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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1824/5
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CS
P.1 - P.20

DOA:.....Kraus - BB0438, State attorneys; transfer to DOJ

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

Do NOT GET

Insert

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

With certain exceptions, this bill transfers all attorney positions in executive branch agencies to DOJ effective on October 1, 2003, or on the first day of the third month beginning after the bill is enacted, whichever is later. Attorney positions in the Office of the State Public Defender, the PSC, the UW System, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, DRL, the office within DOA that provides management assistance to district attorney offices, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney and all positions identified as hearing examiners, hearing officers, or administrative law judges. In addition, the bill retains the chief counsel position in each of ~~the~~ major state agencies.

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The bill authorizes DOJ to provide legal services to executive branch agencies, including the Building Commission, and directs the attorney general and the secretary of administration jointly to determine the DOJ attorneys assigned to furnish legal services to those agencies. The bill permits agencies to contract with private counsel only with the consent of the attorney general.

and one additional attorney position in DOA

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.004 (15) of the statutes is created to read:

2 16.004 (15) LEGAL SERVICES. Annually, the department shall assess each state
3 agency for the cost of the legal services provided to the state agency by the
4 department of justice based upon the itemized statement under s. 165.25 (4) (c). The
5 department shall credit all moneys received from state agencies under this
6 subsection to the appropriation account under s. 20.505 (1) (kr).

7 SECTION 2. 16.009 (3) (bm) of the statutes is amended to read:

8 16.009 (3) (bm) Employ With the advice and consent of the attorney general,
9 retain an attorney for provision of legal services in accordance with requirements of
10 the long-term care ombudsman program under 42 USC 3027 (a) (12) and 42 USC
11 3058g (g).

12 SECTION 3. 20.395 (4) (aq) of the statutes, as affected by 2003 Wisconsin Act
13 (this act), is amended to read:

14 20.395 (4) (aq) *Departmental management and operations, state funds.* The
15 amounts in the schedule for departmental planning and administrative activities
16 and the administration and management of departmental programs except those
17 programs under subs. (2) (bq), (cq), and (dq) and (3) (iq), including those activities in
18 s. 85.07 and ~~including not less than \$220,000 in each fiscal year to reimburse the~~
19 ~~department of justice for legal services provided the department under s. 165.25 (4)~~
20 (a) and including activities related to the transportation employment and mobility
21 program under s. 85.24 that are not funded from the appropriation under sub. (1)

1 under ss. 880.08 (1) and 880.33 or for the appointment of conservators under s.
2 880.31.

3 SECTION 55. 880.295 (2) of the statutes is amended to read:

4 880.295 (2) Any guardian heretofore or hereafter appointed for any such
5 inmate, who, having property of his or her ward in his or her possession or control
6 exceeding \$200 in value, fails to pay within 3 months after receipt of any bill thereof
7 for the ward's care and support from the department of health and family services
8 or the agency established pursuant to s. 46.21, shall, upon application of the
9 ~~collection and deportation counsel of said department or in counties having a~~
10 population of 500,000 or more, the district attorney, forthwith be removed.

11 SECTION 9160. Nonstatutory provisions; other.

12 (1) TRANSFER OF ATTORNEY POSITIONS.

13 (a) In this subsection, "state agency" means an office, commission, department,
14 independent agency, or board in the executive branch of state government, except the
15 following:

- 16 1. The public service commission.
- 17 2. The public defender board.
- 18 3. The Board of Regents of the University of Wisconsin System.
- 19 4. The University of Wisconsin Hospitals and Clinics Board.
- 20 5. The state of Wisconsin investment board.
- 21 6. The office of the governor.
- 22 7. The elections board.
- 23 8. The ethics board.
- 24 9. The department of regulation and licensing.

1 (b) Except as provided in paragraph (c), on the effective date of this paragraph
2 all attorney positions in state agencies are transferred to the department of justice.

3 (c) Paragraph (b) does not apply to any of the following:

4 1. A position identified by the secretary of administration as a hearing officer,
5 hearing examiner, or administrative law judge.

6 2. State employees working in an office of a district attorney under section
7 978.12 (1) (b) or (c) of the statutes and state employees in the office within the
8 department of administration that is responsible for providing personnel, budget,
9 and other management assistance to district attorney offices.

10 3. One attorney position in each of the following state agencies, identified by
11 the secretary of administration as the chief counsel position:

12 a. Department of administration.

13 b. Department of agriculture, trade, and rural resources.

14 c. Department of commerce.

15 d. Department of corrections.

16 f. Department of financial institutions.

17 g. Department of health and family services.

18 h. Department of natural resources.

19 i. Department of public instruction.

20 l. Department of workforce development.

21 m. Department of transportation.

22 n. Office of the commissioner of insurance.

*e. Department of
employee trust funds.*

*j. Department of revenue.
k. Department of veterans
affairs.*

23 (d) All incumbent employees holding positions that are transferred under
24 paragraph (b) are transferred on the effective date of this paragraph to the
25 department of justice. Employees transferred under this paragraph have all the

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1 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
2 statutes in the department of justice that they enjoyed in their respective state
3 agencies immediately before the transfer. Notwithstanding section 230.28 (4) of the
4 statutes, no employee so transferred who has attained permanent status in class is
5 required to serve a probationary period.

6 **SECTION 9460. Effective dates; other.**

7 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 16.004 (15),
8 16.009 (3) (bm), 20.395 (4) (aq) (by SECTION 3), 20.455 (1) (k), (km), and (kr), 20.505
9 (1) (kr), 20.867 (3) (w), 27.01 (12), 46.03 (18) (d), 46.10 (6) and (7), 46.27 (7g) (h), 49.22
10 (7m) (by SECTION 14), 49.496 (3) (f), 49.682 (6), 71.80 (6), 71.85 (2), 73.03 (22) (by
11 SECTION 19), 76.08 (1), 87.12 (6), 93.22 (1) and (2), 102.64 (1) and (2), 102.81 (2),
12 108.14 (3m), 125.145, 139.26, 139.45, 139.86, 165.25 (3r) and (4) (a), (ad), (am), (ar),
13 (b), (bn), (c), and (d), 186.235 (11) (dg), 214.72 (1) (b), 215.32 (3), 222.08 (4), 287.91
14 (4), 299.95, 301.03 (18) (d), 301.12 (6) and (7), 564.02 (3) (c), 655.27 (5) (a) 3., 767.29
15 (1) (dm) 1m., 863.39 (3) (a), and 880.295 (1) (a) and (2) of the statutes and SECTION
16 9160 (1) of this act take effect on October 1, 2003, or on the first day of the 3rd month
17 beginning after publication, whichever is later.

18 (END)

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~~4. In addition to the chief counsel
position~~

④ 4. One attorney position ⁱⁿ the department
of administration that is in addition to the
position identified under subdivision 3.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1824/6

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DOA:.....Kraus - BB0438, State attorneys; transfer to ~~DOJ~~ *DJA*

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

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Sen. CA*

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

DOA STATE EMPLOYMENT *DOJ*

With certain exceptions, this bill transfers all attorney positions in executive branch agencies to ~~DOJ~~ effective on October 1, 2003, or on the first day of the third month beginning after the bill is enacted, whichever is later. Attorney positions in the Office of the State Public Defender, the PSC, the UW System, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, DRL, ~~the office within DOA that provides management assistance to district attorney offices,~~ and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney and all positions identified as hearing examiners, hearing officers, or administrative law judges. In addition, the bill retains the chief counsel position in each of 14 major state agencies ~~and one additional attorney position in DOA.~~

The bill authorizes ~~DOJ~~ *DOA* to provide legal services to executive branch agencies, including the Building Commission, ~~and directs the attorney general and the secretary of administration jointly to determine the DOJ attorneys assigned to furnish legal services to those agencies.~~ The bill permits agencies to contract with private counsel ~~only with the consent of the attorney general.~~

in certain circumstances

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

9 (b) The department may provide legal services to state agencies.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ans from P. 12

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SECTION 1. 16.004 (15) of the statutes is created to read:

~~16.004 (15) The department shall~~ Annually, the department shall assess each state agency for the cost of the legal services provided to the state agency ~~by the department of justice based upon the itemized statement under s. 165.25 (4) (c).~~ The department shall credit all moneys received from state agencies under this ~~subsection~~ ^{paragraph} to the appropriation account under s. 20.505 (1) (kr).

SECTION 2. 16.009 (3) (bm) of the statutes is amended to read:

16.009 (3) (bm) ~~Employ With the advice and consent of the attorney general,~~ retain an attorney for provision of legal services in accordance with requirements of the long-term care ombudsman program under 42 USC 3027 (a) (12) and 42 USC 3058g (g).

SECTION 3. 20.395 (4) (aq) of the statutes, as affected by 2003 Wisconsin Act ... (this act), is amended to read:

20.395 (4) (aq) *Departmental management and operations, state funds.* The amounts in the schedule for departmental planning and administrative activities and the administration and management of departmental programs except those programs under subs. (2) (bq), (cq), and (dq) and (3) (iq), including those activities in s. 85.07 and including not less than \$220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including activities related to the transportation employment and mobility program under s. 85.24 that are not funded from the appropriation under sub. (1)

1 (bs), (bv), or (bx), and the scholarship and loan repayment incentive grant program
2 under s. 85.107, and to match federal funds for mass transit planning.

****NOTE: This is reconciled s. 20.395 (4) (aq), affected by LRB-1824 and
LRB-1227. It incorporates the changes made by LRB-1227.

3 SECTION 4. 20.455 (1) (k) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

4 SECTION 5. 20.455 (1) (km) of the statutes is amended to read:

5 20.455 (1) (km) *Interagency and intra-agency assistance.* The amounts in the
6 schedule to provide legal services to state agencies. All Except as provided in par.
7 (kr), all moneys received from the department or any other state agency for legal
8 services shall be credited to this appropriation.

9 SECTION 6. 20.455 (1) (kr) of the statutes is created to read:

10 20.455 (1) (kr) *Legal services.* All moneys transferred from the appropriation
11 account under s. 20.505 (1) (kr), to provide legal services to state agencies.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

12 SECTION 7. 20.505 (1) (kr) of the statutes is created to read:

13 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
14 against state agencies under s. 16.004 (15) for legal services provided by the
15 department of justice to be transferred to the appropriation account under s. 20.455

16 ~~(1) (kr)~~ *administration*

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

17 SECTION 8. 20.867 (3) (w) of the statutes is amended to read:

18 20.867 (3) (w) *Bonding services.* From the capital improvement fund, a sum
19 sufficient to pay the expenses of contracting and managing public debt and revenue
20 obligations issued pursuant to ch. 18, for reimbursing the legislative audit bureau

1 for providing opinion audits of financial statements and the general fund for bond
2 counsel services under s. 165.25 (4) (b) (ag), and for the purchase of any higher
3 education bonds presented for payment prior to maturity under s. 18.83.

4 SECTION 9. 27.01 (12) of the statutes is amended to read:

5 27.01 (12) LEGAL COUNSEL. ~~A representative of the department of justice~~
6 ~~designated by the attorney general shall act as legal counsel for said department of~~
7 ~~natural resources, both in proceedings and litigation, and in giving advice and~~
8 ~~counsel. The respective district attorneys of the county or counties where said park~~
9 ~~is or shall be located shall prosecute all violations of this section occurring within~~
10 ~~their respective counties as provided in s. 26.18.~~

11 SECTION 10. 46.03 (18) (d) of the statutes is amended to read:

12 46.03 (18) (d) The department may compromise or waive all or part of the
13 liability for services received. The sworn statement of the any collection and
14 deportation counsel appointed retained under s. 46.10 (7), the department's legal
15 counsel, or the department secretary, shall be evidence of the services provided and
16 the fees charged for such services.

17 SECTION 11. 46.10 (6) of the statutes is amended to read:

18 46.10 (6) The sworn statement of the any collection and deportation counsel
19 retained under sub. (7), the department's legal counsel, or of the secretary, shall be
20 evidence of the fee and of the care and services received by the patient.

21 SECTION 12. 46.10 (7) of the statutes is amended to read:

22 46.10 (7) The department shall administer and enforce this section. It shall
23 appoint ~~With the advice and consent of the attorney general, the department may~~
24 retain an attorney to be designated "collection and deportation counsel" ~~and.~~ The
25 department may appoint other necessary assistants. The department may delegate

1 to the collection and deportation counsel such other powers and duties as it considers
2 advisable. The collection and deportation counsel or any of the assistants may
3 administer oaths, take affidavits and testimony, examine public records, subpoena
4 witnesses and the production of books, papers, records, and documents material to
5 any matter of proceeding relating to payments for the cost of maintenance. The
6 department shall encourage agreements or settlements with the liable person,
7 having due regard to ability to pay and the present needs of lawful dependents.

8 SECTION 13. 46.27 (7g) (h) of the statutes is amended to read: ✓

9 46.27 (7g) (h) The department, ~~with the advice and consent of the attorney~~ ✓
10 ~~general,~~ may contract with or employ retain an attorney to probate estates to recover
11 under this subsection the costs of care.

12 SECTION 14. 49.22 (7m) of the statutes, as affected by 2003 Wisconsin Act ... ✓
13 (this act), is amended to read: ✓

14 49.22 (7m) The department may contract with or employ a collection agency
15 or other person to enforce a support obligation of a parent who is delinquent in
16 making support payments and, ~~with the advice and consent of the attorney general,~~ ✓
17 ~~may contract with or employ~~ retain an attorney to appear in an action in state or
18 federal court to enforce such an obligation. To pay for the department's
19 administrative costs of implementing this subsection, the department may charge
20 a fee to counties, use federal matching funds or funds retained by the department
21 under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection made under
22 this subsection on behalf of a recipient of aid to families with dependent children or
23 a recipient of kinship care payments under s. 48.57 (3m) or long-term kinship care
24 payments under s. 48.57 (3n).

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****NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279. It incorporates the changes made by LRB-0279.

1 SECTION 15. 49.496 (3) (f) of the statutes is amended to read:

2 49.496 (3) (f) The department, ~~with the advice and consent of the attorney~~
3 ~~general,~~ may contract with or employ retain an attorney to probate estates to recover
4 under this subsection the costs of care.

5 SECTION 16. 49.682 (6) of the statutes is amended to read:

6 49.682 (6) The department, ~~with the advice and consent of the attorney~~
7 ~~general,~~ may contract with or employ retain an attorney to probate estates to recover
8 under this section the costs of care.

9 SECTION 17. 71.80 (6) of the statutes is amended to read:

10 71.80 (6) PROSECUTIONS BY ATTORNEY GENERAL. The attorney general is
11 authorized, upon the request of the secretary of revenue, to may represent the state
12 or to assist the district attorney in the prosecution of any case arising under s. 71.83
13 (2) (a) 1. and (b) 1. and 2.

14 SECTION 18. 71.85 (2) of the statutes is amended to read:

15 71.85 (2) PROSECUTIONS BY ATTORNEY GENERAL. The attorney general is
16 authorized, upon request of the secretary of revenue, to may represent the state or
17 to assist the district attorney in the prosecution of any case arising under s. 71.83 (2)
18 (a) 1. or (2) (b) 1. or 2.

19 SECTION 19. 73.03 (22) of the statutes, as affected by 2003 Wisconsin Act ...
20 (this act), is amended to read:

21 73.03 (22) To appear by its counsel and represent the state in all matters before
22 the office of the commissioner of tax appeals. ~~Except as provided in ch. 72 and in s.~~
23 ~~76.08 (1), the department of justice shall provide legal counsel to appear for the~~

1 ~~department in all courts, but with the~~ With the advice and consent of the attorney
2 ~~general a member of the staff of the department may appear for the department.~~ ✓

****NOTE: This is reconciled s. 73.03 (22), affected by LRB-1824 and LRB-1767.
It incorporates the changes made by LRB-1767. ✓

3 **SECTION 20.** 76.08 (1) of the statutes is amended to read:

4 76.08 (1) Notice of the assessments determined under s. 76.07 and of
5 adjustments under s. 76.075 shall be given by certified mail to each company the
6 property of which has been assessed, and the notice of assessment shall be mailed
7 on or before the assessment date specified in s. 76.07 (1). Any company aggrieved
8 by the assessment or adjustment of its property thus made may have its assessment
9 or adjustment redetermined by the Dane County circuit court if within 30 days after
10 notice of assessment or adjustment is mailed to the company under s. 76.07 (3) an
11 action for the redetermination is commenced by filing a summons and complaint
12 with that court, and service of authenticated copies of the summons and complaint
13 is made upon the department of revenue. No answer need be filed by the department
14 and the allegations of the complaint in opposition to the assessment or adjustment
15 shall be deemed denied. Upon the filing of the summons and complaint the court
16 shall set the matter for hearing without a jury. If the plaintiff fails to file the
17 summons and complaint within 5 days of service upon the department, the
18 department may file a copy thereof with the court in lieu of the original. The
19 department may be named as the defendant in any such action and shall appear and
20 be represented by its counsel in all proceedings connected with the action but, on the
21 request of the secretary of revenue, the attorney general may participate with or
22 serve in lieu of departmental counsel. In an action for redetermination of an ✓

1 adjustment, only the issues raised in the department's adjustment under s. 76.075
2 may be raised. ✓

3 SECTION 21. 87.12 (6) of the statutes is amended to read:

4 87.12 (6) The board shall have the power to institute and prosecute in the
5 manner provided in ch. 32 of the statutes such eminent domain proceedings as may
6 be necessary in the construction of said improvement. When necessary for that
7 purpose, this right of eminent domain shall be dominant over the rights of eminent
8 domain of public or private corporations or governmental agencies. The board shall
9 also have the power to acquire any lands or interest therein necessary for the
10 aforesaid purpose, by gift, purchase or lease. Any title acquired by condemnation or
11 gift, purchase or lease shall be held in the name of the flood control board in trust for
12 the several towns, villages and cities and contributing, as provided in s. 87.10 (1) (c)
13 and (d), in proportion to the amounts of their several contributions. The board shall
14 have the power to employ engineers, attorneys, agents, assistants, clerks, employees
15 and laborers and ~~with the advice and consent of the attorney general, retain~~ ✓
16 ~~attorneys~~ as it may deem advisable for the proper execution of its duties, and to fix ✓
17 their compensation. ✓

18 SECTION 22. 93.22 (1) of the statutes is repealed.

19 SECTION 23. 93.22 (2) of the statutes is amended to read:

20 93.22 (2) The department may, with the approval of the governor, appoint
21 special and the advice and consent of the attorney general, retain counsel to
22 prosecute or assist in the prosecution of any case arising under chs. 88 and 93 to 100
23 a law administered by the department. The cost of such special counsel shall be
24 charged to the appropriation for the department. ✓

25 SECTION 24. 102.64 (1) of the statutes is amended to read:

1 102.64 (1) ~~Upon request of the department of administration, a~~ A
2 representative of the department of justice shall represent the state in cases
3 involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr) or
4 (ur) or 102.29. The department of justice, after giving notice to the department of
5 administration, may compromise the amount of such payments but such
6 compromises shall be subject to review by the department of workforce development.
7 If the spouse of the deceased employee compromises his or her claim for a primary
8 death benefit, the claim of the children of such employee under s. 102.49 shall be
9 compromised on the same proportional basis, subject to approval by the department.
10 If the persons entitled to compensation on the basis of total dependency under s.
11 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be
12 compromised on the same proportional basis.

13 SECTION 25. 102.64 (2) of the statutes is amended to read:

14 102.64 (2) ~~Upon request of the department of administration, the~~ The attorney
15 general shall appear on behalf of the state in proceedings upon claims for
16 compensation against the state. The department of justice shall represent the
17 interests of the state in proceedings under s. 102.49, 102.59 or 102.66. The
18 department of justice may compromise claims in such proceedings, but the
19 compromises are subject to review by the department of workforce development.
20 Costs incurred by the department of justice in prosecuting or defending any claim for
21 payment into or out of the work injury supplemental benefit fund under s. 102.65,
22 including expert witness and witness fees but not including attorney fees or attorney
23 travel expenses for services performed under this subsection, shall be paid from the
24 work injury supplemental benefit fund.

25 SECTION 26. 102.81 (2) of the statutes is amended to read:

1 102.81 (2) The department may retain an insurance carrier or insurance
2 service organization to process, investigate and pay claims under this section and
3 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
4 do business in this state in an amount that the secretary determines is necessary for
5 the sound operation of the uninsured employers fund. In cases involving disputed
6 claims, the department ~~with the advice and consent of the attorney general~~ may
7 retain an attorney to represent the interests of the uninsured employers fund and
8 to make appearances on behalf of the uninsured employers fund in proceedings
9 under ss. 102.16 to 102.29. Section 20.918 and subch. IV of ch. 16 do not apply to an
10 attorney hired retained under this subsection. The charges for the services retained
11 under this subsection shall be paid from the appropriation under s. 20.445 (1) (hp).
12 The cost of any reinsurance obtained under this subsection shall be paid from the
13 appropriation under s. 20.445 (1) (sm). ~~_____~~

14 SECTION 27. 108.14 (3m) of the statutes is amended to read:

15 108.14 (3m) In any court action to enforce this chapter the department, the
16 commission and the state may be represented by any licensed attorney who ~~is an~~ *ret-plain*
17 employee of ~~with the advice and consent of the attorney general~~ *is* retained by the ✓
18 department or the commission and is designated by either of them for this purpose
19 ~~or at the request of either of them by the department of justice~~ *ret-plain* ✓
20 designates special counsel to defend, in behalf of the state, the validity of this chapter
21 or of any provision of Title IX of the social security act, the expenses and
22 compensation of the special counsel and of any experts employed by the department
23 in connection with that proceeding may be charged to the administrative account. ✓

24 ~~SECTION 28. 125.145 of the statutes is amended to read:~~

1 ~~125.145 Prosecutions by attorney general. Upon request by the secretary~~
2 ~~of revenue, the The attorney general may represent this state or assist a district~~
3 ~~attorney in prosecuting any case arising under this chapter.~~

4 SECTION 29. 139.26 of the statutes is amended to read:

5 ~~139.26 Prosecutions by attorney general. Upon request by the secretary~~
6 ~~of revenue, the The attorney general may represent this state or assist a district~~
7 ~~attorney in prosecuting any case arising under this subchapter.~~

8 SECTION 30. 139.45 of the statutes is amended to read:

9 ~~139.45 Prosecutions by attorney general. Upon request by the secretary~~
10 ~~of revenue, the The attorney general may represent this state or assist a district~~
11 ~~attorney in prosecuting any case arising under this subchapter.~~

12 SECTION 31. 139.86 of the statutes is amended to read:

13 ~~139.86 Prosecutions by attorney general. Upon request by the secretary~~
14 ~~of revenue, the The attorney general may represent this state or assist a district~~
15 ~~attorney in prosecuting any case arising under this subchapter.~~

16 SECTION 32. 165.25 (3r) of the statutes is amended to read:

17 ~~165.25 (3r) AVOID CONFLICT OF INTEREST. Require that attorneys in different~~
18 ~~organizational subunits in the department prosecute violations of chs. 562 to 569 or~~
19 ~~Indian gaming compacts entered into under s. 14.035 and defend any department,~~
20 ~~agency, official, employee or agent under subs. (1), (4) (a) (ag) and (6).~~

21 SECTION 33. 165.25 (4) (a) of the statutes is renumbered 165.25 (4) (ag) and
22 amended to read:

23 ~~165.25 (4) (ag) The department of justice shall may furnish all legal services~~
24 ~~required by the investment board, the lottery division in the department of revenue,~~
25 ~~the public service commission, the department of transportation, the department of~~

~~natural resources, the department of tourism and the department of employee trust funds to state agencies, together with any other services, including stenographic and investigational, as are necessarily connected with the legal work. Except as provided in s. 165.065, the attorney general and the secretary of administration jointly shall determine the attorneys employed by the department of justice who are assigned to furnish legal services to state agencies.~~

~~SECTION 34. 165.25 (4) (ad) of the statutes is created to read:~~

~~165.25 (4) (ad) In this subsection, "state agency" means an office, commission, department, independent agency, or board in the executive branch of state government, and includes the building commission.~~

~~SECTION 35. 165.25 (4) (am) of the statutes is repealed.~~

~~SECTION 36. 165.25 (4) (ar) of the statutes is repealed.~~

~~SECTION 37. 165.25 (4) (b) of the statutes is repealed.~~

~~SECTION 38. 165.25 (4) (bn) of the statutes is repealed.~~

SECTION 39. 165.25 (4) (c) of the statutes is amended to read:

~~165.25 (4) (c) The department shall, at the end of each fiscal year, except for programs financed out of the general fund and except for services required to be provided by statute other than this subsection, render submit to the respective agencies enumerated in this subsection department of administration an itemized statement of the total cost of the legal services, including stenographic and investigational, that are necessarily connected with the legal work, and other services, including travel expenses and legal expenses enumerated in s. 20.455 (1) (d), provided to a state agency in that fiscal year.~~

~~SECTION 40. 165.25 (4) (d) of the statutes is repealed.~~

SECTION 41. 186.235 (11) (dg) of the statutes is amended to read:

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1 186.235 (11) (dg) *Special deputies*. The office of credit unions may appoint one
2 or more special deputies as agent to assist in the duty of liquidation and distribution
3 of the assets of one or more credit unions whose business and property the office of
4 credit unions holds. A certificate of appointment shall be filed in the office of credit
5 unions and a certified copy in the office of the clerk of the circuit court for the county
6 in which the credit union is located. The office of credit unions may employ retain
7 counsel ~~with the advice and consent of the attorney general~~ and may procure expert ✓
8 assistance and advice as necessary in the liquidation and distribution of the assets
9 of the credit union, and may retain any officers or employees of the credit union that
10 the office of credit unions considers to be necessary. The special deputies and
11 assistants shall furnish security for the faithful discharge of their duties in an
12 amount that the office of credit unions considers to be necessary. The special
13 deputies may execute, acknowledge and deliver any deeds, assignments, releases or
14 other instruments necessary to effect any sale and transfer or encumbrance of real
15 estate or personal property and may borrow money for use in the liquidation after
16 the liquidation has been approved by the office of credit unions and an order obtained
17 from the circuit court of the county in which the credit union is located.

18 **SECTION 42.** 214.72 (1) (b) of the statutes is amended to read: ✓

19 214.72 (1) (b) "Financial regulator" means the department secretary and
20 deputy secretary, and an administrator, a supervisor of data processing, ~~legal counsel~~
21 and a financial institution examiner employed by the department and the
22 department's legal counsel and includes any member of a financial regulator's
23 immediate family, as defined in s. 19.42 (7). ✓

24 **SECTION 43.** 215.32 (3) of the statutes is amended to read:

1 215.32 (3) EMPLOYMENT RETENTION OF COUNSEL; RETENTION OF OFFICERS AND
2 EMPLOYEES OF ASSOCIATION. The division may employ retain necessary counsel ~~with~~
3 ~~the advice and consent of the attorney general~~ and may employ experts in a
4 liquidation under this section and may retain any officer or employee of the
5 association. ✓

6 SECTION 44. 220.08 (4) of the statutes is amended to read:

7 220.08 (4) The division may appoint one or more special deputies, as agent or
8 agents, to assist the division in the duty of reorganization, consolidation, liquidation
9 and distribution, the certificate of appointment to be filed with the division and a
10 certified copy in the office of the clerk of the circuit court for the county in which such
11 bank or banking corporation is located. Such special deputies may execute,
12 acknowledge and deliver any and all deeds, assignments, releases or other
13 instruments necessary and proper to effect any sale and transfer or encumbrance of
14 real estate or personal property after the same has been approved by the division,
15 and an order obtained from the circuit court of the county in which the bank
16 concerned is located. The division may from time to time authorize a special deputy
17 to perform such duties connected with such reorganization, consolidation,
18 liquidation and distribution as the division deems proper. The division may employ
19 retain such counsel, ~~with the advice and consent of the attorney general~~, and may
20 procure such expert assistance and advice as may be necessary in the reorganization,
21 consolidation, liquidation and distribution of the assets of such banks or banking
22 corporations. The division may retain such of the officers or employees of such banks
23 or banking corporations as necessary. ✓

24 ~~SECTION 45. 287.91 (4) of the statutes is repealed.~~ ✓

25 ~~SECTION 46. 299.95 of the statutes is amended to read:~~

1 **299.95 Enforcement; duty of department of justice; expenses.** The
2 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
3 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
4 approvals, permits, and water quality certifications of the department, except those
5 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as
6 provided in s. 285.86. The circuit court for Dane county or for any other county where
7 a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and
8 289 to 295 or this chapter or the rule, special order, license, plan approval, permit,
9 or certification by injunctive and other relief appropriate for enforcement. For
10 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
11 the rule, special order, license, plan approval, permit or certification prohibits in
12 whole or in part any pollution, a violation is considered a public nuisance. The
13 department of natural resources may enter into agreements with the department of
14 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
15 chapter. Any funds paid to the department of justice under these agreements shall
16 be credited to the appropriation account under s. 20.455 (1) (k).

17 **SECTION 47.** 301.03 (18) (d) of the statutes is amended to read:

18 301.03 (18) (d) Compromise or waive all or part of the liability for services
19 received as the department considers necessary to efficiently administer this
20 subsection, subject to such conditions as the department considers appropriate. The
21 sworn statement of the any collection and deportation counsel appointed retained
22 under s. 301.12 (7), the department's legal counsel, or the secretary, shall be evidence
23 of the services provided and the fees charged for those services.

24 **SECTION 48.** 301.12 (6) of the statutes is amended to read:

1 301.12 (6) The sworn statement of the any collection and deportation counsel
2 retained under sub. (7), of the department's legal counsel, or of the secretary, shall
3 be evidence of the fee and of the care and services received by the resident.

4 SECTION 49. 301.12 (7) of the statutes is amended to read:

5 301.12 (7) The department shall administer and enforce this section. ~~The~~ ^{stet-plain} ~~With~~
6 ~~the advice and consent of the attorney general, the~~ department shall appoint may
7 retain an attorney to be designated "collection and deportation counsel" ~~and.~~ The
8 department may appoint other necessary assistants. The department may delegate
9 to the collection and deportation counsel such other powers and duties as the
10 department considers advisable. The collection and deportation counsel or any of the
11 assistants may administer oaths, take affidavits and testimony, examine public
12 records, subpoena witnesses and the production of books, papers, records, and
13 documents material to any matter of proceeding relating to payments for the cost of
14 maintenance. The department shall encourage agreements or settlements with the
15 liable person, having due regard to ability to pay and the present needs of lawful
16 dependents. ✓

17 ~~SECTION 50. 564.02 (3) (c) of the statutes is repealed.~~ ✓

18 SECTION 51. 655.27 (5) (a) 3. of the statutes is amended to read:
19 655.27 (5) (a) 3. If, after reviewing the facts upon which the claim or action is
20 based, it appears reasonably probable that damages paid will exceed the limits in s.
21 655.23 (4), the fund may appear and actively defend itself when named as a party in
22 an action against a health care provider, or an employee of a health care provider,
23 that has coverage under the fund. In such action, the fund, with the advice and
24 consent of the attorney general, may retain counsel and pay out of the fund attorney
25 fees and expenses including court costs incurred in defending the fund. The attorney

1 or law firm retained to defend the fund shall not be retained or employed by the board
2 of governors to perform legal services for the board of governors other than those
3 directly connected with the fund. Any judgment affecting the fund may be appealed
4 as provided by law. The fund may not be required to file any undertaking in any
5 judicial action, proceeding or appeal. ✓

6 SECTION 52. 767.29 (1) (dm) 1m. of the statutes is amended to read:

7 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
8 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
9 payment and collection system on December 31, 1998, and shall deposit all fees
10 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
11 The department or its designee may collect unpaid fees under this subdivision
12 through income withholding under s. 767.265 (2m). If the department or its designee
13 determines that income withholding is inapplicable, ineffective, or insufficient for
14 the collection of any unpaid fees under this subdivision, the department or its
15 designee may move the court for a remedial sanction under ch. 785. The department
16 or its designee may contract with or employ a collection agency or other person for
17 the collection of any unpaid fees under this subdivision and, notwithstanding s.
18 20.930 ~~and with the advice and consent of the attorney general,~~ may contract with
19 or employ retain an attorney to appear in any action in state or federal court to
20 enforce the payment obligation. The department or its designee may not deduct the
21 amount of unpaid fees from any maintenance, child or family support, or arrearage
22 payment. ✓

23 SECTION 53. 863.39 (3) (a) of the statutes is amended to read:

24 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any
25 person claiming any amount deposited under sub. (1) may file in the probate court

1 in which the estate was settled a petition alleging the basis of his or her claim. The
2 court shall order a hearing upon the petition, and 20 days' notice of the hearing and
3 a copy of the petition shall be given by the claimant to the department of revenue and
4 to the attorney general, who may appear for the state at the hearing. If the claim is
5 established it shall be allowed without interest, but including any increment which
6 may have occurred on securities held, and the court shall so certify to the department
7 of administration, which shall audit the claim. The state treasurer shall pay the
8 claim out of the appropriation under s. 20.585 (1) (j). Before issuing the order
9 distributing the estate, the court shall issue an order determining the death tax due,
10 if any. If real property has been adjudged to escheat to the state under s. 852.01 (3)
11 the probate court which made the adjudication may adjudge at any time before title
12 has been transferred from the state that the title shall be transferred to the proper
13 owners under this subsection.

14 SECTION 54. 880.295 (1) (a) of the statutes is amended to read:

15 880.295 (1) (a) When a patient in any state or county hospital or mental
16 hospital or in any state institution for the mentally deficient, or a resident of the
17 county home or infirmary, appears in need of a guardian, and does not have a
18 guardian, the department of health and family services by its collection and
19 deportation counsel, or the county corporation counsel, may apply to the circuit court
20 of the county in which the patient resided at the time of commitment or to the circuit
21 court of the county in which the facility in which the patient resides is located for the
22 appointment of a guardian of the person and estate, or either, or for the appointment
23 of a conservator of the estate, and the court, upon the application, may appoint the
24 guardian or conservator in the manner provided for the appointment of guardians

1 under ss. 880.08 (1) and 880.33 or for the appointment of conservators under s.
2 880.31.

3 SECTION 55. 880.295 (2) of the statutes is amended to read:

4 880.295 (2) Any guardian heretofore or hereafter appointed for any such
5 inmate, who, having property of his or her ward in his or her possession or control
6 exceeding \$200 in value, fails to pay within 3 months after receipt of any bill thereof
7 for the ward's care and support from the department of health and family services
8 or the agency established pursuant to s. 46.21, shall, upon application of the
9 collection and deportation counsel of said department or in counties having a
10 population of 500,000 or more, the district attorney, forthwith be removed. ✓

11 SECTION 9160. Nonstatutory provisions; other.

12 (1) TRANSFER OF ATTORNEY POSITIONS.

13 (a) In this subsection, "state agency" means an office, commission, department,
14 independent agency, or board in the executive branch of state government, except the
15 following:

- 16 1. The public service commission.
- 17 2. The public defender board.
- 18 3. The Board of Regents of the University of Wisconsin System.
- 19 4. The University of Wisconsin Hospitals and Clinics Board.
- 20 5. The state of Wisconsin investment board.
- 21 6. The office of the governor.
- 22 7. The elections board.
- 23 8. The ethics board.
- 24 9. The department of regulation and licensing.

10. The department of justice.

1 (b) Except as provided in paragraph (c), on the effective date of this paragraph
2 all attorney positions in state agencies are transferred to the department of ~~justice~~^{administration}.

3 (c) Paragraph (b) does not apply to any of the following:

4 1. A position identified by the secretary of administration as a hearing officer,
5 hearing examiner, or administrative law judge.

6 2. State employees working in an office of a district attorney under section
7 978.12 (1) (b) or (c) of the statutes ~~and state employees in the office within the~~
8 ~~department of administration that is responsible for providing personnel, budget,~~
9 ~~and other management assistance to district attorney offices.~~ ✓

10 3. One attorney position in each of the following state agencies, identified by
11 the secretary of administration as the chief counsel position:

12 ~~a. Department of administration.~~

13 b. Department of agriculture, trade, and rural resources.

14 c. Department of commerce.

15 d. Department of corrections.

16 e. Department of employee trust funds.

17 f. Department of financial institutions.

18 g. Department of health and family services.

19 h. Department of natural resources.

20 i. Department of public instruction.

21 j. Department of revenue.

22 k. Department of veterans affairs.

23 l. Department of workforce development.

24 m. Department of transportation.

25 n. Office of the commissioner of insurance.

L.A. should be added to numbers to 28, etc.

1 4. One attorney position in the department of administration that is in addition
2 to the position identified under subdivision 3.

3 (d) All incumbent employees holding positions that are transferred under
4 paragraph (b) are transferred on the effective date of this paragraph to the
5 department of ~~justice~~ ^{administration}. Employees transferred under this paragraph have all the
6 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
7 statutes in the department of ~~justice~~ ^{administration} that they enjoyed in their respective state
8 agencies immediately before the transfer. Notwithstanding section 230.28 (4) of the
9 statutes, no employee so transferred who has attained permanent status in class is
10 required to serve a probationary period.

11 SECTION 9460. Effective dates; other.

12 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 16.004 (15),
13 16.009 (3) (bm), 20.395 (4) (aq) (by SECTION 9), 20.455 (1) (k), (km), and (kr), 20.505
14 (1) (kr), 20.867 (3) (a), 27.012 (2), 46.03 (18) (d), 46.10 (6) and (7), 46.27 (7g) (h), 49.22
15 (7m) (by SECTION 14), 49.496 (3) (f), 49.682 (6), 71.80 (6), 71.85 (2), 73.03 (22) (by
16 SECTION 13), 76.08 (1), 87.12 (6), 93.22 (1) and (2), 102.64 (1) and (2), 102.81 (2),
17 108.14 (3m), 125.14 (1), 139.26, 139.45, 139.80, 165.25 (3r) and (4) (a), (ad), (am), (ar),
18 (b), (bn), (c), and (d), 186.235 (11) (dg), 214.72 (1) (b), 215.32 (3), 222.08 (4), 237.91
19 (1), 299.05, 301.03 (18) (d), 301.12 (6) and (7), 364.02 (3) (a), 655.27 (5) (a) (3), 767.29
20 (1) (dm) 1m. ^{a.p.} 809.39 (3) (a), and 880.295 (1) (a) and (2) of the statutes and SECTION
21 9160 (1) of this act take effect on October 1, 2003, or on the first day of the 3rd month
22 beginning after publication, whichever is later.

23 (END)

DN

1924/7

: King:

The treatment of s. 93.22(2) is
incorporated in LRB - 1111.

PL

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1824/7dn
PG:kmg:ch

February 12, 2003

The treatment of s. 93.22 (2) is incorporated in LRB-1111.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1824/7
PG/RJM/RPN:kmg&cmh&cs:ch

8

stays

DOA:.....Kraus - BB0438, State attorneys; transfer to DOA

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

8:30 a.m. Mess.

1 AN ACT ^{Don't Men. Cost.} ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

With certain exceptions, this bill transfers all attorney positions in executive branch agencies to DOA effective on October 1, 2003, or on the first day of the third month beginning after the bill is enacted, whichever is later. Attorney positions in DOJ, the Office of the State Public Defender, the PSC, the UW System, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, DRL, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney and all positions identified as hearing examiners, hearing officers, or administrative law judges. In addition, the bill retains the chief counsel position in each of ~~24~~ major state agencies.

13 The bill authorizes DOA to provide legal services to executive branch agencies, including the Building Commission. ~~The bill permits agencies to contract with private counsel in certain circumstances.~~

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.004 (15) of the statutes is created to read:

2 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 SECTION 2. 16.009 (3) (bm) of the statutes is amended to read:

10 16.009 (3) (bm) ~~Employ~~ Retain an attorney for provision of legal services in
11 accordance with requirements of the long-term care ombudsman program under 42
12 ~~USC 3027 (a) (12) and 42 USC 3058g (g).~~

13 SECTION 3. 20.505 (1) (kr) of the statutes is created to read:

14 20.505 (1) (kr) *Legal services*. All moneys received from assessments levied
15 against state agencies under s. 16.004 (15) for legal services provided by the
16 department of administration.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

17 SECTION 4. 46.03 (18) (d) of the statutes is amended to read:

18 46.03 (18) (d) The department may compromise or waive all or part of the
19 liability for services received. The sworn statement of the any collection and
20 deportation counsel ~~appointed~~ ^{retained} ~~retained~~ under s. 46.10 (7), the department's legal
21 counsel, or the department secretary, shall be evidence of the services provided and
22 the fees charged for such services.

23 SECTION 5. 46.10 (6) of the statutes is amended to read:

appointed

On behalf of the department
the department of administration

1 46.10 (6) The sworn statement of the any collection and deportation counsel
2 retained under sub. (7), ^{of} the department's legal counsel, or of the secretary, shall be
3 evidence of the fee and of the care and services received by the patient.

4 SECTION 6. 46.10 (7) of the statutes is amended to read:

5 ^(plain text) 46.10 (7) The department ^{of health and family services} shall administer and enforce this section. It shall

6 appoint ~~The department may retain~~ an attorney to be designated "collection and
7 deportation counsel" and." The department ^{of health and family services} may appoint other necessary assistants.

8 The department may delegate to the collection and deportation counsel such other
9 powers and duties as it considers advisable. The collection and deportation counsel
10 or any of the assistants may administer oaths, take affidavits and testimony,
11 examine public records, subpoena witnesses and the production of books, papers,
12 records, and documents material to any matter of proceeding relating to payments
13 for the cost of maintenance. The department ^{of health and family services} shall encourage agreements or
14 settlements with the liable person, having due regard to ability to pay and the
15 present needs of lawful dependents.

16 SECTION 7. 46.27 (7g) (h) of the statutes is amended to read:

17 46.27 (7g) (h) The department may ~~contract with or employ~~ retain an attorney
18 to probate estates to recover under this subsection the costs of care.

19 SECTION 8. 49.22 (7m) of the statutes, as affected by 2003 Wisconsin Act ... (this
20 act), is amended to read:

21 49.22 (7m) The department may contract with or employ a collection agency
22 or other person to enforce a support obligation of a parent who is delinquent in
23 making support payments and may ~~contract with or employ~~ retain an attorney to
24 appear in an action in state or federal court to enforce such an obligation. To pay for
25 the department's administrative costs of implementing this subsection, the

1 department may charge a fee to counties, use federal matching funds or funds
2 retained by the department under s. 49.24 (2) (c), or use up to 30% of this state's share
3 of a collection made under this subsection on behalf of a recipient of aid to families
4 with dependent children or a recipient of kinship care payments under s. 48.57 (3m)
5 or long-term kinship care payments under s. 48.57 (3n). ✓

****NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279.
It incorporates the changes made by LRB-0279.

6 SECTION 9. 49.496 (3) (f) of the statutes is amended to read:

7 49.496 (3) (f) The department may ~~contract with or employ~~ retain an attorney ✓
8 to probate estates to recover under this subsection the costs of care.

9 SECTION 10. 49.682 (6) of the statutes is amended to read: ✓

10 49.682 (6) The department may ~~contract with or employ~~ retain an attorney to ✓
11 probate estates to recover under this section the costs of care. ✓

12 ~~SECTION 11. 87.12 (6) of the statutes is amended to read:~~

13 87.12 (6) The board shall have the power to institute and prosecute in the
14 manner provided in ch. 32 of the statutes such eminent domain proceedings as may
15 be necessary in the construction of said improvement. When necessary for that
16 purpose, this right of eminent domain shall be dominant over the rights of eminent
17 domain of public or private corporations or governmental agencies. The board shall
18 also have the power to acquire any lands or interest therein necessary for the
19 aforesaid purpose, by gift, purchase or lease. Any title acquired by condemnation or
20 gift, purchase or lease shall be held in the name of the flood control board in trust for
21 the several towns, villages and cities and contributing, as provided in s. 87.10 (1) (c)
22 and (d), in proportion to the amounts of their several contributions. The board shall
23 have the power to employ engineers, ~~attorneys~~, agents, assistants, clerks, employees

1 and laborers and retain attorneys as it may deem advisable for the proper execution
2 of its duties, and to fix their compensation.

3 SECTION 12. 102.81 (2) of the statutes is amended to read:

4 102.81 (2) The department may retain an insurance carrier or insurance
5 service organization to process, investigate and pay claims under this section and
6 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
7 do business in this state in an amount that the secretary determines is necessary for
8 the sound operation of the uninsured employers fund. In cases involving disputed
9 claims, the department may retain an attorney to represent the interests of the
10 uninsured employers fund and to make appearances on behalf of the uninsured
11 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and subch.
12 IV of ch. 16 do not apply to an attorney hired retained under this subsection. The
13 charges for the services retained under this subsection shall be paid from the
14 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
15 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

16 SECTION 13. 108.14 (3m) of the statutes is amended to read:

17 108.14 (3m) In any court action to enforce this chapter the department, the
18 commission and the state may be represented by any licensed attorney who is an
19 employee of retained by the department or the commission and is designated by
20 either of them for this purpose or at the request of either of them by the department
21 of justice. If the governor designates special counsel to defend, in behalf of the state,
22 the validity of this chapter or of any provision of Title IX of the social security act,
23 the expenses and compensation of the special counsel and of any experts employed
24 by the department in connection with that proceeding may be charged to the
25 administrative account.

On behalf of the

1 SECTION 14. 186.235 (11) (dg) of the statutes is amended to read:

2 186.235 (11) (dg) *Special deputies*. The office of credit unions may appoint one
3 or more special deputies as agent to assist in the duty of liquidation and distribution
4 of the assets of one or more credit unions whose business and property the office of
5 credit unions holds. A certificate of appointment shall be filed in the office of credit
6 unions and a certified copy in the office of the clerk of the circuit court for the county
7 in which the credit union is located. *Ok here!* *to the department of administration*
8 *the office of credit unions* ~~The office of credit unions may employ *ret-plain*~~
9 counsel and ~~may~~ procure expert assistance and advice as necessary in the liquidation
10 and distribution of the assets of the credit union, and may retain any officers or
11 employees of the credit union that the office of credit unions considers to be
12 necessary. The special deputies and assistants shall furnish security for the faithful
13 discharge of their duties in an amount that the office of credit unions considers to be
14 necessary. The special deputies may execute, acknowledge and deliver any deeds,
15 assignments, releases or other instruments necessary to effect any sale and transfer
16 or encumbrance of real estate or personal property and may borrow money for use
17 in the liquidation after the liquidation has been approved by the office of credit
18 unions and an order obtained from the circuit court of the county in which the credit
19 union is located.

19 SECTION 15. 214.72 (1) (b) of the statutes is amended to read:

20 214.72 (1) (b) "Financial regulator" means the department secretary and
21 deputy secretary, and an administrator, a supervisor of data processing, ~~legal counsel~~
22 and a financial institution examiner employed by the department and the
23 department's legal counsel and includes any member of a financial regulator's
24 immediate family, as defined in s. 19.42 (7).

25 SECTION 16. 215.32 (3) of the statutes is amended to read:

plain
On behalf of the division,
the department of administration

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215.32 (3) ~~(EMPLOYMENT) RETENTION~~ OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF ASSOCIATION. ~~The division may employ~~ ^{*ret-plain*} ~~retain~~ necessary counsel and may employ experts in a liquidation under this section and may retain any officer or employee of the association.

the division

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SECTION 17. 220.08 (4) of the statutes is amended to read:

220.08 (4) The division may appoint one or more special deputies, as agent or agents, to assist the division in the duty of reorganization, consolidation, liquidation and distribution, the certificate of appointment to be filed with the division and a certified copy in the office of the clerk of the circuit court for the county in which such bank or banking corporation is located. Such special deputies may execute, acknowledge and deliver any and all deeds, assignments, releases or other instruments necessary and proper to effect any sale and transfer or encumbrance of real estate or personal property after the same has been approved by the division, and an order obtained from the circuit court of the county in which the bank concerned is located. The division may from time to time authorize a special deputy to perform such duties connected with such reorganization, consolidation, liquidation and distribution as the division deems proper. ~~The division may employ~~

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~~retain~~ such counsel and ^{*the division*} may procure such expert assistance and advice as may be necessary in the reorganization, consolidation, liquidation and distribution of the assets of such banks or banking corporations. The division may retain such of the officers or employees of such banks or banking corporations as necessary. ✓

ret-plain

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SECTION 18. 301.03 (18) (d) of the statutes is amended to read:

301.03 (18) (d) Compromise or wave all or part of the liability for services received as the department considers necessary to efficiently administer this subsection, subject to such conditions as the department considers appropriate. The

On behalf of the division, the
department of administration

On behalf of the department, the department of administration

^{stat plain}

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sworn statement of the any collection and deportation counsel ~~appointed~~ ^{retained} under s. 301.12 (7), the department's legal counsel, or the secretary, shall be evidence of the services provided and the fees charged for those services.

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SECTION 19. 301.12 (6) of the statutes is amended to read:

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301.12 (6) The sworn statement of the any collection and deportation counsel ~~retained~~ ^{appointed} under sub. (7), of the department's legal counsel, or of the secretary, shall be evidence of the fee and of the care and services received by the resident.

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SECTION 20. 301.12 (7) of the statutes is amended to read:

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301.12 (7) The department ^{of corrections} shall administer and enforce this section. ~~The department shall appoint ^{stat plain} ~~may retain~~ an attorney to be designated "collection and deportation counsel" and "The department ^{of corrections} may appoint other necessary assistants.~~ The department may delegate to the collection and deportation counsel such other powers and duties as the department considers advisable. The collection and deportation counsel or any of the assistants may administer oaths, take affidavits and testimony, examine public records, subpoena witnesses and the production of books, papers, records, and documents material to any matter of proceeding relating to payments for the cost of maintenance. The department ^{of corrections} shall encourage agreements or settlements with the liable person, having due regard to ability to pay and the present needs of lawful dependents.

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SECTION 21. 767.29 (1) (dm) 1m. of the statutes is amended to read:

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767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated payment and collection system on December 31, 1998, and shall deposit all fees collected under this subdivision in the appropriation account under s. 20.445 (3) (ja). The department or its designee may collect unpaid fees under this subdivision

1 through income withholding under s. 767.265 (2m). If the department or its designee
2 determines that income withholding is inapplicable, ineffective, or insufficient for
3 the collection of any unpaid fees under this subdivision, the department or its
4 designee may move the court for a remedial sanction under ch. 785. The department
5 or its designee may contract with or employ a collection agency or other person for
6 the collection of any unpaid fees under this subdivision and, notwithstanding s.
7 20.930, may ~~contract with or employ~~ retain an attorney to appear in any action in
8 state or federal court to enforce the payment obligation. The department or its
9 designee may not deduct the amount of unpaid fees from any maintenance, child or
10 family support, or arrearage payment.

11 **SECTION 9160. Nonstatutory provisions; other.**

12 (1) **TRANSFER OF ATTORNEY POSITIONS.**

13 (a) In this subsection, "state agency" means an office, commission, department,
14 independent agency, or board in the executive branch of state government, except the
15 following:

- 16 1. The public service commission.
- 17 2. The public defender board.
- 18 3. The Board of Regents of the University of Wisconsin System.
- 19 4. The University of Wisconsin Hospitals and Clinics Board.
- 20 5. The state of Wisconsin investment board.
- 21 6. The office of the governor.
- 22 7. The elections board.
- 23 8. The ethics board.
- 24 9. The department of regulation and licensing.
- 25 10. The department of justice.

1 (b) Except as provided in paragraph (c), on the effective date of this paragraph
2 all attorney positions in state agencies are transferred to the department of
3 administration.

4 (c) Paragraph (b) does not apply to any of the following:

5 1. A position identified by the secretary of administration as a hearing officer,
6 hearing examiner, or administrative law judge.

7 2. State employees working in an office of a district attorney under section
8 978.12 (1) (b) or (c) of the statutes.

9 3. One attorney position in each of the following state agencies, identified by
10 the secretary of administration as the chief counsel position:

11 a. Department of agriculture, trade, and rural resources.

12 b. Department of commerce.

13 c. Department of corrections.

14 d. Department of employee trust funds.

15 e. Department of financial institutions.

16 f. Department of health and family services.

17 g. Department of natural resources.

18 h. Department of public instruction.

19 i. Department of revenue.

20 j. Department of veterans affairs.

21 k. Department of workforce development.

22 l. Department of transportation.

23 m. Office of the commissioner of insurance.

24 (d) All incumbent employees holding positions that are transferred under
25 paragraph (b) are transferred on the effective date of this paragraph to the

1 department of administration. Employees transferred under this paragraph have
2 all the rights and the same status under subchapter V of chapter 111 and chapter 230
3 of the statutes in the department of administration that they enjoyed in their
4 respective state agencies immediately before the transfer. Notwithstanding section
5 230.28 (4) of the statutes, no employee so transferred who has attained permanent
6 status in class is required to serve a probationary period.

7 **SECTION 9460. Effective dates; other.**

8 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 16.004 (15),
9 16.009 (3) (bm), 20.505 (1) (kr), 46.03 (18) (d), 46.10 (6) and (7), 46.27 (7g) (h), 49.22
10 (7m) (by SECTION 8), 49.496 (3) (f), 49.682 (6), ~~87.12 (6)~~ 102.81 (2), ~~108.14 (3m)~~
11 186.235 (11) (dg), 214.72 (1) (b), 215.32 (3), 222.08 (4), 301.03 (18) (d), 301.12 (6) and
12 (7), and 767.29 (1) (dm) 1m. of the statutes and SECTION 9160 (1) of this act take effect
13 on October 1, 2003, or on the first day of the 3rd month beginning after publication,
14 whichever is later.

15 (END)

(intro.), (a), and ...)

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Section #. 16.009 (3) (intro.), (a) and (bm) of the statutes are consolidated, renumbered 16.009 (3) and amended to read:

¶ 16.009 (3) The board may: ↗

~~History: 1981 c. 20; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31, 294; 1991 a. 39, 232; 1993 a. 16, 205; 1995 a. 27 s. 9126 (19); 1997 a. 131; 1999 a. 9, 82, 86, 186.~~

↖ (a) ~~Contract~~ ^{contract} with any state agency to carry out the board's activities. ↗

~~History: 1981 c. 20; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31, 294; 1991 a. 39, 232; 1993 a. 16, 205; 1995 a. 27 s. 9126 (19); 1997 a. 131; 1999 a. 9, 82, 86, 186.~~

↖ (bm) ~~Employ an attorney for~~ ^{including the} provision of legal services in accordance with requirements of the long-term care ombudsman program under 42 USC 3027 (a) (12) and 42 USC 3058g (g):

~~History: 1981 c. 20; 1983 a. 524; 1985 a. 29; 1987 a. 27; 1989 a. 31, 294; 1991 a. 39, 232; 1993 a. 16, 205; 1995 a. 27 s. 9126 (19); 1997 a. 131; 1999 a. 9, 82, 86, 186.~~

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1824/8
PG/RJM/RPN:kmg&cmh&cs:jf

DOA:.....Kraus – BB0438, State attorneys; transfer to DOA

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE EMPLOYMENT

With certain exceptions, this bill transfers all attorney positions in executive branch agencies to DOA effective on October 1, 2003, or on the first day of the third month beginning after the bill is enacted, whichever is later. Attorney positions in DOJ, the Office of the State Public Defender, the PSC, the UW System, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, DRL, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney and all positions identified as hearing examiners, hearing officers, or administrative law judges. In addition, the bill retains the chief counsel position in each of 13 major state agencies.

The bill authorizes DOA to provide legal services to executive branch agencies, including the Building Commission.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.004 (15) of the statutes is created to read:

2 **16.004 (15) LEGAL SERVICES.** (a) In this subsection, “state agency” means an
3 office, commission, department, independent agency, or board in the executive
4 branch of state government, and includes the building commission.

5 (b) The department may provide legal services to state agencies. Annually, the
6 department shall assess each state agency for the cost of the legal services provided
7 to the state agency. The department shall credit all moneys received from state
8 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

9 **SECTION 2.** 16.009 (3) (intro.), (a) and (bm) of the statutes are consolidated,
10 renumbered 16.009 (3) amended to read:

11 **16.009 (3)** The board may:

12 ~~(a) Contract~~ contract with any state agency to carry out the board’s activities.

13 ~~(bm) Employ an attorney for,~~ including the provision of legal services in
14 accordance with requirements of the long-term care ombudsman program under 42
15 USC 3027 (a) (12) and 42 USC 3058g (g).

16 **SECTION 3.** 20.505 (1) (kr) of the statutes is created to read:

17 **20.505 (1) (kr) Legal services.** All moneys received from assessments levied
18 against state agencies under s. 16.004 (15) for legal services provided by the
19 department of administration.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 4.** 46.03 (18) (d) of the statutes is amended to read:

21 **46.03 (18) (d)** The department may compromise or waive all or part of the
22 liability for services received. The sworn statement of ~~the~~ any collection and
23 deportation counsel appointed under s. 46.10 (7), the department’s legal counsel, or

1 the department secretary, shall be evidence of the services provided and the fees
2 charged for such services.

3 **SECTION 5.** 46.10 (6) of the statutes is amended to read:

4 46.10 (6) The sworn statement of ~~the~~ any collection and deportation counsel
5 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
6 be evidence of the fee and of the care and services received by the patient.

7 **SECTION 6.** 46.10 (7) of the statutes is amended to read:

8 46.10 (7) The department of health and family services shall administer and
9 enforce this section. ~~It~~ On behalf of the department of health and family services the
10 department of administration shall appoint an attorney to be designated “collection
11 and deportation counsel” ~~and.~~ The department of health and family services may
12 appoint other necessary assistants. The department of health and family services
13 may delegate to the collection and deportation counsel such other powers and duties
14 as it considers advisable. The collection and deportation counsel or any of the
15 assistants may administer oaths, take affidavits and testimony, examine public
16 records, subpoena witnesses and the production of books, papers, records, and
17 documents material to any matter of proceeding relating to payments for the cost of
18 maintenance. The department of health and family services shall encourage
19 agreements or settlements with the liable person, having due regard to ability to pay
20 and the present needs of lawful dependents.

21 **SECTION 7.** 46.27 (7g) (h) of the statutes is amended to read:

22 46.27 (7g) (h) The department may ~~contract with or employ~~ retain an attorney
23 to probate estates to recover under this subsection the costs of care.

24 **SECTION 8.** 49.22 (7m) of the statutes, as affected by 2003 Wisconsin Act (this
25 act), is amended to read:

1 **49.22 (7m)** The department may contract with or employ a collection agency
2 or other person to enforce a support obligation of a parent who is delinquent in
3 making support payments and may ~~contract with or employ~~ retain an attorney to
4 appear in an action in state or federal court to enforce such an obligation. To pay for
5 the department's administrative costs of implementing this subsection, the
6 department may charge a fee to counties, use federal matching funds or funds
7 retained by the department under s. 49.24 (2) (c), or use up to 30% of this state's share
8 of a collection made under this subsection on behalf of a recipient of aid to families
9 with dependent children or a recipient of kinship care payments under s. 48.57 (3m)
10 or long-term kinship care payments under s. 48.57 (3n).

 ***NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279.
It incorporates the changes made by LRB-0279.

11 **SECTION 9.** 49.496 (3) (f) of the statutes is amended to read:

12 **49.496 (3) (f)** The department may ~~contract with or employ~~ retain an attorney
13 to probate estates to recover under this subsection the costs of care.

14 **SECTION 10.** 49.682 (6) of the statutes is amended to read:

15 **49.682 (6)** The department may ~~contract with or employ~~ retain an attorney to
16 probate estates to recover under this section the costs of care.

17 **SECTION 11.** 102.81 (2) of the statutes is amended to read:

18 **102.81 (2)** The department may retain an insurance carrier or insurance
19 service organization to process, investigate and pay claims under this section and
20 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
21 do business in this state in an amount that the secretary determines is necessary for
22 the sound operation of the uninsured employers fund. In cases involving disputed
23 claims, the department may retain an attorney to represent the interests of the

1 uninsured employers fund and to make appearances on behalf of the uninsured
2 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.918 and subch.
3 IV of ch. 16 do not apply to an attorney hired retained under this subsection. The
4 charges for the services retained under this subsection shall be paid from the
5 appropriation under s. 20.445 (1) (hp). The cost of any reinsurance obtained under
6 this subsection shall be paid from the appropriation under s. 20.445 (1) (sm).

7 SECTION 12. 186.235 (11) (dg) of the statutes is amended to read:

8 186.235 (11) (dg) *Special deputies*. The office of credit unions may appoint one
9 or more special deputies as agent to assist in the duty of liquidation and distribution
10 of the assets of one or more credit unions whose business and property the office of
11 credit unions holds. A certificate of appointment shall be filed in the office of credit
12 unions and a certified copy in the office of the clerk of the circuit court for the county
13 in which the credit union is located. ~~The~~ On behalf of the office of credit unions, the
14 department of administration may employ counsel and the office of credit unions
15 may procure expert assistance and advice as necessary in the liquidation and
16 distribution of the assets of the credit union, and may retain any officers or
17 employees of the credit union that the office of credit unions considers to be
18 necessary. The special deputies and assistants shall furnish security for the faithful
19 discharge of their duties in an amount that the office of credit unions considers to be
20 necessary. The special deputies may execute, acknowledge and deliver any deeds,
21 assignments, releases or other instruments necessary to effect any sale and transfer
22 or encumbrance of real estate or personal property and may borrow money for use
23 in the liquidation after the liquidation has been approved by the office of credit
24 unions and an order obtained from the circuit court of the county in which the credit
25 union is located.

1 **SECTION 13.** 214.72 (1) (b) of the statutes is amended to read:

2 214.72 (1) (b) “Financial regulator” means the department secretary and
3 deputy secretary, and an administrator, a supervisor of data processing, legal counsel
4 and a financial institution examiner employed by the department and the
5 department’s legal counsel and includes any member of a financial regulator’s
6 immediate family, as defined in s. 19.42 (7).

7 **SECTION 14.** 215.32 (3) of the statutes is amended to read:

8 215.32 (3) **EMPLOYMENT OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF**
9 **ASSOCIATION.** ~~The division~~ On behalf of the division, the department of
10 administration may employ necessary counsel and the division may employ experts
11 in a liquidation under this section and may retain any officer or employee of the
12 association.

13 **SECTION 15.** 220.08 (4) of the statutes is amended to read:

14 220.08 (4) The division may appoint one or more special deputies, as agent or
15 agents, to assist the division in the duty of reorganization, consolidation, liquidation
16 and distribution, the certificate of appointment to be filed with the division and a
17 certified copy in the office of the clerk of the circuit court for the county in which such
18 bank or banking corporation is located. Such special deputies may execute,
19 acknowledge and deliver any and all deeds, assignments, releases or other
20 instruments necessary and proper to effect any sale and transfer or encumbrance of
21 real estate or personal property after the same has been approved by the division,
22 and an order obtained from the circuit court of the county in which the bank
23 concerned is located. The division may from time to time authorize a special deputy
24 to perform such duties connected with such reorganization, consolidation,
25 liquidation and distribution as the division deems proper. ~~The division~~ On behalf of

1 the division, the department of administration may employ such counsel and the
2 division may procure such expert assistance and advice as may be necessary in the
3 reorganization, consolidation, liquidation and distribution of the assets of such
4 banks or banking corporations. The division may retain such of the officers or
5 employees of such banks or banking corporations as necessary.

6 **SECTION 16.** 301.03 (18) (d) of the statutes is amended to read:

7 301.03 (18) (d) Compromise or waive all or part of the liability for services
8 received as the department considers necessary to efficiently administer this
9 subsection, subject to such conditions as the department considers appropriate. The
10 sworn statement of ~~the~~ any collection and deportation counsel appointed under s.
11 301.12 (7), the department's legal counsel, or the secretary, shall be evidence of the
12 services provided and the fees charged for those services.

13 **SECTION 17.** 301.12 (6) of the statutes is amended to read:

14 301.12 (6) The sworn statement of ~~the~~ any collection and deportation counsel
15 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
16 be evidence of the fee and of the care and services received by the resident.

17 **SECTION 18.** 301.12 (7) of the statutes is amended to read:

18 301.12 (7) The department of corrections shall administer and enforce this
19 section. ~~The department~~ On behalf of the department of corrections, the department
20 of administration shall appoint an attorney to be designated "collection and
21 deportation counsel" ~~and.~~ The department of corrections may appoint other
22 necessary assistants. The department of corrections may delegate to the collection
23 and deportation counsel such other powers and duties as the department considers
24 advisable. The collection and deportation counsel or any of the assistants may
25 administer oaths, take affidavits and testimony, examine public records, subpoena

1 witnesses and the production of books, papers, records, and documents material to
2 any matter of proceeding relating to payments for the cost of maintenance. The
3 department of corrections shall encourage agreements or settlements with the liable
4 person, having due regard to ability to pay and the present needs of lawful
5 dependents.

6 **SECTION 19.** 767.29 (1) (dm) 1m. of the statutes is amended to read:

7 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
8 under s. 814.61 (12) (b), 1997 stats., that are shown on the department’s automated
9 payment and collection system on December 31, 1998, and shall deposit all fees
10 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
11 The department or its designee may collect unpaid fees under this subdivision
12 through income withholding under s. 767.265 (2m). If the department or its designee
13 determines that income withholding is inapplicable, ineffective, or insufficient for
14 the collection of any unpaid fees under this subdivision, the department or its
15 designee may move the court for a remedial sanction under ch. 785. The department
16 or its designee may contract with or employ a collection agency or other person for
17 the collection of any unpaid fees under this subdivision and, notwithstanding s.
18 20.930, may ~~contract with or employ~~ retain an attorney to appear in any action in
19 state or federal court to enforce the payment obligation. The department or its
20 designee may not deduct the amount of unpaid fees from any maintenance, child or
21 family support, or arrearage payment.

22 **SECTION 9160. Nonstatutory provisions; other.**

23 (1) TRANSFER OF ATTORNEY POSITIONS.

1 (a) In this subsection, “state agency” means an office, commission, department,
2 independent agency, or board in the executive branch of state government, except the
3 following:

- 4 1. The public service commission.
- 5 2. The public defender board.
- 6 3. The Board of Regents of the University of Wisconsin System.
- 7 4. The University of Wisconsin Hospitals and Clinics Board.
- 8 5. The state of Wisconsin investment board.
- 9 6. The office of the governor.
- 10 7. The elections board.
- 11 8. The ethics board.
- 12 9. The department of regulation and licensing.
- 13 10. The department of justice.

14 (b) Except as provided in paragraph (c), on the effective date of this paragraph
15 all attorney positions in state agencies are transferred to the department of
16 administration.

17 (c) Paragraph (b) does not apply to any of the following:

18 1. A position identified by the secretary of administration as a hearing officer,
19 hearing examiner, or administrative law judge.

20 2. State employees working in an office of a district attorney under section
21 978.12 (1) (b) or (c) of the statutes.

22 3. One attorney position in each of the following state agencies, identified by
23 the secretary of administration as the chief counsel position:

- 24 a. Department of agriculture, trade, and rural resources.
- 25 b. Department of commerce.

- 1 c. Department of corrections.
- 2 d. Department of employee trust funds.
- 3 e. Department of financial institutions.
- 4 f. Department of health and family services.
- 5 g. Department of natural resources.
- 6 h. Department of public instruction.
- 7 i. Department of revenue.
- 8 j. Department of veterans affairs.
- 9 k. Department of workforce development.
- 10 l. Department of transportation.
- 11 m. Office of the commissioner of insurance.

12 (d) All incumbent employees holding positions that are transferred under
13 paragraph (b) are transferred on the effective date of this paragraph to the
14 department of administration. Employees transferred under this paragraph have
15 all the rights and the same status under subchapter V of chapter 111 and chapter 230
16 of the statutes in the department of administration that they enjoyed in their
17 respective state agencies immediately before the transfer. Notwithstanding section
18 230.28 (4) of the statutes, no employee so transferred who has attained permanent
19 status in class is required to serve a probationary period.

20 **SECTION 9460. Effective dates; other.**

21 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 16.004 (15),
22 16.009 (3) (intro.), (a), and (bm), 20.505 (1) (kr), 46.03 (18) (d), 46.10 (6) and (7), 46.27
23 (7g) (h), 49.22 (7m) (by SECTION 8), 49.496 (3) (f), 49.682 (6), 102.81 (2), 186.235 (11)
24 (dg), 214.72 (1) (b), 215.32 (3), 222.08 (4), 301.03 (18) (d), 301.12 (6) and (7), and
25 767.29 (1) (dm) 1m. of the statutes and SECTION 9160 (1) of this act take effect on

