has personnel management capabilities to perform such functions effectively
23 and has indicated its approval and willingness to accept such responsibility by
24 written agreement. If the administrator determines that any agency is not
25 performing such delegated function within prescribed standards, the administrator

1 shall withdraw such delegated function. The administrator may order transfer to
2 the division from the agency to which delegation was made such agency staff and
3 other resources as necessary to perform such functions if increased staff was
4 authorized to that agency as a consequence of such delegation or if the division
5 reduced staff or shifted staff to new responsibilities as a result of such delegation
6 subject to the approval of the joint committee on finance. Any delegatory action
7 taken under this subsection by any appointing authority may be appealed to the
8 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
9 such appeal.

10 ***b0155/3.108* SECTION 2391c.** 230.06 (1) (c) of the statutes is amended to read:

11 230.06 (1) (c) Provide the ~~secretary~~ director with current information relative
12 to the assignment of duties to permanent classified positions in his or her agency.

13 ***b0155/3.108* SECTION 2391g.** 230.06 (1) (d) of the statutes is amended to
14 read:

15 230.06 (1) (d) Report promptly to the ~~secretary~~ director or the administrator
16 any information the ~~secretary~~ director or the administrator requires in connection
17 with any delegated personnel function and with each appointment, promotion,
18 demotion, suspension or separation from the service or other change in employee
19 status.

20 ***b0155/3.108* SECTION 2391h.** 230.06 (1) (e) of the statutes is amended to
21 read:

22 230.06 (1) (e) When requested by the ~~secretary~~ director or the administrator,
23 provide reports on employee work performance and any other records or information
24 the ~~secretary~~ director or administrator requires to carry out this subchapter.

25 ***b0155/3.108* SECTION 2391r.** 230.06 (1) (f) of the statutes is amended to read:

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

3 ***b0155/3.108* SECTION 2391t.** 230.06 (1) (g) of the statutes is amended to read:

4 230.06 (1) (g) Prepare an affirmative action plan which complies with the
5 standards established by the ~~secretary~~ director under s. 230.04 (9) (a) and which sets
6 goals and outlines steps for incorporating affirmative action and principles
7 supporting affirmative action into the procedures and policies of his or her agency.

8 ***b0155/3.108* SECTION 2391w.** 230.06 (1) (L) of the statutes is amended to
9 read:

10 230.06 (1) (L) Provide information about the employment of each severely
11 disabled employee for the ~~secretary's~~ director's report under s. 230.04 (9r) within 30
12 days after the disabled employee is appointed, and at other times at the request of
13 the ~~secretary~~ director.

14 ***b0155/3.108* SECTION 2391x.** 230.06 (3) of the statutes is amended to read:

15 230.06 (3) All reports and records submitted under sub. (1) shall be prepared
16 and presented at such times and in such manner as the ~~secretary~~ director or
17 administrator prescribes.

18 ***-0576/8.77* SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

19 230.08 (2) (e) 1. Administration — ~~10~~ 13.

20 ***-1381/3.1* SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

21 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

22 ***b0205/1.1* SECTION 2394m.** 230.08 (2) (e) 3e. of the statutes is amended to
23 read:

24 230.08 (2) (e) 3e. Corrections -- ~~5~~ 4.

25 ***-1289/7.115* SECTION 2395.** 230.08 (2) (e) 3r. of the statutes is repealed.

1 ***-0576/8.78*** SECTION 2396. 230.08 (2) (e) 4. of the statutes is repealed.

2 ***-1431/2.41*** SECTION 2397. 230.08 (2) (e) 4f. of the statutes is amended to
3 read:

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

5 ***-1794/1.2*** SECTION 2398. 230.08 (2) (e) 7. of the statutes is amended to read:

6 230.08 (2) (e) 7. Justice — 4 3.

7 ***b0389/1.4*** SECTION 2398r. 230.08 (2) (g) of the statutes is amended to read:

8 230.08 (2) (g) One stenographer appointed by each elective executive officer,
9 and one deputy or assistant appointed by each elective executive officer except the
10 attorney general, the secretary of state, and the superintendent of public instruction.

11 ***b0155/3.109*** SECTION 2404m. 230.08 (2) (ya) of the statutes is created to
12 read:

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

15 ***b0174/6.17*** SECTION 2405d. 230.08 (2) (yr) of the statutes is repealed.

16 ***-0576/8.82*** SECTION 2406. 230.08 (4) (c) of the statutes is amended to read:

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

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

9 *b0155/3.111* SECTION 2407b. 230.08 (8) of the statutes is amended to read:

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

12 *b0155/3.111* SECTION 2407d. 230.09 (1) (intro.) of the statutes is amended
13 to read:

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

20 *b0155/3.111* SECTION 2407f. 230.09 (2) (a) of the statutes is amended to read:

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

1 ***b0155/3.111* SECTION 2407h.** 230.09 (2) (am) of the statutes is amended to
2 read:

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

11 ***b0155/3.111* SECTION 2407j.** 230.09 (2) (b) of the statutes is amended to read:

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

22 ***b0155/3.111* SECTION 2407L.** 230.09 (2) (c) of the statutes is amended to
23 read:

24 230.09 (2) (c) If anticipated changes in program or organization will
25 significantly affect the assignment of duties or responsibilities to positions, the

1 appointing authority shall, whenever practicable, confer with the secretary director
2 within a reasonable time prior to the reorganization or changes in program to
3 formulate methods to fill positions which are newly established or modified to the
4 extent that reclassification of the position is appropriate. In all cases, appointing
5 authorities shall give written notice to the secretary director and employee of
6 changes in the assignment of duties or responsibilities to a position when the
7 changes in assignment may affect the classification of the position.

8 *b0155/3.111* SECTION 2407n. 230.09 (2) (d) of the statutes is amended to
9 read:

10 230.09 (2) (d) If after review of a filled position the secretary director
11 reclassifies or reallocates the position, the secretary director shall determine
12 whether the incumbent shall be regraded or whether the position shall be opened to
13 other applicants.

14 *b0155/3.111* SECTION 2408b. 230.09 (2) (g) of the statutes is amended to
15 read:

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

1 secretary of administration shall review the position to determine that sufficient
2 funds exist for the position and that the duties and responsibilities of the proposed
3 position reflect the intent of the legislature as established by law or in budget
4 determinations, the intent of the joint committee on finance acting under s. 13.10,
5 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the
6 University of Wisconsin Hospitals and Clinics Board creating positions under s.
7 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System
8 creating positions under s. 16.505 (2m). The administrator may not proceed with the
9 selection and certification process until the secretary of administration has
10 authorized the position to be filled.

11 ***b0155/3.111* SECTION 2408d.** 230.09 (3) of the statutes is amended to read:

12 230.09 (3) The ~~secretary~~ director shall establish separate classifications for
13 career executive positions under s. 230.24 and rules governing the salary
14 administration of positions in such classifications.

15 ***b0155/3.111* SECTION 2408f.** 230.12 (1) (a) 3. of the statutes is amended to
16 read:

17 230.12 (1) (a) 3. Provisions for administration of the compensation plan and
18 salary transactions shall be provided, as determined by the ~~secretary~~ director, in
19 either the rules of the ~~secretary~~ director or the compensation plan.

20 ***b0155/3.111* SECTION 2408i.** 230.12 (1) (c) 2. of the statutes is amended to
21 read:

22 230.12 (1) (c) 2. The ~~secretary~~ director may establish a plan of extra
23 compensation for work performed during selected hours at an hourly rate or rates
24 subject to approval of the joint committee on employment relations. Eligibility for
25 such extra compensation shall be as provided in the compensation plan.

1 ***b0155/3.111* SECTION 2408j.** 230.12 (1) (d) of the statutes is amended to read:

2 230.12 (1) (d) *Uniforms and safety equipment.* The secretary director, with
3 approval of the joint committee on employment relations, may establish a schedule
4 of payments to employees for uniforms or protective clothing and equipment
5 required to perform their duties.

6 ***b0155/3.111* SECTION 2408L.** 230.12 (3) (a) of the statutes is amended to
7 read:

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

21 ***b0155/3.111* SECTION 2408n.** 230.12 (3) (ad) of the statutes is amended to
22 read:

23 230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other
24 statute, the secretary director may delay timing for announcement or
25 implementation of any recommended changes in the compensation plan under this

1 section until after some or all of the collective bargaining agreements under subch.
2 V of ch. 111 for that biennium are negotiated. Any such action taken under this
3 paragraph is not appealable under s. 230.44.

4 *b0155/3.111* SECTION 2408p. 230.12 (3) (b) of the statutes is amended to
5 read:

6 230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The secretary
7 director shall submit the proposal for any required changes in the compensation plan
8 to the joint committee on employment relations. The committee shall hold a public
9 hearing on the proposal. The proposal, as may be modified by the joint committee
10 on employment relations together with the unchanged provisions of the current
11 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan
12 is adopted under this subsection, constitute the state's compensation plan for
13 positions in the classified service. Any modification of the secretary's director's
14 proposed changes in the compensation plan by the joint committee on employment
15 relations may be disapproved by the governor within 10 calendar days. A vote of 6
16 members of the joint committee on employment relations is required to set aside any
17 such disapproval of the governor.

18 *b0155/3.111* SECTION 2408r. 230.12 (3) (c) of the statutes is amended to read:

19 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the secretary
20 director may propose amendments to one or more parts of the compensation plan at
21 such times as the needs of the service require.

22 *b0155/3.111* SECTION 2408t. 230.12 (3) (e) 1. of the statutes is amended to
23 read:

24 230.12 (3) (e) 1. The secretary director, after receiving recommendations from
25 the board of regents, shall submit to the joint committee on employment relations a

1 proposal for adjusting compensation and employee benefits for employees under ss.
2 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective
3 bargaining unit under subch. V of ch. 111 for which a representative is certified. The
4 proposal shall include the salary ranges and adjustments to the salary ranges for the
5 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
6 The proposal shall be based upon the competitive ability of the board of regents to
7 recruit and retain qualified faculty and academic staff, data collected as to rates of
8 pay for comparable work in other public services, universities and commercial and
9 industrial establishments, recommendations of the board of regents and any special
10 studies carried on as to the need for any changes in compensation and employee
11 benefits to cover each year of the biennium. The proposal shall also take proper
12 account of prevailing pay rates, costs and standards of living and the state's
13 employment policies. The proposal for such pay adjustments may contain
14 recommendations for across-the-board pay adjustments, merit or other
15 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
16 shall apply to the process for approval of all pay adjustments for such employees
17 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
18 by the joint committee on employment relations and the governor shall be based
19 upon a percentage of the budgeted salary base for such employees under ss. 20.923
20 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
21 and adjustments other than across-the-board pay adjustments is available for
22 discretionary use by the board of regents.

23 *b0155/3.111* SECTION 2408u. 230.12 (3) (e) 2. of the statutes is amended to
24 read:

1 230.12 (3) (e) 2. The secretary director, after receiving recommendations from
2 the board of the Technical College System, shall submit to the joint committee on
3 employment relations a proposal for adjusting compensation and employee benefits
4 for employees under s. 20.923 (7). The proposal shall include the salary ranges and
5 adjustments to the salary ranges for the general senior executive salary groups
6 established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the
7 process for approval of all pay adjustments for such employees. The proposal as
8 approved by the joint committee on employment relations and the governor shall be
9 based upon a percentage of the budgeted salary base for such employees under s.
10 20.923 (7).

11 ***b0155/3.111* SECTION 2408v.** 230.12 (4) (a) of the statutes is amended to read:

12 230.12 (4) (a) When an approved compensation plan or an amendment thereto
13 becomes effective, required individual pay adjustments shall be made in accordance
14 with determinations made by the secretary director to implement the approved plan.

15 ***b0155/3.111* SECTION 2408w.** 230.12 (4) (b) of the statutes is amended to
16 read:

17 230.12 (4) (b) The secretary director may, without prior approval of the joint
18 committee on employment relations, determine the circumstances under which it is
19 appropriate for an appointing authority to grant, and authorize an appointing
20 authority to grant, a general wage or parity adjustment, or appropriate portion
21 thereof, previously approved by the committee under this section to employees who
22 did not receive the adjustment on the effective date of the adjustment set forth in the
23 plan. No general wage or parity adjustment may become effective for any employee
24 prior to the effective date of the individual employee transaction, but the secretary
25 director may authorize an appointing authority to grant a lump sum payment to an

1 employee to reflect any wage or parity adjustment that the employee did not receive
2 during the period between the effective date of the adjustment set forth in the plan
3 and the effective date of the individual employee transaction.

4 *b0155/3.111* SECTION 2408x. 230.12 (5) (c) of the statutes is amended to read:

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

9 *-0576/8.85* SECTION 2409. 230.12 (7m) of the statutes is amended to read:

10 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
11 rules of the ~~secretary~~ director and in the compensation plan, pay increases shall be
12 made only on the dates prescribed under sub. (8). Appointing authorities shall at
13 such times each year as specified by the secretary file with the ~~secretary~~ director and
14 with the ~~department~~ secretary of administration a list of employees showing their
15 then existing pay rates and their proposed new pay rates.

16 *b0390/1.3* SECTION 2409g. 230.12 (9) of the statutes is amended to read:

17 230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The ~~secretary~~ director may
18 recommend to the joint committee on employment relations a program,
19 administered by the department of employee trust funds, that provides health
20 insurance premium credits to employees whose compensation is established under
21 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be
22 used for the purchase of health insurance for a retired employee, or the retired
23 employee's surviving insured dependents, and for an eligible employee under s. 40.02
24 (25) (b) 6e., or the eligible employee's surviving insured dependents, and shall be
25 based on the employee's years of continuous service, accumulated unused sick leave

1 and any other factor recommended by the secretary director. The approval process
2 for the program is the same as that provided under sub. (3) (b) and the program shall
3 be incorporated into the compensation plan under sub. (1).

4 ***b0155/3.114* SECTION 2409h.** 230.13 (1) (intro.) of the statutes is amended
5 to read:

6 230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the secretary
7 director and the administrator may keep records of the following personnel matters
8 closed to the public:

9 ***b0155/3.114* SECTION 2409p.** 230.13 (2) of the statutes is amended to read:

10 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the
11 secretary director and the administrator shall keep records of the identity of an
12 applicant for a position closed to the public, except as provided in sub. (3).

13 ***b0155/3.114* SECTION 2409t.** 230.13 (3) of the statutes is amended to read:

14 230.13 (3) The secretary director and the administrator shall provide to the
15 department of workforce development or a county child support agency under s.
16 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed
17 to the public under this section. Information provided under this subsection may
18 only include an individual's name and address, an individual's employer and
19 financial information related to an individual.

20 ***-0576/8.86* SECTION 2410.** 230.14 (4) of the statutes is amended to read:

21 230.14 (4) The administrator may charge an agency a fee to announce any
22 vacancy to be filled in a classified or unclassified position in that agency. Funds
23 received under this subsection shall be credited to the appropriation account under
24 s. ~~20.512~~ 20.545 (1) (ka).

25 ***-1712/5.78* SECTION 2411.** 230.143 (3) of the statutes is repealed.

1 ***-0576/8.87*** SECTION 2412. 230.147 (3) of the statutes is amended to read:

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

8 ***b0155/3.117*** SECTION 2412b. 230.15 (1m) (b) (intro.) of the statutes is
9 amended to read:

10 230.15 (1m) (b) (intro.) Whenever a position is included in the classified service
11 under par. (a), the ~~secretary~~ director shall determine all of the following:

12 ***b0155/3.117*** SECTION 2412e. 230.16 (7m) (b) (intro.) of the statutes is
13 amended to read:

14 230.16 (7m) (b) (intro.) The ~~department~~ office shall accept an application after
15 its due date from a veteran if all of the following apply:

16 ***b0155/3.117*** SECTION 2412m. 230.16 (7m) (c) of the statutes is amended to
17 read:

18 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
19 (b), the ~~department~~ office shall give the applicant an examination.

20 ***b0155/3.117*** SECTION 2412s. 230.21 (1m) (b) of the statutes is amended to
21 read:

22 230.21 (1m) (b) If the administrator uses the method of random certification
23 to determine which applicants for an unskilled labor or service position will receive
24 further consideration for the position and the appointing authority does not select
25 a veteran or a person the hiring of whom would serve affirmative action purposes,

1 the appointing authority shall make and retain a written record of the appointing
2 authority's reasons for selecting the person who was appointed. The appointing
3 authority shall make the written records available to the department office and
4 annually submit a report to the department office summarizing the reasons
5 contained in the written records.

6 ***-0576/8.88* SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

7 230.215 (3) (a) An agency may, with the approval of the secretary director and
8 with the approval of the secretary of administration under s. 16.50, restructure
9 budgeted permanent positions as such positions become vacant or if an employee
10 voluntarily requests a job-sharing or permanent part-time employment
11 opportunity. No employee occupying a full-time permanent position may be
12 involuntarily terminated, demoted, transferred or reassigned in order to restructure
13 that position for permanent part-time employment and no such employee may be
14 required to accept a permanent part-time position as a condition of continued
15 employment.

16 ***b0155/3.119* SECTION 2413b.** 230.215 (3) (b) of the statutes is amended to
17 read:

18 230.215 (3) (b) If the secretary director, upon review of the report submitted
19 under sub. (4), determines that an agency's past or proposed actions relating to
20 permanent part-time employment opportunities do not adequately reflect the policy
21 under sub. (1) (e), the secretary director may recommend procedures designed to
22 enable the agency to effect such policy.

23 ***b0155/3.119* SECTION 2413d.** 230.215 (4) of the statutes is amended to read:

24 230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall
25 include a report on the progress or failure of the plans of such agency in achieving

1 the policies stated under sub. (1) and shall submit a copy of such report to the
2 secretary director.

3 *b0155/3.119* SECTION 2413f. 230.22 (1) of the statutes is amended to read:

4 230.22 (1) The secretary director may establish by rule an entry professional
5 class program for use in a wide range of entry professional positions.

6 *b0155/3.119* SECTION 2413h. 230.22 (2) of the statutes is amended to read:

7 230.22 (2) In connection with this program the ~~secretary~~ director may establish
8 separate classifications and corresponding pay provisions to provide agencies an
9 entry professional program, through which they can compete on campuses and in the
10 labor market for the best available applicants.

11 *b0155/3.119* SECTION 2413i. 230.24 (1) of the statutes is amended to read:

12 230.24 (1) The secretary director may by rule develop a career executive
13 program that emphasizes excellence in administrative skills in order to provide
14 agencies with a pool of highly qualified executive candidates, to provide outstanding
15 administrative employees a broad opportunity for career advancement and to
16 provide for the mobility of such employees among the agencies and units of state
17 government for the most advantageous use of their managerial and administrative
18 skills. To accomplish the purpose of this program, the administrator may provide
19 policies and standards for recruitment, examination, probation, employment
20 register control, certification, transfer, promotion and reemployment, and the
21 secretary director may provide policies and standards for classification and salary
22 administration, separate from procedures established for other employment. The
23 secretary director shall determine the positions which may be filled from career
24 executive employment registers.

25 *b0155/3.119* SECTION 2413k. 230.25 (1p) of the statutes is amended to read:

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

11 ***b0155/3.119* SECTION 2413r.** 230.27 (2k) of the statutes is amended to read:

12 230.27 (2k) If an appointing authority selects, for a project position, a person
13 who is not a veteran or is not a person the hiring of whom would serve affirmative
14 action purposes, the appointing authority shall make and retain a written record of
15 the appointing authority's reasons for selecting the person who was appointed. The
16 appointing authority shall make the written records available to the ~~department~~
17 office and annually submit a report to the ~~department~~ office summarizing the
18 reasons contained in the written records. The ~~department~~ office shall annually
19 prepare a report summarizing, for each agency, the information submitted by
20 appointing authorities under this subsection.

21 ***b0155/3.119* SECTION 2413s.** 230.32 (3) of the statutes is amended to read:

22 230.32 (3) (a) Any classified employee who leaves state service and enters the
23 armed forces of the United States shall, under this section, be granted written
24 military leave of absence by the appointing authority. Notice of such leave from state

1 service and the terms of any such leave shall be given in writing by the appointing
2 authority to the secretary director for purposes of record.

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

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

15 *b0155/3.119* SECTION 2413t. 230.33 (2) of the statutes is amended to read:

16 230.33 (2) A person appointed to an unclassified position by an appointing
17 authority other than an appointing authority described under sub. (1), to a
18 department other than the one in which the person was a classified employee may
19 be granted a leave of absence without pay at the option of the person's former
20 appointing authority in accordance with the leave of absence provisions in the rules
21 of the secretary director. An employee granted a leave of absence shall have the same
22 restoration rights and reinstatement privileges as under sub. (1m). If not granted
23 a leave of absence, the employee shall be entitled only to the reinstatement privileges
24 under sub. (1m).

1 ***b0155/3.120* SECTION 2416b.** 230.34 (1) (c) of the statutes is amended to
2 read:

3 230.34 (1) (c) The ~~secretary~~ director shall establish guidelines for uniform
4 application of this authority among the various agencies.

5 ***b0155/3.120* SECTION 2416d.** 230.34 (4) of the statutes is amended to read:

6 230.34 (4) Resignations shall be regulated by the rules of the ~~secretary~~ director.

7 ***b0155/3.120* SECTION 2416f.** 230.35 (1) (d) of the statutes is amended to read:

8 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under
9 sub. (1p) and except that unused annual leave shall, subject to the rules of the
10 ~~secretary~~ director, be used in the year following the one in which it was earned, but
11 no employee shall lose any unused annual leave because the employee's work
12 responsibilities prevented the usage of the unused annual leave during the first 6
13 months of the year following the year in which it was earned.

14 ***b0155/3.120* SECTION 2416h.** 230.35 (2) of the statutes is amended to read:

15 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
16 without pay, other than annual leave and leave under s. 103.10, shall be regulated
17 by rules of the ~~secretary~~ director, except that unused sick leave shall accumulate
18 from year to year. After July 1, 1973, employees appointed to career executive
19 positions under the program established under s. 230.24 or positions designated in
20 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall
21 have any unused sick leave credits restored if they are reemployed in a career
22 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and
23 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.
24 Restoration of unused sick leave credits if reemployment is to a position other than
25 those specified above shall be in accordance with rules of the ~~secretary~~ director.

1 ***b0155/3.120* SECTION 2416j.** 230.35 (2r) (b) of the statutes is amended to
2 read:

3 230.35 (2r) (b) The ~~secretary~~ director may establish, by rule, a catastrophic
4 leave program that permits employees to donate certain types and amounts of leave
5 credits to other employees who have been absent from pay status because of a
6 catastrophic need for which there is no paid leave benefits or replacement income
7 available. The ~~secretary~~ director shall determine the types and amounts of leave
8 credits that may be donated.

9 ***b0155/3.120* SECTION 2416L.** 230.35 (3) (d) of the statutes is amended to
10 read:

11 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
12 absence to compete in promotional examinations and interviews. The ~~secretary~~
13 director shall promulgate rules governing the lengths of time allowable for such
14 leaves, their frequency and the provisions for their use.

15 ***b0155/3.120* SECTION 2416m.** 230.35 (3) (e) 2. e. of the statutes is amended
16 to read:

17 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~secretary~~
18 director regarding leaves of absence to provide specialized disaster relief services.

19 ***b0155/3.120* SECTION 2416n.** 230.35 (3) (e) 5. of the statutes is amended to
20 read:

21 230.35 (3) (e) 5. The ~~secretary~~ director may promulgate any rules necessary to
22 implement this paragraph.

23 ***b0155/3.120* SECTION 2416p.** 230.35 (5) (b) of the statutes is amended to
24 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 ***b0155/3.120* 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 ***b0155/3.120* 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 ***b0155/3.120* SECTION 2416v.** 230.44 (1) (b) of the statutes is amended to
25 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 ***b0155/3.121* SECTION 2417m.** 230.44 (1) (dm) of the statutes is amended to
6 read:

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

11 ***b0155/3.121* SECTION 2417s.** 230.44 (4) (bm) of the statutes is amended to
12 read:

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

1 the commission's power. The record of a proceeding under this paragraph shall be
2 transcribed as provided in s. 227.44 (8).

3 ***-1295/2.38* SECTION 2418.** 230.45 (title) of the statutes is amended to read:

4 **230.45 (title) Powers and duties of personnel commission and division**
5 **of equal rights.**

6 ***-1295/2.39* SECTION 2419.** 230.45 (1) (b) of the statutes is repealed.

7 ***-0190/7.22* SECTION 2420.** 230.45 (1) (e) of the statutes is amended to read:

8 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
9 under s. ~~49.33~~ 49.78 (4), from any interested party.

10 ***-1295/2.40* SECTION 2421.** 230.45 (1) (g) of the statutes is repealed.

11 ***-1295/2.41* SECTION 2422.** 230.45 (1) (gm) of the statutes is repealed.

12 ***b0155/3.122* SECTION 2422g.** 230.45 (1) (h) of the statutes is amended to
13 read:

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

18 ***b0155/3.122* SECTION 2422r.** 230.45 (1) (i) of the statutes is amended to read:

19 230.45 (1) (i) Adopt rules necessary to carry out this section. Notice of the
20 contents of such rules and amendments thereto shall be given promptly to the
21 ~~secretary~~ director, the administrator and appointing authorities affected thereby.

22 ***-1295/2.42* SECTION 2423.** 230.45 (1) (j) of the statutes is repealed.

23 ***-1295/2.43* SECTION 2424.** 230.45 (1) (k) of the statutes is repealed.

24 ***-1295/2.44* SECTION 2425.** 230.45 (1) (L) of the statutes is repealed.

25 ***-1295/2.45* SECTION 2426.** 230.45 (1) (m) of the statutes is repealed.

1 ***-1295/2.46*** SECTION 2427. 230.45 (1e) of the statutes is created to read:

2 230.45 (1e) The division of equal rights shall:

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

14 (b) Receive and process complaints of retaliatory disciplinary action under s.
15 230.85.

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

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

23 ***b0155/3.125*** SECTION 2427g. 230.46 of the statutes is amended to read:

24 **230.46 Duties of council on affirmative action.** The council on affirmative
25 action in the ~~department~~ office shall serve in a direct advisory capacity to the

1 secretary director and as part of that relationship shall evaluate the progress of
2 affirmative action programs throughout the civil service system, seek compliance
3 with state and federal regulations and recommend improvements in the state's
4 affirmative action efforts as an employer. In carrying out its responsibilities, the
5 council may recommend legislation, consult with agency personnel and other
6 interested persons, conduct hearings and take other appropriate action to promote
7 affirmative action. The council shall report at least once per year to the governor and
8 the legislature.

9 *b0155/3.125* SECTION 2427r. 230.48 (2) of the statutes is amended to read:

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

16 *-1295/2.47* SECTION 2428. 230.81 (1) (b) of the statutes is amended to read:

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

25 *-1295/2.48* SECTION 2429. 230.85 (1) of the statutes is amended to read:

1 230.85 (1) An employee who believes that a supervisor or appointing authority
2 has initiated or administered, or threatened to initiate or administer, a retaliatory
3 action against that employee in violation of s. 230.83 may file a written complaint
4 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
5 action or threat thereof and requesting relief, within 60 days after the retaliatory
6 action allegedly occurred or was threatened or after the employee learned of the
7 retaliatory action or threat thereof, whichever occurs last.

8 *~~1295/2.49~~* SECTION 2430. 230.85 (2) of the statutes is amended to read:

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

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

10 *–1295/2.50* SECTION 2431. 230.85 (3) (a) (intro.) of the statutes is amended
11 to read:

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

20 *–1295/2.51* SECTION 2432. 230.85 (3) (a) 4. of the statutes is amended to read:

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

25 *–1295/2.52* SECTION 2433. 230.85 (3) (b) of the statutes is amended to read:

1 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
2 that the respondent did not engage in or threaten a retaliatory action it shall order
3 the complaint dismissed. The ~~commission~~ division of equal rights shall order the
4 employee's appointing authority to insert a copy of the findings and orders into the
5 employee's personnel file and, if the respondent is a natural person, order the
6 respondent's appointing authority to insert such a copy into the respondent's
7 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
8 that the employee filed a frivolous complaint it may order payment of the
9 respondent's reasonable actual attorney fees and actual costs. Payment may be
10 assessed against either the employee or the employee's attorney, or assessed so that
11 the employee and the employee's attorney each pay a portion. To find a complaint
12 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
13 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

14 ***-1295/2.53*** SECTION 2434. 230.85 (3) (c) of the statutes is amended to read:

15 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
16 rights of any complaint under this section, the ~~commission~~ division of equal rights
17 may make interlocutory orders.

18 ***-1295/2.54*** SECTION 2435. 230.85 (4) of the statutes is amended to read:

19 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
20 of the findings and order on the respondent and, if the respondent is a natural person,
21 upon the respondent's appointing authority.

22 ***-1295/2.55*** SECTION 2436. 230.85 (5) (a) of the statutes is amended to read:

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

1 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
2 a separate violation of that order.

3 ***-1295/2.56* SECTION 2437.** 230.85 (5) (b) of the statutes is amended to read:

4 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
5 rights may enforce an order by a suit in equity.

6 ***-1295/2.57* SECTION 2438.** 230.87 (1) of the statutes is amended to read:

7 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
8 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
9 any enforcement action, the department of justice shall represent the ~~commission~~
10 division of equal rights unless a conflict of interest results from that representation.

11 A court may order payment of a prevailing appellant employee's reasonable attorney
12 fees by a governmental unit respondent, or by a governmental unit employing a
13 respondent who is a natural person if that governmental unit received notice and an
14 opportunity to appear before the court.

15 ***-1295/2.58* SECTION 2439.** 230.88 (2) of the statutes is amended to read:

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

21 (b) No collective bargaining agreement supersedes the rights of an employee
22 under this subchapter. However, nothing in this subchapter affects any right of an
23 employee to pursue a grievance procedure under a collective bargaining agreement
24 under subch. V of ch. 111, and if the ~~commission~~ division of equal rights determines
25 that a grievance arising under such a collective bargaining agreement involves the

1 same parties and matters as a complaint under s. 230.85, it shall order the
2 arbitrator's final award on the merits conclusive as to the rights of the parties to the
3 complaint, on those matters determined in the arbitration which were at issue and
4 upon which the determination necessarily depended.

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

16 *~~1295/2.59~~* SECTION 2440. 230.89 of the statutes is amended to read:

17 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
18 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

25 *b0503/2.14* 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 ***-0576/8.89*** 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 ***-0576/8.90*** 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 ***b0503/2.15*** SECTION 2442r. 234.01 (4n) (a) 3m. d. of the statutes is amended
20 to read:

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

24 ***-1634/7.58*** SECTION 2444. 234.034 of the statutes is amended to read:

1 **234.034 Consistency with state housing strategy plan.** Subject to
2 agreements with bondholders or noteholders, the authority shall exercise its powers
3 and perform its duties related to housing consistent with the state housing strategy
4 plan under s. ~~16.31~~ 560.9802.

5 *~~1634/7.59~~* **SECTION 2445.** 234.06 (1) of the statutes is amended to read:

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

15 *~~1634/7.60~~* **SECTION 2446.** 234.06 (3) of the statutes is amended to read:

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

1 *~~1634/7.61~~* SECTION 2447. 234.165 (2) (b) 2. of the statutes is amended to
2 read:

3 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
4 governor a plan for expending or encumbering the actual surplus reported under
5 subd. 1. The part of the plan related to housing shall be consistent with the state
6 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this
7 subdivision may be attached to and submitted as a part of the report filed under subd.
8 1.

9 *~~1634/7.62~~* SECTION 2448. 234.25 (1) (e) of the statutes is amended to read:
10 234.25 (1) (e) An evaluation of its progress in implementing within its own
11 housing programs the goals, policies and objectives of the state housing strategy plan
12 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
13 to carry out its programs consistent with the state housing strategy plan.

14 *b0503/2.16* SECTION 2448g. 234.65 (1) (g) of the statutes is amended to read:
15 234.65 (1) (g) In granting loans under this section the authority shall give
16 preference to businesses ~~which~~ that are minority businesses certified by the
17 department of commerce under s. 560.036 (2) or that are more than 50% owned or
18 controlled by women ~~or minorities~~, to businesses that, together with all of their
19 affiliates, subsidiaries, and parent companies, have current gross annual sales of
20 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that
21 have less than 50% of their ownership held or controlled by another business and
22 have their principal business operations in this state.

23 *b0503/2.16* SECTION 2448r. 252.12 (2) (c) 2. of the statutes is amended to
24 read:

1 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
2 department shall award \$75,000 in each fiscal year as grants for services to prevent
3 HIV infection and related infections, including hepatitis C virus infection. Criteria
4 for award of the grants shall include the criteria specified under subd. 1. The
5 department shall award 60% of the funding to applying organizations that receive
6 funding under par. (a) 8. and 40% of the funding to applying community-based
7 organizations that are ~~operated by minority group members, as defined in s. 560.036~~
8 (1) (f) minority businesses certified by the department of commerce under s. 560.036
9 (2).

10 *~~0529/4.216~~* SECTION 2449. 253.06 (4) (c) 2. of the statutes is amended to
11 read:

12 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a
13 determination by the court of the amount due, the clerk of the court shall collect and
14 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The
15 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
16 administration as provided in s. 59.25 (3) (f) 2.

17 *~~0529/4.217~~* SECTION 2450. 253.06 (5) (e) of the statutes is amended to read:

18 253.06 (5) (e) The suspension or termination of authorization of a vendor or
19 eligibility of a participant shall be effective beginning on the 15th day after receipt
20 of the notice of suspension or termination. All forfeitures, recoupments, and
21 enforcement assessments shall be paid to the department within 15 days after
22 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
23 assessment is contested under sub. (6), within 10 days after receipt of the final
24 decision after exhaustion of administrative review, unless the final decision is
25 adverse to the department or unless the final decision is appealed and the decision

1 is stayed by court order under sub. (7). The department shall remit all forfeitures
2 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.
3 The department shall deposit all enforcement assessments in the appropriation
4 under s. 20.435 (1) (gr).

5 *~~0529/4.218~~* SECTION 2451. 254.45 (4) (b) of the statutes is amended to read:

6 254.45 (4) (b) The department shall remit all forfeitures paid to the ~~state~~
7 ~~treasurer~~ secretary of administration for deposit in the school fund.

8 *~~0529/4.219~~* SECTION 2452. 254.59 (2) of the statutes is amended to read:

9 254.59 (2) If a human health hazard is found on private property, the local
10 health officer shall notify the owner and the occupant of the property, by registered
11 mail with return receipt requested, of the presence of the human health hazard and
12 order its abatement or removal within 30 days of receipt of the notice. If the human
13 health hazard is not abated or removed by that date, the local health officer shall
14 immediately enter upon the property and abate or remove the human health hazard
15 or may contract to have the work performed. The human health hazard shall be
16 abated in a manner which is approved by the local health officer. The cost of the
17 abatement or removal may be recovered from the person permitting the violation or
18 may be paid by the municipal treasurer and the account, after being paid by the
19 treasurer, shall be filed with the municipal clerk, who shall enter the amount
20 chargeable to the property in the next tax roll in a column headed “For Abatement
21 of a Nuisance” as a special tax on the lands upon which the human health hazard was
22 abated, and the tax shall be collected as are other taxes. In case of railroads or other
23 lands not taxed in the usual way, the amount chargeable shall be certified by the
24 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
25 designated in the certificate to the sum due from the company owning, occupying, or

1 controlling the land specified, and the ~~state treasurer~~ secretary of administration
2 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
3 collected to the town, city, or village from which the certificate was received. Anyone
4 maintaining such a human health hazard may also be fined not more than \$300 or
5 imprisoned for not more than 90 days or both. The only defenses an owner may have
6 against the collection of a tax under this subsection are that no human health hazard
7 existed on the owner's property, that no human health hazard was corrected on the
8 owner's property, that the procedure outlined in this subsection was not followed or
9 any applicable defense under s. 74.33.

10 *~~0529/4.220~~* SECTION 2453. 254.59 (5) of the statutes is amended to read:

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

1 property, that the procedure outlined in this subsection was not followed, or any
2 applicable defense under s. 74.33.

3 *–1506/2.3* SECTION 2453m. Subchapter VIII (title) of chapter 254 [precedes
4 254.89] of the statutes is repealed.

5 *–1506/2.4* SECTION 2454. 254.89 of the statutes is renumbered 97.24 (5) and
6 amended to read:

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

16 *b0144/1.1* SECTION 2455r. 255.06 (2) (i) of the statutes is created to read:

17 255.06 (2) (i) *Multiple sclerosis screening services.* Allocate and expend at least
18 \$60,000 in each fiscal year as reimbursement for the provision of multiple sclerosis
19 screening services to women.

20 *b0145/1.12* SECTION 2455t. 255.10 (intro.) of the statutes is amended to read:

21 **255.10 Thomas T. Melvin youth tobacco prevention and education**
22 **program.** (intro.) From the moneys distributed under s. 255.15 (3) ~~(a) 2.~~ (b), the
23 department shall administer the Thomas T. Melvin youth tobacco prevention and
24 education program, with the primary purpose of reducing the use of cigarettes and

1 tobacco products by minors. The department shall award grants for the following
2 purposes:

3 *b0145/1.12* SECTION 2455v. 255.15 (title) of the statutes is amended to read:
4 255.15 (title) **Statewide tobacco use control program.**

5 *-1504/1.12* SECTION 2456. 255.15 (1) of the statutes is repealed.

6 *-1504/1.13* SECTION 2457. 255.15 (1m) (intro.) of the statutes is amended to
7 read:

8 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

9 *-1504/1.14* SECTION 2458. 255.15 (1m) (a) of the statutes is repealed.

10 *-1504/1.15* SECTION 2459. 255.15 (1m) (c) of the statutes is amended to read:

11 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
12 awarded under sub. (3), including performance-based standards for grant recipients
13 that propose to use the grant for media efforts. The ~~board~~ department shall ensure
14 that programs or projects conducted under the grants are culturally sensitive.

15 *b0145/1.13* SECTION 2459d. 255.15 (1m) (f) of the statutes is amended to
16 read:

17 255.15 (1m) (f) ~~Develop and prepare an annual plan regarding~~ Continue
18 implementation of a strategic plan for a statewide tobacco use control program,
19 including the allocation of funding for a statewide tobacco control program, and
20 update the plan annually.

21 *b0145/1.14* SECTION 2459x. 255.15 (2m) of the statutes is created to read:

22 255.15 (2m) TOBACCO CONTROL ADVISORY COMMITTEE. (a) The secretary shall,
23 under s. 15.04 (1) (c), create a tobacco control advisory committee. The committee
24 shall consist of not more than 17 members, appointed by the secretary for 3-year
25 terms, and shall include all of the following:

- 1 1. At least one representative of a local tobacco prevention coalition.
- 2 2. At least one youth who represents youth involved in tobacco prevention and
3 control efforts.
- 4 3. At least one representative of a population that is disproportionately
5 impacted by tobacco use.
- 6 4. At least one representative of a statewide health care provider association
7 or organization.
- 8 5. At least one representative of a statewide or regional hospital association or
9 organization.
- 10 6. At least one representative of a statewide or regional insurance association
11 or organization.
- 12 7. At least one representative of a state or local chamber of commerce or other
13 business association or organization.
- 14 8. One senator.
- 15 9. One representative to the assembly who is of a different political party from
16 the senator appointed under subd. 8.
- 17 10. At least 3 representatives of organizations that have the reduction of the
18 health and economic impacts of tobacco use as their primary organizational
19 missions.
- 20 11. The secretary.
- 21 12. The superintendent of public instruction or his or her designee.
- 22 13. The attorney general or his or her designee.
- 23 14. One or more members of organizations or associations specified by the
24 department.
- 25 (b) The tobacco control advisory committee shall do all of the following:

- 1 1. Develop public–private partnerships on tobacco use control issues and
2 initiatives.
- 3 2. Ensure regular review and monitoring of the plan under sub. (1m) (f).
- 4 3. Identify external resources and steps that the department could take to
5 support implementation of the plan under sub. (1m) (f) or other local tobacco use
6 prevention and control policy initiatives.
- 7 4. Ensure coordination with other tobacco control efforts in this state.
- 8 5. Provide advice and guidance on proposed tobacco use prevention and control
9 plans and strategies, including those funded under sub. (3).
- 10 6. Ensure that an external evaluator conducts regular outcome–based
11 evaluations of tobacco use prevention and control projects and presents the
12 evaluations to the joint legislative audit committee.
- 13 7. Develop and distribute an annual report on the impacts of tobacco use in this
14 state and the progress of tobacco use prevention and control efforts.
- 15 8. For members specified in par. (a) 1., 4., 5., 6., 7., 10., and 14., commit the
16 human and material resources of the associations or organizations represented by
17 those members to efforts toward tobacco use prevention and control to the greatest
18 extent possible.
- 19 9. Address the issue of populations most adversely affected by tobacco use.
- 20 ***b0145/1.14* SECTION 2460d.** 255.15 (3) (a) of the statutes is repealed.
- 21 ***b0145/1.14* SECTION 2461d.** 255.15 (3) (b) (intro.) of the statutes is amended
22 to read:
23 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436(1)(te)~~ 20.435(5)
24 (fm), the ~~board~~ department may distribute grants for any of the following:

1 ***b0145/1.14* SECTION 2461r.** 255.15 (3) (b) 8. of the statutes is amended to
2 read:

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

5 ***-1504/1.18* SECTION 2462.** 255.15 (4) of the statutes is amended to read:

6 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the
7 ~~board~~ department shall submit to the governor and to the chief clerk of each house
8 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
9 success of the grant program under sub. (3). The report shall specify the number of
10 grants awarded during the immediately preceding fiscal year and the purpose for
11 which each grant was made. The report shall also specify donations and grants
12 accepted by the ~~board~~ department under sub. (5).

13 ***-1504/1.19* SECTION 2463.** 255.15 (5) of the statutes is amended to read:

14 255.15 (5) FUNDS. The ~~board~~ department may accept for any of ~~its~~ the purposes
15 under this section any donations and grants of money, equipment, supplies,
16 materials and services from any person. The ~~board~~ department shall include in the
17 report under sub. (4) any donation or grant accepted by the ~~board~~ department under
18 this subsection, including the nature, amount and conditions, if any, of the donation
19 or grant and the identity of the donor.

20 ***b0145/1.15* SECTION 2464d.** 255.15 (6) of the statutes is repealed.

21 ***-0421/3.1* SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
22 to read:

23 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$55,100,000 during the 2001–03
24 2003–05 biennium.

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