

1 *~~-0529/4.275~~* SECTION 2644. 814.61 (7) (b) of the statutes is amended to read:

2 814.61 (7) (b) Upon the filing of any petition, motion, or order to show cause
3 by either party under s. 767.325 or 767.327, \$50. Of the fees received by the clerk
4 under this paragraph, the county treasurer shall pay 25% to the ~~state treasurer~~
5 secretary of administration for deposit in the general fund, retain 25% for the use of
6 the county, and deposit 50% in a separate account to be used by the county exclusively
7 for the purposes specified in s. 767.11.

8 *~~-0529/4.276~~* SECTION 2645. 814.61 (8) (c) of the statutes is amended to read:

9 814.61 (8) (c) Of the fees received by the clerk under par. (am) 1., the county
10 treasurer shall pay \$22.50 to the ~~state treasurer~~ secretary of administration for
11 deposit in the general fund and shall retain the balance for the use of the county. The
12 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$22.50 to the
13 appropriation under s. 20.680 (2) (j).

14 *~~-0529/4.277~~* SECTION 2646. 814.61 (8) (d) of the statutes is amended to read:

15 814.61 (8) (d) Of the fees received by the clerk under par. (am) 2., the county
16 treasurer shall pay \$30 to the ~~state treasurer~~ secretary of administration for deposit
17 in the general fund and shall retain the balance for the use of the county. The state
18 treasurer shall credit \$5 of the \$30 to the appropriation under s. 20.680 (2) (j).

19 *~~-0529/4.278~~* SECTION 2647. 814.62 (1) of the statutes is amended to read:

20 814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action
21 under ch. 812, including actions under s. 799.01 (1) (d) 2., is \$20. Of the fees received
22 by the clerk under this subsection, the county treasurer shall pay \$12.50 to the ~~state~~
23 ~~treasurer~~ secretary of administration for deposit in the general fund and shall retain
24 the balance for the use of the county. The ~~state treasurer~~ secretary of administration
25 shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

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1 *~~0529/4.279~~* SECTION 2648. 814.62 (3) (d) 2. of the statutes is amended to
2 read:

3 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
4 treasurer shall pay \$11.80 to the ~~state treasurer~~ secretary of administration for
5 deposit in the general fund and shall retain the balance for the use of the county. The
6 ~~state treasurer~~ secretary of administration shall credit the \$11.80 to the
7 appropriation under s. 20.680 (2) (j).

8 *~~0529/4.280~~* SECTION 2649. 814.62 (3) (d) 3. of the statutes is amended to
9 read:

10 814.62 (3) (d) 3. Of the fees received by the clerk under par. (b), the county
11 treasurer shall pay \$27.20 to the ~~state treasurer~~ secretary of administration for
12 deposit in the general fund and shall retain the balance for the use of the county. The
13 ~~state treasurer~~ secretary of administration shall credit \$10 of the \$27.20 to the
14 appropriation under s. 20.680 (2) (j).

15 *~~0529/4.281~~* SECTION 2650. 814.63 (5) of the statutes is amended to read:

16 814.63 (5) Of the fees received by the clerk under sub. (1) (b), the county
17 treasurer shall pay \$17.50 to the ~~state treasurer~~ secretary of administration for
18 deposit in the general fund and shall retain the balance for the use of the county. The
19 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$17.50 to the
20 appropriation under s. 20.680 (2) (j).

21 *~~1765/1.2~~* SECTION 2651. 814.634 (1) (a) of the statutes is amended to read:

22 814.634 (1) (a) Except for an action for a safety belt use violation under s.
23 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$52~~ \$67.60 court
24 support services fee from any person, including any governmental unit as defined in
25 s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

1 ***-1765/1.3* SECTION 2652.** 814.634 (1) (b) of the statutes is amended to read:

2 814.634 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
3 and collect a ~~\$130~~ \$169 court support services fee from any person, including any
4 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or
5 (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
6 the amount claimed exceeds the amount under s. 799.01 (1) (d).

7 ***-1765/1.4* SECTION 2653.** 814.634 (1) (c) of the statutes is amended to read:

8 814.634 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
9 and collect a ~~\$39~~ \$50.70 court support services fee from any person, including any
10 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or
11 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying
12 the fee seeks the recovery of money and the amount claimed is equal to or less than
13 the amount under s. 799.01 (1) (d).

14 ***-0529/4.282* SECTION 2654.** 814.634 (2) of the statutes is amended to read:

15 814.634 (2) The clerk shall pay the moneys collected under sub. (1) to the
16 county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys
17 to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

18 ***-1770/2.1* SECTION 2655.** 814.635 (1m) of the statutes is amended to read:

19 814.635 (1m) Beginning on October 1, 1995, whenever the clerk of circuit court
20 for Milwaukee County charges and collects a fee under sub. (1), he or she shall also
21 charge and collect a ~~\$2~~ \$3.50 special prosecution clerks fee. The special prosecution
22 clerks fee is in addition to the other fees listed in sub. (1).

23 ***-0529/4.283* SECTION 2656.** 814.635 (2) of the statutes is amended to read:

1 814.635 (2) The clerk shall pay the moneys collected under subs. (1) and (1m)
2 to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those
3 moneys to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

4 *~~0529/4.284~~* SECTION 2657. 814.65 (1) of the statutes is amended to read:

5 814.65 (1) COURT COSTS. In a municipal court action, except an action for
6 violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall
7 collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether
8 it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant
9 or summons, or the action is tried as a contested matter. Of each fee received by the
10 judge under this subsection, the municipal treasurer shall pay monthly \$5 to the
11 ~~state treasurer~~ secretary of administration for deposit in the general fund and shall
12 retain the balance for the use of the municipality.

13 *~~0529/4.285~~* SECTION 2658. 814.66 (3) of the statutes is amended to read:

14 814.66 (3) The register in probate shall, on the first Monday of each month, pay
15 into the office of the county treasurer all fees collected by him or her and in his or her
16 hands and still unclaimed as of that day. Each county treasurer shall make a report
17 under oath to the ~~state treasurer~~ secretary of administration on or before the 5th day
18 of January, April, July, and October of all fees received by him or her under sub. (1)
19 (a) to (f) up to the first day of each of those months and shall at the same time pay
20 66.67% of the fees to the ~~state treasurer~~ secretary of administration for deposit in the
21 general fund. Each county treasurer shall retain the balance of fees received by him
22 or her under this section for the use of the county.

23 *~~1824/6.53~~* SECTION 2659. 863.39 (3) (a) of the statutes is amended to read:

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

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

14 *~~1824/6.54~~* SECTION 2660. 880.295 (1) (a) of the statutes is amended to read:
15 880.295 (1) (a) When a patient in any state or county hospital or mental
16 hospital or in any state institution for the mentally deficient, or a resident of the
17 county home or infirmary, appears in need of a guardian, and does not have a
18 guardian, the department of health and family services ~~by its collection and~~
19 ~~deportation counsel,~~ or the county corporation counsel, may apply to the circuit court
20 of the county in which the patient resided at the time of commitment or to the circuit
21 court of the county in which the facility in which the patient resides is located for the
22 appointment of a guardian of the person and estate, or either, or for the appointment
23 of a conservator of the estate, and the court, upon the application, may appoint the
24 guardian or conservator in the manner provided for the appointment of guardians

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

3 *~~1824/6.55~~* SECTION 2661. 880.295 (2) of the statutes is amended to read:

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

11 *~~0919/3.7~~* SECTION 2662. 885.235 (1g) (a) 1. of the statutes is renumbered
12 885.235 (1g) (a).

13 *~~0919/3.8~~* SECTION 2663. 885.235 (1g) (a) 2. of the statutes is repealed.

14 *~~0919/3.9~~* SECTION 2664. 885.235 (1g) (b) of the statutes is amended to read:

15 885.235 (1g) (b) Except with respect to the operation of a commercial motor
16 vehicle as provided in par. (d), the fact that the analysis shows that the person had
17 an alcohol concentration of more than 0.04 but less than ~~0.1~~ 0.08 is relevant evidence
18 on the issue of intoxication or an alcohol concentration of ~~0.1~~ 0.08 or more but is not
19 to be given any prima facie effect.

20 *~~0919/3.10~~* SECTION 2665. 885.235 (1g) (bd) of the statutes is repealed.

21 *~~0919/3.11~~* SECTION 2666. 885.235 (1g) (c) of the statutes is amended to read:

22 885.235 (1g) (c) The In cases involving persons who have 2 or fewer prior
23 convictions, suspensions, or revocations, as counted under s. 343.307 (1), the fact
24 that the analysis shows that the person had an alcohol concentration of ~~0.1~~ 0.08 or
25 more is prima facie evidence that he or she was under the influence of an intoxicant

1 and is prima facie evidence that he or she had an alcohol concentration of ~~0.1~~ 0.08
2 or more.

3 ***-0919/3.12* SECTION 2667.** 885.235 (1g) (cd) of the statutes is repealed.

4 ***-0107/2.2* SECTION 2668.** 885.38 (2) of the statutes is amended to read:

5 885.38 (2) The supreme court shall establish the procedures and policies for the
6 recruitment, training, and certification of persons to act as qualified interpreters in
7 a court proceeding and for the fees imposed for the training and certification, and for
8 the coordination, discipline, retention, and training of those interpreters. Any fees
9 collected under this subsection shall be credited to the appropriation under s. 20.680
10 (2) (gc).

11 ***-0059/2.1* SECTION 2669.** 885.38 (3) (a) (intro.) of the statutes is amended to
12 read:

13 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
14 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
15 proficiency and that an interpreter is necessary, the court shall advise the person
16 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
17 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one
18 of the following:

19 ***-1756/2.7* SECTION 2670.** 893.965 of the statutes is created to read:

20 **893.965 Housing, public accommodations, and employment**
21 **discrimination; civil remedies. (1) HOUSING DISCRIMINATION.** Any civil action
22 arising under s. 106.50 (6m) is subject to the limitations of s. 106.50 (6m) (b).

23 **(2) PUBLIC ACCOMMODATIONS DISCRIMINATION.** Any civil action arising under s.
24 106.52 (4) (e) is subject to the limitations of s. 106.52 (4) (e) 2.

1 **(3) EMPLOYMENT DISCRIMINATION.** Any civil action arising under s. 111.40 is
2 subject to the limitations of s. 111.40 (2).

3 ***-1607/P3.10*** SECTION 2671. 895.48 (1m) (intro.) of the statutes, as affected
4 by 2001 Wisconsin Act 74, is amended to read:

5 895.48 **(1m)** (intro.) Any physician or athletic trainer licensed under ch. 448,
6 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
7 medical technician licensed under s. 146.50, first responder certified under s. 146.50
8 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch.
9 441, or a massage therapist or bodyworker issued a certificate under ch. 460 who
10 renders voluntary health care to a participant in an athletic event or contest
11 sponsored by a nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~ 66.0129 (6) (b),
12 a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. ~~46.93~~
13 ~~(1m) (e)~~ 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil
14 liability for his or her acts or omissions in rendering that care if all of the following
15 conditions exist:

16 ***-0576/8.92*** SECTION 2672. 895.65 (2) of the statutes is amended to read:

17 895.65 **(2)** An employee may bring an action in circuit court against his or her
18 employer or employer's agent, including this state, if the employer or employer's
19 agent retaliates, by engaging in a disciplinary action, against the employee because
20 the employee exercised his or her rights under the first amendment to the U.S.
21 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
22 information or because the employer or employer's agent believes the employee so
23 exercised his or her rights. The employee shall bring the action within 2 years after
24 the action allegedly occurred or after the employee learned of the action, whichever

1 occurs last. No employee may bring an action against the department of employment
2 relations administration as an employer's agent.

3 *~~0358/1.2~~* SECTION 2673. 938.02 (15m) of the statutes is amended to read:

4 938.02 (15m) "Secured correctional facility" means a correctional institution
5 operated or contracted for by the department of corrections or operated by the
6 department of health and family services for holding in secure custody persons
7 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
8 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~
9 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)
10 (b), 938.538 (4) (b), or 938.539 (5).

11 *~~0529/4.286~~* SECTION 2674. 938.275 (2) (d) of the statutes is amended to read:

12 938.275 (2) (d) Reimbursement payments shall be made to the clerk of courts
13 of the county where the proceedings took place. Each payment shall be transmitted
14 to the county treasurer, who shall deposit 25% of the amount paid for state-provided
15 counsel in the county treasury and transmit the remainder to the ~~state treasurer~~
16 secretary of administration. Payments transmitted to the ~~state treasurer~~ secretary
17 of administration shall be deposited in the general fund and credited to the
18 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
19 100% of the amount paid for county-provided counsel in the county treasury.

20 *~~0358/1.3~~* SECTION 2675. 938.34 (4n) (intro.) of the statutes is amended to
21 read:

22 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to ~~s. 938.532 (3)~~ and to any
23 arrangement between the department and a county department regarding the
24 provision of aftercare supervision for juveniles who have been released from a
25 secured correctional facility, a secured child caring institution, or a secured group

1 home, designate one of the following to provide aftercare supervision for the juvenile
2 following the juvenile's release from the secured correctional facility, secured child
3 caring institution, or secured group home:

4 *~~0529/4.287~~* **SECTION 2676.** 938.34 (8d) (b) of the statutes is amended to read:

5 938.34 (8d) (b) The clerk of court shall collect and transmit the amount to the
6 county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
7 payment to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (f) 2.

8 *~~0529/4.288~~* **SECTION 2677.** 938.34 (8d) (c) of the statutes is amended to read:

9 938.34 (8d) (c) If a juvenile placed in a secured correctional facility or a secured
10 child caring institution fails to pay the surcharge under par. (a), the department shall
11 assess and collect the amount owed from the juvenile's wages or other moneys. If a
12 juvenile placed in a secured group home fails to pay the surcharge under par. (a), the
13 county department shall assess and collect the amount owed from the juvenile's
14 wages or other moneys. Any amount collected shall be transmitted to the ~~state~~
15 ~~treasurer~~ secretary of administration.

16 *~~0358/1.4~~* **SECTION 2678.** 938.532 of the statutes is repealed.

17 *~~0576/8.93~~* **SECTION 2679.** 938.538 (6m) (b) of the statutes is amended to
18 read:

19 938.538 (6m) (b) In the selection of classified service employees for a secured
20 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
21 the appointing authority shall make every effort to use the expanded certification
22 program under s. 230.25 (1n) or rules of the administrator of the division of merit
23 recruitment and selection in the department of ~~employment relations~~
24 administration to ensure that the percentage of employees who are minority group
25 members approximates the percentage of the juveniles placed at that secured

1 correctional facility who are minority group members. The administrator of the
2 division of merit recruitment and selection in the department of employment
3 relations administration shall provide guidelines for the administration of this
4 selection procedure.

5 *~~0919/3.13~~* SECTION 2680. 940.09 (1) (bm) of the statutes is amended to read:

6 940.09 (1) (bm) Causes the death of another by the operation of a commercial
7 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
8 than ~~0.1~~ 0.08.

9 *~~0919/3.14~~* SECTION 2681. 940.09 (1) (e) of the statutes is amended to read:

10 940.09 (1) (e) Causes the death of an unborn child by the operation of a
11 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
12 more but less than ~~0.1~~ 0.08.

13 *~~0919/3.15~~* SECTION 2682. 940.25 (1) (bm) of the statutes is amended to read:

14 940.25 (1) (bm) Causes great bodily harm to another human being by the
15 operation of a commercial motor vehicle while the person has an alcohol
16 concentration of 0.04 or more but less than ~~0.1~~ 0.08.

17 *~~0919/3.16~~* SECTION 2683. 940.25 (1) (e) of the statutes is amended to read:

18 940.25 (1) (e) Causes great bodily harm to an unborn child by the operation of
19 a commercial motor vehicle while the person has an alcohol concentration of 0.04 or
20 more but less than ~~0.1~~ 0.08.

21 *~~1187/4.212~~* SECTION 2684. 945.06 of the statutes is amended to read:

22 **945.06 Public utilities to cease service.** When any public utility, common
23 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
24 commission, ~~office of the commissioner of railroads~~ or department of transportation
25 of this state, is notified in writing by a federal, state or local law enforcement agency,

1 acting within its jurisdiction, that any facility furnished by it is being used or will be
2 used for the purpose of transmitting or receiving gambling information in violation
3 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
4 maintaining of such facility, after reasonable notice to the subscriber, but no
5 damages, penalty or forfeiture, civil or criminal, shall be found against any such
6 public utility, common carrier, contract carrier or railroad, for any act done in
7 compliance with any notice received from a law enforcement agency under this
8 section. Nothing in this section shall be deemed to prejudice the right of any person
9 affected thereby to secure an appropriate determination as otherwise provided by
10 law in any court or tribunal or agency, that such facility should not be discontinued
11 or removed, or should be restored.

12 *~~1788/2.3~~* SECTION 2685. 949.02 of the statutes is amended to read:

13 **949.02 Administration.** The department shall administer this chapter. The
14 department shall appoint a program director to assist in administering this chapter.
15 The department shall promulgate rules for the implementation and operation of this
16 chapter. The rules shall include procedures to ensure that any limitation of an award
17 ~~under s. 949.06 (5) (e)~~ is calculated in a fair and equitable manner.

18 *~~1788/2.4~~* SECTION 2686. 949.06 (5) of the statutes is repealed.

19 *~~0919/3.17~~* SECTION 2687. 949.08 (2) (em) of the statutes is amended to read:

20 949.08 (2) (em) Is an adult passenger in the offender's commercial motor
21 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger
22 knew the offender was under the influence of an intoxicant, a controlled substance,
23 a controlled substance analog or any combination of an intoxicant, controlled
24 substance and controlled substance analog, or had an alcohol concentration of 0.04

1 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
2 victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

3 ***-1788/2.5* SECTION 2688.** 949.15 (1) of the statutes is amended to read:

4 949.15 (1) Whenever the department orders the payment of an award under
5 this chapter as a result of the occurrence of an event that creates a cause of action
6 on the part of a claimant against any person, the department is subrogated to the
7 rights of the claimant and may bring an action against the person for the amount of
8 the damages sustained by the claimant. If an amount greater than that paid under
9 the award order is recovered and collected in any such action, the department shall
10 pay the balance to the claimant. If the person responsible for the injury or death has
11 previously made restitution payments to the general fund under s. 973.20 (9) (b), any
12 judgment obtained by the department under this section shall be reduced by the
13 amount of the restitution payments to the general fund that the person made under
14 s. 973.20 (9) (b).

15 ***-1634/7.65* SECTION 2689.** 961.01 (20g) of the statutes is amended to read:

16 961.01 (20g) “Public housing project” means any housing project or
17 development administered by a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

18 ***-0529/4.289* SECTION 2690.** 961.41 (5) (b) of the statutes is amended to read:

19 961.41 (5) (b) The clerk of the court shall collect and transmit the amount to
20 the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then
21 make payment to the state treasurer secretary of administration as provided in s.
22 59.25 (3) (f) 2.

23 ***-0529/4.290* SECTION 2691.** 961.41 (5) (c) of the statutes is amended to read:

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1 961.41 (5) (c) All moneys collected from drug surcharges shall be deposited by
2 the ~~state treasurer~~ secretary of administration in and utilized in accordance with s.
3 20.435 (6) (gb).

4 *~~1373/8.24~~* **SECTION 2692.** 967.03 of the statutes is repealed.

5 *~~0127/1.2~~* **SECTION 2693.** 971.14 (2) (am) of the statutes is amended to read:

6 971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to
7 be examined by the department or a department facility, the department shall
8 determine where the examination will be conducted, who will conduct the
9 examination and whether the examination will be conducted on an inpatient or
10 outpatient basis. The department's responsibility for conducting examinations is
11 limited to inpatient examinations and those outpatient examinations that are for
12 defendants in custody in jail or in a locked unit of a facility. Any such outpatient
13 examination shall be conducted in a jail or a locked unit of a facility. In any case
14 under this paragraph in which the department determines that an inpatient
15 examination is necessary, the 15-day period under par. (c) begins upon the arrival
16 of the defendant at the inpatient facility. If an outpatient examination is begun by
17 or through the department, and the department later determines that an inpatient
18 examination is necessary, the sheriff shall transport the defendant to the inpatient
19 facility designated by the department, unless the defendant has been released on
20 bail.

21 *~~1769/2.7~~* **SECTION 2694.** 972.15 (2b) of the statutes is created to read:

22 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
23 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
24 presentence investigation report shall include in the report a recommendation as to

1 whether the defendant should be eligible to participate in the earned release
2 program under s. 302.05 (3).

3 ***-1769/2.8* SECTION 2695.** 973.01 (3g) of the statutes is created to read:

4 **973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY.** When imposing a bifurcated
5 sentence under this section on a person convicted of a crime other than a crime
6 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
7 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
8 discretion, decide whether the person being sentenced is eligible or ineligible to
9 participate in the earned release program under s. 302.05 (3) during the term of
10 confinement in prison portion of the bifurcated sentence.

11 ***-1769/2.9* SECTION 2696.** 973.01 (4) of the statutes is amended to read:

12 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
13 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
14 confinement in prison portion of the sentence without reduction for good behavior.
15 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
16 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
17 or 973.195 (1r).

18 ***-1769/2.10* SECTION 2697.** 973.01 (8) (ag) of the statutes is created to read:

19 **973.01 (8) (ag)** If the court provides under sub. (3g) that the person is eligible
20 to participate in the earned release program under s. 302.05 (3), the court shall also
21 inform the person of the provisions of s. 302.05 (3) (c).

22 ***-1195/3.56* SECTION 2698.** 973.015 of the statutes is amended to read:

23 **973.015 Misdemeanors, special disposition. (1)** When a person is under
24 the age of 21 at the time of the commission of an offense for which the person has been
25 found guilty in a court for violation of a law for which the maximum penalty is

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1 imprisonment for one year or less in the county jail, the court may order at the time
2 of sentencing that the record be expunged upon successful completion of the sentence
3 if the court determines the person will benefit and society will not be harmed by this
4 disposition. This subsection does not apply to information maintained by the
5 department of transportation regarding a conviction that is required to be included
6 in a record kept under s. 343.23 (2) (a).

7 ***-1792/3.4* SECTION 2699.** 973.017 (title) of the statutes, as created by 2001
8 Wisconsin Act 109, is amended to read:

9 **973.017 (title) ~~Bifurcated sentences; use~~ Use of guidelines;**
10 **consideration of aggravating and mitigating factors.**

11 ***-1792/3.5* SECTION 2700.** 973.017 (1) of the statutes, as created by 2001
12 Wisconsin Act 109, is renumbered 973.017 (1) (intro.) and amended to read:

13 **973.017 (1) DEFINITION.** (intro.) In this section, “sentencing decision” means
14 the following:

15 (a) With respect to a crime for which the court may impose a bifurcated sentence
16 under s. 973.01, a decision as to whether to impose a bifurcated sentence under s.
17 973.01 or place a person on probation and a decision as to the length of a bifurcated
18 sentence, including the length of each component of the bifurcated sentence, the
19 amount of a fine, and the length of a term of probation.

20 ***-1792/3.6* SECTION 2701.** 973.017 (1) (b) of the statutes is created to read:

21 **973.017 (1) (b)** With respect to any other crime, a decision as to whether to
22 impose a jail sentence or place a person on probation and a decision as to the length
23 of a jail sentence, the amount of a fine, and the length of a term of probation.

24 ***-1792/3.7* SECTION 2702.** 973.017 (2) (a) of the statutes, as created by 2001
25 Wisconsin Act 109, is renumbered 973.017 (2g) and amended to read:

1 973.017 (2g) USE OF ADVISORY GUIDELINES. If the offense is a felony When a court
2 makes a sentencing decision concerning a person convicted of a felony committed on
3 or after February 1, 2003, the court shall consider the sentencing guidelines adopted
4 by the sentencing commission under s. 973.30 or, if the sentencing commission has
5 not adopted a guideline for the offense, any applicable temporary sentencing
6 guideline adopted by the criminal penalties study committee created under 1997
7 Wisconsin Act 283. This subsection does not apply if the sentencing commission has
8 adopted mandatory sentencing guidelines for the felony under s. 973.31.

9 *~~1792/3.8~~* SECTION 2703. 973.017 (2r) of the statutes is created to read:

10 973.017 (2r) USE OF MANDATORY GUIDELINES. If the sentencing commission has
11 adopted mandatory sentencing guidelines for a crime under s. 973.31, the court,
12 when making a sentencing decision concerning a person convicted of that crime,
13 shall impose a sentence of the kind and within the range described in the applicable
14 sentencing guideline unless the court finds that there is an aggravating or mitigating
15 factor that warrants the imposition of a different kind of sentence or a sentence
16 outside of the range described in the guideline.

17 *~~1792/3.9~~* SECTION 2704. 973.017 (10) of the statutes, as created by 2001
18 Wisconsin Act 109, is amended to read:

19 973.017 (10) USE OF ADVISORY GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The
20 requirement under sub. ~~(2)~~-(a) (2g) that a court consider sentencing guidelines
21 adopted by the sentencing commission or the criminal penalties study committee
22 does not require a court to make a sentencing decision that is within any range or
23 consistent with a recommendation specified in the guidelines, and there is no right
24 to appeal a court's sentencing decision based on the court's decision to depart in any
25 way from any guideline. This subsection does not apply to a sentencing decision that

1 is made in connection with a crime for which the sentencing commission has adopted
2 mandatory sentencing guidelines under s. 973.31.

3 *–0529/4.291* **SECTION 2705.** 973.045 (2) of the statutes is amended to read:

4 973.045 (2) After the clerk determines the amount due, the clerk of court shall
5 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
6 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
7 administration under s. 59.25 (3) (f) 2.

8 *–0529/4.292* **SECTION 2706.** 973.045 (3) (a) (intro.) of the statutes is amended
9 to read:

10 973.045 (3) (a) (intro.) The clerk shall record the crime victim and witness
11 surcharge in 2 parts. Part A is the portion that the ~~state treasurer~~ secretary of
12 administration shall credit to the appropriation account under s. 20.455 (5) (g) and
13 part B is the portion that the ~~state treasurer~~ secretary of administration shall credit
14 to the appropriation account under s. 20.455 (5) (gc), as follows:

15 *–0529/4.293* **SECTION 2707.** 973.045 (4) of the statutes is amended to read:

16 973.045 (4) If an inmate in a state prison or a person sentenced to a state prison
17 has not paid the crime victim and witness assistance surcharge under this section,
18 the department shall assess and collect the amount owed from the inmate's wages
19 or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
20 secretary of administration.

21 *–0529/4.294* **SECTION 2708.** 973.046 (2) of the statutes is amended to read:

22 973.046 (2) After the clerk of court determines the amount due, the clerk shall
23 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
24 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
25 administration under s. 59.25 (3) (f) 2.

1 ***-0529/4.295*** SECTION 2709. 973.046 (3) of the statutes is amended to read:

2 973.046 (3) All moneys collected from deoxyribonucleic acid analysis
3 surcharges shall be deposited by the ~~state treasurer~~ secretary of administration as
4 specified in s. 20.455 (2) (Lm) and utilized under s. 165.77.

5 ***-0529/4.296*** SECTION 2710. 973.046 (4) of the statutes is amended to read:

6 973.046 (4) If an inmate in a state prison or a person sentenced to a state prison
7 has not paid the deoxyribonucleic acid analysis surcharge under this section, the
8 department shall assess and collect the amount owed from the inmate's wages or
9 other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
10 secretary of administration.

11 ***-0529/4.297*** SECTION 2711. 973.055 (2) (a) of the statutes is amended to read:

12 973.055 (2) (a) If the assessment is imposed by a court of record, after the court
13 determines the amount due, the clerk of the court shall collect and transmit the
14 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
15 shall then make payment to the ~~state treasurer~~ secretary of administration as
16 provided in s. 59.25 (3) (f) 2.

17 ***-0529/4.298*** SECTION 2712. 973.055 (2) (b) of the statutes is amended to read:

18 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
19 determination by the court of the amount due, the court shall collect and transmit
20 the amount to the treasurer of the county, city, town, or village, and that treasurer
21 shall make payment to the ~~state treasurer~~ secretary of administration as provided
22 in s. 66.0114 (1) (bm).

23 ***-0529/4.299*** SECTION 2713. 973.055 (3) of the statutes is amended to read:

1 973.055 (3) All moneys collected from domestic abuse assessments shall be
2 deposited by the ~~state treasurer~~ secretary of administration in s. 20.435 (3) (hh) and
3 utilized in accordance with s. 46.95.

4 *~~0336/P2.6~~* SECTION 2714. 973.09 (3) (bm) 1. of the statutes is amended to
5 read:

6 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
7 period of probation, the department may notify the sentencing court and the district
8 attorney that a probationer owes unpaid fees to the department under s. ~~304.073 or~~
9 304.074.

10 *~~0336/P2.7~~* SECTION 2715. 973.09 (3) (bm) 3. of the statutes is amended to
11 read:

12 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
13 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073 or~~
14 304.074 and the amount of the unpaid fees. If the department proves by a
15 preponderance of the evidence that the probationer owes unpaid fees under s.
16 ~~304.073 or~~ 304.074, the court may, by order, extend the period of probation for a
17 stated period or modify the terms and conditions of probation.

18 *~~0336/P2.8~~* SECTION 2716. 973.09 (3) (c) 1. of the statutes is amended to read:

19 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge
20 court-ordered payment obligations or to pay fees owed under s. ~~304.073 or~~ 304.074.

21 *~~1195/3.57~~* SECTION 2717. 973.11 (1) (intro.) of the statutes is amended to
22 read:

23 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
24 no contest to one or more misdemeanors for which mandatory periods of
25 imprisonment are not required, if the chief judge of the judicial administrative

1 district has approved a volunteers in probation program established in the
2 applicable county, and if the court decides that volunteer supervision under the
3 program will likely benefit the person and the community and subject to the
4 limitations under sub. (3), the court may withhold sentence or judgment of conviction
5 and order that the person be placed with that volunteers in probation program. A
6 person's participation in the program may not be used to conceal, withhold, or mask
7 information regarding the judgment of conviction if the conviction is required to be
8 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the
9 order shall provide any conditions that the court determines are reasonable and
10 appropriate and may include, but need not be limited to, one or more of the following:

11 ***-1788/2.6* SECTION 2718.** 973.20 (9) (b) of the statutes is amended to read:

12 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
13 under this section, the court shall inquire to see if an award has been made under
14 ch. 949 and if the department of justice is subrogated to the cause of action under s.
15 949.15. If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
16 is less than or equal to the award under ch. 949, the defendant shall pay the
17 restitution shall be paid only to the general fund department of justice and the
18 restitution payments shall be credited to the appropriation account under s. 20.455
19 (5) (hm). If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
20 is greater than the award under ch. 949, the general fund shall receive defendant
21 shall pay the department of justice an amount equal to the award under ch. 949,
22 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
23 and the defendant shall pay the balance shall be paid to the victim.

24 ***-1792/3.10* SECTION 2719.** 973.30 (1) (c) of the statutes is amended to read:

1 973.30 (1) (c) Adopt and, as necessary, update advisory sentencing guidelines
2 for felonies committed on or after July 30, 2002, to promote public safety in a
3 cost-effective manner, to ~~reflect changes~~ promote consistency in sentencing
4 practices, and to preserve the integrity of the criminal justice and correctional
5 systems.

6 *~~1792/3.11~~* SECTION 2720. 973.30 (1) (cm) of the statutes is created to read:

7 973.30 (1) (cm) Develop advisory guidelines regarding the appropriate use of
8 alternatives to incarceration.

9 *~~1792/3.12~~* SECTION 2721. 973.31 of the statutes is created to read:

10 **973.31 Mandatory sentencing guidelines.** (1) In this section,
11 “commission” means the sentencing commission.

12 (2) If the commission determines in the report required under 2003 Wisconsin
13 Act (this act), section 9110 (1) that temporary sentencing guidelines adopted by
14 the criminal penalties study committee created under 1997 Wisconsin Act 283 are
15 not adequately promoting the objectives listed in s. 973.30 (1) (c), the commission
16 shall adopt mandatory guidelines for sentencing decisions, as defined in s. 973.017
17 (1), for felonies and misdemeanors for which a court may impose a bifurcated
18 sentence.

19 (3) When adopting a mandatory sentencing guideline for a crime, the
20 commission, subject to sub. (4), shall assign suggested ranges of punishment to
21 promote the objectives listed in s. 973.30 (1) (c). The ranges of punishment shall be
22 based upon the combination of offense and defendant characteristics in each case.
23 The commission may also include any of the following as part of a mandatory
24 sentencing guideline:

25 (a) Conditions of extended supervision or probation to be imposed.

1 (b) The length of a term of imprisonment to be imposed if, after the court
2 withholds a sentence and places a defendant on probation, the court revokes
3 probation.

4 (c) Whether penalties should be imposed concurrently or consecutively if the
5 defendant is convicted of more than one crime.

6 (4) The commission may not adopt a mandatory sentencing guideline for a
7 crime that calls for a range of punishment that conflicts with any provision of the
8 statutes relating to penalties for that crime.

9 (5) In general, in developing mandatory sentencing guidelines, the commission
10 shall begin with crimes that result in the greatest number of bifurcated sentences
11 being imposed. In general, the commission shall develop mandatory sentencing
12 guidelines for Class G to I felonies, unclassified felonies, and misdemeanors for
13 which a court may impose a bifurcated sentence before developing them for Class B
14 to F felonies. Beginning with the crimes that are committed most frequently, the
15 commission shall develop mandatory sentencing guidelines for crimes based on the
16 frequency with which they are committed.

17 ***-1712/5.81* SECTION 2722.** 977.01 of the statutes is renumbered 977.01
18 (intro.) and amended to read:

19 **977.01 Definitions.** (intro.) In this chapter, unless the context requires
20 otherwise, ~~“board”~~:

21 **(1) “Board”** means the public defender board.

22 ***-1634/7.66* SECTION 2723.** 977.01 (2) of the statutes, as affected by 2003
23 Wisconsin Act (this act), is amended to read:

24 977.01 (2) “Public assistance” means relief provided by counties under s. 59.53
25 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.

1 IV of ch. 49, low-income energy assistance under s. ~~16.385~~ 16.27, weatherization
2 assistance under s. ~~16.39~~ 16.26, and the food stamp program under 7 USC 2011 to
3 2029.

****NOTE: This is reconciled s. 977.01 (2). This SECTION has been affected by draft
LRB-1712/3, which created this SECTION by renumbering and amending s. 106.215 (1)
(fm).

4 ***-1712/5.82* SECTION 2724.** 977.06 (1) (a) of the statutes is amended to read:
5 977.06 (1) (a) Verify the information necessary to determine indigency under
6 s. 977.07 (2). The information provided by a person seeking assigned counsel that
7 is subject to verification shall include any social security numbers provided on an
8 application under sub. (1m), income records, value of assets, eligibility for public
9 assistance, as defined in s. ~~106.215 (1) (fm)~~, and claims of expenses.

10 ***-1373/8.25* SECTION 2725.** 978.001 (1c) of the statutes is created to read:
11 978.001 (1c) “Assignable prosecutor” means an attorney employed by the state
12 prosecutors board whom the board may assign to a prosecutorial unit under s. 978.14
13 (1) (d).

14 ***-1373/8.26* SECTION 2726.** 978.03 (1) of the statutes is amended to read:
15 978.03 (1) The district attorney of any prosecutorial unit having a population
16 of 500,000 or more may appoint 5 deputy district attorneys and such assistant
17 district attorneys as may be requested by the department of administration and
18 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
19 district attorneys for purposes of carrying out duties under this section. The
20 deputies, according to rank, may perform any duty of the district attorney who
21 appointed him or her, under the district attorney’s direction, or any duty of the
22 district attorney to whose prosecutorial unit he or she is assigned by the state
23 prosecutors board under s. 978.14 (1) (c). In the absence or disability of the district

1 attorney, the deputies, according to rank, may perform any act required by law to be
2 performed by the district attorney. Any such deputy must have practiced law in this
3 state for at least 2 years prior to appointment under this section.

4 *~~1373/8.27~~* SECTION 2727. 978.03 (1m) of the statutes is amended to read:

5 978.03 (1m) The district attorney of any prosecutorial unit having a population
6 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
7 attorneys and such assistant district attorneys as may be requested by the
8 department of administration and authorized in accordance with s. 16.505. The
9 district attorney shall rank the deputy district attorneys for purposes of carrying out
10 duties under this section. The deputies, according to rank, may perform any duty
11 of the district attorney who appointed him or her, under the district attorney's
12 direction, or any duty of the district attorney to whose prosecutorial unit he or she
13 is assigned by the state prosecutors board under s. 978.14 (1) (c). In the absence or
14 disability of the district attorney, the deputies, according to rank, may perform any
15 act required by law to be performed by the district attorney. Any such deputy must
16 have practiced law in this state for at least 2 years prior to appointment under this
17 section.

18 *~~1373/8.28~~* SECTION 2728. 978.03 (2) of the statutes is amended to read:

19 978.03 (2) The district attorney of any prosecutorial unit having a population
20 of 100,000 or more but not more than 199,999 may appoint one deputy district
21 attorney and such assistant district attorneys as may be requested by the
22 department of administration and authorized in accordance with s. 16.505. The
23 deputy may perform any duty of the district attorney who appointed him or her,
24 under the district attorney's direction, or any duty of the district attorney to whose
25 prosecutorial unit he or she is assigned by the state prosecutors board under s. 978.14

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1 (1)(c). In the absence or disability of the district attorney, the deputy may perform
2 any act required by law to be performed by the district attorney. The deputy must
3 have practiced law in this state for at least 2 years prior to appointment under this
4 section.

5 ***-1373/8.29* SECTION 2729.** 978.03 (3) of the statutes is amended to read:

6 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
7 an attorney admitted to practice law in this state and, except as provided in ss.
8 978.043 and 978.044, may exercise any power of, or perform any duty required by law
9 to be performed by, the district attorney. The appointing him or her or a district
10 attorney to whose prosecutorial unit he or she is assigned by the state prosecutors
11 board under s. 978.14 (1) (c). In consultation with the state prosecutors board, the
12 district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint
13 such temporary counsel as may be authorized by the department of administration.

14 ***-1373/8.30* SECTION 2730.** 978.04 of the statutes is amended to read:

15 **978.04 Assistants in certain prosecutorial units.** The district attorney of
16 any prosecutorial unit having a population of less than 100,000 may appoint one or
17 more assistant district attorneys as necessary to carry out the duties of his or her
18 office and as may be requested by the department of administration authorized in
19 accordance with s. 16.505. Any such assistant district attorney must be an attorney
20 admitted to practice law in this state and, except as provided in s. 978.043, may
21 exercise any power of, or perform any duty required by law to be performed by, the
22 district attorney appointing him or her or a district attorney to whose prosecutorial
23 unit he or she is assigned by the state prosecutors board under s. 978.14 (1) (c).

24 ***-1373/8.31* SECTION 2731.** 978.043 of the statutes is amended to read:

1 **978.043 Assistants for prosecution of sexually violent person**
2 **commitment cases.** The district attorney of the prosecutorial unit that consists of
3 Brown County and the district attorney of the prosecutorial unit that consists of
4 Milwaukee County shall each assign one assistant district attorney in his or her
5 prosecutorial unit to be a sexually violent person commitment prosecutor. An
6 assistant district attorney assigned under this section to be a sexually violent person
7 commitment prosecutor may engage only in the prosecution of sexually violent
8 person commitment proceedings under ch. 980 and, ~~at the request of the district~~
9 ~~attorney of the prosecutorial unit~~ as permitted or required under rules adopted by
10 the state prosecutors board under s. 978.14 (1) (c), may file and prosecute sexually
11 violent person commitment proceedings under ch. 980 in any prosecutorial unit in
12 this state.

13 *~~1373/8.32~~* **SECTION 2732.** 978.044 (2) (b) of the statutes is amended to read:
14 978.044 (2) (b) Provide assistance to the district attorney in other counties
15 relating to the establishment of restorative justice programs, as described in par. (a)
16 as permitted or required under rules adopted by the state prosecutors board under
17 s. 978.14 (1) (c).

18 *~~1373/8.33~~* **SECTION 2733.** 978.045 (1g) of the statutes is amended to read:
19 978.045 (1g) A court on its own motion may appoint a special prosecutor under
20 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
21 under that subsection. Before a court appoints a special prosecutor on its own motion
22 or at the request of a district attorney for an appointment that exceeds 6 hours per
23 case, the court or, subject to any applicable rule issued under s. 978.14 (1) (c), the
24 district attorney shall request do all of the following:

1 1. Request assistance from a district attorney, deputy district attorney, or
2 assistant district attorney from other prosecutorial units or an assistant attorney
3 general. A district attorney requesting the appointment of a special prosecutor, or
4 a court if the court is appointing a special prosecutor on its own motion, shall notify
5 the department of administration

6 2. Notify the state prosecutors board, on a form provided by the department
7 board, of the district attorney's or the court's inability basis for the proposed
8 appointment and the efforts to obtain assistance from another prosecutorial unit or
9 from an assistant attorney general.

10 *~~1373/8.34~~* SECTION 2734. 978.046 of the statutes is created to read:

11 **978.046 Assignable prosecutors.** An assignable prosecutor who has been
12 assigned to a prosecutorial unit may exercise any power of, or perform any duty
13 required by law to be performed by, the district attorney of the prosecutorial unit.

14 *~~1373/8.35~~* SECTION 2735. 978.05 (1) of the statutes is amended to read:

15 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
16 all criminal actions before any court within his or her prosecutorial unit. In
17 determining whether to prosecute a case, the district attorney shall consider the
18 guidelines adopted by the state prosecutors board under s. 978.14 (1) (b). The district
19 attorney, however, is not bound by those guidelines, and there is no right to appeal
20 based on a prosecutor's decision to depart in any way from any guideline.

21 *~~1373/8.36~~* SECTION 2736. 978.05 (8) (b) of the statutes is amended to read:

22 978.05 (8) (b) Hire, employ, and supervise his or her staff and assignable
23 prosecutors assigned to his or her prosecutorial unit under s. 978.14 (1) (d) and,
24 subject to ss. 978.043 and 978.044, make appropriate assignments of the staff and
25 assignable prosecutors throughout the prosecutorial unit. The district attorney may

1 request the assistance of district attorneys, deputy district attorneys, or assistant
2 district attorneys from other prosecutorial units, subject to any rules promulgated
3 under s. 978.14 (1) (c), or assistant attorneys general, who then may appear and
4 assist in the investigation and prosecution of any matter for which a district attorney
5 is responsible under this chapter in like manner as assistants in the prosecutorial
6 unit and with the same authority as the district attorney in the unit in which the
7 action is brought. Nothing in this paragraph limits the authority of counties to
8 regulate the hiring, employment, and supervision of county employees.

9 *~~1373/8.37~~* SECTION 2737. 978.06 (1) of the statutes is amended to read:

10 978.06 (1) No district attorney, deputy district attorney ~~or~~, assistant district
11 attorney, or assignable prosecutor may receive any fee or reward from or on behalf
12 of any prosecutor or any other individual for services in any prosecution or business
13 to which it is the district attorney's official duty to attend.

14 *~~1373/8.38~~* SECTION 2738. 978.06 (2) of the statutes is amended to read:

15 978.06 (2) No district attorney, deputy district attorney ~~or~~, assistant district
16 attorney, or assignable prosecutor may be concerned as attorney or counsel for either
17 party, other than for the state or county, in any civil action depending upon the same
18 state of facts upon which any criminal prosecution commenced but undetermined
19 depends.

20 *~~1373/8.39~~* SECTION 2739. 978.06 (3) (a) of the statutes is amended to read:

21 978.06 (3) (a) No district attorney, deputy district attorney ~~or~~, assistant district
22 attorney, or assignable prosecutor while in office may hold any judicial office. No
23 assignable prosecutor and no full-time district attorney, deputy district attorney, or
24 assistant district attorney may hold the office of or act as corporation counsel or city,
25 village, or town attorney. A part-time district attorney, deputy district attorney, or

1 assistant district attorney may hold the office of or act as corporation counsel or city,
2 village, or town attorney or otherwise serve as legal counsel to any governmental
3 unit.

4 *–1373/8.40* SECTION 2740. 978.06 (4) of the statutes is amended to read:

5 978.06 (4) No person who acted as district attorney, deputy district attorney
6 or, assistant district attorney, or assignable prosecutor, or special prosecutor under
7 s. 978.045, for a county at the time of an arrest, examination, or indictment of any
8 person charged with a crime in that county may thereafter appear for, or defend that
9 person against the crime charged in the complaint, information, or indictment.

10 *–1373/8.41* SECTION 2741. 978.06 (5) (a) of the statutes is amended to read:

11 978.06 (5) (a) No full-time district attorney, deputy district attorney, or
12 assistant district attorney may engage in a private practice of law, but he or she is
13 authorized to complete all civil cases, not in conflict with the interest of the county
14 or counties of his or her prosecutorial unit, in which he or she is counsel, pending in
15 court before he or she takes office. No assignable prosecutor may engage in a private
16 practice of law. A part-time district attorney, deputy district attorney, or assistant
17 district attorney may engage in a private practice of law.

18 *–1373/8.42* SECTION 2742. 978.12 (title) of the statutes is amended to read:

19 **978.12 (title) Salaries Prosecutor salaries and benefits of district**
20 **attorney and state employees in office of district attorney.**

21 *–1373/8.43* SECTION 2743. 978.12 (1) (c) of the statutes is amended to read:

22 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
23 district attorneys and assignable prosecutors shall be employed outside the
24 classified service. For purposes of salary administration, the secretary of
25 employment relations shall establish one or more classifications for assistant district

1 attorneys and assignable prosecutors in accordance with the classification or
2 classifications allocated to assistant attorneys general. Except as provided in s.
3 111.93 (3), the salaries of assistant district attorneys and assignable prosecutors
4 shall be established and adjusted in accordance with the state compensation plan for
5 assistant attorneys general whose positions are allocated to the classification or
6 classifications established by the secretary of employment relations.

(7) *-0576/8.94* SECTION (2744) ^{create auto ref RAC 7} 978.12 (1) (c) of the statutes, as affected by 2003
8 Wisconsin Act (this act), is amended to read: all p. 920

9 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
10 district attorneys and assignable prosecutors shall be employed outside the
11 classified service. For purposes of salary administration, the secretary of
12 ~~employment relations~~ administration shall establish one or more classifications for
13 assistant district attorneys and assignable prosecutors in accordance with the
14 classification or classifications allocated to assistant attorneys general. Except as
15 provided in s. 111.93 (3), the salaries of assistant district attorneys and assignable
16 prosecutors shall be established and adjusted in accordance with the state
17 compensation plan for assistant attorneys general whose positions are allocated to
18 the classification or classifications established by the secretary of ~~employment~~
19 ~~relations~~ administration.

****NOTE: This is reconciled s. 978.12 (1) (c). It is affected by LRB-0576 and
LRB-1373.

20 *-1373/8.44* SECTION 2745. 978.12 (4) of the statutes is amended to read:

21 978.12 (4) ANNUAL LEAVE. Annual leave for the district attorney is governed by
22 s. 230.35 (1r). Annual leave for other state employees of the office of district attorney
23 shall be accrued at the rate provided in s. 230.35 using the employee's state service

1 computed under sub. (2). Annual leave shall be earned on a calendar year basis
2 prorated from the effective date of the employee's transfer for the balance of the
3 calendar year. This subsection does not apply to assignable prosecutors.

4 *~~0529/4.300~~* SECTION 2746. 978.12 (5) (c) 1. of the statutes is amended to
5 read:

6 978.12 (5) (c) 1. The salaries authorized under this section for the district
7 attorney and the state employees of the office of district attorney shall be paid by the
8 ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a
9 voucher submitted by the district attorney to the department of administration. The
10 county treasurer shall pay the amounts directly to the district attorney and state
11 employees of the office of district attorney and the amounts paid shall be subject to
12 the retirement system established under chapter 201, laws of 1937.

13 *~~1373/8.45~~* SECTION 2747. 978.12 (5) (d) of the statutes is created to read:

14 978.12 (5) (d) *Applicability.* This subsection does not apply to assignable
15 prosecutors.

16 *~~0529/4.301~~* SECTION 2748. 978.13 (1) (b) of the statutes, as affected by 2001
17 Wisconsin Act 109, is amended to read:

18 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
19 and fringe benefit costs of 2 clerk positions providing clerical services to the
20 prosecutors in the district attorney's office handling cases involving felony violations
21 under ch. 961. The ~~state treasurer~~ secretary of administration shall pay the amount
22 authorized under this subsection to the county treasurer pursuant to a voucher
23 submitted by the district attorney to the department of administration from the
24 appropriation under s. 20.475 (1) (i).

1 *~~0529/4.302~~* SECTION 2749. 978.13 (1) (c) of the statutes, as affected by 2001
2 Wisconsin Act 109, is amended to read:

3 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
4 fringe benefit costs of clerk positions in the district attorney's office necessary for the
5 prosecution of violent crime cases primarily involving felony violations under s.
6 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
7 940.06, 940.225, 943.23 (1g), and 943.32 (2). The ~~state treasurer~~ secretary of
8 administration shall pay the amount authorized under this subsection to the county
9 treasurer pursuant to a voucher submitted by the district attorney to the secretary
10 of administration from the appropriation under s. 20.475 (1) (i).

11 *~~0529/4.303~~* SECTION 2750. 978.13 (1) (d) of the statutes, as affected by 2001
12 Wisconsin Act 109, is amended to read:

13 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
14 and fringe benefit costs of 2 clerk positions providing clerical services to the
15 prosecutors in the district attorney's office handling cases involving the unlawful
16 possession or use of firearms. The ~~state treasurer~~ secretary of administration shall
17 pay the amount authorized under this subsection to the county treasurer from the
18 appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district
19 attorney to the department of administration.

20 *~~1373/8.46~~* SECTION 2751. 978.14 of the statutes is created to read:

21 **978.14 State prosecutors board.** (1) The state prosecutors board shall do
22 all of the following:

23 (b) Adopt advisory guidelines or standards for district attorneys to use in
24 determining when criminal cases should be prosecuted or diverted to
25 nonprosecutorial programs.

1 (c) Promulgate and administer rules regarding the temporary assignment of
2 district attorneys and deputy and assistant district attorneys from one prosecutorial
3 unit to another.

4 (d) Hire and assign assignable prosecutors to prosecutorial units as and for as
5 long as it sees fit.

6 (e) Supervise the office within the department of administration that is
7 responsible for providing personnel, budget, and other types of management
8 assistance to district attorney offices.

9 (2) Subject to authorization under s. 16.505, the state prosecutors board may
10 hire staff to assist it in the performance of its duties.

11 *-0332/1.3* SECTION 2752. 1997 Wisconsin Act 4, section 4 (1) (title) is
12 repealed.

13 *-0332/1.4* SECTION 2753. 1997 Wisconsin Act 4, section 4 (1) (a), as last
14 affected by 2001 Wisconsin Act 16, section 4035, is/amended to read:

15 [Wisconsin Act 4] Section 4 (1) (a) Notwithstanding 1995 Wisconsin Act 27,
16 section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
17 until July 1, 2003, shall operate the secured correctional facility, as defined in s.
18 938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
19 (26v), as a state prison named in section 302.01 of the statutes, as affected by this
20 act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
21 who are not more than 21 years of age and who are not violent offenders, as
22 determined by the department of corrections.

23 *-0332/1.5* SECTION 2754. 1997 Wisconsin Act 4, section 4 (1) (b) is repealed.

24 *-1308/2.3* SECTION 2755. 1997 Wisconsin Act 27, section 9101 (11m) is
25 amended to read:

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renumbered 301.16 (1u) of the statutes and

[Wisconsin Act 4] Section 4 (1) (a)

1 [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION
2 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2004, the land
3 information board and Wisconsin land council shall report to the legislature in the
4 manner provided under section 13.172 (2) of the statutes and to the governor
5 concerning the issue of continuation of their functions, including the feasibility of
6 combination of their functions.

7 *~~0332/1.6~~* SECTION 2756. 1997 Wisconsin Act 27, section 9111 (2u) is
8 repealed.

9 *~~1308/2.4~~* SECTION 2757. 1997 Wisconsin Act 27, section 9456 (3m), as last
10 affected by 2001 Wisconsin Act 16, is amended to read:

11 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
12 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
13 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
14 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
15 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10
16 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
17 (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of
18 the statutes and SECTION 9101 (1) of this act take effect on September 1, ~~2003~~ 2005.

19 *~~1308/2.5~~* SECTION 2758. 1999 Wisconsin Act 9, section 9401 (2zt) is
20 amended to read:

21 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
22 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
23 September 1, ~~2003~~ 2005.

24 *~~1308/2.6~~* SECTION 2759. 1999 Wisconsin Act 9, section 9401 (2zu) is
25 amended to read:

1 [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The
2 repeal of sections 16.967 (11) and 20.505 (1) (ik) and of the statutes, the treatment
3 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the
4 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on
5 September 1, 2003 2005.

6 *-1250/1.4* SECTION 2760. 2001 Wisconsin Act 16, section 9152 (5y) is
7 amended to read:

8 [2001 Wisconsin Act 16] Section 9152 (5y) REQUEST ON WEST CANAL STREET
9 RECONSTRUCTION AND EXTENSION PROJECT FUNDING. A request for additional funds in
10 the 2003–05 fiscal biennium to complete the West Canal Street reconstruction and
11 extension project specified under section 84.03 (3) of the statutes, as created by this
12 act, shall require the city of Milwaukee to make a matching contribution to the
13 amount of the grant to be awarded.

14 *-1021/1.9101* SECTION 9101. Nonstatutory provisions;
15 administration.

16 (1) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
17 revenue moneys appropriated to the department of administration for the office of
18 justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
19 department of administration shall expend \$90,600 in fiscal year 2003–04 and
20 \$95,900 in fiscal year 2004–05 to provide the multijurisdictional enforcement group
21 serving Dane County with funding for one assistant district attorney to prosecute
22 criminal violations of chapter 961 of the statutes.

23 *-1022/1.9101* SECTION 9101. Nonstatutory provisions;
24 administration.

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1 (1) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and
 2 program revenue moneys appropriated to the department of administration for the
 3 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
 4 department of administration shall expend \$286,300 in fiscal year 2003–04 and
 5 \$294,900 in fiscal year 2004–05 to provide the multijurisdictional enforcement group
 6 serving Milwaukee County with funding for 3 assistant district attorneys to
 7 prosecute criminal violations of chapter 961 of the statutes.

8 *-1273/P2.9101* SECTION 9101. Nonstatutory provisions;
 9 administration.

10 *-1373/8.9101* SECTION 9101. Nonstatutory provisions;
 11 administration.

12 (1) STATE PROSECUTORS BOARD; INITIAL TERMS. Notwithstanding section 15.105
 13 (6) (b) 1. of the statutes, as created by this act, the first 4 members of the state
 14 prosecutors board shall be appointed for 2–year terms, subject to section 15.105 (6)
 15 (b) 2. of the statutes, as created by this act.

16 *-1634/7.9101* SECTION 9101. Nonstatutory provisions;
 17 administration.

18 (1) TRANSFER OF HOUSING OPERATIONS TRANSITIONAL PROVISIONS.
 19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
 20 liabilities of the department of administration primarily related to the
 21 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385
 22 and 16.39, 2001 stats., as determined by the secretary of administration, shall
 23 become the assets and liabilities of the department of commerce.

24 (b) *Position and employee transfers.* All incumbent employees holding
 25 positions in the department of administration performing duties primarily related

SECTION 9101

1 to the administration of subchapter II of chapter 16, 2001 stats., other than sections
2 16.385 and 16.39, 2001 stats., as determined by the secretary of administration, are
3 transferred on the effective date of this paragraph to the department of commerce.

4 (c) *Employee status.* Employees transferred under paragraph (b) have all the
5 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
6 statutes in the department of commerce that they enjoyed in the department of
7 administration immediately before the transfer. Notwithstanding section 230.28 (4)
8 of the statutes, no employee so transferred who has attained permanent status in
9 class is required to serve a probationary period.

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of administration
12 that is primarily related to the administration of subchapter II of chapter 16, 2001
13 stats., other than sections 16.385 and 16.39, 2001 stats., as determined by the
14 secretary of administration, is transferred to the department of commerce.

15 (e) *Contracts.* All contracts entered into by the department of administration
16 in effect on the effective date of this paragraph that are primarily related to the
17 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385
18 and 16.39, 2001 stats., as determined by the secretary of administration, remain in
19 effect and are transferred to the department of commerce. The department of
20 commerce shall carry out any obligations under such a contract until the contract is
21 modified, rescinded by the department of commerce to the extent allowed under the
22 contract, or expires.

23 (f) *Rules and orders.* All rules promulgated by the department of
24 administration in effect on the effective date of this paragraph that are primarily
25 related to the administration of subchapter II of chapter 16, 2001 stats., other than

1 sections 16.385 and 16.39, 2001 stats., remain in effect until their specified
 2 expiration date or until amended or repealed by the department of commerce. Any
 3 orders issued by the department of administration or the division of housing in the
 4 department of administration that are in effect on the effective date of this
 5 paragraph and that are primarily related to the administration of subchapter II of
 6 chapter 16, 2001 stats., other than sections 16.385 and 16.39, 2001 stats., remain in
 7 effect until their specified expiration date or until modified or rescinded by the
 8 department of commerce.

9 (g) *Pending matters.* Any matter pending with the department of
 10 administration or the division of housing in the department of administration that
 11 is primarily related to the administration of subchapter II of chapter 16, 2001 stats.,
 12 other than sections 16.385 and 16.39, 2001 stats., is transferred to the department
 13 of commerce and all materials submitted to or actions taken by the department of
 14 administration or the division of housing in the department of administration with
 15 respect to such a matter are considered as having been submitted to or taken by the
 16 department of commerce.

as affected by this act,

17 ***-1711/5.9101* SECTION 9101. Nonstatutory provisions; administration.**

18 (1) HIGHER EDUCATIONAL AIDS. The authorized FTE positions for the department
 19 of administration, funded from the appropriation under section 20.505 (1) (a) of the
 20 statutes, are increased by 2.0 GPR positions on the effective date of this subsection
 21 for the purpose of assisting the Board of Regents of the University of Wisconsin
 22 System in administering higher educational aids under subchapter III of chapter 39
 23 of the statutes, as affected by this act.

24 ***-1746/4.9101* SECTION 9101. Nonstatutory provisions;
 25 administration.**

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(1) SALE OR LEASE OF CERTAIN STATE PROPERTY.

(a) Except as provided in paragraph (b), no later than July 1, 2004, the secretary of administration shall review all holdings of state-owned real and personal property for potential sale or lease.

(b) Paragraph (a) does not apply to any facility or institution the closure or sale of which is not authorized by law.

-1759/2.9101

SECTION 9101. Nonstatutory provisions;

administration.

(1) POSITION TRANSFER; EMPLOYEE STATUS. The incumbent employee holding the position specified in SECTION 9159 (1) is transferred on July 1, 2003, to the department of administration and has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that he or she enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

-1761/4.9101

SECTION 9101. Nonstatutory provisions;

administration.

(1) ESTIMATE OF MEDICAL ASSISTANCE TRUST FUND REVENUE.

(a) Estimate for fiscal year 2003-04. Before January 1, 2004, the secretary of administration shall estimate the total amount that will be deposited into the Medical Assistance trust fund for state fiscal year 2003-04 that will exceed \$550,000,000.

(b) Estimate for fiscal year 2004-05. Before January 1, 2005, the secretary of administration shall estimate the total amount that will be deposited into the

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1 Medical Assistance trust fund for state fiscal year 2004-05 that will exceed
2 \$80,000,000.

3 *-1273/P2.9102* SECTION 9102. Nonstatutory provisions; adolescent ✓
4 pregnancy prevention and pregnancy services board.

5 *-1273/P2.9103* SECTION 9103. Nonstatutory provisions; aging and ✓
6 long-term care board.

7 *-1111/4.9104* SECTION 9104. Nonstatutory provisions; agriculture, ✓
8 trade and consumer protection.

9 (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

10 (a) *Assets and liabilities.* All assets and liabilities of the department of
11 agriculture, trade and consumer protection that are primarily related to consumer
12 protection programs or functions that are being transferred to the department of
13 justice under this act shall become the assets and liabilities of the department of
14 justice. The departments of justice and agriculture, trade and consumer protection
15 shall jointly determine these assets and liabilities and shall jointly develop and
16 implement a plan for their orderly transfer. In the event of any disagreement
17 between the departments, the secretary of administration shall resolve the
18 disagreement.

19 (b) *Employee transfers.* The departments of justice and agriculture, trade and
20 consumer protection shall jointly determine which positions that are primarily
21 related to consumer protection programs or functions that are being transferred to
22 the department of justice under this act shall be transferred to the department of
23 justice. In the event of any disagreement between the departments, the secretary
24 of administration shall resolve the disagreement. The positions determined to be



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SECTION 9104

1 transferred under this paragraph, and the incumbent employees in those positions,
2 shall be transferred to the department of justice.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of justice that they enjoyed in the department of
6 agriculture, trade and consumer protection immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Supplies and equipment.* All tangible personal property, including records,
10 of the department of agriculture, trade and consumer protection that are primarily
11 related to consumer protection programs or functions that are being transferred to
12 the department of justice under this act are transferred to the department of justice.
13 The departments of justice and agriculture, trade and consumer protection shall
14 jointly identify the tangible personal property, including records, and shall jointly
15 develop and implement a plan for their orderly transfer. In the event of any
16 disagreement between the departments, the secretary of administration shall
17 resolve the disagreement.

18 (e) *Pending matters.* Any matter pending with the department of agriculture,
19 trade and consumer protection that is primarily related to a consumer protection
20 program or function that is being transferred to the department of justice under this
21 act is being transferred to the department of justice. All materials submitted to or
22 actions taken by the department of agriculture, trade and consumer protection with
23 respect to the pending matter are considered as having been submitted to or taken
24 by the department of justice.

1 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
2 and consumer protection or by the department of justice that are primarily related
3 to consumer protection programs or functions that are being transferred to the
4 department of justice under this act, and that are in effect on the effective date of this
5 paragraph, remain in effect and those contracts entered into by the department of
6 agriculture, trade and consumer protection are transferred to the department of
7 justice. The departments of justice and agriculture, trade and consumer protection
8 shall jointly identify these contracts and shall jointly develop and implement a plan
9 for their orderly transfer. In the event of any disagreement between the
10 departments, the secretary of administration shall resolve the disagreement. The
11 department of justice shall carry out the obligations under these contracts until the
12 obligations are modified or rescinded by the department of justice to the extent
13 allowed under the contract.

14 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
15 trade and consumer protection that are in effect on the effective date of this
16 paragraph and that are primarily related to consumer protection programs or
17 functions that are being transferred to the department of justice under this act
18 remain in effect until their specified expiration date or until amended or repealed by
19 the department of justice. All orders issued by the department of agriculture, trade
20 and consumer protection that are in effect on the effective date of this paragraph and
21 that are primarily related to consumer protection programs or functions that are
22 being transferred to the department of justice under this act remain in effect until
23 their specified expiration date or until modified or rescinded by the department of
24 justice.

SECTION 9104

*- 1111/4. 9104 *

1 ↓ (2) NAME CHANGE. Wherever “agriculture, trade and consumer protection”
2 appears in the following sections of the statutes, as affected by this act, “agriculture,
3 trade, and rural resources” is substituted: 15.05 (1) (d), 15.07 (5) (d), 15.105 (12) (a)
4 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.13, 15.135 (4) (am) and (b) 1., 15.137 (1) (a)
5 (intro.) and (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1., 15.347 (13) (b) 3. and
6 (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915 (1) (b) 1. and (2) (a), 16.023
7 (1) (g) (intro.), 16.045 (3), 16.967 (6), 20.115 (intro.), 20.866 (2) (we) and (wf), 20.923
8 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and (5), 26.36, 27.019 (3) and (12), 29.424 (2)
9 (b), 29.705 (4) (b), 29.875 (2), 30.12 (4m) (a) and (b), 30.20 (1) (d), 30.46 (1) (a) and (2),
10 31.02 (7m), 32.035 (1) (a), 36.25 (7) and (11) (c), 36.58 (2) (a) 3. and (c), (3) (b), and (5),
11 41.41 (4) (c) and (5) (e), 42.10, 59.70 (17) (a), 61.72, 66.0217 (9) (b), 66.0307 (4) (a) 1.,
12 66.0417 (1), 69.66, 84.01 (17), 86.19 (1m), 88.11 (1) (intro.), (1m), (3) (intro.), (4), (5)
13 (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.),
14 88.32 (3m), 88.35 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and (14m),
15 92.15 (3), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.20 (1), 93.75
16 (3m) (b), (c), and (d), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9), 95.22 (1)
17 and (3), 95.45 (4) (b), 95.55 (5) (a) and (c), 97.01 (4), 97.24 (3), 97.41 (1m), 98.04, 101.58
18 (2) (i), 101.586, 126.01 (8), 134.71 (12), 146.60 (1) (c), (2) (b), (3) (c) 1. and 2., and (5),
19 160.01 (7), 165.065 (2), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d) and (3) (a), 169.06
20 (1) (d) 1., 169.11 (1) (a) (intro.), 169.38 (title), 169.42 (1) (i), 173.01 (1), 174.001 (2),
21 174.11 (1) and (2), 182.01 (6), 196.857 (1g) (e), 227.14 (1s), 230.08 (2) (e) 2., 234.02 (1),
22 235.02 (2) (c), 235.04 (6), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 254.58, 254.64
23 (1) (d), 254.69 (2) (am), 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20 (1) (a) and (3) (c)
24 and (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g) (intro.), 2., and 4.,
25 (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (11),

1 and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d)
2 and (9) (d) 1. d., 292.33 (6), 299.11 (2) and (5) (a), 348.01 (2) (am), 348.15 (5) (intro.),
3 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03 (1) and (18), 560.07
4 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 710.02 (4) (a) (intro.), 823.08 (3) (c)
5 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76 (3) (c).

6 ~~4.9104~~^{9104*} (3) MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION.
7 Notwithstanding section 15.13 of the statutes, as affected by this act, any member
8 of the board of agriculture, trade and consumer protection who is serving on the
9 board of agriculture, trade and consumer protection as a consumer representative
10 on the day before the effective date of this subsection shall be entitled to continue to
11 serve as a member of the board under section 15.13 of the statutes, as affected by this
12 act, until his or her successor is appointed and qualified.

13 ***-1273/P2.9104* SECTION 9104. Nonstatutory provisions; agriculture,**
14 **trade and consumer protection.**

15 ***-1506/2.9104* SECTION 9104. Nonstatutory provisions; agriculture,**
16 **trade and consumer protection.**

17 **▲ (1) MILK CERTIFICATION.** The authorized FTE positions for the department of
18 agriculture, trade and consumer protection are increased by 4.8 PR positions on the
19 effective date of this subsection, to be funded from the appropriation under section
20 20.115 (1) (gb) of the statutes, for the purpose of performing milk certification.

21 ***-1273/P2.9105* SECTION 9105. Nonstatutory provisions; arts board.**

22 ***-1273/P2.9106* SECTION 9106. Nonstatutory provisions; building**
23 **commission.**

24 ***-1273/P2.9107* SECTION 9107. Nonstatutory provisions; child abuse**
25 **and neglect prevention board.**

1 *-1273/P2.9108* SECTION 9108. Nonstatutory provisions; circuit courts.

2 *-1273/P2.9109* SECTION 9109. Nonstatutory provisions; commerce.

3 *-1273/P2.9110* SECTION 9110. Nonstatutory provisions; corrections.

4 *-1792/3.9110* SECTION 9110. Nonstatutory provisions; corrections.

5 (1) REPORT REGARDING TEMPORARY SENTENCING GUIDELINES. No later than
6 January 1, 2004, the sentencing commission shall analyze whether the temporary
7 sentencing guidelines adopted by the criminal penalties study committee created
8 under 1997 Wisconsin Act 283 are adequately promoting the objectives listed in
9 section 973.30 (1) (c) of the statutes ^{as affected by this act,} and submit a report to the governor, the
10 legislature, and the supreme court explaining its conclusions.

11 *-1273/P2.9111* SECTION 9111. Nonstatutory provisions; court of
12 appeals.

13 *-1273/P2.9112* SECTION 9112. Nonstatutory provisions; district
14 attorneys.

15 *-1273/P2.9113* SECTION 9113. Nonstatutory provisions; educational
16 communications board.

17 *-1273/P2.9114* SECTION 9114. Nonstatutory provisions; elections
18 board.

19 *-1273/P2.9115* SECTION 9115. Nonstatutory provisions; electronic
20 government.

21 *-1289/7.9115* SECTION 9115. Nonstatutory provisions; electronic
22 government.

23 (1) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

24 (a) *Assets and liabilities.* Except as provided in SECTION 9215 (1) of this act, on
25 the effective date of this paragraph, the assets and liabilities of the department of

1 electronic government shall become assets and liabilities of the department of
2 administration.

3 (b) *Positions and employees.*

4 1. On the effective date of this subdivision, all full-time equivalent positions
5 in the department of electronic government, except the positions occupied by the
6 secretary, the deputy secretary, the executive assistant, and 2 division administrator
7 positions determined by the secretary of administration, are transferred to the
8 department of administration.

9 2. All incumbent employees holding positions that are transferred under
10 subdivision 1. are transferred on the effective date of this subdivision to the
11 department of administration.

12 3. Employees transferred under subdivision 2. have all of the rights and the
13 same status under subch. V of ch. 111 and chapter 230 of the statutes in the
14 department of administration that they enjoyed in the department of electronic
15 government immediately before the transfer. Notwithstanding section 230.28 (4) of
16 the statutes, no employee so transferred who has attained permanent status in class
17 is required to serve a probationary period.

18 (c) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department of electronic
20 government is transferred to the department of administration.

21 (d) *Contracts.* All contracts entered into by the department of electronic
22 government that are in effect on the effective date of this paragraph remain in effect
23 and are transferred to the department of administration. The department of
24 administration shall carry out any contractual obligations under such a contract

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1 until the contract is modified or rescinded by the department of administration to the
2 extent allowed under the contract.

3 (e) *Rules and orders.* All rules promulgated by the department of electronic
4 government that are in effect on the effective date of this paragraph remain in effect
5 until their specified expiration dates or until amended or repealed by the department
6 of administration. All orders issued by the department of electronic government that
7 are in effect on the effective date of this paragraph remain in effect until their
8 specified expiration dates or until modified or rescinded by the department of
9 administration.

10 (f) *Pending matters.* Any matter pending with the department of electronic
11 government on the effective date of this paragraph is transferred to the department
12 of administration, and all materials submitted to or actions taken by the department
13 of electronic government with respect to the pending matter are considered as having
14 been submitted to or taken by the department of administration.

15 ***-1273/P2.9116* SECTION 9116. Nonstatutory provisions; employee**
trust funds.

16 ***-1273/P2.9117* SECTION 9117. Nonstatutory provisions; employment**
17 **relations commission.**

18 ***-0576/8.9118* SECTION 9118. Nonstatutory provisions; employment**
19 **relations department.**

20 (1) TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF EMPLOYMENT RELATIONS TO THE
21 DEPARTMENT OF ADMINISTRATION.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
23 liabilities of the department of employment relations shall become the assets and
24 liabilities of the department of administration.
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1 (b) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of employment
3 relations is transferred to the department of administration.

4 (c) *Contracts.* All contracts entered into by the department of employment
5 relations that are in effect on the effective date of this paragraph remain in effect and
6 are transferred to the department of administration. The department of
7 administration shall carry out any obligations under such a contract until the
8 contract is modified or rescinded by the department of administration to the extent
9 allowed under the contract.

10 (d) *Employee transfers and status.* On the effective date of this paragraph, all
11 incumbent employees holding classified positions in the department of employment
12 relations are transferred to the department of administration. Employees
13 transferred under this paragraph have all the rights and the same status under
14 subchapter V of chapter 111 and chapter 230 of the statutes in the department of
15 administration that they enjoyed in the department of employment relations
16 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
17 no employee so transferred who has attained permanent status in class may be
18 required to serve a probationary period.

19 (e) *Rules and orders.* All rules promulgated by the department of employment
20 relations that are in effect on the effective date of this paragraph remain in effect
21 until their specified expiration dates or until amended or repealed by the department
22 of administration. All orders issued by the department of employment relations that
23 are in effect on the effective date of this paragraph remain in effect until their
24 specified expiration dates or until modified or rescinded by the department of
25 administration.

1 (f) *Pending matters.* Any matter pending with the department of employment
2 relations on the effective date of this paragraph is transferred to the department of
3 administration and all materials submitted to or actions taken by the department
4 of employment relations with respect to the pending matter are considered as having
5 been submitted to or taken by the department of administration.

6 ***-1273/P2.9118* SECTION 9118. Nonstatutory provisions; employment**
7 **relations department.**

8 ***-1273/P2.9119* SECTION 9119. Nonstatutory provisions; ethics board.**

9 ***-0419/2.9120* SECTION 9120. Nonstatutory provisions; financial**
10 **institutions.**

11 (1) LIMITED LIABILITY COMPANY ANNUAL REPORTS. Notwithstanding section
12 183.0120 (3) of the statutes, as affected by this act, a domestic limited liability
13 company in existence on the effective date of this subsection shall deliver its initial
14 annual report under section 183.0120 of the statutes to the department of financial
15 institutions during the first calendar quarter of 2004.

16 ***-1273/P2.9120* SECTION 9120. Nonstatutory provisions; financial**
17 **institutions.**

18 ***-1431/2.9120* SECTION 9120. Nonstatutory provisions; financial**
19 **institutions.**

20 (1) REVIEW BOARD TRANSITIONAL PROVISIONS.

21 (a) *Current members of savings bank review board and savings and loan review*
22 *board.* Notwithstanding section 15.07 (1) (c) of the statutes and section 15.185 (3)
23 and (4), 2001 stats., the terms of office of all members of the savings bank review
24 board and all members of the savings and loan review board terminate on the
25 effective date of this paragraph.

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