

1 ***-0529/4.209*** SECTION 2294. 223.02 (1) (intro.) of the statutes is amended to
2 read:

3 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the
4 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent
5 in accordance with the following provisions:

6 ***-0529/4.210*** SECTION 2295. 223.02 (1) (b) of the statutes is amended to read:

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

14 ***-0529/4.211*** SECTION 2296. 223.02 (1) (c) of the statutes is amended to read:

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

22 ***-0529/4.212*** SECTION 2297. 223.02 (1) (d) of the statutes is amended to read:

23 223.02 (1) (d) The securities and cash deposited by a trust company bank may
24 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~
25 secretary's agent and returned to the bank, if the division certifies to the state

1 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers
2 and that the division is satisfied that there are no outstanding trust liabilities.

3 *~~0529/4.213~~* SECTION 2298. 223.02 (1) (e) of the statutes is amended to read:

4 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate
5 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as
6 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the
7 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and
8 securities received by it. The agent shall pay the cash and securities to the ~~state~~
9 ~~treasurer~~ secretary of administration on demand without conditions.

10 *~~1431/2.31~~* SECTION 2299. 223.105 (3) (a) of the statutes is amended to read:

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

18 *~~1431/2.32~~* SECTION 2300. 223.105 (4) of the statutes is amended to read:

19 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
20 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
21 operations as defined in this section shall, as required by rule, notify the division of
22 banking, or the office of credit unions ~~or the division of savings institutions~~ of that
23 fact, directing the notice to the agency then exercising regulatory authority over the
24 organization or, if there is none, to the division of banking. Any organization which
25 intends to engage in fiduciary operations shall, prior to engaging in such operations,

1 notify the appropriate agency of this intention. The notifications required under this
2 subsection shall be on forms and contain information required by the rules
3 promulgated by the division of banking.

4 ***-1431/2.33* SECTION 2301.** 223.105 (5) of the statutes is amended to read:

5 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~
6 ~~savings institutions~~ or office of credit unions shall, upon the failure of such
7 organization to submit notifications or reports required under this section or
8 otherwise to comply with the provisions of this section, or rules established by the
9 division of banking under s. 220.04 (7), upon due notice, order such defaulting
10 organization to cease and desist from engaging in fiduciary activities and may apply
11 to the appropriate court for enforcement of such order.

12 ***-1431/2.34* SECTION 2302.** 223.105 (6) of the statutes is amended to read:

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

21 ***-0529/4.214* SECTION 2303.** 223.20 (3) of the statutes is amended to read:

22 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has
23 been fully discharged of all trusts committed to it, it may, by amendment to its
24 articles of incorporation, duly adopted by its stockholders and approved by the
25 division, surrender its powers to act in a fiduciary capacity. A trust company bank

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1 that surrenders its trust powers under this subsection shall eliminate from its
2 corporate name the word "~~trust;~~" "trust" and may thereupon withdraw from the state
3 ~~treasurer~~ secretary of administration all securities and cash that it has deposited
4 with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

5 *~~1634/7.54~~* SECTION 2304. 224.71 (3) (b) 1m. of the statutes is amended to
6 read:

7 224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
8 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

9 *~~1634/7.55~~* SECTION 2305. 224.71 (4) (b) 1m. of the statutes is amended to
10 read:

11 224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~
12 560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

13 *~~0529/4.215~~* SECTION 2306. 224.77 (1m) (c) of the statutes is amended to
14 read:

15 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within
16 10 days after receipt of notice of assessment or, if the forfeiture is contested under
17 par. (b), within 10 days after receipt of the final decision after exhaustion of
18 administrative review. The division of banking shall remit all forfeitures paid to the
19 ~~state treasurer~~ secretary of administration for deposit in the school fund.

20 *~~1187/4.196~~* SECTION 2307. 226.025 (3) of the statutes is amended to read:

21 226.025 (3) The appointment of the department of financial institutions or the
22 designation of a resident agent as attorney for the service of summons, notice,
23 pleadings or process under s. 180.1507 shall be applicable only to actions or
24 proceedings against the foreign corporations described in this section (unless such
25 corporations have been admitted to this state for purposes other than those

1 mentioned in this section) where the cause of action or proceeding arises out of
2 transactions between such foreign corporations and public utilities operating in this
3 state with which such foreign corporations are affiliated; and to actions or
4 proceedings by or before the public service commission ~~or office of the commissioner~~
5 ~~of railroads~~ involving the transactions described in sub. (1), or involving the relation
6 between such foreign corporations and public utilities operating in this state with
7 which they are affiliated.

8 ***-1187/4.197* SECTION 2308.** 227.01 (13) (s) of the statutes is amended to read:
9 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
10 person, including a municipality, that is regulated by the ~~office of the commissioner~~
11 ~~of railroads or the public service commission.~~

12 ***-1688/2.27* SECTION 2309.** 227.01 (13) (zk) of the statutes is repealed.

13 ***-1711/5.93* SECTION 2310.** 227.01 (13) (zv) of the statutes is created to read:
14 227.01 (13) (zv) Establishes policies under subch. III of ch. 39.

15 ***-1295/2.30* SECTION 2311.** 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 2312.** 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~~ administration from promulgating rules relating to expanded certification
23 under s. 230.25 (1n).

24 ***-1634/7.56* SECTION 2313.** 227.115 (1) (a) and (b) of the statutes are amended
25 to read:

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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 2314.** 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 ***-1187/4.198* SECTION 2315.** 227.43 (1) (bk) of the statutes is created to read:

9 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
10 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
11 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
12 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325, and 195.60.

13 ***-1187/4.199* SECTION 2316.** 227.43 (4) (b) of the statutes is amended to read:

14 227.43 (4) (b) The department of transportation shall pay all costs of the
15 services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
16 department under sub. (1) (br), according to the fees set under sub. (3) (b).

17 ***-1295/2.31* SECTION 2317.** 227.44 (2s) of the statutes is repealed.

18 ***-1187/4.200* SECTION 2318.** 227.46 (2m) of the statutes is amended to read:

19 227.46 (2m) In any hearing or review assigned to a hearing examiner under
20 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
21 a proposed decision, including findings of fact, conclusions of law, order and opinion,
22 in a form that may be adopted as the final decision in the case. The proposed decision
23 shall be a part of the record and shall be served by the division of hearings and
24 appeals in the department of administration on all parties. Each party adversely
25 affected by the proposed decision shall be given an opportunity to file objections to

1 the proposed decision within 15 days, briefly stating the reasons and authorities for
2 each objection, and to argue with respect to them before the administrator of the
3 division of hearings and appeals. The administrator of the division of hearings and
4 appeals may direct whether such argument shall be written or oral. If the decision
5 of the administrator of the division of hearings and appeals varies in any respect from
6 the decision of the hearing examiner, the decision of the administrator of the division
7 of hearings and appeals shall include an explanation of the basis for each variance.
8 The decision of the administrator of the division of hearings and appeals is a final
9 decision of the agency subject to judicial review under s. 227.52. The department of
10 transportation may petition for judicial review.

11 *-1187/4.201* SECTION 2319. 227.46 (3) (intro.) of the statutes is amended to
12 read:

13 227.46 (3) (intro.) With respect to contested cases except a hearing or review
14 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
15 or in a particular case may by order:

16 *-1295/2.32* SECTION 2320. 227.47 (2) of the statutes is amended to read:

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

1 within 90 days after receipt of the notice. The court shall stay the proceedings
2 pending receipt of the findings and conclusions.

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4 ***-0576/8.73* SECTION 2321.** 227.47 (2) of the statutes, as affected by 2003

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

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

***NOTE: This is reconciled s. 227.47 (2). It is affected by LRB-0576 and LRB-1295.

15 ***-1431/2.35* SECTION 2322.** 227.52 (3) of the statutes is amended to read:

16 227.52 (3) Those decisions of the division of banking that are subject to review,
17 prior to any judicial review, by the banking review board, and decisions of the division
18 of banking relating to savings banks or savings and loan associations, but no other
19 institutions subject to the jurisdiction of the division of banking.

20 ***-1431/2.36* SECTION 2323.** 227.52 (5) of the statutes is repealed.

21 ***-1431/2.37* SECTION 2324.** 227.53 (1) (a) 1. of the statutes is amended to read:

22 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition
23 therefor personally or by certified mail upon the agency or one of its officials, and

1 filing the petition in the office of the clerk of the circuit court for the county where
2 the judicial review proceedings are to be held. If the agency whose decision is sought
3 to be reviewed is the office of the commissioner of tax appeals commission, the
4 banking review board, the credit union review board, or the savings and loan
5 institutions review board or the savings bank review board, the petition shall be
6 served upon both the agency whose decision is sought to be reviewed and the
7 corresponding named respondent, as specified under par. (b) 1. to ~~5.~~ 4.

****NOTE: This is reconciled s. 227.53 (1) (a) 1. This SECTION has been affected by
draft LRB-1767/2, which creates the office of the commissioner of tax appeals.

8 ***-1767/3.61* SECTION 2325.** 227.53 (1) (b) 1. of the statutes is amended to read:
9 227.53 (1) (b) 1. The office of the commissioner of tax appeals commission, the
10 department of revenue.

11 ***-1431/2.38* SECTION 2326.** 227.53 (1) (b) 4. of the statutes is amended to read:
12 227.53 (1) (b) 4. The savings and loan institutions review board, the division
13 of savings institutions banking, except if the petitioner is the division of savings
14 institutions banking, the prevailing parties before the savings and loan institutions
15 review board shall be the named respondents.

16 ***-1431/2.39* SECTION 2327.** 227.53 (1) (b) 5. of the statutes is repealed.

17 ***-1431/2.40* SECTION 2328.** 227.53 (1) (d) of the statutes is amended to read:
18 227.53 (1) (d) Except in the case of the office of the commissioner of tax appeals
19 commission, the banking review board, the credit union review board, and the
20 savings and loan institutions review board and the savings bank review board, the
21 agency and all parties to the proceeding before it, shall have the right to participate
22 in the proceedings for review. The court may permit other interested persons to
23 intervene. Any person petitioning the court to intervene shall serve a copy of the

1 petition on each party who appeared before the agency and any additional parties
2 to the judicial review at least 5 days prior to the date set for hearing on the petition.

***NOTE: This is reconciled s. 227.53 (1) (d). This SECTION has been affected by
draft LRB-1767/2, which creates the office of the commissioner of tax appeals.

3 ***-1295/2.33* SECTION 2329.** 230.03 (8) of the statutes is amended to read:

4 230.03 (8) "Commission" means the ~~personnel~~ employment relations
5 commission.

6 ***-0576/8.74* SECTION 2330.** 230.03 (9) of the statutes is amended to read:

7 230.03 (9) "Department" means the department of ~~employment relations~~
8 administration.

9 ***-1295/2.34* SECTION 2331.** 230.03 (10e) of the statutes is created to read:

10 230.03 (10e) "Division of equal rights" means the division of equal rights in the
11 department of workforce development.

12 ***-1295/2.35* SECTION 2332.** 230.04 (1) of the statutes is amended to read:

13 230.04 (1) The secretary is charged with the effective administration of this
14 chapter. All powers and duties, necessary to that end, which are not exclusively
15 vested by statute in the commission, the division of equal rights, the administrator
16 or appointing authorities, are reserved to the secretary.

17 ***-1295/2.36* SECTION 2333.** 230.04 (1m) of the statutes is amended to read:

18 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
19 set forth in this chapter to an appointing authority, within prescribed standards if
20 the secretary finds that the agency has personnel management capabilities to
21 perform such functions effectively and has indicated its approval and willingness to
22 accept such responsibility by written agreement. If the secretary determines that
23 any agency is not performing such delegated function within prescribed standards,

1 the secretary shall forthwith withdraw such delegated function. Subject to the
2 approval of the joint committee on finance, the secretary may order transferred to
3 the department from the agency to which delegation was made such agency staff and
4 other resources as necessary to perform such functions if increased staff was
5 authorized to that agency as a consequence of such delegation or if the department
6 reduced staff or shifted staff to new responsibilities as a result of such delegation.
7 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
8 appointing authority may be appealed to the ~~personnel~~ commission under s. 230.44
9 (1) (b). The secretary shall be a party in such an appeal. (A)

10 ~~*-0576/8.75* SECTION 2334. 230.04 (5) of the statutes is amended to read:~~
11 ~~230.04 (5) The secretary shall promulgate rules on all matters relating to the~~
12 ~~administration of the department and the performance of the duties assigned to the~~
13 ~~secretary, except on matters relating to those provisions of subch. II for which~~
14 ~~responsibility is specifically charged to the administrator.~~

15 *-0576/8.76* SECTION 2335. 230.04 (7) of the statutes is repealed.

16 *-1295/2.37* SECTION 2336. 230.05 (2) (a) of the statutes is amended to read:
17 230.05 (2) (a) Except as provided under par. (b), the administrator may
18 delegate, in writing, any of his or her functions set forth in this subchapter to an
19 appointing authority, within prescribed standards if the administrator finds that the
20 agency has personnel management capabilities to perform such functions effectively
21 and has indicated its approval and willingness to accept such responsibility by
22 written agreement. If the administrator determines that any agency is not
23 performing such delegated function within prescribed standards, the administrator
24 shall withdraw such delegated function. The administrator may order transfer to
25 the division from the agency to which delegation was made such agency staff and

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

8 ***-0576/8.77* SECTION 2337.** 230.08 (2) (e) 1. of the statutes is amended to read:

9 230.08 (2) (e) 1. Administration — ~~10~~ 13.

****NOTE: This is reconciled s. 230.08 (2) (e) 1. It is affected by LRB-0576 and
LRB-1289.

10 ***-1636/1.1* SECTION 2338.** 230.08 (2) (e) 2. of the statutes is amended to read:

11 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.

12 ***-1381/3.1* SECTION 2339.** 230.08 (2) (e) 3. of the statutes is amended to read:

13 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

14 ***-1289/7.115* SECTION 2340.** 230.08 (2) (e) 3r. of the statutes is repealed.

15 ***-0576/8.78* SECTION 2341.** 230.08 (2) (e) 4. of the statutes is repealed.

16 ***-1431/2.41* SECTION 2342.** 230.08 (2) (e) 4f. of the statutes is amended to
17 read:

18 230.08 (2) (e) 4f. Financial institutions — ~~4~~ 3.

19 ***-1794/1.2* SECTION 2343.** 230.08 (2) (e) 7. of the statutes is amended to read:

20 230.08 (2) (e) 7. Justice — ~~4~~ 3.

21 ***-1711/5.94* SECTION 2344.** 230.08 (2) (L) 4. of the statutes is repealed.

22 ***-1373/8.19* SECTION 2345.** 230.08 (2) (sm) of the statutes is created to read:

1 230.08 (2) (sm) Assignable prosecutors, as defined in s. 978.001 (1c), in the
2 department of administration.

3 *~~1614/1.3~~* SECTION 2346. 230.08 (2) (x) of the statutes is repealed.

4 *~~0576/8.79~~* SECTION 2347. 230.08 (2) (xe) of the statutes is amended to read:

5 230.08 (2) (xe) The director of Indian gaming in the department of
6 ~~administration~~, and the attorney in the department of ~~administration~~, appointed
7 under s. 569.015 (2).

8 *~~0576/8.80~~* SECTION 2348. 230.08 (2) (xt) of the statutes is created to read:

9 230.08 (2) (xt) A position in the office of the secretary of administration to
10 advise and assist the secretary on matters related to affirmative action, equal
11 employment opportunity, diversity, and other state employment relation matters.

12 *~~0576/8.81~~* SECTION 2349. 230.08 (2) (y) of the statutes is amended to read:

13 230.08 (2) (y) The director and staff assistant of the federal–state relations
14 office of the department of ~~administration~~.

15 *~~1689/3.48~~* SECTION 2350. 230.08 (2) (yr) of the statutes is amended to read:

16 230.08 (2) (yr) The executive director of the governor’s work–based learning
17 board council.

18 *~~0576/8.82~~* SECTION 2351. 230.08 (4) (c) of the statutes is amended to read:

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

1 commission's or society's current or proposed internal organizational structure
2 under s. 15.02 (4). ~~The secretary's review and~~ shall include information on whether
3 the existing classified or existing or proposed unclassified division administrator
4 position involved is or would be assigned to pay range 1-18 or above in schedule 1,
5 or a comparable level, of the compensation plan under s. 230.12. The results of ~~these~~
6 ~~reviews~~ this review shall be provided by ~~the department of administration and by the~~
7 ~~secretary to the joint committee on finance and the joint committee on employment~~
8 ~~relations at the same time that the board's, department's, commission's or society's~~
9 ~~proposal is presented to either committee.~~

10 *~~0576/8.83~~* SECTION 2352. 230.08 (7) of the statutes is amended to read:

11 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. ~~The administrator~~ secretary
12 shall provide, by rule, for exceptional methods and kinds of employment to meet the
13 needs of the service during periods of disaster or national emergency, and for other
14 exceptional employment situations such as to employ the mentally disabled, the
15 physically disabled and the disadvantaged.

16 *~~0576/8.84~~* SECTION 2353. 230.09 (2) (g) of the statutes is amended to read:

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

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

12 ***-0576/8.85* SECTION 2354.** 230.12 (7m) of the statutes is amended to read:

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

19 ***-0576/8.86* SECTION 2355.** 230.14 (4) of the statutes is amended to read:

20 230.14 (4) The administrator may charge an agency a fee to announce any
21 vacancy to be filled in a classified or unclassified position in that agency. Funds
22 received under this subsection shall be credited to the appropriation account under
23 s. ~~20.512 (1) (ka)~~ 20.505 (1) (kp).

24 ***-1712/5.78* SECTION 2356.** 230.143 (3) of the statutes is repealed.

25 ***-0576/8.87* SECTION 2357.** 230.147 (3) of the statutes is amended to read:

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

7 *~~0576/8.88~~* **SECTION 2358.** 230.215 (3) (a) of the statutes is amended to read:

8 230.215 (3) (a) An agency may, with the approval of the secretary and with the
9 approval of the secretary of administration under s. 16.59, restructure budgeted
10 permanent positions as such positions become vacant or if an employee voluntarily
11 requests a job-sharing or permanent part-time employment opportunity. No
12 employee occupying a full-time permanent position may be involuntarily
13 terminated, demoted, transferred or reassigned in order to restructure that position
14 for permanent part-time employment and no such employee may be required to
15 accept a permanent part-time position as a condition of continued employment.

16 *~~1373/8.20~~* **SECTION 2359.** 230.34 (1) (a) of the statutes is renumbered 230.34
17 (1) (ah).

18 *~~1373/8.21~~* **SECTION 2360.** 230.34 (1) (ac) of the statutes is created to read:

19 230.34 (1) (ac) In this section, “assistant district attorney” includes an
20 assignable prosecutor, as defined in s. 978.001 (1c).

21 *~~1373/8.22~~* **SECTION 2361.** 230.34 (1) (ar) of the statutes is amended to read:

22 230.34 (1) (ar) Paragraphs ~~(a)~~ (ah) and (am) apply to all employees with
23 permanent status in class in the classified service and all employees who have served
24 with the state as an assistant district attorney for a continuous period of 12 months
25 or more, except that for employees specified in s. 111.81 (7) (a) in a collective

1 bargaining unit for which a representative is recognized or certified, or for employees
2 specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a
3 representative is certified, if a collective bargaining agreement is in effect covering
4 employees in the collective bargaining unit, the determination of just cause and all
5 aspects of the appeal procedure shall be governed by the provisions of the collective
6 bargaining agreement.

7 *~~1373/8.23~~ SECTION 2362. 230.44 (1) (c) of the statutes is amended to read:
8 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* ~~If an employee has~~
9 ~~permanent status in class, or an employee has served with the state as an assistant~~
10 ~~district attorney for a continuous period of 12 months or more, the~~ An employee
11 described in s. 230.34 (1) (ah) may appeal a demotion, layoff, suspension, discharge
12 or reduction in base pay to the commission, if the appeal alleges that the decision was
13 not based on just cause.

14 *~~1295/2.38~~ SECTION 2363. 230.45 (title) of the statutes is amended to read:
15 **230.45 (title) Powers and duties of personnel commission and division**
16 **of equal rights.**

17 *~~1295/2.39~~ SECTION 2364. 230.45 (1) (b) of the statutes is repealed.

18 *~~0190/7.22~~ SECTION 2365. 230.45 (1) (e) of the statutes is amended to read:
19 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
20 under s. ~~49.33~~ 49.78 (4), from any interested party.

21 *~~1295/2.40~~ SECTION 2366. 230.45 (1) (g) of the statutes is repealed.

22 *~~1295/2.41~~ SECTION 2367. 230.45 (1) (gm) of the statutes is repealed.

23 *~~1295/2.42~~ SECTION 2368. 230.45 (1) (j) of the statutes is repealed.

24 *~~1295/2.43~~ SECTION 2369. 230.45 (1) (k) of the statutes is repealed.

25 *~~1295/2.44~~ SECTION 2370. 230.45 (1) (L) of the statutes is repealed.

1 ***-1295/2.45*** SECTION 2371. 230.45 (1) (m) of the statutes is repealed.

2 ***-1295/2.46*** SECTION 2372. 230.45 (1e) of the statutes is created to read:

3 230.45 (1e) The division of equal rights shall:

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

15 (b) Receive and process complaints of retaliatory disciplinary action under s.
16 230.85.

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

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

24 ***-1295/2.47*** SECTION 2373. 230.81 (1) (b) of the statutes is amended to read:

1 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
2 governmental unit is appropriate to receive the information, disclose the information
3 in writing only to the governmental unit that the ~~commission~~ division of equal rights
4 determines is appropriate. The ~~commission~~ division of equal rights may not
5 designate the department of justice, the courts, the legislature or a service agency
6 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
7 Each appropriate governmental unit shall designate an employee to receive
8 information under this section.

9 *~~-1295/2.48~~* SECTION 2374. 230.85 (1) of the statutes is amended to read:

10 230.85 (1) An employee who believes that a supervisor or appointing authority
11 has initiated or administered, or threatened to initiate or administer, a retaliatory
12 action against that employee in violation of s. 230.83 may file a written complaint
13 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
14 action or threat thereof and requesting relief, within 60 days after the retaliatory
15 action allegedly occurred or was threatened or after the employee learned of the
16 retaliatory action or threat thereof, whichever occurs last.

17 *~~-1295/2.49~~* SECTION 2375. 230.85 (2) of the statutes is amended to read:

18 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as
19 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course
20 of investigating or otherwise processing such a complaint, the ~~commission~~ division
21 of equal rights may require that an interview with any employee described in s.
22 230.80 (3), except a management or supervisory employee who is a party to or is
23 immediately involved in the subject matter of the complaint, be conducted outside
24 the presence of the appointing authority or any representative or agent thereof
25 unless the employee voluntarily requests that presence. An appointing authority

1 shall permit an employee to be interviewed without loss of pay and to have an
2 employee representative present at the interview. An appointing authority of an
3 employee to be interviewed may require the ~~commission~~ division of equal rights to
4 give the appointing authority reasonable notice prior to the interview. If the
5 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
6 action has occurred or was threatened, it may endeavor to remedy the problem
7 through conference, conciliation or persuasion. If that endeavor is not successful, the
8 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
9 specifying the nature of the retaliatory action which has occurred or was threatened,
10 and requiring the person named, in this section called the “respondent”, to answer
11 the complaint at a hearing. The notice shall specify the place of hearing and a time
12 of hearing not less than 30 days after service of the complaint upon the respondent
13 nor less than 10 days after service of the notice of hearing. If, however, the
14 ~~commission~~ division of equal rights determines that an emergency exists with
15 respect to a complaint, the notice of hearing may specify a time of hearing within 30
16 days after service of the complaint upon the respondent, but not less than 10 days
17 after service of the notice of hearing. The testimony at the hearing shall be recorded
18 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

19 ***-1295/2.50*** SECTION 2376. 230.85 (3) (a) (intro.) of the statutes is amended
20 to read:

21 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
22 shall make written findings and orders. If the ~~commission~~ division of equal rights
23 finds that the respondent engaged in or threatened a retaliatory action, it shall order
24 the employee’s appointing authority to insert a copy of the findings and orders into
25 the employee’s personnel file and, if the respondent is a natural person, order the

1 respondent's appointing authority to insert such a copy into the respondent's
2 personnel file. In addition, the ~~commission~~ division of equal rights may take any
3 other appropriate action, including but not limited to the following:

4 *~~1295/2.51~~* SECTION 2377. 230.85 (3) (a) 4. of the statutes is amended to read:

5 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
6 a governmental unit respondent, or by a governmental unit employing a respondent
7 who is a natural person if that governmental unit received notice and an opportunity
8 to participate in proceedings before the ~~commission~~ division of equal rights.

9 *~~1295/2.52~~* SECTION 2378. 230.85 (3) (b) of the statutes is amended to read:

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

23 *~~1295/2.53~~* SECTION 2379. 230.85 (3) (c) of the statutes is amended to read:

1 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
2 rights of any complaint under this section, the ~~commission~~ division of equal rights
3 may make interlocutory orders.

4 *~~1295/2.54~~* SECTION 2380. 230.85 (4) of the statutes is amended to read:

5 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
6 of the findings and order on the respondent and, if the respondent is a natural person,
7 upon the respondent's appointing authority.

8 *~~1295/2.55~~* SECTION 2381. 230.85 (5) (a) of the statutes is amended to read:

9 230.85 (5) (a) If a respondent does not comply with any lawful order by the
10 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
11 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
12 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
13 a separate violation of that order.

14 *~~1295/2.56~~* SECTION 2382. 230.85 (5) (b) of the statutes is amended to read:

15 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
16 rights may enforce an order by a suit in equity.

17 *~~1295/2.57~~* SECTION 2383. 230.87 (1) of the statutes is amended to read:

18 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
19 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
20 any enforcement action, the department of justice shall represent the ~~commission~~
21 division of equal rights unless a conflict of interest results from that representation.
22 A court may order payment of a prevailing appellant employee's reasonable attorney
23 fees by a governmental unit respondent, or by a governmental unit employing a
24 respondent who is a natural person if that governmental unit received notice and an
25 opportunity to appear before the court.

1 *~~1295/2.58~~* SECTION 2384. 230.88 (2) of the statutes is amended to read:

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

7 (b) No collective bargaining agreement supersedes the rights of an employee
8 under this subchapter. However, nothing in this subchapter affects any right of an
9 employee to pursue a grievance procedure under a collective bargaining agreement
10 under subch. V of ch. 111, and if the ~~commission~~ division of equal rights determines
11 that a grievance arising under such a collective bargaining agreement involves the
12 same parties and matters as a complaint under s. 230.85, it shall order the
13 arbitrator's final award on the merits conclusive as to the rights of the parties to the
14 complaint, on those matters determined in the arbitration which were at issue and
15 upon which the determination necessarily depended.

16 (c) No later than 10 days before the specified time of hearing under s. 230.85
17 (2), an employee shall notify the ~~commission~~ division of equal rights orally or in
18 writing if he or she has commenced or will commence an action in a court of record
19 alleging matters prohibited under s. 230.83 (1). If the employee does not
20 substantially comply with this requirement, the ~~commission~~ division of equal rights
21 may assess against the employee any costs attributable to the failure to notify.
22 Failure to notify the ~~commission~~ division of equal rights does not affect a court's
23 jurisdiction to proceed with the action. Upon commencement of such an action in a
24 court of record, the ~~commission~~ division of equal rights has no jurisdiction to process

1 a complaint filed under s. 230.85 except to dismiss the complaint and, if appropriate,
2 to assess costs under this paragraph.

3 ***-1295/2.59* SECTION 2385.** 230.89 of the statutes is amended to read:

4 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
5 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

12 ***-0576/8.89* SECTION 2386.** 233.10 (3) (c) 4. of the statutes is amended to read:

13 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
14 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
15 and (4) (e) and, to the extent applicable, rules of the department of ~~employment~~
16 relations administration governing such leaves for employees in the classified
17 service as of the last day of the employee's employment as a state employee if the
18 employee was entitled to those benefits on that day.

19 ***-0576/8.90* SECTION 2387.** 233.10 (4) of the statutes is amended to read:

20 233.10 (4) Notwithstanding the requirement that an employee be a state
21 employee, a carry-over employee of the authority who was employed in a position in
22 the classified service immediately prior to beginning employment with the authority
23 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
24 230.29 and the rules of the department of ~~employment relations~~ administration
25 governing transfers as a person who holds a position in the classified service.

1 ***-1697/1.1*** SECTION 2388. 234.02 (1) of the statutes is amended to read:

2 234.02 (1) There is created a public body corporate and politic to be known as
3 the “Wisconsin Housing and Economic Development Authority.” The members of the
4 authority shall be the secretary of commerce or his or her designee, the secretary of
5 agriculture, trade and consumer protection or his or her designee, and the secretary
6 of administration or his or her designee, and 6 public members nominated by the
7 governor, and with the advice and consent of the senate appointed, for staggered
8 4-year terms commencing on the dates their predecessors’ terms expire. In addition,
9 one senator of each party and one representative to the assembly of each party
10 appointed as are the members of standing committees in their respective houses
11 shall serve as members of the authority. A member of the authority shall receive no
12 compensation for services but shall be reimbursed for necessary expenses, including
13 travel expenses, incurred in the discharge of duties. Subject to the bylaws of the
14 authority respecting resignations, each member shall hold office until a successor
15 has been appointed and has qualified. A certificate of appointment or reappointment
16 of any member shall be filed with the authority and the certificate shall be conclusive
17 evidence of the due and proper appointment.

18 ***-1634/7.58*** SECTION 2389. 234.034 of the statutes is amended to read:

19 **234.034 Consistency with state housing strategy plan.** Subject to
20 agreements with bondholders or noteholders, the authority shall exercise its powers
21 and perform its duties related to housing consistent with the state housing strategy
22 plan under s. ~~16.31~~ 560.9802.

23 ***-1634/7.59*** SECTION 2390. 234.06 (1) of the statutes is amended to read:

24 234.06 (1) The authority may, as authorized in the state housing strategy plan
25 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to

1 make temporary loans to eligible sponsors, with or without interest, and with such
2 security for repayment, if any, as the authority determines reasonably necessary and
3 practicable, solely from the housing development fund, to defray development costs
4 for the construction of proposed housing projects for occupancy by persons and
5 families of low and moderate income. No temporary loan may be made unless the
6 authority may reasonably anticipate that satisfactory financing may be obtained by
7 the eligible sponsor for the permanent financing of the housing project.

8 *~~1634/7.60~~* **SECTION 2391.** 234.06 (3) of the statutes is amended to read:

9 234.06 (3) The authority may, as authorized in the state housing strategy plan
10 under s. ~~16.31 560.9802~~, use the moneys held in the housing development fund to
11 establish and administer programs of grants to counties, municipalities and eligible
12 sponsors of housing projects for persons of low and moderate income, to pay
13 organizational expenses, administrative costs, social services, technical services,
14 training expenses or costs incurred or expected to be incurred by counties,
15 municipalities or sponsors for land and building acquisition, construction,
16 improvements, renewal, rehabilitation, relocation or conservation under a plan to
17 provide housing or related facilities, if the costs are not reimbursable from other
18 private or public loan, grant or mortgage sources.

19 *~~1634/7.61~~* **SECTION 2392.** 234.165 (2) (b) 2. of the statutes is amended to
20 read:

21 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
22 governor a plan for expending or encumbering the actual surplus reported under
23 subd. 1. The part of the plan related to housing shall be consistent with the state
24 housing strategy plan under s. ~~16.31 560.9802~~. The plan submitted under this

1 subdivision may be attached to and submitted as a part of the report filed under subd.
2 1.

3 ***-1634/7.62* SECTION 2393.** 234.25 (1) (e) of the statutes is amended to read:
4 234.25 (1) (e) An evaluation of its progress in implementing within its own
5 housing programs the goals, policies and objectives of the state housing strategy plan
6 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
7 to carry out its programs consistent with the state housing strategy plan.

8 ***-0529/4.216* SECTION 2394.** 253.06 (4) (c) 2. of the statutes is amended to
9 read:

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

15 ***-0529/4.217* SECTION 2395.** 253.06 (5) (e) of the statutes is amended to read:
16 253.06 (5) (e) The suspension or termination of authorization of a vendor or
17 eligibility of a participant shall be effective beginning on the 15th day after receipt
18 of the notice of suspension or termination. All forfeitures, recoupments, and
19 enforcement assessments shall be paid to the department within 15 days after
20 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
21 assessment is contested under sub. (6), within 10 days after receipt of the final
22 decision after exhaustion of administrative review, unless the final decision is
23 adverse to the department or unless the final decision is appealed and the decision
24 is stayed by court order under sub. (7). The department shall remit all forfeitures
25 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 2395

1 The department shall deposit all enforcement assessments in the appropriation
2 under s. 20.435 (1) (gr).

3 *~~0529/4.218~~* **SECTION 2396.** 254.45 (4) (b) of the statutes is amended to read:

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

6 *~~0529/4.219~~* **SECTION 2397.** 254.59 (2) of the statutes is amended to read:

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

1 collected to the town, city, or village from which the certificate was received. Anyone
2 maintaining such a human health hazard may also be fined not more than \$300 or
3 imprisoned for not more than 90 days or both. The only defenses an owner may have
4 against the collection of a tax under this subsection are that no human health hazard
5 existed on the owner's property, that no human health hazard was corrected on the
6 owner's property, that the procedure outlined in this subsection was not followed or
7 any applicable defense under s. 74.33.

8 *~~0529/4.220~~* SECTION 2398. 254.59 (5) of the statutes is amended to read:

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

SECTION 2399

1 ***-1506/2.4*** **SECTION 2399.** 254.89 of the statutes is renumbered 97.24 (5) and
2 amended to read:

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

12 ***-1506/2.3*** **SECTION 2400.** Subchapter VIII (title) of chapter 254 [precedes
13 254.89] of the statutes is repealed.

14 ***-1504/1.12*** **SECTION 2401.** 255.15 (1) of the statutes is repealed.

15 ***-1504/1.13*** **SECTION 2402.** 255.15 (1m) (intro.) of the statutes is amended to
16 read:

17 255.15 (1m) **DUTIES.** (intro.) ~~The board~~ department shall do all of the following:

18 ***-1504/1.14*** **SECTION 2403.** 255.15 (1m) (a) of the statutes is repealed.

19 ***-1504/1.15*** **SECTION 2404.** 255.15 (1m) (c) of the statutes is amended to read:

20 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
21 awarded under sub. (3), including performance-based standards for grant recipients
22 that propose to use the grant for media efforts. ~~The board~~ department shall ensure
23 that programs or projects conducted under the grants are culturally sensitive.

24 ***-1504/1.16*** **SECTION 2405.** 255.15 (3) (a) (intro.) of the statutes is amended
25 to read:

1 255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),
2 the ~~board~~ department shall distribute the following amounts to or for all of the
3 following:

4 *~~1504/1.17~~* SECTION 2406. 255.15 (3) (b) (intro.) of the statutes is amended
5 to read:

6 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),
7 the ~~board~~ department may distribute grants for any of the following:

8 *~~1504/1.18~~* SECTION 2407. 255.15 (4) of the statutes is amended to read:

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

16 *~~1504/1.19~~* SECTION 2408. 255.15 (5) of the statutes is amended to read:

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

23 *~~1504/1.20~~* SECTION 2409. 255.15 (6) of the statutes is amended to read:

24 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~
25 ~~to assist in its work.~~ If the ~~board~~ department creates ~~subcommittees~~ committees to

1 assist in its work under this section, one of the subcommittees committees shall
2 address the issue of populations most adversely affected by tobacco.

3 *~~1187/4.202~~* SECTION 2410. 281.36 (1) (cr) of the statutes is amended to read:

4 281.36 (1) (cr) “State transportation agency” means the department of
5 transportation ~~or the office of the commissioner of railroads.~~

6 *~~0421/3.1~~* SECTION 2411. 281.59 (3e) (b) 1. and 3. of the statutes are amended
7 to read:

8 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$92,400,000 during the ~~2001–03~~
9 2003–05 biennium.

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

11 *~~0421/3.2~~* SECTION 2412. 281.59 (3m) (b) 1. and 2. of the statutes are
12 amended to read:

13 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$12,000,000 during the ~~2001–03~~
14 2003–05 biennium.

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

16 *~~0421/3.3~~* SECTION 2413. 281.59 (3s) (b) 1. and 2. of the statutes are amended
17 to read:

18 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the ~~2001–03~~
19 2003–05 biennium.

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

21 *~~0421/3.4~~* SECTION 2414. 281.59 (4) (f) of the statutes is amended to read:

22 281.59 (4) (f) Revenue obligations may be contracted by the building
23 commission when it reasonably appears to the building commission that all
24 obligations incurred under this subsection can be fully paid on a timely basis from
25 moneys received or anticipated to be received. Revenue obligations issued under this

1 subsection for the clean water fund program shall not exceed \$1,398,355,000
2 \$1,658,025,000 in principal amount, excluding obligations issued to refund
3 outstanding revenue obligation notes.

4 ***-1712/5.79* SECTION 2415.** 281.65 (10) of the statutes is repealed.

5 ***-0529/4.221* SECTION 2416.** 281.99 (4) of the statutes is amended to read:

6 281.99 (4) All forfeitures shall be paid to the department within 60 days after
7 receipt of the order or according to a schedule agreed to by the department and the
8 water system owner or operator or, if the forfeiture is contested under sub. (3), within
9 10 days after receipt of the final decision after exhaustion of administrative review,
10 unless the final decision is appealed and the order is stayed by court order. The
11 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
12 administration for deposit in the school fund.

13 ***-1289/7.116* SECTION 2417.** 283.84 (1) (c) of the statutes is amended to read:

14 283.84 (1) (c) Reaches an agreement with the department or a local
15 governmental unit, as defined in s. ~~22-01~~ 16.97 (7), under which the person pays
16 money to the department or local governmental unit and the department or local
17 governmental unit uses the money to reduce water pollution in the project area.

18 ***-0415/2.2* SECTION 2418.** 285.69 (3) of the statutes is renumbered 285.69 (3)
19 (a) and amended to read:

20 285.69 (3) (a) The department may promulgate rules for the payment and
21 collection of fees for inspecting nonresidential asbestos demolition and renovation
22 projects regulated by the department. The fees under this subsection for an
23 inspection may not exceed ~~\$210 per~~ \$450 if the combined square and linear footage
24 of friable asbestos-containing material involved in the project is less than 5,000. The
25 fees under this subsection for an inspection may not exceed \$750 if the combined

1 square and linear footage of friable asbestos-containing material involved in the
2 project is 5,000 or more. The fees collected under this subsection shall be credited
3 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of
4 conducting inspections of nonresidential asbestos demolition and ~~inspection~~
5 renovation projects regulated by the department.

6 *~~0415/2.3~~* SECTION 2419. 285.69 (3) (b) and (c) of the statutes are created to
7 read:

8 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
9 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
10 renovation project.

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

15 *~~1824/6.45~~* SECTION 2420. 287.91 (4) of the statutes is repealed.

16 *~~1614/1.4~~* SECTION 2421. 289.33 (13) of the statutes is created to read:

17 289.33 (13) DIVISION OF HEARINGS AND APPEALS. The division of hearings and
18 appeals created under s. 15.103 (1) shall provide staff to assist the board in
19 performing its duties.

20 *~~1546/2.10~~* SECTION 2422. 292.255 of the statutes is amended to read:

21 **292.255 Report on brownfield efforts.** The department of natural
22 resources, and the department of administration ~~and the department of commerce~~
23 shall submit a report evaluating the effectiveness of this state's efforts to remedy the
24 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

25 *~~1546/2.11~~* SECTION 2423. 292.74 of the statutes is created to read:

1 **292.74 Brownfields grant program. (1) DEFINITIONS.** In this section:

2 (a) “Eligible site or facility” means an abandoned, idle, or underused industrial
3 or commercial facility or site the expansion or redevelopment of which is adversely
4 affected by actual or perceived environmental contamination.

5 (b) “Local governmental unit” means a city, village, town, county,
6 redevelopment authority created under s. 66.1333, community development
7 authority created under s. 66.1335, or housing authority.

8 **(2) GRANTS.** (a) The department shall administer a program to award grants
9 from the appropriation under s. 20.370 (6) (es) for the following purposes:

10 1. The investigation of an eligible site or facility to determine the existence and
11 extent of environmental contamination of the eligible site or facility.

12 2. Removing or containing environmental contamination and restoring the
13 environment at an eligible site or facility.

14 (b) The department may award a grant under this section to an individual,
15 partnership, limited liability company, corporation, nonprofit organization, or local
16 governmental unit.

17 (c) The department may only award a grant under this section if the person that
18 caused the environmental contamination that is the basis for the grant request is
19 unknown, cannot be located or is financially unable to pay the cost of the eligible
20 activities.

21 **(3) DEPARTMENT DUTIES.** (a) The department shall promulgate rules for the
22 program under this section that include all of the following:

23 1. A competitive scoring system for evaluating grant applications that, for
24 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
25 by the contamination, the potential for economic development, the contribution to

1 remediation of contamination affecting more than one property, and the potential for
2 the creation of green spaces or the use for public facilities.

3 2. Provisions specifying the activities that may be covered by grants under this
4 section.

5 3. Provisions for ensuring distribution of grant funds throughout the state.

6 4. Provisions for determining the percentage of costs to be paid through a grant,
7 which may vary based on the financial circumstances of the applicant.

8 (b) The department shall inform applicants of other potential sources of
9 funding for activities proposed in grant applications.

10 *~~1546/2.12~~* SECTION 2424. 292.75 of the statutes is repealed.

11 *~~1546/2.13~~* SECTION 2425. 292.77 of the statutes is repealed.

12 *~~1546/2.14~~* SECTION 2426. 292.79 of the statutes is repealed.

13 *~~0448/1.2~~* SECTION 2427. 292.94 of the statutes is created to read:

14 **292.94 Fees related to enforcement actions.** The department may assess
15 and collect fees from a person who is subject to an order or other enforcement action
16 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
17 review the planning and implementation of any environmental investigation or
18 environmental cleanup that the person is required to conduct. The department shall
19 promulgate rules for the assessment and collection of fees under this section. Fees
20 collected under this section shall be credited to the appropriation account under s.
21 20.370 (2) (dh).

22 *~~0529/4.222~~* SECTION 2428. 299.93 (3) of the statutes is amended to read:

23 299.93 (3) If any deposit is made for an offense to which this section applies,
24 the person making the deposit shall also deposit a sufficient amount to include the
25 environmental assessment prescribed in this section. If the deposit is forfeited, the

1 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~
2 secretary of administration under sub. (4). If the deposit is returned, the
3 environmental assessment shall also be returned.

4 ***-0529/4.223* SECTION 2429.** 299.93 (4) of the statutes is amended to read:

5 299.93 (4) The clerk of the court shall collect and transmit to the county
6 treasurer the environmental assessment and other amounts required under s. 59.40
7 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
8 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
9 secretary of administration shall deposit the amount of the assessment in the
10 environmental fund.

11 ***-1824/6.46* SECTION 2430.** 299.95 of the statutes is amended to read:

12 **299.95 Enforcement; duty of department of justice; expenses.** The
13 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
14 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
15 approvals, permits, and water quality certifications of the department, except those
16 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as
17 provided in s. 285.86. The circuit court for Dane county or for any other county where
18 a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and
19 289 to 295 or this chapter or the rule, special order, license, plan approval, permit,
20 or certification by injunctive and other relief appropriate for enforcement. For
21 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
22 the rule, special order, license, plan approval, permit or certification prohibits in
23 whole or in part any pollution, a violation is considered a public nuisance. The
24 department of natural resources may enter into agreements with the department of
25 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this

1 chapter. ~~Any funds paid to the department of justice under these agreements shall~~
2 ~~be credited to the appropriation account under s. 20.455 (1) (k).~~

3 ***-0358/1.1* SECTION 2431.** 301.025 of the statutes is amended to read:

4 **301.025 Division of juvenile corrections.** The division of juvenile
5 corrections shall exercise the powers and perform the duties of the department that
6 relate to juvenile correctional services and institutions, juvenile offender review,
7 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the
8 serious juvenile offender program under s. 938.538, and youth aids.

9 ***-1824/6.47* SECTION 2432.** 301.03 (18) (d) of the statutes is amended to read:

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

16 ***-0529/4.224* SECTION 2433.** 301.105 (intro.) of the statutes is amended to
17 read:

18 **301.105 Telephone company commissions.** (intro.) The department shall
19 collect moneys for commissions from telephone companies for contracts to provide
20 telephone services to inmates. The department shall transmit those moneys to the
21 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
22 administration shall do all of the following:

23 ***-1824/6.48* SECTION 2434.** 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 *~~1824/6.49~~* SECTION 2435. 301.12 (7) of the statutes is amended to read:

5 301.12 (7) The department shall administer and enforce this section. ~~The~~ 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 *~~0576/8.91~~* SECTION 2436. 301.16 (1o) (b) of the statutes is amended to read:

18 301.16 (1o) (b) In the selection of classified service employees of the institution
19 specified in par. (a), the appointing authority shall, whenever possible, use the
20 expanded certification program under rules of the administrator of the division of
21 merit recruitment and selection in the department of ~~employment relations~~
22 administration to ensure that employees of the institution reflect the general
23 population of either the county in which the institution is located or the most
24 populous county contiguous to the county in which the institution is located,
25 whichever population is greater. The administrator of the division of merit

SECTION 2436

1 recruitment and selection in the department of ~~employment relations~~
2 administration shall provide guidelines for the administration of this selection
3 procedure.

4 *~~1791/2.1~~* **SECTION 2437.** 301.16 (1r) of the statutes is amended to read:

5 301.16 (1r) In addition to the institutions under sub. (1), the department shall
6 establish a medium security correctional institution for persons 15 years of age or
7 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison
8 under s. 302.01. The medium security correctional institution under this subsection
9 shall be known as the Racine Youthful Offender Correctional Facility and shall be
10 located at the intersection of Albert Street and North Memorial Drive in the city of
11 Racine. The department shall limit the number of prisoners who may be placed at
12 the Racine Youthful Offender Correctional Facility to no more than ~~400~~ 450 at any
13 one time.

14 *~~0335/P1.1~~* **SECTION 2438.** 301.21 (2m) (b) of the statutes is amended to read:

15 301.21 (2m) (b) While in an institution in another state covered by a contract
16 under this subsection, Wisconsin prisoners are subject to all provisions of law and
17 regulation concerning the confinement of persons in that institution under the laws
18 of that state, except as otherwise provided for by any contract entered into under this
19 subsection.

20 *~~0359/2.1~~* **SECTION 2439.** 301.26 (4) (d) 2. of the statutes is amended to read:

21 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
22 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$190 for care
23 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$190 for
24 care for juveniles transferred from a juvenile correctional institution under s. 51.35
25 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142

1 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
2 care in a treatment foster home, ~~\$82.56~~ \$88 for departmental corrective sanctions
3 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

4 ***-0359/2.2* SECTION 2440.** 301.26 (4) (d) 3. of the statutes is amended to read:

5 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
6 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$194 for care
7 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$194 for
8 care for juveniles transferred from a juvenile correctional institution under s. 51.35
9 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
10 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
11 care in a treatment foster home, ~~\$84.50~~ \$89 for departmental corrective sanctions
12 services and ~~\$22.66~~ \$26 for departmental aftercare services.

13 ***-0357/1.1* SECTION 2441.** 301.26 (7) (intro.) of the statutes is amended to
14 read:

15 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
16 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
17 department shall allocate funds for community youth and family aids for the period
18 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
19 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

20 ***-0357/1.2* SECTION 2442.** 301.26 (7) (a) of the statutes is amended to read:

21 301.26 (7) (a) For community youth and family aids under this section,
22 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001~~,
23 ~~\$87,760,300~~ for 2002 2003, ~~\$88,290,200~~ for 2004, and \$44,145,100 for the first 6
24 months of ~~2003~~ 2005.

1 *~~0357/1.3~~* SECTION 2443. 301.26 (7) (b) (intro.) of the statutes is amended to
2 read:

3 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
4 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
5 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
6 following factors weighted equally:

7 *~~0357/1.4~~* SECTION 2444. 301.26 (7) (c) of the statutes is amended to read:

8 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
9 \$523,300 for the last 6 months of ~~2001~~ 2003, \$1,576,600 for ~~2002~~ 2004, and
10 \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties based on each of the factors
11 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
12 allocation under this paragraph that is less than 93% nor more than 115% of the
13 amount that the county would have received under this paragraph if the allocation
14 had been distributed only on the basis of the factor specified in par. (b) 3.

15 *~~0357/1.5~~* SECTION 2445. 301.26 (7) (e) of the statutes is amended to read:

16 301.26 (7) (e) For emergencies related to community youth and family aids
17 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
18 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
19 county is eligible for payments under this paragraph only if it has a population of not
20 more than 45,000.

21 *~~0357/1.6~~* SECTION 2446. 301.26 (7) (h) of the statutes is amended to read:

22 301.26 (7) (h) For counties that are participating in the corrective sanctions
23 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,
24 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
25 provision of corrective sanctions services for juveniles from that county. In

1 distributing funds to counties under this paragraph, the department shall determine
2 a county's distribution by dividing the amount allocated under this paragraph by the
3 number of slots authorized for the program under s. 938.533 (2) and multiplying the
4 quotient by the number of slots allocated to that county by agreement between the
5 department and the county. The department may transfer funds among counties as
6 necessary to distribute funds based on the number of slots allocated to each county.

7 ***-0357/1.7* SECTION 2447.** 301.26 (8) of the statutes is amended to read:

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

12 ***-0332/1.2* SECTION 2448.** 302.01 (1) (d) of the statutes is amended to read:

13 302.01(1) (d) The correctional institution at Prairie du Chien authorized under
14 ~~1997 Wisconsin Act 4, section 4(1)(a)~~ s. 301.16 (1^u)

15 ***-1769/2.1* SECTION 2449.** 302.045 (title) of the statutes is amended to read:

16 **302.045 (title) Challenge incarceration program for youthful offenders.**

17 ***-1769/2.2* SECTION 2450.** 302.045 (1) of the statutes is amended to read:

18 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
19 program for inmates selected to participate under sub. (2). The program shall
20 provide participants with ~~strenuous physical exercise~~, manual labor, personal
21 development counseling, substance abuse treatment and education, military drill
22 and ceremony ~~and~~, counseling, and strenuous physical exercise, for participants who
23 have not attained the age of 30 as of the date on which they begin participating in
24 the program, or age-appropriate strenuous physical exercise, for all other
25 participants, in preparation for release on parole or extended supervision. The

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1 department shall design the program to include not less than 50 participants at a
2 time and so that a participant may complete the program in not more than 180 days.
3 The department may restrict participant privileges as necessary to maintain
4 discipline.

5 *~~1769/2.3~~* SECTION 2451. 302.045 (2) (b) of the statutes is amended to read:

6 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
7 inmate will begin participating in the program.

8 *~~1769/2.4~~* SECTION 2452. 302.05 (3) of the statutes is created to read:

9 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
10 all of the following apply:

11 1. The inmate is incarcerated regarding a violation other than a crime specified
12 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
13 948.08, or 948.095.

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

17 (b) Except as provided in par. (d), if the department determines that an eligible
18 inmate serving a sentence other than one imposed under s. 973.01 has successfully
19 completed the treatment program described in sub. (1), the parole commission shall
20 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
21 has served. ^{if} When the parole commission grants parole under this paragraph, it
22 must ^{shall} require the parolee to participate in an intensive supervision program for drug
23 abusers as a condition of parole.

24 (c) 1. Except as provided in par. (d), if the department determines that an
25 eligible inmate serving the term of confinement in prison portion of a bifurcated

1 sentence imposed under s. 973.01 has successfully completed the treatment program
2 described in sub. (1), the department shall inform the court that sentenced the
3 inmate.

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

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

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

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

17 ***-1769/2.5* SECTION 2453.** 302.113 (2) of the statutes is amended to read:

18 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
19 section is entitled to release to extended supervision after he or she has served the
20 term of confinement in prison portion of the sentence imposed under s. 973.01, as
21 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
22 (c) 2. a., or 973.195 (1r), if applicable.

23 ***-1712/5.80* SECTION 2454.** 303.066 of the statutes is repealed.

24 ***-1769/2.6* SECTION 2455.** 304.06 (1) (b) of the statutes, as affected by 2001
25 Wisconsin Act 109, is amended to read:

NS
745/16
md1

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1922/P3insMD1
MGD:.....

1 **INSERT 745/16**

2 (e) If an inmate is serving the term of confinement portion of a bifurcated
3 sentence imposed under s. 973.01, the sentence was imposed before the effective date
4 of this paragraph ... [revisor inserts date], and the inmate satisfies the criteria under
5 s. 302.05 (3) (a) 1., the inmate may, with the department's approval, petition the
6 sentencing court to determine whether he or she is eligible or ineligible to participate
7 in the earned release program under this subsection during the term of confinement.
8 The inmate shall serve a copy of the petition on the district attorney who prosecuted
9 him or her, and the district attorney may file a written response. The court shall
10 exercise its discretion in granting or denying the inmate's petition but must do so no
11 later than 90 days after the inmate files the petition. If the court determines under
12 this paragraph that the inmate is eligible to participate in the earned release
13 program, the court shall inform the inmate of the provisions of par. (c).

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1 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
2 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
3 an inmate of the Wisconsin state prisons or any felon or any person serving at least
4 one year or more in a county house of correction or a county reforestation camp
5 organized under s. 303.07, when he or she has served 25% of the sentence imposed
6 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
7 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
8 inmate serving a life term when he or she has served 20 years, as modified by the
9 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
10 applicable. The person serving the life term shall be given credit for time served prior
11 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
12 secretary may grant special action parole releases under s. 304.02. The department
13 or the parole commission shall not provide any convicted offender or other person
14 sentenced to the department's custody any parole eligibility or evaluation until the
15 person has been confined at least 60 days following sentencing.

16 *~~-0336/P2.3~~* **SECTION 2456.** 304.073 of the statutes is repealed.

17 *~~-0336/P2.4~~* **SECTION 2457.** 304.074 (1) of the statutes is repealed.

18 *~~-0336/P2.5~~* **SECTION 2458.** 304.074 (4) of the statutes is repealed.

19 *~~-1195/3.1~~* **SECTION 2459.** 340.01 (7m) of the statutes is amended to read:

20 340.01 (7m) "Commercial driver license" means a license issued to a person by
21 this state or another jurisdiction which is in accordance with the requirements of the
22 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
23 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106-159, or by Canada
24 or Mexico, and which authorizes the licensee to operate certain commercial motor
25 vehicles.

1 *~~1195/3.2~~* SECTION 2460. 340.01 (13m) of the statutes is amended to read:

2 340.01 (13m) “Disqualification” means the loss or withdrawal of a person’s
3 privilege to operate a commercial motor vehicle relating to certain offenses
4 committed by the person while driving or operating a motor vehicle or while on duty
5 time with respect to a commercial motor vehicle.

6 *~~0919/3.1~~* SECTION 2461. 340.01 (46m) (a) of the statutes is amended to read:

7 340.01 (46m) (a) If the person has ~~one or no~~ 2 or fewer prior convictions,
8 suspensions, or revocations, as counted under s. 343.307 (1), an alcohol
9 concentration of ~~0.1~~ 0.08 or more.

10 *~~0919/3.2~~* SECTION 2462. 340.01 (46m) (b) of the statutes is repealed.

11 *~~1575/3.1~~* SECTION 2463. 341.25 (1) (a) of the statutes is amended to read:

12 341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile
13 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
14 registered at such lesser fee plus an additional fee of \$2.

15 *~~1767/3.62~~* SECTION 2464. 341.43 (2) of the statutes is amended to read:

16 341.43 (2) Any person feeling aggrieved by a notice under this section of
17 additional assessment, refund or denial of refund may, within 30 days after the
18 receipt of the notice, petition the department for a redetermination. A person feeling
19 aggrieved by a redetermination may appeal to the office of the commissioner of tax
20 ~~appeals commission~~ in the manner provided for appeals of tax determinations under
21 s. 73.01 (5). If an appeal of a redetermination is not filed within the time period
22 provided under s. 73.01 (5), the redetermination is final and conclusive.

23 *~~1575/3.2~~* SECTION 2465. 342.14 (1) of the statutes is amended to read:

24 342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,
25 by the owner of the vehicle.

SECTION 2466

1 *~~0444/2.1~~* SECTION 2466. 342.14 (1r) of the statutes is amended to read:

2 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
3 impact fee of ~~\$9~~ \$10.50, by the person filing the application. All moneys collected
4 under this subsection shall be credited to the environmental fund for environmental
5 management. ~~This subsection does not apply after December 31, 2003.~~

6 *~~1575/3.3~~* SECTION 2467. 342.14 (3) of the statutes is amended to read:

7 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
8 of the vehicle.

9 *~~1195/3.3~~* SECTION 2468. 343.02 (1) of the statutes is amended to read:

10 343.02 (1) The department shall administer and enforce this chapter and may
11 promulgate for that purpose such rules as the secretary considers necessary. Rules
12 promulgated under this chapter may not conflict with and shall be at least as
13 stringent as standards set by the federal commercial motor vehicle safety act, 49
14 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
15 P.L. 106-159, and the regulations adopted under ~~that act~~ those acts.

16 *~~1195/3.4~~* SECTION 2469. 343.03 (1) (a) of the statutes is amended to read:

17 343.03 (1) (a) The department shall institute a classified driver license system
18 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
19 other applicable provision of federal law.

20 *~~1195/3.5~~* SECTION 2470. 343.03 (3) (a) of the statutes is amended to read:

21 343.03 (3) (a) *Regular license*. The standard license legend is “regular” or a
22 readily recognizable abbreviation thereof. The regular license, without any express
23 endorsements or restrictions as provided in this chapter, authorizes the licensee to
24 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
25 provided in this subsection. The license may be endorsed to permit operation of Type

1 1 motorcycles or school buses that are not commercial motor vehicles. A regular
2 license may be subject to restrictions, including the attachment of a special
3 restrictions card as provided in s. 343.17 (4).

4 ***-1195/3.6*** SECTION 2471. 343.03 (3) (e) of the statutes is amended to read:

5 343.03 (3) (e) *Occupational license*. A license issued under s. 343.10
6 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
7 “Class C” vehicles shall be labeled “Occupational License”. ~~Li~~licenses ~~No license may~~
8 ~~be~~ issued under s. 343.10 authorizing the operation of “Class A”, “Class B” or “Class
9 C” vehicles shall be labeled “CDL-Occupational”. An occupational license may
10 authorize the operation of “Class D” or “Class M” vehicles, or both, but may not be
11 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
12 license may be subject to restrictions in addition to those provided in s. 343.10,
13 including the attachment of a special restrictions card as provided in s. 343.17 (4).

14 ***-1195/3.6m*** SECTION 6m. 343.03 (5) (title) of the statutes is amended to read:

15 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

16 ***-1195/3.7*** SECTION 2472. 343.03 (5) of the statutes is renumbered 343.03 (5)

17 (a) and amended to read:

18 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
19 department shall obtain driver record information from the national driver registry
20 and commercial driver license information system to determine whether the
21 applicant holds a commercial driver license, or a license that is revoked, suspended
22 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
23 another state, the department shall obtain information on the applicant’s license
24 status with the state of licensure before issuing a license.

25 ***-1195/3.8*** SECTION 2473. 343.03 (5) (b) of the statutes is created to read:

SECTION 2473

1 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
2 department shall, within the time period specified in 49 CFR 384.232, request from
3 any other state that has issued an operator's license or commercial driver license to
4 the person within the previous 10 years the complete driving record of the person.

5 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
6 license if the department has previously issued a renewal of the commercial driver
7 license after the effective date of this subdivision [revisor inserts date], and, in
8 connection with the previous renewal, the department recorded on the person's
9 driving record under s. 343.23 (2) (a) the date on which the operator's record check
10 under subd. 1. was performed.

11 ***-1195/3.9*** **SECTION 2474.** 343.03 (6) of the statutes is renumbered 343.03 (6)
12 (a).

13 ***-1195/3.10*** **SECTION 2475.** 343.03 (6) (b) of the statutes is created to read:
14 343.03 (6) (b) The department shall, upon request and within 30 days of the
15 request, provide to the driver licensing agencies of other states the complete driving
16 record of any person currently or previously licensed by the department.

17 ***-1195/3.11*** **SECTION 2476.** 343.03 (6) (c) of the statutes is created to read:
18 343.03 (6) (c) 1. The department shall, upon request and within the time period
19 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
20 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

- 21 a. The person holding the commercial driver license.
22 b. The U.S. secretary of transportation.
23 c. Any employer or prospective employer of the person holding the commercial
24 driver license, after notice to such person.
25 d. Any driver licensing agency of another state or law enforcement agency.