

1 If the deposit is returned, the amount of the railroad crossing improvement
2 assessment shall also be returned.

3 *~~0529/4.232~~* SECTION 2613. 346.65 (4r) (d) of the statutes is amended to read:

4 346.65 (4r) (d) The clerk of the circuit court shall collect and transmit to the
5 county treasurer the railroad crossing improvement assessment as required under
6 s. 59.40 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary
7 of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
8 administration shall deposit all amounts received under this paragraph in the
9 transportation fund to be appropriated under s. 20.395 (2) (gj).

10 *~~0529/4.233~~* SECTION 2614. 346.655 (2) (a) of the statutes is amended to read:

11 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
12 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
13 (2) (m). The county treasurer shall then make payment of 38.5% of the amount to
14 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

15 *~~0529/4.234~~* SECTION 2615. 346.655 (2) (b) of the statutes is amended to read:

16 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
17 transmit the amount to the treasurer of the county, city, town, or village, and that
18 treasurer shall make payment of 38.5% of the amount to the ~~state treasurer~~
19 secretary of administration as provided in s. 66.0114 (1) (bm). The treasurer of the
20 city, town, or village shall transmit the remaining 61.5% of the amount to the
21 treasurer of the county.

22 *~~0529/4.235~~* SECTION 2616. 346.655 (3) of the statutes is amended to read:

23 346.655 (3) All moneys collected from the driver improvement surcharge that
24 are transmitted to the county treasurer under sub. (2) (a) or (b), except the amounts
25 that the county treasurer is required to transmit to the ~~state treasurer~~ secretary of

1 administration under sub. (2) (a) or (b), shall be retained by the county treasurer and
2 disbursed to the county department under s. 51.42 for services under s. 51.42 for
3 drivers referred through assessment.

4 *~~1229/2.2~~* SECTION 2617. 348.25 (8) (a) (intro.) of the statutes is amended to
5 read:

6 348.25 (8) (a) (intro.) Except as provided under par. (dm), the department shall
7 charge the following fees for each permit issued under s. 348.26 or 348.27:

8 *~~1190/1.1~~* SECTION 2618. 348.25 (8) (a) 1. of the statutes is amended to read:

9 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
10 limitations, \$15, except that if the application for a permit for a vehicle described in
11 this subdivision is submitted to the department after December 31, 1999, and before
12 July 1, 2003 2005, the fee is \$17.

13 *~~1190/1.2~~* SECTION 2619. 348.25 (8) (a) 2. of the statutes is amended to read:

14 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
15 width limitations or height limitations, \$20, except that if the application for a
16 permit for a vehicle described in this subdivision is submitted to the department
17 after December 31, 1999, and before July 1, 2003 2005, the fee is \$22.

18 *~~1190/1.3~~* SECTION 2620. 348.25 (8) (a) 2m. of the statutes is amended to
19 read:

20 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
21 width and height limitations, \$25, except that if the application for a permit for a
22 vehicle described in this subdivision is submitted to the department after
23 December 31, 1999, and before July 1, 2003 2005, the fee is \$28.

24 *~~1190/1.4~~* SECTION 2621. 348.25 (8) (b) 1. of the statutes is amended to read:

1 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
2 limitations, \$60, except that if the application for a permit for a vehicle described in
3 this subdivision is submitted to the department after December 31, 1999, and before
4 July 1, 2003 2005, the fee is \$66.

5 *~~1190/1.5~~* SECTION 2622. 348.25 (8) (b) 2. of the statutes is amended to read:

6 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
7 limitations or height limitations or both, \$90, except that if the application for a
8 permit for a vehicle described in this subdivision is submitted to the department
9 after December 31, 1999, and before July 1, 2003 2005, the fee is \$99.

10 *~~1190/1.6~~* SECTION 2623. 348.25 (8) (b) 3. a. of the statutes is amended to
11 read:

12 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
13 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
14 to the department after December 31, 1999, and before July 1, 2003 2005, the fee is
15 \$220.

16 *~~1190/1.7~~* SECTION 2624. 348.25 (8) (b) 3. b. of the statutes is amended to
17 read:

18 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
19 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle
20 described in this subd. 3. b. is submitted to the department after December 31, 1999,
21 and before July 1, 2003 2005, the fee is \$385.

22 *~~1190/1.8~~* SECTION 2625. 348.25 (8) (b) 3. c. of the statutes is amended to
23 read:

24 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
25 \$100 for each 10,000-pound increment or fraction thereof by which the gross weight

1 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
2 described in this subd. 3. c. is submitted to the department after December 31, 1999,
3 and before July 1, ~~2003~~ 2005, the fee is \$385 plus \$110 for each 10,000-pound
4 increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

5 *~~1190/1.9~~* SECTION 2626. 348.25 (8) (bm) 1. of the statutes is amended to
6 read:

7 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
8 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
9 permit times the number of months for which the permit is desired, plus \$15 for each
10 permit issued. This subdivision does not apply to applications for permits submitted
11 after December 31, 1999, and before July 1, ~~2003~~ 2005.

12 *~~1190/1.10~~* SECTION 2627. 348.25 (8) (bm) 2. of the statutes is amended to
13 read:

14 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
15 consecutive month permit is one-twelfth of the fee under par. (b) for an annual
16 permit times the number of months for which the permit is desired, plus \$16.50 for
17 each permit issued, rounded to the nearest whole dollar. This subdivision does not
18 apply to applications submitted before January 1, 2000, or submitted after
19 June 30, ~~2003~~ 2005.

20 *~~1229/2.3~~* SECTION 2628. 348.25 (8) (e) of the statutes is amended to read:

21 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
22 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
23 cost of any special investigation undertaken to determine whether a permit should
24 be approved or denied and to pay an additional fee of \$5 per permit if a department
25 telephone call-in procedure is used. If the department permits the payment of the

1 fee under par. (a) by telephone or Internet with use of a credit card, the department
2 shall charge a fee to be established by rule for each transaction. The fee shall
3 approximate the cost to the department for providing this service to persons so
4 requesting.

5 *~~0529/4.236~~* SECTION 2629. 349.04 (3) of the statutes is amended to read:

6 349.04 (3) If any deposit is made for an offense to which this section applies,
7 the person making the deposit shall also deposit a sufficient amount to include the
8 truck driver education assessment under this section. If the deposit is forfeited, the
9 amount of the truck driver education assessment shall be transmitted to the state
10 ~~treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the
11 amount of the truck driver education assessment shall also be returned.

12 *~~0529/4.237~~* SECTION 2630. 349.04 (4) of the statutes is amended to read:

13 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
14 treasurer the truck driver education assessment as required under s. 59.40 (2) (m).
15 The county treasurer shall then pay the ~~state treasurer~~ secretary of administration
16 as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of administration shall
17 deposit all amounts received under this subsection in the general fund to be credited
18 to the appropriation account under s. 20.292 (1) (hm).

19 *~~0529/4.238~~* SECTION 2631. 350.115 (1) (c) of the statutes is amended to read:

20 350.115 (1) (c) If any deposit is made for an offense to which this section applies,
21 the person making the deposit shall also deposit a sufficient amount to include the
22 snowmobile registration restitution payment prescribed in this section. If the
23 deposit is forfeited, the amount of the snowmobile registration restitution payment
24 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).

SECTION 2631

1 If the deposit is returned, the snowmobile registration restitution payment shall also
2 be returned.

3 *~~0529/4.239~~* SECTION 2632. 350.115 (1) (d) of the statutes is amended to read:

4 350.115 (1) (d) The clerk of the court shall collect and transmit to the county
5 treasurer the snowmobile registration restitution payment and other amounts
6 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
7 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

8 *~~1187/4.204~~* SECTION 2633. 350.137 (1) of the statutes is amended to read:

9 350.137 (1) The department, after having consulted with each rail authority,
10 as defined in s. 350.138 (1) (b), in this state, that has furnished the department with
11 the information required under s. 350.138 (2m), an established snowmobile
12 association that represents snowmobile clubs, as defined in s. 350.138 (1) (e), in this
13 state, and the ~~office of the commissioner of railroads~~ department of transportation,
14 shall promulgate rules to establish uniform maintenance standards and uniform
15 design and construction standards for snowmobile rail crossings under ss. 350.138
16 and 350.139.

17 *~~1187/4.205~~* SECTION 2634. 350.138 (4) (c) of the statutes is amended to read:

18 350.138 (4) (c) The department shall give notice of any hearing scheduled
19 under par. (b) to the applicant, to the applicable rail authority, and to the ~~office of the~~
20 ~~commissioner of railroads~~ department of transportation. The hearing shall be a
21 contested case hearing under ch. 227. The ~~department's~~ department of natural
22 resources' order issuing or denying a permit is a final order subject to judicial review
23 under ch. 227.

24 *~~1187/4.206~~* SECTION 2635. 350.138 (9) of the statutes is amended to read:

1 350.138 (9) INSPECTION AUTHORIZED. The department or the ~~office of the~~
2 ~~commissioner of railroads~~ department of transportation may inspect the site of a
3 proposed snowmobile rail crossing or the site of a snowmobile rail crossing for which
4 a permit has been issued to determine whether there are grounds to refuse to issue
5 a permit under sub. (4) or to revoke a permit under sub. (8).

6 *~~1187/4.207~~* SECTION 2636. 350.139 (5) of the statutes is amended to read:

7 350.139 (5) INSPECTION AUTHORIZED. The department or the ~~office of the~~
8 ~~commissioner of railroads~~ department of transportation may inspect an established
9 snowmobile rail crossing to determine whether the snowmobile organization
10 maintaining the crossing is in compliance with the requirements imposed under sub.
11 (4).

12 *~~1187/4.208~~* SECTION 2637. 350.1395 (2) (b) 2. of the statutes is amended to
13 read:

14 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
15 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile
16 organization, and the ~~office of the commissioner of railroads~~ department of
17 transportation. The hearing shall be a contested case hearing under ch. 227. The
18 ~~department's~~ department of natural resources' order shall be a final order subject to
19 judicial review under ch. 227.

20 *~~1187/4.209~~* SECTION 2638. 350.1395 (2) (b) 3. (intro.) of the statutes is
21 amended to read:

22 350.1395 (2) (b) 3. (intro.) The department shall grant a rail authority's petition
23 under subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under
24 subd. 2., and after giving substantial weight to the ~~office of the commissioner of~~

SECTION 2638

1 railroads' department of transportation's testimony or report given under s. 195.03
2 (30) (b), the department of natural resources finds that any of the following applies:

3 *~~1187/4.210~~* SECTION 2639. 350.1395 (4) (b) of the statutes is amended to
4 read:

5 350.1395 (4) (b) The department may not promulgate a rule under this
6 subsection without first consulting with each rail authority in this state that has
7 furnished the department with the information required under s. 350.138 (2m), an
8 established snowmobile association that represents snowmobile clubs, as defined in
9 s. 350.138 (1) (e), in this state, and the ~~office of the commissioner of railroads~~
10 department of transportation.

11 *~~0529/4.240~~* SECTION 2640. 351.07 (1g) of the statutes is amended to read:

12 351.07 (1g) No person may file a petition for an occupational license under sub.
13 (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk
14 of the circuit court shall give the person a receipt and forward the fee to the county
15 treasurer. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary
16 of administration under s. 59.25 (3) (m) and retain the balance for the use of the
17 county.

18 *~~1249/1.1~~* SECTION 2641. 445.125 (1) (a) 2. of the statutes, as affected by 2001
19 Wisconsin Act 16, is amended to read:

20 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
21 irrevocable as to the first ~~\$3,000~~ \$1,500 of the funds paid under the agreement by
22 each depositor.

23 *~~1431/2.42~~* SECTION 2642. 552.23 (1) of the statutes is amended to read:

24 552.23 (1) If the target company is an insurance company subject to regulation
25 by the commissioner of insurance, a banking corporation ~~subject to regulation by the~~

1 ~~division of banking, a~~, savings bank, or savings and loan association subject to
2 regulation by the division of ~~savings institutions~~ banking, or a company subject to
3 regulation by the public service commission, the department of transportation, or the
4 office of the commissioner of railroads, the division of securities shall promptly
5 furnish a copy of the registration statement filed under this chapter to the regulatory
6 agency having supervision of the target company. Any hearing under this chapter
7 involving any such target company shall be held jointly with the regulatory agency
8 having supervision, and any determination following the hearing shall be made
9 jointly with that regulatory agency.

10 *~~1187/4.211~~* SECTION 2643. 552.23 (1) of the statutes, as affected by 2003
11 Wisconsin Act (this act), is amended to read:

12 552.23 (1) If the target company is an insurance company subject to regulation
13 by the commissioner of insurance, a banking corporation, savings bank, or savings
14 and loan association subject to regulation by the division of banking, or a company
15 subject to regulation by the public service commission, or the department of
16 transportation, ~~or the office of the commissioner of railroads~~, the division of
17 securities shall promptly furnish a copy of the registration statement filed under this
18 chapter to the regulatory agency having supervision of the target company. Any
19 hearing under this chapter involving any such target company shall be held jointly
20 with the regulatory agency having supervision, and any determination following the
21 hearing shall be made jointly with that regulatory agency.

****NOTE: This is reconciled s. 552.23 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1187 and LRB-1431.

22 *~~1634/7.63~~* SECTION 2644. 560.045 (1) of the statutes is amended to read:

1 560.045 (1) ~~Notwithstanding s. 16.54 (2) (a), from moneys received under a~~
2 ~~community development block grant, 42 USC 5301 to 5320, the department shall~~
3 ~~contract with the department of administration for the administration of housing~~
4 ~~programs, including the housing improvement grant program and the initial~~
5 ~~rehabilitation grant program. To the extent allowed under federal law or regulation,~~
6 ~~the department shall give priority in the awarding of grants under the housing~~
7 ~~programs to grants for projects related to the redevelopment of brownfields, as~~
8 ~~defined in s. 560.60 (1v).~~

9 *~~1546/2.15~~* SECTION 2645. 560.13 of the statutes is repealed.

10 *~~1546/2.16~~* SECTION 2646. 560.138 (1) (ac) of the statutes is amended to read:
11 560.138 (1) (ac) “Brownfields” has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
12 (1v).

13 *~~1546/2.17~~* SECTION 2647. 560.139 (1) (c) of the statutes is repealed.

14 *~~1376/1.2~~* SECTION 2648. 560.18 of the statutes is repealed.

15 *~~1877/2.5~~* SECTION 2649. 560.25 of the statutes, as affected by 2001
16 Wisconsin Act 16, is repealed.

17 *~~1546/2.18~~* SECTION 2650. 560.41 (1) of the statutes is repealed.

18 *~~1546/2.19~~* SECTION 2651. 560.44 of the statutes is repealed.

19 *~~1877/2.6~~* SECTION 2652. 560.605 (1) (i) of the statutes is amended to read:
20 560.605 (1) (i) The eligible recipient has not received a grant under s. 560.25,
21 2001 stats.

22 *~~1877/2.7~~* SECTION 2653. 560.62 (2m) of the statutes is repealed.

23 *~~0529/4.241~~* SECTION 2654. 562.02 (1) (g) of the statutes is amended to read:

24 562.02 (1) (g) At least once every 3 months, file a written report on the operation
25 of racing in this state with the governor, the attorney general, the ~~state treasurer~~

1 secretary of administration, the secretary of state, the legislative audit bureau, the
2 president of the senate, and the speaker of the assembly. The report shall include
3 information on racetrack operations, race attendance, and private, state, and local
4 revenues derived from racing in this state.

5 ~~*-1824/6.50* SECTION 2655. 564.02 (3) (c) of the statutes is repealed.~~

6 *-1704/1.3* SECTION 2656. 565.25 (1m) of the statutes is amended to read:

7 565.25 (1m) SCOPE OF AUTHORITY. Subject to approval by the secretary of
8 revenue, the administrator may determine whether lottery functions shall be
9 performed by ~~department of revenue employees or~~ by one or more persons under
10 contract with the department of administration, except ~~that no contract may provide~~
11 ~~for the entire management of the lottery or for the entire operation of the lottery by~~
12 ~~any private person. The department of administration may contract for~~
13 ~~management consultation services to assist in the management or operation of the~~
14 ~~lottery. The department of administration may not contract for financial auditing~~
15 ~~or security monitoring services, except that, if for financial auditing services and~~
16 procurement functions relating to the state lottery. If the department of
17 administration delegates under s. 16.71 (1) to the department of revenue the
18 authority to make a major procurement, the department of revenue may contract
19 with the department of administration for warehouse and building protection
20 services relating to the state lottery. If the department of administration delegates
21 under s. 16.71 (1) to the department of revenue the authority to make a major
22 procurement, the department of revenue shall assume the powers and duties of the
23 department of administration and the administrator shall assume the powers and
24 duties of the secretary of administration under this section and ss. 16.70 to 16.77,
25 except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

1 ***-1704/1.4*** SECTION 2657. 565.25 (2) (a) 4. of the statutes is repealed and
2 recreated to read:

3 565.25 (2) (a) 4. The administrator shall develop specifications for major
4 procurements. If security is a factor in the materials, supplies, equipment, property,
5 or services to be purchased in any major procurement, then invitations for bids or
6 competitive sealed proposals shall include specifications related to security. The
7 administrator shall submit specifications for major procurement to the secretary of
8 revenue for review and approval before the department releases the specifications
9 in invitations for bids or competitive sealed proposals. The department shall require
10 separate bids or separate competitive sealed proposals for management consultation
11 services if the services are provided under contract as provided in sub. (1m).

12 ***-0529/4.242*** SECTION 2658. 565.37 (3) of the statutes is amended to read:

13 565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports
14 on the operation of the lottery to the chief clerk of each house of the legislature, for
15 distribution to the legislature under s. 13.172 (2) and to the governor, attorney
16 general, ~~state treasurer~~ secretary of administration, secretary of state, and state
17 auditor.

18 ***-1825/2.2*** SECTION 2659. 569.06 of the statutes is renumbered 569.06 (1) and
19 amended to read:

20 569.06 (1) GENERAL ALLOCATION. Except as provided in sub. (2), Indian gaming
21 receipts received in any fiscal year, up to \$24,352,500, shall be credited to the
22 appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm) as
23 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm). Except as provided
24 under sub. (2), Indian gaming receipts received in any fiscal year in excess of the
25 amount specified in this subsection shall be paid into the general fund.

1 ***-1825/2.3*** SECTION 2660. 569.06 (2) of the statutes is created to read:

2 569.06 (2) LIMITATIONS ON PAYMENTS TO GENERAL FUND. (a) *Fiscal year 2003–04.*

3 Not more than \$112,000,000 may be paid into the general fund under sub. (1) during
4 the 2003–04 fiscal year. Indian gaming receipts in excess of this amount that would
5 otherwise be required to be paid into the general fund under sub. (1) shall be credited
6 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
7 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

8 (b) *Fiscal year 2004–05 and thereafter.* Not more than \$125,000,000 may be
9 paid into the general fund under sub. (1) during the 2004–05 fiscal year and any fiscal
10 year thereafter. Indian gaming receipts in excess of this amount that would
11 otherwise be required to be paid into the general fund under sub. (1) shall be credited
12 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
13 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

14 ***-0529/4.243*** SECTION 2661. 601.13 (1) (intro.) of the statutes is amended to
15 read:

16 601.13 (1) RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the
17 commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits
18 or control of acceptable book–entry accounts from insurers and other licensees of the
19 office as follows:

20 ***-0529/4.244*** SECTION 2662. 601.13 (3) (intro.) of the statutes is amended to
21 read:

22 601.13 (3) SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the
23 securities authorized in this subsection. Each security must be approved by the
24 commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of

1 administration, and must not be available to any other person except as expressly
2 provided by law. The authorized securities are:

3 ***-0529/4.245*** SECTION 2663. 601.13 (5) of the statutes is amended to read:

4 601.13 (5) RECEIPT, INSPECTION, AND RECORD. The ~~state treasurer~~ secretary of
5 administration shall deliver to the depositor a receipt for all securities deposited or
6 held under the control of the ~~state treasurer~~ secretary of administration and shall
7 permit the depositor to inspect its physically held securities at any reasonable time.
8 On application of the depositor the ~~treasurer~~ secretary of administration shall certify
9 when required by any law of the United States or of any other state or foreign country
10 or by the order of any court of competent jurisdiction that the deposit was made. The
11 ~~treasurer~~ secretary of administration and the commissioner shall each keep a
12 permanent record of securities deposited or held under the control of the ~~state~~
13 ~~treasurer~~ secretary of administration and of any substitutions or withdrawals and
14 shall compare records at least annually.

15 ***-0529/4.246*** SECTION 2664. 601.13 (6) of the statutes is amended to read:

16 601.13 (6) TRANSFER OF SECURITIES. No transfer of a deposited security, whether
17 voluntary or by operation of law, is valid unless approved in writing by the
18 commissioner and countersigned by the ~~treasurer~~ secretary of administration.

19 ***-0529/4.247*** SECTION 2665. 601.13 (8) (intro.) of the statutes is amended to
20 read:

21 601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.401
22 (11), a depositor shall, while solvent and complying with the laws of this state, be
23 entitled:

24 ***-0529/4.248*** SECTION 2666. 601.13 (11) of the statutes is amended to read:

1 601.13 (11) ADVANCE DEPOSIT OF FEES. With the approval of the commissioner,
2 any person required to pay fees or assessments to the state through the
3 commissioner may make a deposit with the ~~treasurer~~ secretary of administration
4 from which the fees or assessments shall be paid on order of the commissioner not
5 less than twice each year. Upon request by the depositor, any balance remaining
6 shall be returned on the certificate of the commissioner that all fees and assessments
7 have been paid to date.

8 ***-0153/P1.1*** SECTION 2667. 601.17 of the statutes is repealed.

9 ***-1876/1.5*** SECTION 2668. 601.34 of the statutes is repealed.

10 ***-0529/4.249*** SECTION 2669. 601.45 (3) of the statutes is amended to read:

11 601.45 (3) DEPOSIT. The commissioner may require any examinee, before or
12 from time to time during an examination, to deposit with the ~~state treasurer~~
13 secretary of administration such deposits as the commissioner deems necessary to
14 pay the costs of the examination. Any deposit and any payment made under subs.
15 (1) and (2) shall be credited to the appropriation under s. 20.145 (1) (g) in the
16 percentage specified in that paragraph.

17 ***-0529/4.250*** SECTION 2670. 601.62 (4) of the statutes is amended to read:

18 601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic
19 services in investigations, examinations, and hearings may not exceed the sum
20 provided for like services in the circuit court. The fees of officers, witnesses,
21 interpreters, and stenographers on behalf of the commissioner or the state shall be
22 paid by the ~~state treasurer upon the warrant of the department~~ secretary of
23 administration, authorized by the certificate of the commissioner, and shall be
24 charged to the appropriation under s. 20.145 (1) (g).

25 ***-0529/4.251*** SECTION 2671. 604.04 (4) of the statutes is amended to read:

SECTION 2671

1 604.04 (4) PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall
2 be certified by the commissioner, audited by the department of administration under
3 s. 16.53, and paid by the ~~treasurer~~ secretary of administration out of the appropriate
4 fund in accordance with procedures of the department of administration.

5 *~~0529/4.252~~* SECTION 2672. 604.05 of the statutes is amended to read:

6 **604.05 Investments.** Assets of all funds under chs. 605 to 607 shall be
7 invested by the state investment board under s. 25.17. Each January 1 the state
8 ~~treasurer~~ secretary of administration shall credit each fund with earnings on the
9 invested assets in each fund for the preceding 12 months. If any fund is indebted to
10 the general fund of the state, the fund shall be charged, at the end of each calendar
11 year, with interest on the indebtedness at the average rate earned by the state upon
12 its deposits in public depositories during the period of indebtedness and that sum
13 shall be credited to the general fund.

14 *~~0529/4.253~~* SECTION 2673. 604.06 (1) of the statutes is amended to read:

15 604.06 (1) CUSTODY. The ~~state treasurer~~ secretary of administration has sole
16 custody of all assets of funds under chs. 605 to 607.

17 *~~0529/4.254~~* SECTION 2674. 604.07 of the statutes is amended to read:

18 **604.07 Bonds.** The commissioner as manager of the funds and the ~~treasurer~~
19 secretary of administration shall file surety bonds, specifically conditioned on the
20 performance of their duties under chs. 605 to 607, in amounts required by, and with
21 sureties approved by, the governor.

22 *~~0529/4.255~~* SECTION 2675. 605.30 of the statutes is amended to read:

23 **605.30 Inadequacy of fund.** If the property fund does not have sufficient
24 assets to pay claims that are due, the ~~department~~ secretary of administration shall
25 ~~issue a warrant as a~~ transfer from the general fund to the property fund an amount

1 sufficient to pay the losses and ~~the state treasurer~~ shall pay the warrant losses. The
2 property fund shall thereafter repay the general fund this amount and the
3 ~~department secretary~~ of administration shall ~~issue warrants for such~~ transfer the
4 amount as soon as there are assets in the property fund.

5 ***-0529/4.256* SECTION 2676.** 611.76 (4) (e) of the statutes is amended to read:

6 611.76 (4) (e) That no policyholder, other than a policyholder of a mutual life
7 insurance company, may receive a distribution of shares valued in excess of the
8 amount to which he or she is entitled under s. 645.72 (4). Any excess over that
9 amount shall be distributed in shares to the state treasury for the benefit of the
10 common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary
11 of administration at his or her discretion and the proceeds credited to the common
12 school fund; and

13 ***-0029/2.5* SECTION 2677.** 632.746 (7m) of the statutes is created to read:

14 632.746 (7m) (a) In this subsection, “terms of the group health benefit plan”
15 does not include any requirements under the group health benefit plan related to
16 enrollment periods or waiting periods.

17 (b) An insurer offering a group health benefit plan shall permit, as provided in
18 par. (c), an employee who is not enrolled but who is eligible for coverage under the
19 terms of the group health benefit plan, or a participant’s or employee’s dependent
20 who is not enrolled but who is eligible for coverage under the terms of the group
21 health benefit plan, to enroll for coverage under the terms of the plan if all of the
22 following apply:

23 1. The employee or dependent is eligible for benefits under the Medical
24 Assistance program under s. 49.472 or for coverage under the Badger Care health
25 care program under s. 49.665.

1 2. The department of health and family services will purchase coverage under
2 the group health benefit plan on behalf of the employee or dependent because the
3 department of health and family services has determined that paying the portion of
4 the premium for which the employee is responsible will not be more costly than
5 providing the medical assistance or the coverage under the Badger Care health care
6 program, whichever is applicable.

7 (c) An insurer permitting an employee or dependent to enroll under this
8 subsection shall provide for an enrollment period of not less than 30 days, beginning
9 on the date on which the department of health and family services makes the
10 determination under par. (b) 2.

11 *~~1755/3.8~~* SECTION 2678. 655.26 (2) of the statutes is amended to read:

12 655.26 (2) By the 15th day of each month, the board of governors shall report
13 the information specified in sub. (1) to the medical examining board for each claim
14 paid by the fund or from the appropriation under s. 20.145 (2) (a) during the previous
15 month for damages arising out of the rendering of health care services by a health
16 care provider or an employee of a health care provider.

17 *~~1755/3.9~~* SECTION 2679. 655.27 (3) (am) of the statutes is amended to read:

18 655.27 (3) (am) *Assessments for peer review council.* The fund, a mandatory
19 health care liability risk-sharing plan established under s. 619.04, and a private
20 health care liability insurer shall be assessed, as appropriate, fees sufficient to cover
21 the costs of the patients compensation fund peer review council, including costs of
22 administration, for reviewing claims paid by the fund, or from the appropriation
23 under s. 20.145 (2) (a), by the plan, and by the insurer, respectively, under s. 655.275
24 (5). The fees shall be set by the commissioner by rule, after approval by the board
25 of governors, and shall be collected by the commissioner for deposit in the fund. The

1 costs of the patients compensation fund peer review council shall be funded from the
2 appropriation under s. 20.145 (2) (um).

3 ***-1755/3.10* SECTION 2680.** 655.27 (4) (a) of the statutes is amended to read:

4 655.27 (4) (a) Moneys shall be withdrawn from the fund, or paid from the
5 appropriation under s. 20.145 (2) (a), by the commissioner only upon vouchers
6 approved and authorized by the board of governors.

7 ***-1824/6.51* SECTION 2681.** 655.27 (5) (a) 3. of the statutes is amended to read:

8 655.27 (5) (a) 3. If, after reviewing the facts upon which the claim or action is
9 based, it appears reasonably probable that damages paid will exceed the limits in s.
10 655.23 (4), the fund may appear and actively defend itself when named as a party in
11 an action against a health care provider, or an employee of a health care provider,
12 that has coverage under the fund. In such action, the fund, with the advice and
13 consent of the attorney general, may retain counsel and pay out of the fund attorney
14 fees and expenses including court costs incurred in defending the fund. The attorney
15 or law firm retained to defend the fund shall not be retained or employed by the board
16 of governors to perform legal services for the board of governors other than those
17 directly connected with the fund. Any judgment affecting the fund may be appealed
18 as provided by law. The fund may not be required to file any undertaking in any
19 judicial action, proceeding or appeal.

20 ***-1755/3.11* SECTION 2682.** 655.27 (5) (e) of the statutes is amended to read:

21 655.27 (5) (e) Claims filed against the fund shall be paid in the order received
22 within 90 days after filing unless appealed by the fund. If the amounts in the fund
23 are not sufficient to pay all of the claims, claims received after the funds are
24 exhausted shall be ~~immediately payable the following year in the order in which they~~
25 ~~were received~~ paid from the appropriation under s. 20.145 (2) (a).

1 (c) To defray the cost of other health-related programs that the secretary of
2 health and family services determines are effective in ensuring the availability of
3 health care providers in the state and controlling the cost of health care services to
4 state taxpayers, workers, and employers.

5 (2) The health care provider availability and cost control fund shall be
6 administered by the commissioner.

7 (3) The health care provider availability and cost control fund shall be funded
8 with the transfer of moneys from the patients compensation fund under 2003
9 Wisconsin Act (this act), section 9228 (1).

10 *~~1634/7.64~~* SECTION 2685. 704.05 (5) (a) 2. of the statutes is amended to read:
11 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
12 addressed to the tenant's last-known address, of the landlord's intent to dispose of
13 the personal property by sale or other appropriate means if the property is not
14 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
15 after the date of personal service or the date of the mailing of the notice, the landlord
16 may dispose of the property by private or public sale or any other appropriate means.
17 The landlord may deduct from the proceeds of sale any costs of sale and any storage
18 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
19 minus the costs of sale and minus any storage charges are not claimed within 60 days
20 after the date of the sale of the personalty, the landlord is not accountable to the
21 tenant for any of the proceeds of the sale or the value of the property. The landlord
22 shall send the proceeds of the sale minus the costs of the sale and minus any storage
23 charges to the department of administration for deposit in the appropriation under
24 s. ~~20.505 (7)~~ 20.143 (2) (h).

25 *~~1111/4.97~~* SECTION 2686. 704.90 (9) of the statutes is amended to read:

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1 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
2 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
3 section.

4 *~~-1111/4.98~~* SECTION 2687. 704.90 (11) (title) of the statutes is amended to
5 read:

6 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
7 ~~CONSUMER PROTECTION JUSTICE~~.

8 *~~-1111/4.99~~* SECTION 2688. 704.90 (11) (a) of the statutes is amended to read:

9 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
10 ~~trade and consumer protection justice~~ shall investigate alleged violations of this
11 section and rules promulgated under sub. (9). To facilitate its investigations, the
12 department may subpoena persons and records and may enforce compliance with the
13 subpoenas as provided in s. 885.12.

14 *~~-1111/4.100~~* SECTION 2689. 707.49 (4) of the statutes is amended to read:

15 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
16 escrow account, a developer may obtain a surety bond issued by a company
17 authorized to do business in this state, an irrevocable letter of credit or a similar
18 arrangement, in an amount which at all times is not less than the amount of the
19 deposits otherwise subject to the escrow requirements of this section. The bond,
20 letter of credit or similar arrangement shall be filed with the department of
21 ~~agriculture, trade and consumer protection justice~~ and made payable to the
22 department of ~~agriculture, trade and consumer protection justice~~ for the benefit of
23 aggrieved parties.

24 *~~-1111/4.101~~* SECTION 2690. 707.57 (2) of the statutes is amended to read:

1 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
2 JUSTICE AUTHORITY. (a) The department of ~~agriculture, trade and consumer~~
3 ~~protection justice~~, or any district attorney upon informing the department of
4 ~~agriculture, trade and consumer protection justice~~, may commence an action in
5 circuit court in the name of the state to restrain by temporary or permanent
6 injunction any violation of this chapter. Before entry of final judgment, the court may
7 make such orders or judgments as may be necessary to restore to any person any
8 pecuniary loss suffered because of the acts or practices involved in the action if proof
9 of these acts or practices is submitted to the satisfaction of the court.

10 (b) The department of ~~agriculture, trade and consumer protection justice~~ may
11 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
12 investigation of violations of this chapter.

13 *~~-1111/4.102~~* SECTION 2691. 707.57 (3) of the statutes is amended to read:

14 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
15 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
16 be enforced by action on behalf of the state by the department of ~~agriculture, trade~~
17 ~~and consumer protection justice~~ or by the district attorney of the county where the
18 violation occurs.

19 *~~-0529/4.257~~* SECTION 2692. 753.061 (5) of the statutes is amended to read:

20 753.061 (5) The state shall reimburse the county for the costs of operating one
21 of the 2 circuit court branches designated under sub. (2m) that begin to primarily
22 handle violent crime cases on September 1, 1991, including the one-time cost of
23 courtroom construction. The costs reimbursable under this subsection shall be paid
24 by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant
25 to a voucher submitted by the clerk of circuit court to the director of state courts and

1 shall be paid from the appropriation under s. 20.625 (1) (as). The amount
2 reimbursable under this subsection may not exceed \$383,100 in the 1991–92 fiscal
3 year and \$0 in the 1992–93 fiscal year.

4 ***-0529/4.258* SECTION 2693.** 753.07 (2) (a) of the statutes is amended to read:

5 753.07 (2) (a) The persons shall continue to receive salaries directly payable
6 from the state in the same amount as they were receiving on July 31, 1978, and such
7 salaries are subject to s. 40.05. The balance of the salaries authorized under ss.
8 230.12 and 751.02 for the judges and reporters shall be paid by the ~~state treasurer~~
9 secretary of administration to the county treasurer pursuant to a voucher submitted
10 by the clerk of circuit court to the director of state courts. The county treasurer shall
11 pay the amounts directly to the judges and reporters and the amounts paid are
12 subject to the retirement system established under chapter 201, laws of 1937.

13 ***-0529/4.259* SECTION 2694.** 753.07 (3) (a) of the statutes is amended to read:

14 753.07 (3) (a) The salaries authorized under ss. 230.12 and 751.02 for the
15 judges and reporters shall be paid by the ~~state treasurer~~ secretary of administration
16 to the county treasurer pursuant to a voucher submitted by the clerk of circuit court
17 to the director of state courts. The county treasurer shall pay the amounts directly
18 to the judges and reporters and the amounts paid shall be subject to the retirement
19 system established under chapter 201, laws of 1937.

20 ***-0529/4.260* SECTION 2695.** 753.07 (4) of the statutes is amended to read:

21 753.07 (4) COURT PERSONNEL; OPTIONS. As state employees, county court judges,
22 county court reporters, and assistant county court reporters, as specified in sub. (1),
23 who are denominated or become circuit court judges and reporters on August 1, 1978,
24 and persons serving as circuit court judges and circuit court reporters for Milwaukee
25 County on July 31, 1978, shall have the option of remaining as participants under

1 county life and health insurance programs to the extent of their participation in such
2 programs on February 1, 1978. The ~~state treasurer~~ secretary of administration shall
3 semiannually pay to the county treasurer, pursuant to a voucher submitted by the
4 clerk of circuit court to the director of state courts, an amount equal to the state
5 contribution for life and health insurance for other comparable state employees. The
6 county shall pay the cost of any premiums for life and health insurance exceeding the
7 sum of the state contribution and the employee contribution as required under the
8 county programs.

9 *~~0529/4.261~~* SECTION 2696. 757.05 (1) (b) of the statutes is amended to read:

10 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
11 determination by the court of the amount due, the clerk of the court shall collect and
12 transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The
13 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
14 administration as provided in s. 59.25 (3) (f) 2.

15 *~~0529/4.262~~* SECTION 2697. 757.05 (1) (c) of the statutes is amended to read:

16 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
17 determination by the court of the amount due, the court shall collect and transmit
18 the amount to the treasurer of the county, city, town, or village, and that treasurer
19 shall make payment to the ~~state treasurer~~ secretary of administration as provided
20 in s. 66.0114 (1) (bm).

21 *~~0529/4.263~~* SECTION 2698. 757.05 (1) (d) of the statutes is amended to read:

22 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
23 this subsection applies, the person making the deposit shall also deposit a sufficient
24 amount to include the assessment prescribed in this subsection for forfeited bail. If
25 bail is forfeited, the amount of the assessment shall be transmitted monthly to the

1 ~~state treasurer~~ secretary of administration under this subsection. If bail is returned,
2 the assessment shall also be returned.

3 *–1289/7.117* SECTION 2699. 758.19 (7) of the statutes is amended to read:

4 758.19 (7) The director of state courts shall adopt, revise biennially and submit
5 to the cochairpersons of the joint committee on information policy and technology, the
6 governor and the ~~department of electronic government~~ secretary of administration,
7 no later than September 15 of each even-numbered year, a strategic plan for the
8 utilization of information technology to carry out the functions of the courts and
9 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
10 business needs of the courts and judicial branch agencies and shall identify all
11 resources relating to information technology which the courts and judicial branch
12 agencies desire to acquire, contingent upon funding availability, the priority for such
13 acquisitions and the justification for such acquisitions. The plan shall also identify
14 any changes in the functioning of the courts and judicial branch agencies under the
15 plan.

16 *–0016/1.1* SECTION 2700. 767.027 (1) (intro.) of the statutes is amended to
17 read:

18 767.027 (1) (intro.) In any action under s. 767.02 (1) (i) to enforce or modify a
19 judgment or order with respect to child support, due process requirements related
20 to notice and service of process are satisfied to the extent that the court finds all of
21 the following:

22 *–1256/5.78* SECTION 2701. 767.045 (1) (c) 1. of the statutes is amended to
23 read:

24 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m) or (3n), 49.19, or
25 49.45 on behalf of the child, or wages or a stipend are paid to or benefits are provided

1 to the child's custodial parent under ss. 49.141 to 49.161, but the state and its
2 delegate under s. 49.22 (7) are barred by a statute of limitations from commencing
3 an action under s. 767.45 on behalf of the child.

4 ***-0015/2.1* SECTION 2702.** 767.075 (1) (c) of the statutes is amended to read:
5 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
6 is provided on behalf of a dependent child or benefits are provided to the child's
7 custodial parent under s. 49.79 or under ss. 49.141 to 49.161.

8 ***-1256/5.79* SECTION 2703.** 767.075 (1) (c) of the statutes, as affected by 2003
9 Wisconsin Act (this act), is amended to read:

10 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or 49.45
11 is provided on behalf of a dependent child or wages or a stipend are paid to or benefits
12 are provided to the child's custodial parent under s. 49.79 or under ss. 49.141 to
13 49.161.

****NOTE: This is reconciled s. 767.075 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0015 and LRB-1256.

14 ***-1256/5.80* SECTION 2704.** 767.075 (1) (cm) of the statutes is amended to
15 read:

16 767.075 (1) (cm) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19, or
17 49.45 has, in the past, been provided on behalf of a dependent child, or wages or a
18 stipend have, in the past, been paid to or benefits have, in the past, been provided
19 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is
20 eligible for continuing child support services under 45 CFR 302.33.

21 ***-1256/5.81* SECTION 2705.** 767.15 (1) of the statutes is amended to read:

22 767.15 (1) In any action affecting the family in which either party is a recipient
23 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,

1 49.19, or 49.45, each party shall, either within 20 days after making service on the
2 opposite party of any motion or pleading requesting the court or circuit court
3 commissioner to order, or to modify a previous order, relating to child support,
4 maintenance, or family support, or before filing the motion or pleading in court, serve
5 a copy of the motion or pleading upon the county child support agency under s. 59.53
6 (5) of the county in which the action is begun.

7 ***-1256/5.82* SECTION 2706.** 767.24 (6) (c) of the statutes is amended to read:

8 767.24 (6) (c) In making an order of joint legal custody and periods of physical
9 placement, the court may specify one parent as the primary caretaker of the child and
10 one home as the primary home of the child, for the purpose of determining eligibility
11 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or
12 for any other purpose the court considers appropriate.

13 ***-1824/6.52* SECTION 2707.** 767.29 (1) (dm) 1m. of the statutes is amended to
14 read:

15 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
16 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
17 payment and collection system on December 31, 1998, and shall deposit all fees
18 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
19 The department or its designee may collect unpaid fees under this subdivision
20 through income withholding under s. 767.265 (2m). If the department or its designee
21 determines that income withholding is inapplicable, ineffective, or insufficient for
22 the collection of any unpaid fees under this subdivision, the department or its
23 designee may move the court for a remedial sanction under ch. 785. The department
24 or its designee may contract with or employ a collection agency or other person for
25 the collection of any unpaid fees under this subdivision and, notwithstanding s.

1 20.930 ~~and with the advice and consent of the attorney general,~~ may contract with
2 ~~or employ~~ retain an attorney to appear in any action in state or federal court to
3 enforce the payment obligation. The department or its designee may not deduct the
4 amount of unpaid fees from any maintenance, child or family support, or arrearage
5 payment.

6 ***-1256/5.83*** SECTION 2708. 767.47 (6) (a) of the statutes is amended to read:

7 767.47 (6) (a) Whenever the state brings the action to determine paternity
8 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4)
9 (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or benefits or wages
10 under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, the natural mother of the child may not
11 be compelled to testify about the paternity of the child if it has been determined that
12 the mother has good cause for refusing to cooperate in establishing paternity as
13 provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated
14 pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated
15 by the department which define good cause in accordance with the federal
16 regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

17 ***-1256/5.84*** SECTION 2709. 767.47 (6) (b) of the statutes is amended to read:

18 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
19 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
20 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or
21 benefits or wages under s. 49.148, 49.155, or 49.157 ~~or 49.159~~, where evidence other
22 than the testimony of the mother may establish the paternity of the child.

23 ***-0529/4.264*** SECTION 2710. 778.135 of the statutes is amended to read:

24 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
25 s. 778.13, whenever any action or proposed action by the elections board under s. 5.05

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1 (1) (c) is settled as a result of agreement between the parties without approval of the
2 court, the moneys accruing to the state on account of such settlement shall be paid
3 to the board and deposited with the ~~state treasurer~~ secretary of administration.
4 Whenever any proposed action by a county board of election commissioners under s.
5 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
6 accruing to the county on account of such settlement shall be paid to the board of
7 election commissioners and deposited with the county treasurer in the same manner
8 as provided for forfeitures under s. 778.13.

9 *~~0529/4.265~~* SECTION 2711. 778.136 of the statutes is amended to read:

10 **778.136 Ethics and lobbying forfeitures; how recovered.**

11 Notwithstanding s. 778.13, whenever any moneys are received by the ethics board
12 or attorney general in settlement of a civil action or other civil matter for violation
13 of the lobbying law or code of ethics for state public officials and employees under s.
14 19.545, the moneys shall accrue to the state and be deposited with the ~~state treasurer~~
15 secretary of administration.

16 *~~0529/4.266~~* SECTION 2712. 778.17 of the statutes is amended to read:

17 **778.17 Statement to county board; payment to state.** Every county
18 treasurer shall, on the first day of the annual meeting of the county board, submit
19 to it a verified statement of all moneys received by the county treasurer during the
20 year next preceding from town, village, and city treasurers under this chapter,
21 containing the names of such treasurers, the amount received from each, and the
22 date of receipt. The county clerk shall deduct all expenses incurred by the county in
23 recovering such forfeitures from the aggregate amount so received, and shall
24 immediately certify to the county treasurer the amount of clear proceeds of such

1 forfeitures, so ascertained, who shall pay the same to the ~~state treasurer~~ secretary
2 of administration.

3 ***-1111/4.103* SECTION 2713.** 779.41 (1m) of the statutes is amended to read:

4 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
5 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)
6 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
7 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

8 ***-1111/4.104* SECTION 2714.** 779.93 (title) of the statutes is amended to read:

9 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**
10 **~~consumer protection justice~~.**

11 ***-1111/4.105* SECTION 2715.** 779.93 (1) of the statutes is amended to read:

12 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
13 ~~justice~~ shall investigate violations of this subchapter and attempts to circumvent
14 this subchapter. The department of ~~agriculture, trade and consumer protection~~
15 ~~justice~~ may subpoena persons and records to facilitate its investigations, and may
16 enforce compliance with such subpoenas as provided in s. 885.12.

17 ***-1111/4.106* SECTION 2716.** 779.93 (2) (intro.) of the statutes is amended to
18 read:

19 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
20 ~~protection justice~~ may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
21 a prepaid maintenance lien:

22 ***-1765/1.1* SECTION 2717.** 809.25 (2) (a) 1. of the statutes is amended to read:

23 809.25 (2) (a) 1. For filing an appeal, cross-appeal, petition for review, petition
24 to bypass, or other proceeding, \$150 ~~\$195~~.

25 ***-0529/4.267* SECTION 2718.** 812.42 (2) (c) of the statutes is amended to read:

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1 812.42 (2) (c) In addition to the \$15 garnishee fee, the garnishee shall receive
2 a \$3 fee for each payment delivered to the creditor under s. 812.39 after the first
3 payment. That additional fee shall be deducted from the moneys delivered to the
4 creditor. Those fees become part of the funds of the state if the department of
5 administration is the garnishee, or funds of the appropriate governmental
6 subdivision if any other governmental entity is the garnishee. The judgment creditor
7 shall pay the initial garnishee fee to the ~~treasurer of the state~~ secretary of
8 administration or other governmental subdivision, as applicable.

9 *~~1431/2.43~~* SECTION 2719. 813.16 (7) of the statutes is amended to read:

10 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
11 is a savings and loan association or savings bank supervised by the division of
12 banking or a corporation supervised by the division of savings institutions, home
13 loan bank board, U.S. federal office of thrift supervision, federal deposit insurance
14 corporation, or resolution trust corporation, the court, unless the opposing party
15 objects, shall appoint an officer of such corporation as receiver to act without
16 compensation and to give such bond as the court requires.

17 *~~0529/4.268~~* SECTION 2720. 813.31 (1) of the statutes is amended to read:

18 813.31 (1) In each case of termination of receivership as provided in s. 813.28,
19 the court, except in cases where the proceedings have been certified to the proper
20 court under s. 813.26 (1), shall set aside the sum there named and direct its payment
21 by the receiver, to the ~~state treasurer~~ secretary of administration.

22 *~~0529/4.269~~* SECTION 2721. 813.31 (2) of the statutes is amended to read:

23 813.31 (2) The ~~state treasurer~~ secretary of administration shall retain or invest
24 the funds thus paid in.

25 *~~0529/4.270~~* SECTION 2722. 813.31 (3) of the statutes is amended to read:

1 813.31 (3) If at any time thereafter an absentee whose estate has been
2 distributed under a final finding and judgment made as herein provided shall appear
3 and make claim for reimbursement, the court may in a proceeding by the claimant
4 against the ~~state treasurer~~ secretary of administration order payment to the
5 claimant as in its opinion may be fair and adequate under the circumstances.

6 *~~0529/4.271~~* SECTION 2723. 814.60 (1) of the statutes is amended to read:

7 814.60 (1) In a criminal action, the clerk of circuit court shall collect a fee of \$20
8 for all necessary filing, entering, or recording, to be paid by the defendant when
9 judgment is entered against the defendant. Of the fees received by the clerk of circuit
10 court under this subsection, the county treasurer shall pay 50% to the ~~state treasurer~~
11 secretary of administration for deposit in the general fund and shall retain the
12 balance for the use of the county.

13 *~~0529/4.272~~* SECTION 2724. 814.61 (1) (a) of the statutes is amended to read:

14 814.61 (1) (a) Except as provided under pars. (c), (d), and (e), at the
15 commencement of all civil actions and special proceedings not specified in ss. 814.62
16 to 814.66, \$75. Of the fees received by the clerk under this paragraph, the county
17 treasurer shall pay \$45 to the ~~state treasurer~~ secretary of administration for deposit
18 in the general fund and shall retain the balance for the use of the county. The ~~state~~
19 ~~treasurer~~ secretary of administration shall credit \$15 of the \$45 to the appropriation
20 under s. 20.680 (2) (j).

21 *~~0529/4.273~~* SECTION 2725. 814.61 (3) of the statutes is amended to read:

22 814.61 (3) ~~THIRD-PARTY COMPLAINT.~~ When any defendant files a 3rd-party
23 complaint, the defendant shall pay a fee of \$45. The defendant shall pay only one
24 such \$45 fee in an action. Of the fees received by the clerk under this subsection, the
25 county treasurer shall pay \$25 to the ~~state treasurer~~ secretary of administration for

1 deposit in the general fund and shall retain the balance for the use of the county. The
2 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$25 to the
3 appropriation under s. 20.680 (2) (j).

4 *~~0529/4.274~~* SECTION 2726. 814.61 (7) (a) of the statutes is amended to read:

5 814.61 (7) (a) Except as provided in par. (b), upon the filing of any petition
6 under s. 767.32 (1) or any motion, by either party, for the revision of a judgment or
7 order in an action affecting the family, \$30. No fee may be collected under this
8 paragraph for any petition or motion by either party for the revision of a judgment
9 or order involving child support, family support, or maintenance if both parties have
10 stipulated to the revision of the judgment or order. Of the fees received by the clerk
11 under this paragraph, the county treasurer shall pay 50% to the ~~state treasurer~~
12 secretary of administration for deposit in the general fund and shall retain the
13 balance for the use of the county.

14 *~~0529/4.275~~* SECTION 2727. 814.61 (7) (b) of the statutes is amended to read:

15 814.61 (7) (b) Upon the filing of any petition, motion, or order to show cause
16 by either party under s. 767.325 or 767.327, \$50. Of the fees received by the clerk
17 under this paragraph, the county treasurer shall pay 25% to the ~~state treasurer~~
18 secretary of administration for deposit in the general fund, retain 25% for the use of
19 the county, and deposit 50% in a separate account to be used by the county exclusively
20 for the purposes specified in s. 767.11.

21 *~~0529/4.276~~* SECTION 2728. 814.61 (8) (c) of the statutes is amended to read:

22 814.61 (8) (c) Of the fees received by the clerk under par. (am) 1., the county
23 treasurer shall pay \$22.50 to the ~~state treasurer~~ secretary of administration for
24 deposit in the general fund and shall retain the balance for the use of the county. The

1 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$22.50 to the
2 appropriation under s. 20.680 (2) (j).

3 *~~0529/4.277~~* SECTION 2729. 814.61 (8) (d) of the statutes is amended to read:

4 814.61 (8) (d) Of the fees received by the clerk under par. (am) 2., the county
5 treasurer shall pay \$30 to the ~~state treasurer~~ secretary of administration for deposit
6 in the general fund and shall retain the balance for the use of the county. The state
7 treasurer shall credit \$5 of the \$30 to the appropriation under s. 20.680 (2) (j).

8 *~~1256/5.85~~* SECTION 2730. 814.61 (13) of the statutes is amended to read:

9 814.61 (13) SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
10 whenever a person not receiving a stipend under s. 49.147 (3m) (g), benefits or wages
11 under s. 49.148 or 49.155, or aid under s. 49.19, 49.46, 49.465, 49.468, or 49.47 files
12 a petition requesting child support, maintenance, or family support payments, \$10
13 in addition to any other fee required under this section. This subsection does not
14 apply to a petition filed by the state or its delegate.

15 *~~0529/4.278~~* SECTION 2731. 814.62 (1) of the statutes is amended to read:

16 814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment action
17 under ch. 812, including actions under s. 799.01 (1) (d) 2., is \$20. Of the fees received
18 by the clerk under this subsection, the county treasurer shall pay \$12.50 to the ~~state~~
19 ~~treasurer~~ secretary of administration for deposit in the general fund and shall retain
20 the balance for the use of the county. The ~~state treasurer~~ secretary of administration
21 shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

22 *~~0529/4.279~~* SECTION 2732. 814.62 (3) (d) 2. of the statutes is amended to
23 read:

24 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
25 treasurer shall pay \$11.80 to the ~~state treasurer~~ secretary of administration for

1 deposit in the general fund and shall retain the balance for the use of the county. The
2 ~~state treasurer~~ secretary of administration shall credit the \$11.80 to the
3 appropriation under s. 20.680 (2) (j).

4 *~~0529/4.280~~* SECTION 2733. 814.62 (3) (d) 3. of the statutes is amended to
5 read:

6 814.62 (3) (d) 3. Of the fees received by the clerk under par. (b), the county
7 treasurer shall pay \$27.20 to the ~~state treasurer~~ secretary of administration for
8 deposit in the general fund and shall retain the balance for the use of the county. The
9 ~~state treasurer~~ secretary of administration shall credit \$10 of the \$27.20 to the
10 appropriation under s. 20.680 (2) (j).

11 *~~0529/4.281~~* SECTION 2734. 814.63 (5) of the statutes is amended to read:

12 814.63 (5) Of the fees received by the clerk under sub. (1) (b), the county
13 treasurer shall pay \$17.50 to the ~~state treasurer~~ secretary of administration for
14 deposit in the general fund and shall retain the balance for the use of the county. The
15 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$17.50 to the
16 appropriation under s. 20.680 (2) (j).

17 *~~1765/1.2~~* SECTION 2735. 814.634 (1) (a) of the statutes is amended to read:

18 814.634 (1) (a) Except for an action for a safety belt use violation under s.
19 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$52~~ \$67.60 court
20 support services fee from any person, including any governmental unit as defined in
21 s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

22 *~~1765/1.3~~* SECTION 2736. 814.634 (1) (b) of the statutes is amended to read:

23 814.634 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
24 and collect a ~~\$130~~ \$169 court support services fee from any person, including any
25 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or

1 (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
2 the amount claimed exceeds the amount under s. 799.01 (1) (d).

3 ***-1765/1.4* SECTION 2737.** 814.634 (1) (c) of the statutes is amended to read:

4 814.634 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
5 and collect a ~~\$39~~ \$50.70 court support services fee from any person, including any
6 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or
7 (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying
8 the fee seeks the recovery of money and the amount claimed is equal to or less than
9 the amount under s. 799.01 (1) (d).

10 ***-0529/4.282* SECTION 2738.** 814.634 (2) of the statutes is amended to read:

11 814.634 (2) The clerk shall pay the moneys collected under sub. (1) to the
12 county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys
13 to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

14 ***-1770/2.1* SECTION 2739.** 814.635 (1m) of the statutes is amended to read:

15 814.635 (1m) Beginning on October 1, 1995, whenever the clerk of circuit court
16 for Milwaukee County charges and collects a fee under sub. (1), he or she shall also
17 charge and collect a \$2 \$3.50 special prosecution clerks fee. The special prosecution
18 clerks fee is in addition to the other fees listed in sub. (1).

19 ***-0529/4.283* SECTION 2740.** 814.635 (2) of the statutes is amended to read:

20 814.635 (2) The clerk shall pay the moneys collected under subs. (1) and (1m)
21 to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those
22 moneys to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (p).

23 ***-0529/4.284* SECTION 2741.** 814.65 (1) of the statutes is amended to read:

24 814.65 (1) COURT COSTS. In a municipal court action, except an action for
25 violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall

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1 collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether
2 it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant
3 or summons, or the action is tried as a contested matter. Of each fee received by the
4 judge under this subsection, the municipal treasurer shall pay monthly \$5 to the
5 ~~state treasurer~~ secretary of administration for deposit in the general fund and shall
6 retain the balance for the use of the municipality.

7 ~~*-0529/4.285*~~ SECTION 2742. 814.66 (3) of the statutes is amended to read:

8 814.66 (3) The register in probate shall, on the first Monday of each month, pay
9 into the office of the county treasurer all fees collected by him or her and in his or her
10 hands and still unclaimed as of that day. Each county treasurer shall make a report
11 under oath to the ~~state treasurer~~ secretary of administration on or before the 5th day
12 of January, April, July, and October of all fees received by him or her under sub. (1)
13 (a) to (f) up to the first day of each of those months and shall at the same time pay
14 66.67% of the fees to the ~~state treasurer~~ secretary of administration for deposit in the
15 general fund. Each county treasurer shall retain the balance of fees received by him
16 or her under this section for the use of the county.

17 ~~*-1824/6.53*~~ SECTION 2743. 863.39 (3) (a) of the statutes is amended to read:

18 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18, any
19 person claiming any amount deposited under sub. (1) may file in the probate court
20 in which the estate was settled a petition alleging the basis of his or her claim. The
21 court shall order a hearing upon the petition, and 20 days' notice of the hearing and
22 a copy of the petition shall be given by the claimant to the department of revenue and
23 to the attorney general, who may appear for the state at the hearing. If the claim is
24 established it shall be allowed without interest, but including any increment which
25 may have occurred on securities held, and the court shall so certify to the department

1 of administration, which shall audit the claim. The state treasurer shall pay the
2 claim out of the appropriation under s. 20.585 (1) (j). Before issuing the order
3 distributing the estate, the court shall issue an order determining the death tax due,
4 if any. If real property has been adjudged to escheat to the state under s. 852.01 (3)
5 the probate court which made the adjudication may adjudge at any time before title
6 has been transferred from the state that the title shall be transferred to the proper
7 owners under this subsection.

8 ~~*-1824/6.54* SECTION 2744.~~ 880.295 (1) (a) of the statutes is amended to read:

9 880.295 (1) (a) When a patient in any state or county hospital or mental
10 hospital or in any state institution for the mentally deficient, or a resident of the
11 county home or infirmary, appears in need of a guardian, and does not have a
12 guardian, the department of health and family services by its collection and
13 deportation counsel, or the county corporation counsel, may apply to the circuit court
14 of the county in which the patient resided at the time of commitment or to the circuit
15 court of the county in which the facility in which the patient resides is located for the
16 appointment of a guardian of the person and estate, or either, or for the appointment
17 of a conservator of the estate, and the court, upon the application, may appoint the
18 guardian or conservator in the manner provided for the appointment of guardians
19 under ss. 880.08 (1) and 880.33 or for the appointment of conservators under s.
20 880.31.

21 ~~*-1824/6.55* SECTION 2745.~~ 880.295 (2) of the statutes is amended to read:

22 880.295 (2) Any guardian heretofore or hereafter appointed for any such
23 inmate, who, having property of his or her ward in his or her possession or control
24 exceeding \$200 in value, fails to pay within 3 months after receipt of any bill thereof
25 for the ward's care and support from the department of health and family services

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1 or the agency established pursuant to s. 46.21, shall, upon application of the
2 ~~collection and deportation counsel of said department~~ or in counties having a
3 population of 500,000 or more, the district attorney, forthwith be removed.

4 ***-0919/3.7* SECTION 2746.** 885.235 (1g) (a) 1. of the statutes is renumbered
5 885.235 (1g) (a).

6 ***-0919/3.8* SECTION 2747.** 885.235 (1g) (a) 2. of the statutes is repealed.

7 ***-0919/3.9* SECTION 2748.** 885.235 (1g) (b) of the statutes is amended to read:
8 885.235 (1g) (b) Except with respect to the operation of a commercial motor
9 vehicle as provided in par. (d), the fact that the analysis shows that the person had
10 an alcohol concentration of more than 0.04 but less than ~~0.1~~ 0.08 is relevant evidence
11 on the issue of intoxication or an alcohol concentration of ~~0.1~~ 0.08 or more but is not
12 to be given any prima facie effect.

13 ***-0919/3.10* SECTION 2749.** 885.235 (1g) (bd) of the statutes is repealed.

14 ***-0919/3.11* SECTION 2750.** 885.235 (1g) (c) of the statutes is amended to read:
15 885.235 (1g) (c) The In cases involving persons who have 2 or fewer prior
16 convictions, suspensions, or revocations, as counted under s. 343.307 (1), the fact
17 that the analysis shows that the person had an alcohol concentration of ~~0.1~~ 0.08 or
18 more is prima facie evidence that he or she was under the influence of an intoxicant
19 and is prima facie evidence that he or she had an alcohol concentration of ~~0.1~~ 0.08
20 or more.

21 ***-0919/3.12* SECTION 2751.** 885.235 (1g) (cd) of the statutes is repealed.

22 ***-0107/2.2* SECTION 2752.** 885.38 (2) of the statutes is amended to read:
23 885.38 (2) The supreme court shall establish the procedures and policies for the
24 recruitment, training, and certification of persons to act as qualified interpreters in
25 a court proceeding and for the fees imposed for the training and certification, and for

1 the coordination, discipline, retention, and training of those interpreters. Any fees
2 collected under this subsection shall be credited to the appropriation under s. 20.680
3 (2) (gc).

4 ***-0059/2.1*** SECTION 2753. 885.38 (3) (a) (intro.) of the statutes is amended to
5 read:

6 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
7 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
8 proficiency and that an interpreter is necessary, the court shall advise the person
9 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
10 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one
11 of the following:

12 ***-1756/2.7*** SECTION 2754. 893.965 of the statutes is created to read:

13 **893.965 Housing, public accommodations, and employment**
14 **discrimination; civil remedies.** (1) HOUSING DISCRIMINATION. Any civil action
15 arising under s. 106.50 (6m) is subject to the limitations of s. 106.50 (6m) (b).

16 (2) PUBLIC ACCOMMODATIONS DISCRIMINATION. Any civil action arising under s.
17 106.52 (4) (e) is subject to the limitations of s. 106.52 (4) (e) 2.

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

20 ***-1607/P3.10*** SECTION 2755. 895.48 (1m) (intro.) of the statutes, as affected
21 by 2001 Wisconsin Act 74, is amended to read:

22 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
23 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
24 medical technician licensed under s. 146.50, first responder certified under s. 146.50
25 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch.

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1 441, or a massage therapist or bodyworker issued a certificate under ch. 460 who
2 renders voluntary health care to a participant in an athletic event or contest
3 sponsored by a nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~ 66.0129 (6) (b),
4 a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. ~~46.93~~
5 ~~(1m) (e)~~ 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil
6 liability for his or her acts or omissions in rendering that care if all of the following
7 conditions exist:

8 *~~0576/8.92~~* SECTION 2756. 895.65 (2) of the statutes is amended to read:

9 895.65 (2) An employee may bring an action in circuit court against his or her
10 employer or employer's agent, including this state, if the employer or employer's
11 agent retaliates, by engaging in a disciplinary action, against the employee because
12 the employee exercised his or her rights under the first amendment to the U.S.
13 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
14 information or because the employer or employer's agent believes the employee so
15 exercised his or her rights. The employee shall bring the action within 2 years after
16 the action allegedly occurred or after the employee learned of the action, whichever
17 occurs last. No employee may bring an action against the department of ~~employment~~
18 ~~relations~~ administration as an employer's agent.

19 *~~0358/1.2~~* SECTION 2757. 938.02 (15m) of the statutes is amended to read:

20 938.02 (15m) "Secured correctional facility" means a correctional institution
21 operated or contracted for by the department of corrections or operated by the
22 department of health and family services for holding in secure custody persons
23 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
24 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~

1 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)
2 (b), 938.538 (4) (b), or 938.539 (5).

3 ~~*-0529/4.286*~~ SECTION 2758. 938.275 (2) (d) of the statutes is amended to read:

4 938.275 (2) (d) Reimbursement payments shall be made to the clerk of courts
5 of the county where the proceedings took place. Each payment shall be transmitted
6 to the county treasurer, who shall deposit 25% of the amount paid for state-provided
7 counsel in the county treasury and transmit the remainder to the ~~state treasurer~~
8 secretary of administration. Payments transmitted to the ~~state treasurer~~ secretary
9 of administration shall be deposited in the general fund and credited to the
10 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
11 100% of the amount paid for county-provided counsel in the county treasury.

12 ~~*-0358/1.3*~~ SECTION 2759. 938.34 (4n) (intro.) of the statutes is amended to
13 read:

14 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to ~~s. 938.532 (3)~~ and to any
15 arrangement between the department and a county department regarding the
16 provision of aftercare supervision for juveniles who have been released from a
17 secured correctional facility, a secured child caring institution, or a secured group
18 home, designate one of the following to provide aftercare supervision for the juvenile
19 following the juvenile's release from the secured correctional facility, secured child
20 caring institution, or secured group home:

21 ~~*-0529/4.287*~~ SECTION 2760. 938.34 (8d) (b) of the statutes is amended to read:

22 938.34 (8d) (b) The clerk of court shall collect and transmit the amount to the
23 county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
24 payment to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (f) 2.

25 ~~*-0529/4.288*~~ SECTION 2761. 938.34 (8d) (c) of the statutes is amended to read:

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1 938.34 (8d) (c) If a juvenile placed in a secured correctional facility or a secured
2 child caring institution fails to pay the surcharge under par. (a), the department shall
3 assess and collect the amount owed from the juvenile's wages or other moneys. If a
4 juvenile placed in a secured group home fails to pay the surcharge under par. (a), the
5 county department shall assess and collect the amount owed from the juvenile's
6 wages or other moneys. Any amount collected shall be transmitted to the state
7 ~~treasurer~~ secretary of administration.

8 *~~0358/1.4~~* **SECTION 2762.** 938.532 of the statutes is repealed.

9 *~~0576/8.93~~* **SECTION 2763.** 938.538 (6m) (b) of the statutes is amended to
10 read:

11 938.538 (6m) (b) In the selection of classified service employees for a secured
12 correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a),
13 the appointing authority shall make every effort to use the expanded certification
14 program under s. 230.25 (1n) or rules of the administrator of the division of merit
15 recruitment and selection in the department of ~~employment relations~~
16 administration to ensure that the percentage of employees who are minority group
17 members approximates the percentage of the juveniles placed at that secured
18 correctional facility who are minority group members. The administrator of the
19 division of merit recruitment and selection in the department of ~~employment~~
20 ~~relations~~ administration shall provide guidelines for the administration of this
21 selection procedure.

22 *~~0919/3.13~~* **SECTION 2764.** 940.09 (1) (bm) of the statutes is amended to read:

23 940.09 (1) (bm) Causes the death of another by the operation of a commercial
24 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
25 than ~~0.1~~ 0.08.

1 ***-0919/3.14*** SECTION 2765. 940.09 (1) (e) of the statutes is amended to read:
2 940.09 (1) (e) Causes the death of an unborn child by the operation of a
3 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
4 more but less than ~~0.1~~ 0.08.

5 ***-0919/3.15*** SECTION 2766. 940.25 (1) (bm) of the statutes is amended to read:
6 940.25 (1) (bm) Causes great bodily harm to another human being by the
7 operation of a commercial motor vehicle while the person has an alcohol
8 concentration of 0.04 or more but less than ~~0.1~~ 0.08.

9 ***-0919/3.16*** SECTION 2767. 940.25 (1) (e) of the statutes is amended to read:
10 940.25 (1) (e) Causes great bodily harm to an unborn child by the operation of
11 a commercial motor vehicle while the person has an alcohol concentration of 0.04 or
12 more but less than ~~0.1~~ 0.08.

13 ***-1187/4.212*** SECTION 2768. 945.06 of the statutes is amended to read:
14 **945.06 Public utilities to cease service.** When any public utility, common
15 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
16 commission, ~~office of the commissioner of railroads~~ or department of transportation
17 of this state, is notified in writing by a federal, state or local law enforcement agency,
18 acting within its jurisdiction, that any facility furnished by it is being used or will be
19 used for the purpose of transmitting or receiving gambling information in violation
20 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
21 maintaining of such facility, after reasonable notice to the subscriber, but no
22 damages, penalty or forfeiture, civil or criminal, shall be found against any such
23 public utility, common carrier, contract carrier or railroad, for any act done in
24 compliance with any notice received from a law enforcement agency under this
25 section. Nothing in this section shall be deemed to prejudice the right of any person

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1 affected thereby to secure an appropriate determination as otherwise provided by
2 law in any court or tribunal or agency, that such facility should not be discontinued
3 or removed, or should be restored.

4 ***-1788/2.3* SECTION 2769.** 949.02 of the statutes is amended to read:

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

10 ***-1788/2.4* SECTION 2770.** 949.06 (5) of the statutes is repealed.

11 ***-0919/3.17* SECTION 2771.** 949.08 (2) (em) of the statutes is amended to read:

12 949.08 (2) (em) Is an adult passenger in the offender's commercial motor
13 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger
14 knew the offender was under the influence of an intoxicant, a controlled substance,
15 a controlled substance analog or any combination of an intoxicant, controlled
16 substance and controlled substance analog, or had an alcohol concentration of 0.04
17 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
18 victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

19 ***-1788/2.5* SECTION 2772.** 949.15 (1) of the statutes is amended to read:

20 949.15 (1) Whenever the department orders the payment of an award under
21 this chapter as a result of the occurrence of an event that creates a cause of action
22 on the part of a claimant against any person, the department is subrogated to the
23 rights of the claimant and may bring an action against the person for the amount of
24 the damages sustained by the claimant. If an amount greater than that paid under
25 the award order is recovered and collected in any such action, the department shall

1 pay the balance to the claimant. If the person responsible for the injury or death has
2 previously made restitution payments to the general fund under s. 973.20 (9) (b), any
3 judgment obtained by the department under this section shall be reduced by the
4 amount of the restitution payments to the general fund that the person made under
5 s. 973.20 (9) (b).

6 ***-1634/7.65* SECTION 2773.** 961.01 (20g) of the statutes is amended to read:

7 961.01 (20g) “Public housing project” means any housing project or
8 development administered by a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

9 ***-0529/4.289* SECTION 2774.** 961.41 (5) (b) of the statutes is amended to read:

10 961.41 (5) (b) The clerk of the court shall collect and transmit the amount to
11 the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then
12 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
13 59.25 (3) (f) 2.

14 ***-0529/4.290* SECTION 2775.** 961.41 (5) (c) of the statutes is amended to read:

15 961.41 (5) (c) All moneys collected from drug surcharges shall be deposited by
16 the ~~state treasurer~~ secretary of administration in and utilized in accordance with s.
17 20.435 (6) (gb).

18 ***-1373/8.24* SECTION 2776.** 967.03 of the statutes is repealed.

19 ***-0127/1.2* SECTION 2777.** 971.14 (2) (am) of the statutes is amended to read:

20 971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to
21 be examined by the department or a department facility, the department shall
22 determine where the examination will be conducted, who will conduct the
23 examination and whether the examination will be conducted on an inpatient or
24 outpatient basis. The department’s responsibility for conducting examinations is
25 limited to inpatient examinations and those outpatient examinations that are for

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1 defendants in custody in jail or in a locked unit of a facility. Any such outpatient
2 examination shall be conducted in a jail or a locked unit of a facility. In any case
3 under this paragraph in which the department determines that an inpatient
4 examination is necessary, the 15-day period under par. (c) begins upon the arrival
5 of the defendant at the inpatient facility. If an outpatient examination is begun by
6 or through the department, and the department later determines that an inpatient
7 examination is necessary, the sheriff shall transport the defendant to the inpatient
8 facility designated by the department, unless the defendant has been released on
9 bail.

10 *~~1769/2.7~~* SECTION 2778. 972.15 (2b) of the statutes is created to read:

11 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
12 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
13 presentence investigation report shall include in the report a recommendation as to
14 whether the defendant should be eligible to participate in the earned release
15 program under s. 302.05 (3).

16 *~~1769/2.8~~* SECTION 2779. 973.01 (3g) of the statutes is created to read:

17 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
18 sentence under this section on a person convicted of a crime other than a crime
19 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
20 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
21 discretion, decide whether the person being sentenced is eligible or ineligible to
22 participate in the earned release program under s. 302.05 (3) during the term of
23 confinement in prison portion of the bifurcated sentence.

24 *~~1769/2.9~~* SECTION 2780. 973.01 (4) of the statutes is amended to read:

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

7 ***-1769/2.10*** SECTION 2781. 973.01 (8) (ag) of the statutes is created to read:

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

11 ***-1195/3.56*** SECTION 2782. 973.015 of the statutes is amended to read:

12 **973.015 Misdemeanors, special disposition.** (1) When a person is under
13 the age of 21 at the time of the commission of an offense for which the person has been
14 found guilty in a court for violation of a law for which the maximum penalty is
15 imprisonment for one year or less in the county jail, the court may order at the time
16 of sentencing that the record be expunged upon successful completion of the sentence
17 if the court determines the person will benefit and society will not be harmed by this
18 disposition. This subsection does not apply to information maintained by the
19 department of transportation regarding a conviction that is required to be included
20 in a record kept under s. 343.23 (2) (a).

21 ***-1792/3.4*** SECTION 2783. 973.017 (title) of the statutes, as created by 2001
22 Wisconsin Act 109, is amended to read:

23 **973.017 (title) Bifurcated sentences; use Use of guidelines;**
24 **consideration of aggravating and mitigating factors.**

1 ***-1792/3.5*** SECTION 2784. 973.017 (1) of the statutes, as created by 2001
2 Wisconsin Act 109, is renumbered 973.017 (1) (intro.) and amended to read:

3 973.017 (1) DEFINITION. (intro.) In this section, “sentencing decision” means
4 the following:

5 (a) With respect to a crime for which the court may impose a bifurcated sentence
6 under s. 973.01, a decision as to whether to impose a bifurcated sentence under s.
7 973.01 or place a person on probation and a decision as to the length of a bifurcated
8 sentence, including the length of each component of the bifurcated sentence, the
9 amount of a fine, and the length of a term of probation.

10 ***-1792/3.6*** SECTION 2785. 973.017 (1) (b) of the statutes is created to read:
11 973.017 (1) (b) With respect to any other crime, a decision as to whether to
12 impose a jail sentence or place a person on probation and a decision as to the length
13 of a jail sentence, the amount of a fine, and the length of a term of probation.

14 ***-1792/3.7*** SECTION 2786. 973.017 (2) (a) of the statutes, as created by 2001
15 Wisconsin Act 109, is renumbered 973.017 (2g) and amended to read:

16 973.017 (2g) USE OF ADVISORY GUIDELINES. ~~If the offense is a felony~~ When a court
17 makes a sentencing decision concerning a person convicted of a felony committed on
18 or after February 1, 2003, the court shall consider the sentencing guidelines adopted
19 by the sentencing commission under s. 973.30 or, if the sentencing commission has
20 not adopted a guideline for the offense, any applicable temporary sentencing
21 guideline adopted by the criminal penalties study committee created under 1997
22 Wisconsin Act 283. This subsection does not apply if the sentencing commission has
23 adopted mandatory sentencing guidelines for the felony under s. 973.31.

24 ***-1792/3.8*** SECTION 2787. 973.017 (2r) of the statutes is created to read: