

1 **973.017 (2r) USE OF MANDATORY GUIDELINES.** If the sentencing commission has
2 adopted mandatory sentencing guidelines for a crime under s. 973.31, the court,
3 when making a sentencing decision concerning a person convicted of that crime,
4 shall impose a sentence of the kind and within the range described in the applicable
5 sentencing guideline unless the court finds that there is an aggravating or mitigating
6 factor that warrants the imposition of a different kind of sentence or a sentence
7 outside of the range described in the guideline.

8 ***-1792/3.9* SECTION 2788.** 973.017 (10) of the statutes, as created by 2001
9 Wisconsin Act 109, is amended to read:

10 **973.017 (10) USE OF ADVISORY GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL.** The
11 requirement under sub. ~~(2)~~ ~~(a)~~ (2g) that a court consider sentencing guidelines
12 adopted by the sentencing commission or the criminal penalties study committee
13 does not require a court to make a sentencing decision that is within any range or
14 consistent with a recommendation specified in the guidelines, and there is no right
15 to appeal a court's sentencing decision based on the court's decision to depart in any
16 way from any guideline. This subsection does not apply to a sentencing decision that
17 is made in connection with a crime for which the sentencing commission has adopted
18 mandatory sentencing guidelines under s. 973.31.

19 ***-0529/4.291* SECTION 2789.** 973.045 (2) of the statutes is amended to read:

20 **973.045 (2)** After the clerk determines the amount due, the clerk of court shall
21 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
22 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
23 administration under s. 59.25 (3) (f) 2.

24 ***-0529/4.292* SECTION 2790.** 973.045 (3) (a) (intro.) of the statutes is amended
25 to read:

1 973.045 (3) (a) (intro.) The clerk shall record the crime victim and witness
2 surcharge in 2 parts. Part A is the portion that the ~~state treasurer~~ secretary of
3 administration shall credit to the appropriation account under s. 20.455 (5) (g) and
4 part B is the portion that the ~~state treasurer~~ secretary of administration shall credit
5 to the appropriation account under s. 20.455 (5) (gc), as follows:

6 *~~0529/4.293~~* SECTION 2791. 973.045 (4) of the statutes is amended to read:

7 973.045 (4) If an inmate in a state prison or a person sentenced to a state prison
8 has not paid the crime victim and witness assistance surcharge under this section,
9 the department shall assess and collect the amount owed from the inmate's wages
10 or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
11 secretary of administration.

12 *~~0529/4.294~~* SECTION 2792. 973.046 (2) of the statutes is amended to read:

13 973.046 (2) After the clerk of court determines the amount due, the clerk shall
14 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
15 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
16 administration under s. 59.25 (3) (f) 2.

17 *~~0529/4.295~~* SECTION 2793. 973.046 (3) of the statutes is amended to read:

18 973.046 (3) All moneys collected from deoxyribonucleic acid analysis
19 surcharges shall be deposited by the ~~state treasurer~~ secretary of administration as
20 specified in s. 20.455 (2) (Lm) and utilized under s. 165.77.

21 *~~0529/4.296~~* SECTION 2794. 973.046 (4) of the statutes is amended to read:

22 973.046 (4) If an inmate in a state prison or a person sentenced to a state prison
23 has not paid the deoxyribonucleic acid analysis surcharge under this section, the
24 department shall assess and collect the amount owed from the inmate's wages or

1 other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
2 secretary of administration.

3 ***-0529/4.297* SECTION 2795.** 973.055 (2) (a) of the statutes is amended to read:

4 973.055 (2) (a) If the assessment is imposed by a court of record, after the court
5 determines the amount due, the clerk of the court shall collect and transmit the
6 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
7 shall then make payment to the ~~state treasurer~~ secretary of administration as
8 provided in s. 59.25 (3) (f) 2.

9 ***-0529/4.298* SECTION 2796.** 973.055 (2) (b) of the statutes is amended to read:

10 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
11 determination by the court of the amount due, the court shall collect and transmit
12 the amount to the treasurer of the county, city, town, or village, and that treasurer
13 shall make payment to the ~~state treasurer~~ secretary of administration as provided
14 in s. 66.0114 (1) (bm).

15 ***-0529/4.299* SECTION 2797.** 973.055 (3) of the statutes is amended to read:

16 973.055 (3) All moneys collected from domestic abuse assessments shall be
17 deposited by the ~~state treasurer~~ secretary of administration in s. 20.435 (3) (hh) and
18 utilized in accordance with s. 46.95.

19 ***-0336/P2.6* SECTION 2798.** 973.09 (3) (bm) 1. of the statutes is amended to
20 read:

21 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
22 period of probation, the department may notify the sentencing court and the district
23 attorney that a probationer owes unpaid fees to the department under s. 304.073 or
24 304.074.

SECTION 2799

1 ***-0336/P2.7*** **SECTION 2799.** 973.09 (3) (bm) 3. of the statutes is amended to
2 read:

3 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
4 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073 or~~
5 304.074 and the amount of the unpaid fees. If the department proves by a
6 preponderance of the evidence that the probationer owes unpaid fees under s.
7 ~~304.073 or~~ 304.074, the court may, by order, extend the period of probation for a
8 stated period or modify the terms and conditions of probation.

9 ***-0336/P2.8*** **SECTION 2800.** 973.09 (3) (c) 1. of the statutes is amended to read:
10 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge
11 court-ordered payment obligations or to pay fees owed under s. ~~304.073 or~~ 304.074.

12 ***-1195/3.57*** **SECTION 2801.** 973.11 (1) (intro.) of the statutes is amended to
13 read:

14 973.11 (1) **PLACEMENTS.** (intro.) If a person is convicted of or pleads guilty or
15 no contest to one or more misdemeanors for which mandatory periods of
16 imprisonment are not required, if the chief judge of the judicial administrative
17 district has approved a volunteers in probation program established in the
18 applicable county, and if the court decides that volunteer supervision under the
19 program will likely benefit the person and the community and subject to the
20 limitations under sub. (3), the court may withhold sentence or judgment of conviction
21 and order that the person be placed with that volunteers in probation program. A
22 person's participation in the program may not be used to conceal, withhold, or mask
23 information regarding the judgment of conviction if the conviction is required to be
24 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the

1 order shall provide any conditions that the court determines are reasonable and
2 appropriate and may include, but need not be limited to, one or more of the following:

3 ***-1788/2.6* SECTION 2802.** 973.20 (9) (b) of the statutes is amended to read:

4 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
5 under this section, the court shall inquire to see if an award has been made under
6 ch. 949 and if the department of justice is subrogated to the cause of action under s.
7 949.15. If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
8 is less than or equal to the award under ch. 949, the defendant shall pay the
9 restitution shall be paid only to the general fund department of justice and the
10 restitution payments shall be credited to the appropriation account under s. 20.455
11 (5) (hm). If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
12 is greater than the award under ch. 949, the general fund shall receive defendant
13 shall pay the department of justice an amount equal to the award under ch. 949,
14 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
15 and the defendant shall pay the balance shall be paid to the victim.

16 ***-1792/3.10* SECTION 2803.** 973.30 (1) (c) of the statutes is amended to read:

17 973.30 (1) (c) Adopt and, as necessary, update advisory sentencing guidelines
18 for felonies committed on or after July 30, 2002, to promote public safety in a
19 cost-effective manner, to reflect changes promote consistency in sentencing
20 practices, and to preserve the integrity of the criminal justice and correctional
21 systems.

22 ***-1792/3.11* SECTION 2804.** 973.30 (1) (cm) of the statutes is created to read:

23 973.30 (1) (cm) Develop advisory guidelines regarding the appropriate use of
24 alternatives to incarceration.

25 ***-1792/3.12* SECTION 2805.** 973.31 of the statutes is created to read:

1 **973.31 Mandatory sentencing guidelines.** (1) In this section,

2 “commission” means the sentencing commission.

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

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

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

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

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

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

1 (5) In general, in developing mandatory sentencing guidelines, the commission
2 shall begin with crimes that result in the greatest number of bifurcated sentences
3 being imposed. In general, the commission shall develop mandatory sentencing
4 guidelines for Class G to I felonies, unclassified felonies, and misdemeanors for
5 which a court may impose a bifurcated sentence before developing them for Class B
6 to F felonies. Beginning with the crimes that are committed most frequently, the
7 commission shall develop mandatory sentencing guidelines for crimes based on the
8 frequency with which they are committed.

9 *-1712/5.81* SECTION 2806. 977.01 of the statutes is renumbered 977.01
10 (intro.) and amended to read:

11 977.01 Definitions. (intro.) In this chapter, unless the context requires
12 otherwise, “board”:

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

14 *-1634/7.66* SECTION 2807. 977.01 (2) of the statutes, as affected by 2003
15 Wisconsin Act (this act), is amended to read:

16 977.01 (2) “Public assistance” means relief provided by counties under s. 59.53
17 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
18 IV of ch. 49, low-income energy assistance under s. ~~16.385~~ 16.27, weatherization
19 assistance under s. ~~16.39~~ 16.26, and the food stamp program under 7 USC 2011 to
20 2029.

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

21 *-1712/5.82* SECTION 2808. 977.06 (1) (a) of the statutes is amended to read:
22 977.06 (1) (a) Verify the information necessary to determine indigency under
23 s. 977.07 (2). The information provided by a person seeking assigned counsel that

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1 is subject to verification shall include any social security numbers provided on an
2 application under sub. (1m), income records, value of assets, eligibility for public
3 assistance, as defined in s. 106.215 (1) (fm), and claims of expenses.

4 ***-1373/8.25* SECTION 2809.** 978.001 (1c) of the statutes is created to read:

5 978.001 (1c) “Assignable prosecutor” means an attorney employed by the state
6 prosecutors board whom the board may assign to a prosecutorial unit under s. 978.14
7 (1) (d).

8 ***-1373/8.26* SECTION 2810.** 978.03 (1) of the statutes is amended to read:

9 978.03 (1) The district attorney of any prosecutorial unit having a population
10 of 500,000 or more may appoint 5 deputy district attorneys and such assistant
11 district attorneys as may be requested by the department of administration and
12 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
13 district attorneys for purposes of carrying out duties under this section. The
14 deputies, according to rank, may perform any duty of the district attorney who
15 appointed him or her, under the district attorney’s direction, or any duty of the
16 district attorney to whose prosecutorial unit he or she is assigned by the state
17 prosecutors board under s. 978.14 (1) (c). In the absence or disability of the district
18 attorney, the deputies, according to rank, may perform any act required by law to be
19 performed by the district attorney. Any such deputy must have practiced law in this
20 state for at least 2 years prior to appointment under this section.

21 ***-1373/8.27* SECTION 2811.** 978.03 (1m) of the statutes is amended to read:

22 978.03 (1m) The district attorney of any prosecutorial unit having a population
23 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
24 attorneys and such assistant district attorneys as may be requested by the
25 department of administration and authorized in accordance with s. 16.505. The

1 district attorney shall rank the deputy district attorneys for purposes of carrying out
2 duties under this section. The deputies, according to rank, may perform any duty
3 of the district attorney who appointed him or her, under the district attorney's
4 direction, or any duty of the district attorney to whose prosecutorial unit he or she
5 is assigned by the state prosecutors board under s. 978.14 (1) (c). In the absence or
6 disability of the district attorney, the deputies, according to rank, may perform any
7 act required by law to be performed by the district attorney. Any such deputy must
8 have practiced law in this state for at least 2 years prior to appointment under this
9 section.

10 ***-1373/8.28* SECTION 2812.** 978.03 (2) of the statutes is amended to read:

11 978.03 (2) The district attorney of any prosecutorial unit having a population
12 of 100,000 or more but not more than 199,999 may appoint one deputy district
13 attorney and such assistant district attorneys as may be requested by the
14 department of administration and authorized in accordance with s. 16.505. The
15 deputy may perform any duty of the district attorney who appointed him or her,
16 under the district attorney's direction, or any duty of the district attorney to whose
17 prosecutorial unit he or she is assigned by the state prosecutors board under s. 978.14
18 (1) (c). In the absence or disability of the district attorney, the deputy may perform
19 any act required by law to be performed by the district attorney. The deputy must
20 have practiced law in this state for at least 2 years prior to appointment under this
21 section.

22 ***-1373/8.29* SECTION 2813.** 978.03 (3) of the statutes is amended to read:

23 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
24 an attorney admitted to practice law in this state and, except as provided in ss.
25 978.043 and 978.044, may exercise any power of, or perform any duty required by law

1 to be performed by, the district attorney. ~~The appointing him or her or a district~~
2 attorney to whose prosecutorial unit he or she is assigned by the state prosecutors
3 board under s. 978.14 (1) (c). In consultation with the state prosecutors board, the
4 district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint
5 such temporary counsel as may be authorized by the department of administration.

6 *~~1373/8.30~~* SECTION 2814. 978.04 of the statutes is amended to read:

7 **978.04 Assistants in certain prosecutorial units.** The district attorney of
8 any prosecutorial unit having a population of less than 100,000 may appoint one or
9 more assistant district attorneys as necessary to carry out the duties of his or her
10 office and as may be requested by the department of administration authorized in
11 accordance with s. 16.505. Any such assistant district attorney must be an attorney
12 admitted to practice law in this state and, except as provided in s. 978.043, may
13 exercise any power of, or perform any duty required by law to be performed by, the
14 district attorney appointing him or her or a district attorney to whose prosecutorial
15 unit he or she is assigned by the state prosecutors board under s. 978.14 (1) (c).

16 *~~1373/8.31~~* SECTION 2815. 978.043 of the statutes is amended to read:

17 **978.043 Assistants for prosecution of sexually violent person**
18 **commitment cases.** The district attorney of the prosecutorial unit that consists of
19 Brown County and the district attorney of the prosecutorial unit that consists of
20 Milwaukee County shall each assign one assistant district attorney in his or her
21 prosecutorial unit to be a sexually violent person commitment prosecutor. An
22 assistant district attorney assigned under this section to be a sexually violent person
23 commitment prosecutor may engage only in the prosecution of sexually violent
24 person commitment proceedings under ch. 980 and, ~~at the request of the district~~
25 attorney of the prosecutorial unit as permitted or required under rules adopted by

1 the state prosecutors board under s. 978.14 (1) (c), may file and prosecute sexually
2 violent person commitment proceedings under ch. 980 in any prosecutorial unit in
3 this state.

4 ***-1373/8.32* SECTION 2816.** 978.044 (2) (b) of the statutes is amended to read:
5 978.044 (2) (b) Provide assistance to the district attorney in other counties
6 relating to the establishment of restorative justice programs, as described in par. (a)
7 as permitted or required under rules adopted by the state prosecutors board under
8 s. 978.14 (1) (c).

9 ***-1373/8.33* SECTION 2817.** 978.045 (1g) of the statutes is amended to read:
10 978.045 (1g) A court on its own motion may appoint a special prosecutor under
11 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
12 under that subsection. Before a court appoints a special prosecutor on its own motion
13 or at the request of a district attorney for an appointment that exceeds 6 hours per
14 case, the court or, subject to any applicable rule issued under s. 978.14 (1) (c), the
15 district attorney shall request do all of the following:

16 1. Request assistance from a district attorney, deputy district attorney, or
17 assistant district attorney from other prosecutorial units or an assistant attorney
18 general. ~~A district attorney requesting the appointment of a special prosecutor, or~~
19 ~~a court if the court is appointing a special prosecutor on its own motion, shall notify~~
20 ~~the department of administration~~

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

25 ***-1373/8.34* SECTION 2818.** 978.046 of the statutes is created to read:

1 **978.046 Assignable prosecutors.** An assignable prosecutor who has been
2 assigned to a prosecutorial unit may exercise any power of, or perform any duty
3 required by law to be performed by, the district attorney of the prosecutorial unit.

4 *~~1373/8.35~~* **SECTION 2819.** 978.05 (1) of the statutes is amended to read:

5 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
6 all criminal actions before any court within his or her prosecutorial unit. In
7 determining whether to prosecute a case, the district attorney shall consider the
8 guidelines adopted by the state prosecutors board under s. 978.14 (1) (b). The district
9 attorney, however, is not bound by those guidelines, and there is no right to appeal
10 based on a prosecutor's decision to depart in any way from any guideline.

11 *~~1373/8.36~~* **SECTION 2820.** 978.05 (8) (b) of the statutes is amended to read:

12 978.05 (8) (b) Hire, employ, and supervise his or her staff and assignable
13 prosecutors assigned to his or her prosecutorial unit under s. 978.14 (1) (d) and,
14 subject to ss. 978.043 and 978.044, make appropriate assignments of the staff and
15 assignable prosecutors throughout the prosecutorial unit. The district attorney may
16 request the assistance of district attorneys, deputy district attorneys, or assistant
17 district attorneys from other prosecutorial units, subject to any rules promulgated
18 under s. 978.14 (1) (c), or assistant attorneys general, who then may appear and
19 assist in the investigation and prosecution of any matter for which a district attorney
20 is responsible under this chapter in like manner as assistants in the prosecutorial
21 unit and with the same authority as the district attorney in the unit in which the
22 action is brought. Nothing in this paragraph limits the authority of counties to
23 regulate the hiring, employment, and supervision of county employees.

24 *~~1373/8.37~~* **SECTION 2821.** 978.06 (1) of the statutes is amended to read:

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

5 ***-1373/8.38*** SECTION 2822. 978.06 (2) of the statutes is amended to read:

6 978.06 (2) No district attorney, deputy district attorney or, assistant district
7 attorney, or assignable prosecutor may be concerned as attorney or counsel for either
8 party, other than for the state or county, in any civil action depending upon the same
9 state of facts upon which any criminal prosecution commenced but undetermined
10 depends.

11 ***-1373/8.39*** SECTION 2823. 978.06 (3) (a) of the statutes is amended to read:

12 978.06 (3) (a) No district attorney, deputy district attorney or, assistant district
13 attorney, or assignable prosecutor while in office may hold any judicial office. No
14 assignable prosecutor and no full-time district attorney, deputy district attorney, or
15 assistant district attorney may hold the office of or act as corporation counsel or city,
16 village, or town attorney. A part-time district attorney, deputy district attorney, or
17 assistant district attorney may hold the office of or act as corporation counsel or city,
18 village, or town attorney or otherwise serve as legal counsel to any governmental
19 unit.

20 ***-1373/8.40*** SECTION 2824. 978.06 (4) of the statutes is amended to read:

21 978.06 (4) No person who acted as district attorney, deputy district attorney
22 or, assistant district attorney, or assignable prosecutor, or special prosecutor under
23 s. 978.045, for a county at the time of an arrest, examination, or indictment of any
24 person charged with a crime in that county may thereafter appear for, or defend that
25 person against the crime charged in the complaint, information, or indictment.

1 *~~1373/8.41~~* SECTION 2825. 978.06 (5) (a) of the statutes is amended to read:

2 978.06 (5) (a) No full-time district attorney, deputy district attorney, or
3 assistant district attorney may engage in a private practice of law, but he or she is
4 authorized to complete all civil cases, not in conflict with the interest of the county
5 or counties of his or her prosecutorial unit, in which he or she is counsel, pending in
6 court before he or she takes office. No assignable prosecutor may engage in a private
7 practice of law. A part-time district attorney, deputy district attorney, or assistant
8 district attorney may engage in a private practice of law.

9 *~~1373/8.42~~* SECTION 2826. 978.12 (title) of the statutes is amended to read:

10 978.12 (title) ~~Salaries~~ Prosecutor salaries and benefits of district
11 ~~attorney and state employees in office of district attorney.~~

12 *~~1373/8.43~~* SECTION 2827. 978.12 (1) (c) of the statutes is amended to read:

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

23 *~~0576/8.94~~* SECTION 2828. 978.12 (1) (c) of the statutes, as affected by 2003

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

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

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

12 *~~1373/8.44~~* **SECTION 2829.** 978.12 (4) of the statutes is amended to read:
13 978.12 (4) ANNUAL LEAVE. Annual leave for the district attorney is governed by
14 s. 230.35 (1r). Annual leave for other state employees of the office of district attorney
15 shall be accrued at the rate provided in s. 230.35 using the employee's state service
16 computed under sub. (2). Annual leave shall be earned on a calendar year basis
17 prorated from the effective date of the employee's transfer for the balance of the
18 calendar year. This subsection does not apply to assignable prosecutors.

19 *~~0529/4.300~~* **SECTION 2830.** 978.12 (5) (c) 1. of the statutes is amended to
20 read:

21 978.12 (5) (c) 1. The salaries authorized under this section for the district
22 attorney and the state employees of the office of district attorney shall be paid by the
23 ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a

1 voucher submitted by the district attorney to the department of administration. The
2 county treasurer shall pay the amounts directly to the district attorney and state
3 employees of the office of district attorney and the amounts paid shall be subject to
4 the retirement system established under chapter 201, laws of 1937.

5 *~~1373/8.45~~* SECTION 2831. 978.12 (5) (d) of the statutes is created to read:

6 978.12 (5) (d) *Applicability*. This subsection does not apply to assignable
7 prosecutors.

8 *~~0529/4.301~~* SECTION 2832. 978.13 (1) (b) of the statutes, as affected by 2001
9 Wisconsin Act 109, is amended to read:

10 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
11 and fringe benefit costs of 2 clerk positions providing clerical services to the
12 prosecutors in the district attorney's office handling cases involving felony violations
13 under ch. 961. ~~The state treasurer~~ secretary of administration shall pay the amount
14 authorized under this subsection to the county treasurer pursuant to a voucher
15 submitted by the district attorney to the department of administration from the
16 appropriation under s. 20.475 (1) (i).

17 *~~0529/4.302~~* SECTION 2833. 978.13 (1) (c) of the statutes, as affected by 2001
18 Wisconsin Act 109, is amended to read:

19 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
20 fringe benefit costs of clerk positions in the district attorney's office necessary for the
21 prosecution of violent crime cases primarily involving felony violations under s.
22 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
23 940.06, 940.225, 943.23 (1g), and 943.32 (2). ~~The state treasurer~~ secretary of
24 administration shall pay the amount authorized under this subsection to the county

1 treasurer pursuant to a voucher submitted by the district attorney to the secretary
2 of administration from the appropriation under s. 20.475 (1) (i).

3 ***-0529/4.303* SECTION 2834.** 978.13 (1) (d) of the statutes, as affected by 2001
4 Wisconsin Act 109, is amended to read:

5 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
6 and fringe benefit costs of 2 clerk positions providing clerical services to the
7 prosecutors in the district attorney's office handling cases involving the unlawful
8 possession or use of firearms. The ~~state treasurer~~ secretary of administration shall
9 pay the amount authorized under this subsection to the county treasurer from the
10 appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district
11 attorney to the department of administration.

12 ***-1373/8.46* SECTION 2835.** 978.14 of the statutes is created to read:

13 **978.14 State prosecutors board.** (1) The state prosecutors board shall do
14 all of the following:

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

18 (c) Promulgate and administer rules regarding the temporary assignment of
19 district attorneys and deputy and assistant district attorneys from one prosecutorial
20 unit to another.

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

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

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

3 *~~-0332/1.3~~* **SECTION 2836.** 1997 Wisconsin Act 4, section 4 (1) (title) is
4 repealed.

5 *~~-0332/1.4~~* **SECTION 2837.** 1997 Wisconsin Act 4, section 4 (1) (a), as last
6 affected by 2001 Wisconsin Act 16, section 4035, is renumbered 301.16 (1u) of the
7 statutes and amended to read:

8 301.16 (1u) Notwithstanding 1995 Wisconsin Act 27, section 9126 (23) and
9 (26v), the department of corrections may, ~~from July 1, 1997, until July 1, 2003, shall~~
10 operate the secured correctional facility, ~~as defined in s. 938.02 (15m) of the statutes,~~
11 authorized under 1995 Wisconsin Act 27, section 9126 (26v), as a state prison named
12 in ~~section 302.01 of the statutes, as affected by this act, for the placement of~~
13 ~~prisoners, as defined in section 301.01 (2) of the statutes, who are not more than 21~~
14 ~~years of age and who are not violent offenders, as determined by the department of~~
15 ~~corrections.~~

16 *~~-0332/1.5~~* **SECTION 2838.** 1997 Wisconsin Act 4, section 4 (1) (b) is repealed.

17 *~~-1308/2.3~~* **SECTION 2839.** 1997 Wisconsin Act 27, section 9101 (11m) is
18 amended to read:

19 [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION
20 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2004, the land
21 information board and Wisconsin land council shall report to the legislature in the
22 manner provided under section 13.172 (2) of the statutes and to the governor
23 concerning the issue of continuation of their functions, including the feasibility of
24 combination of their functions.

1 ***-0332/1.6*** SECTION 2840. 1997 Wisconsin Act 27, section 9111 (2u) is
2 repealed.

3 ***-1308/2.4*** SECTION 2841. 1997 Wisconsin Act 27, section 9456 (3m), as last
4 affected by 2001 Wisconsin Act 16, is amended to read:

5 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
6 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
7 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
8 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
9 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10
10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
11 (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of
12 the statutes and SECTION 9101 (1) of this act take effect on September 1, ~~2003~~ 2005.

13 ***-1308/2.5*** SECTION 2842. 1999 Wisconsin Act 9, section 9401 (2zt) is
14 amended to read:

15 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
16 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
17 September 1, ~~2003~~ 2005.

18 ***-1308/2.6*** SECTION 2843. 1999 Wisconsin Act 9, section 9401 (2zu) is
19 amended to read:

20 [1999 Wisconsin Act 9] Section 9401 (2zu) SOIL SURVEYS AND MAPPING. The
21 repeal of sections 16.967 (11) and 20.505 (1) (ik) ~~and of the statutes~~, the treatment
22 of sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353n) of the
23 statutes and the repeal of section 16.965 (3) and (5) of the statutes take effect on
24 September1, ~~2003~~ 2005.

1 *–1250/1.4* SECTION 2844. 2001 Wisconsin Act 16, section 9152 (5y) is
2 amended to read:

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

9 *–1021/1.9101* SECTION 9101. Nonstatutory provisions;
10 administration.

11 (1) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
12 revenue moneys appropriated to the department of administration for the office of
13 justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
14 department of administration shall expend \$90,600 in fiscal year 2003–04 and
15 \$95,900 in fiscal year 2004–05 to provide the multijurisdictional enforcement group
16 serving Dane County with funding for one assistant district attorney to prosecute
17 criminal violations of chapter 961 of the statutes.

18 *–1022/1.9101* (2) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
19 federal and program revenue moneys appropriated to the department of
20 administration for the office of justice assistance under section 20.505 (6) (kp) and
21 (p) of the statutes, the department of administration shall expend \$286,300 in fiscal
22 year 2003–04 and \$294,900 in fiscal year 2004–05 to provide the multijurisdictional
23 enforcement group serving Milwaukee County with funding for 3 assistant district
24 attorneys to prosecute criminal violations of chapter 961 of the statutes.

1 ***-1373/8.9101*** (3) STATE PROSECUTORS BOARD; INITIAL TERMS. Notwithstanding
2 section 15.105 (6) (b) 1. of the statutes, as created by this act, the first 4 members of
3 the state prosecutors board shall be appointed for 2-year terms, subject to section
4 15.105 (6) (b) 2. of the statutes, as created by this act.

5 ***-1634/7.9101*** (4) TRANSFER OF HOUSING OPERATIONS TRANSITIONAL PROVISIONS.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
7 liabilities of the department of administration primarily related to the
8 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385
9 and 16.39, 2001 stats., as determined by the secretary of administration, shall
10 become the assets and liabilities of the department of commerce.

11 (b) *Position and employee transfers.* All incumbent employees holding
12 positions in the department of administration performing duties primarily related
13 to the administration of subchapter II of chapter 16, 2001 stats., other than sections
14 16.385 and 16.39, 2001 stats., as determined by the secretary of administration, are
15 transferred on the effective date of this paragraph to the department of commerce.

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

22 (d) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of administration
24 that is primarily related to the administration of subchapter II of chapter 16, 2001

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1 stats., other than sections 16.385 and 16.39, 2001 stats., as determined by the
2 secretary of administration, is transferred to the department of commerce.

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

11 (f) *Rules and orders.* All rules promulgated by the department of
12 administration in effect on the effective date of this paragraph that are primarily
13 related to the administration of subchapter II of chapter 16, 2001 stats., other than
14 sections 16.385 and 16.39, 2001 stats., remain in effect until their specified
15 expiration date or until amended or repealed by the department of commerce. Any
16 orders issued by the department of administration or the division of housing in the
17 department of administration that are in effect on the effective date of this
18 paragraph and that are primarily related to the administration of subchapter II of
19 chapter 16, 2001 stats., other than sections 16.385 and 16.39, 2001 stats., remain in
20 effect until their specified expiration date or until modified or rescinded by the
21 department of commerce.

22 (g) *Pending matters.* Any matter pending with the department of
23 administration or the division of housing in the department of administration that
24 is primarily related to the administration of subchapter II of chapter 16, 2001 stats.,
25 other than sections 16.385 and 16.39, 2001 stats., is transferred to the department

1 of commerce and all materials submitted to or actions taken by the department of
2 administration or the division of housing in the department of administration with
3 respect to such a matter are considered as having been submitted to or taken by the
4 department of commerce.

5 ***-1711/5.9101*** (5) HIGHER EDUCATIONAL AIDS. The authorized FTE positions
6 for the department of administration, funded from the appropriation under section
7 20.505 (1) (a) of the statutes, as affected by this act, are increased by 2.0 GPR
8 positions on the effective date of this subsection for the purpose of assisting the Board
9 of Regents of the University of Wisconsin System in administering higher
10 educational aids under subchapter III of chapter 39 of the statutes, as affected by this
11 act.

12 ***-1746/4.9101*** (6) SALE OR LEASE OF CERTAIN STATE PROPERTY.

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

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

18 ***-1759/2.9101*** (7) POSITION TRANSFER; EMPLOYEE STATUS. The incumbent
19 employee holding the position specified in SECTION 9159 (8) is transferred on July 1,
20 2003, to the department of administration and has all the rights and the same status
21 under subchapter V of chapter 111 and chapter 230 of the statutes in the department
22 of administration that he or she enjoyed in the department of workforce development
23 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
24 no employee so transferred who has attained permanent status in class is required
25 to serve a probationary period.

1 ***-1761/4.9101*** (8) ESTIMATE OF MEDICAL ASSISTANCE TRUST FUND REVENUE.

2 (a) *Estimate for fiscal year 2003–04.* Before January 1, 2004, the secretary of
3 administration shall estimate the total amount that will be deposited into the
4 Medical Assistance trust fund for state fiscal year 2003–04 that will exceed
5 \$550,000,000.

6 (b) *Estimate for fiscal year 2004–05.* Before January 1, 2005, the secretary of
7 administration shall estimate the total amount that will be deposited into the
8 Medical Assistance trust fund for state fiscal year 2004–05 that will exceed
9 \$80,000,000.

10 ***-0854/7.9101*** (9) STATE AGENCY PAYMENTS RELATING TO UNFUNDED PRIOR
11 SERVICE LIABILITY UNDER THE WISCONSIN RETIREMENT SYSTEM.

12 (a) The definitions in section 20.001 of the statutes are applicable in this
13 subsection, except that “state agency” does not include the department of employee
14 trust funds or the investment board.

15 (b) If obligations are issued under section 16.526 or 16.527 of the statutes, or
16 both, during the 2003–05 fiscal biennium, the secretary of administration shall
17 determine for each state agency the amount that the agency would have been
18 required to expend under section 40.05 (2) (b) of the statutes during the 2003–05
19 fiscal biennium had the obligations not been issued, and from each appropriation
20 from which the moneys would have been expended.

21 (c) From each sum certain appropriation of general purpose revenue identified
22 in paragraph (b), the secretary of administration shall lapse to the general fund the
23 amount specified in paragraph (b) that would otherwise have been expended from
24 each of the appropriations. The secretary of administration shall make the lapse on
25 the day on which the state agency would have been required to make the

1 expenditure. After the secretary of administration makes the lapse, each of the sum
2 certain appropriations is decreased by the amount specified in paragraph (b) for that
3 appropriation.

4 (d) For each sum sufficient appropriation of general purpose revenue identified
5 in paragraph (b), the expenditure estimate for the appropriation during the 2003–05
6 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for
7 that appropriation.

8 (e) 1. Except as provided in subdivision 2., from each appropriation of program
9 revenues or program revenues—service identified in paragraph (b), the secretary of
10 administration shall lapse to the general fund the amount specified in paragraph (b)
11 that would otherwise have been expended from each of the appropriations. The
12 secretary of administration shall make the lapse on the day on which the state
13 agency would have been required to make the expenditure. After the secretary of
14 administration makes the lapse, each of the sum certain program revenues or
15 program revenues—service appropriations is decreased by the amount specified in
16 paragraph (b) for that appropriation.

17 2. From each appropriation of federal revenues, the secretary of administration
18 shall determine the amount that is lapsed to the general fund.

19 (f) 1. Except as provided in subdivision 2., from each appropriation of
20 segregated fund revenues or segregated fund revenues — service identified in
21 paragraph (b), the secretary of administration shall lapse to the underlying fund the
22 amount specified in paragraph (b) that would otherwise have been expended from
23 each of the appropriations. The secretary of administration shall make the lapse on
24 the day on which the state agency would have been required to make the
25 expenditure. After the secretary of administration makes the lapse, each of the sum

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1 certain segregated revenues or segregated revenues — service appropriations is
2 decreased by the amount specified in paragraph (b) for that appropriation, and the
3 expenditure estimate for each of the appropriations that are not sum certain
4 appropriations is reestimated to subtract the amount specified in paragraph (b) for
5 that appropriation. The secretary of administration shall then transfer the lapsed
6 amounts and an amount equal to the amount subtracted from the estimates to the
7 general fund.

8 2. From each appropriation of segregated federal revenues, the secretary of
9 administration shall determine the amount that is transferred to the general fund.

10 *~~2020/2.9101~~* (10) TRANSITIONAL FUNDING OF HOUSING OPERATIONS.
11 Notwithstanding the requirement under section 20.001 (3) (a) of the statutes that
12 annual appropriations are expendable only up to the amount shown in the schedule
13 and only for the fiscal year for which made, and notwithstanding the requirement
14 under section 20.001 (3) (b) of the statutes that biennial appropriations are
15 expendable only up to the total amount shown in the schedule for both years and only
16 for the biennium for which made, during the period that begins on the effective date
17 of this subsection and ends on the 30th day after the effective date of this subsection,
18 the annual and biennial appropriations to the department of administration under
19 section 20.505 (7) of the statutes provided for the 2002–03 fiscal year shall remain
20 in effect until the 30th day after the effective date of this subsection, except that, for
21 the annual appropriations, the department of administration may not expend or
22 encumber more than one-twelfth of the amounts appropriated for the 2002–03 fiscal
23 year from each such appropriation and, for the biennial appropriations, the
24 department of administration may not expend or encumber more than one-twelfth

1 of the amounts shown in the schedule for the 2002–03 fiscal year from each such
2 appropriation.

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

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

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

9 (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

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

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

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

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

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

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

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

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

1 *–1111/4.9104* (2) NAME CHANGE. Wherever “agriculture, trade and consumer
2 protection” appears in the following sections of the statutes, as affected by this act,
3 “agriculture, trade, and rural resources” is substituted: 15.05 (1) (d), 15.07 (5) (d),
4 15.105 (12) (a) 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.13, 15.135 (4) (am) and (b) 1.,
5 15.137 (1) (a) (intro.) and (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1., 15.347
6 (13) (b) 3. and (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915 (1) (b) 1. and
7 (2) (a), 16.023 (1) (g) (intro.), 16.045 (3), 16.967 (6), 20.115 (intro.), 20.866 (2) (we) and
8 (wf), 20.923 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and (5), 26.36, 27.019 (3) and (12),
9 29.424 (2) (b), 29.705 (4) (b), 29.875 (2), 30.12 (4m) (a) and (b), 30.20 (1) (d), 30.46 (1)
10 (a) and (2), 31.02 (7m), 32.035 (1) (a), 36.25 (7) and (11) (c), 36.58 (2) (a) 3. and (c), (3)
11 (b), and (5), 41.41 (4) (c) and (5) (e), 42.10, 59.70 (17) (a), 61.72, 66.0217 (9) (b), 66.0307
12 (4) (a) 1., 66.0417 (1), 69.66, 84.01 (17), 86.19 (1m), 88.11 (1) (intro.), (1m), (3) (intro.),
13 (4), (5) (intro.), (6), and (7), 88.13, 88.15, 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24
14 (intro.), 88.32 (3m), 88.35 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and
15 (14m), 92.15 (3), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.20 (1),
16 93.75 (3m) (b), (c), and (d), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9),
17 95.22 (1) and (3), 95.45 (4) (b), 95.55 (5) (a) and (c), 97.01 (4), 97.24 (3), 97.41 (1m),
18 98.04, 101.58 (2) (i), 101.586, 126.01 (8), 134.71 (12), 146.60 (1) (c), (2) (b), (3) (c) 1.
19 and 2., and (5), 160.01 (7), 165.065 (2), 169.01 (7) and (35) (a), 169.03, 169.04 (2) (d)
20 and (3) (a), 169.06 (1) (d) 1., 169.11 (1) (a) (intro.), 169.38 (title), 169.42 (1) (i), 173.01
21 (1), 174.001 (2), 174.11 (1) and (2), 182.01 (6), 196.857 (1g) (e), 227.14 (1s), 230.08 (2)
22 (e) 2., 234.02 (1), 235.02 (2) (c), 235.04 (6), 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.),
23 254.58, 254.64 (1) (d), 254.69 (2) (am), 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20
24 (1) (a) and (3) (c) and (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g)
25 (intro.), 2., and 4., (i), (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.),

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

6 ***-1111/4.9104*** (3) **MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND**
7 **CONSUMER PROTECTION.** Notwithstanding section 15.13 of the statutes, as affected by
8 this act, any member of the board of agriculture, trade and consumer protection who
9 is serving on the board of agriculture, trade and consumer protection as a consumer
10 representative on the day before the effective date of this subsection shall be entitled
11 to continue to serve as a member of the board under section 15.13 of the statutes, as
12 affected by this act, until his or her successor is appointed and qualified.

13 ***-1506/2.9104*** (4) **MILK CERTIFICATION.** The authorized FTE positions for the
14 department of agriculture, trade and consumer protection are increased by 4.8 PR
15 positions on the effective date of this subsection, to be funded from the appropriation
16 under section 20.115 (1) (gb) of the statutes, for the purpose of performing milk
17 certification.

18 ***-1273/P2.9105*** **SECTION 9105. Nonstatutory provisions; arts board.**

19 ***-1273/P2.9106*** **SECTION 9106. Nonstatutory provisions; building**
20 **commission.**

21 ***-1273/P2.9107*** **SECTION 9107. Nonstatutory provisions; child abuse**
22 **and neglect prevention board.**

23 ***-1273/P2.9108*** **SECTION 9108. Nonstatutory provisions; circuit courts.**

24 ***-1273/P2.9109*** **SECTION 9109. Nonstatutory provisions; commerce.**

25 ***-1273/P2.9110*** **SECTION 9110. Nonstatutory provisions; corrections.**

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1 ***-1792/3.9110*** (1) REPORT REGARDING TEMPORARY SENTENCING GUIDELINES. No
2 later than January 1, 2004, the sentencing commission shall analyze whether the
3 temporary sentencing guidelines adopted by the criminal penalties study committee
4 created under 1997 Wisconsin Act 283 are adequately promoting the objectives listed
5 in section 973.30 (1) (c) of the statutes, as affected by this act, and submit a report
6 to the governor, the legislature, and the supreme court explaining its conclusions.

7 ***-1273/P2.9111*** SECTION 9111. **Nonstatutory provisions; court of**
8 **appeals.**

9 ***-1273/P2.9112*** SECTION 9112. **Nonstatutory provisions; district**
10 **attorneys.**

11 ***-1273/P2.9113*** SECTION 9113. **Nonstatutory provisions; educational**
12 **communications board.**

13 ***-1273/P2.9114*** SECTION 9114. **Nonstatutory provisions; elections**
14 **board.**

15 ***-1273/P2.9115*** SECTION 9115. **Nonstatutory provisions; electronic**
16 **government.**

17 ***-1289/7.9115*** (1) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

18 (a) *Assets and liabilities.* Except as provided in SECTION 9215 (1) of this act, on
19 the effective date of this paragraph, the assets and liabilities of the department of
20 electronic government shall become assets and liabilities of the department of
21 administration.

22 (b) *Positions and employees.*

23 1. On the effective date of this subdivision, all full-time equivalent positions
24 in the department of electronic government, except the positions occupied by the
25 secretary, the deputy secretary, the executive assistant, and 2 division administrator

1 positions determined by the secretary of administration, are transferred to the
2 department of administration.

3 2. All incumbent employees holding positions that are transferred under
4 subdivision 1. are transferred on the effective date of this subdivision to the
5 department of administration.

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

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

15 (d) *Contracts.* All contracts entered into by the department of electronic
16 government that are in effect on the effective date of this paragraph remain in effect
17 and are transferred to the department of administration. The department of
18 administration shall carry out any contractual obligations under such a contract
19 until the contract is modified or rescinded by the department of administration to the
20 extent allowed under the contract.

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

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1 specified expiration dates or until modified or rescinded by the department of
2 administration.

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

8 ***-2020/2.9115*** (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT
9 OF ELECTRONIC GOVERNMENT. Notwithstanding the requirement under section 20.001
10 (3) (a) of the statutes that annual appropriations are expendable only up to the
11 amount shown in the schedule and only for the fiscal year for which made, during
12 the period that begins on the effective date of this subsection and ends on the 30th
13 day after the effective date of this subsection, the annual appropriations to the
14 department of electronic government under section 20.530 of the statutes provided
15 for the 2002–03 fiscal year shall remain in effect until the 30th day after the effective
16 date of this subsection, except that the department of electronic government may not
17 expend or encumber more than one-twelfth of the amounts appropriated for the
18 2002–03 fiscal year from each appropriation.

19 ***-1273/P2.9116*** SECTION 9116. Nonstatutory provisions; employee
20 trust funds.

21 ***-1273/P2.9117*** SECTION 9117. Nonstatutory provisions; employment
22 relations commission.

23 ***-0576/8.9118*** SECTION 9118. Nonstatutory provisions; employment
24 relations department.

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

3 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
4 liabilities of the department of employment relations shall become the assets and
5 liabilities of the department of administration.

6 (b) *Tangible personal property.* On the effective date of this paragraph, all
7 tangible personal property, including records, of the department of employment
8 relations is transferred to the department of administration.

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

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

24 (e) *Rules and orders.* All rules promulgated by the department of employment
25 relations that are in effect on the effective date of this paragraph remain in effect

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1 until their specified expiration dates or until amended or repealed by the department
2 of administration. All orders issued by the department of employment relations that
3 are in effect on the effective date of this paragraph remain in effect until their
4 specified expiration dates or until modified or rescinded by the department of
5 administration.

6 (f) *Pending matters.* Any matter pending with the department of employment
7 relations on the effective date of this paragraph is transferred to the department of
8 administration and all materials submitted to or actions taken by the department
9 of employment relations with respect to the pending matter are considered as having
10 been submitted to or taken by the department of administration.

11 ***-2020/2.9118*** (2) FUNDING OF OPERATIONS AND PROGRAMS AT THE DEPARTMENT
12 OF EMPLOYMENT RELATIONS. Notwithstanding the requirement under section 20.001
13 (3) (a) of the statutes that annual appropriations are expendable only up to the
14 amount shown in the schedule and only for the fiscal year for which made, during
15 the period that begins on the effective date of this subsection and ends on the 30th
16 day after the effective date of this subsection, the annual appropriations to the
17 department of employment relations under section 20.512 of the statutes provided
18 for the 2002–03 fiscal year shall remain in effect until the 30th day after the effective
19 date of this subsection, except that the department of employment relations may not
20 expend or encumber more than one-twelfth of the amounts appropriated for the
21 2002–03 fiscal year from each appropriation.

22 ***-1273/P2.9119*** SECTION 9119. Nonstatutory provisions; ethics board.

23 ***-0419/2.9120*** SECTION 9120. Nonstatutory provisions; financial
24 institutions.

1 (1) LIMITED LIABILITY COMPANY ANNUAL REPORTS. Notwithstanding section
2 183.0120 (3) of the statutes, as affected by this act, a domestic limited liability
3 company in existence on the effective date of this subsection shall deliver its initial
4 annual report under section 183.0120 of the statutes to the department of financial
5 institutions during the first calendar quarter of 2004.

6 ***-1431/2.9120*** (2) REVIEW BOARD TRANSITIONAL PROVISIONS.

7 (a) *Current members of savings bank review board and savings and loan review*
8 *board.* Notwithstanding section 15.07 (1) (c) of the statutes and section 15.185 (3)
9 and (4), 2001 stats., the terms of office of all members of the savings bank review
10 board and all members of the savings and loan review board terminate on the
11 effective date of this paragraph.

12 (b) *Initial members of savings institutions review board.* Notwithstanding
13 section 15.185 (3) of the statutes, as affected by this act, the terms of office of the
14 members initially appointed to the savings institutions review board terminate as
15 follows:

- 16 1. Two members, on May 1, 2007.
- 17 2. Three members, on May 1, 2009.

18 (c) *Rules and orders.* All rules promulgated by the division of savings
19 institutions that are in effect on the effective date of this paragraph shall become
20 rules of the division of banking and shall remain in effect until their specified
21 expiration dates or until amended or repealed by the division of banking. All orders
22 issued by the division of savings institutions that are in effect on the effective date
23 of this paragraph shall become orders of the division of banking and shall remain in
24 effect until their specified expiration dates or until modified or rescinded by the
25 division of banking.

1 (d) *Contracts.* All contracts entered into by the division of savings institutions
2 in effect on the effective date of this paragraph remain in effect and are transferred
3 to the division of banking. The division of banking shall carry out any obligations
4 under such a contract until the contract expires or is modified or rescinded by the
5 division of banking to the extent allowed under the contract.

6 (e) *Pending matters.* Any matter pending with the division of savings
7 institutions on the effective date of this paragraph is transferred to the division of
8 banking and all materials submitted to or actions taken by the division of savings
9 institutions with respect to the pending matter are considered as having been
10 submitted to or taken by the division of banking.

11 ***-1273/P2.9121* SECTION 9121. Nonstatutory provisions; Fox River**
12 **Navigational System Authority.**

13 ***-1273/P2.9122* SECTION 9122. Nonstatutory provisions; governor.**

14 ***-1273/P2.9123* SECTION 9123. Nonstatutory provisions; Health and**
15 **Educational Facilities Authority.**

16 ***-0190/7.9124* SECTION 9124. Nonstatutory provisions; health and**
17 **family services.**

18 (1) TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT
19 SYSTEM. No later than March 1, 2004, the department of health and family services
20 and the department of workforce development shall submit a proposal to the
21 secretary of administration for expenditure and position authority necessary to
22 transfer, effective July 1, 2004, agreed upon administrative functions related to the
23 client assistance for reemployment and economic support system from the
24 department of workforce development to the department of health and family
25 services. If the secretary of administration finds that the proposal would increase

1 the costs of administering the client assistance for reemployment and economic
2 support system, the secretary shall disapprove the plan, and the department of
3 health and family services and the department of workforce development shall
4 resubmit a proposal to the secretary of administration for consideration in the
5 2005–07 biennial budget bill. If the secretary of administration finds that the
6 proposal would not increase the costs of administering the client assistance for
7 reemployment and economic support system and approves the plan, the secretary
8 shall submit the proposal to the cochairpersons of the joint committee on finance.
9 If the cochairpersons of the committee do not notify the secretary of administration
10 within 14 working days after receiving the proposal that the cochairpersons have
11 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
12 administration shall approve the proposed expenditure and position authority, as
13 authorized under current law. If, within 14 working days after receiving the proposal
14 the cochairpersons notify the secretary of administration that the cochairpersons
15 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
16 administration may not approve the proposed expenditure and position authority,
17 except as approved by the committee and as authorized under current law.

18 ***0201/3.9124*** (2) MENTAL HEALTH AND ALCOHOL OR OTHER DRUG ABUSE MANAGED
19 CARE DEMONSTRATION PROJECTS.

20 (a) From the appropriation under section 20.435 (6) (jm) of the statutes, as
21 affected by this act, the department of health and family services shall expend
22 \$362,100 in state fiscal year 2003–04 and \$224,600 in state fiscal year 2004–05 to
23 contract with counties to provide up to 6 demonstration projects. The demonstration
24 projects shall be to provide mental health and alcohol or other drug abuse services

1 under managed care programs to persons who suffer from mental illness, alcohol or
2 other drug dependency, or both mental illness and alcohol or other drug dependency.

3 (b) The department of health and family services shall submit for approval by
4 the secretary of the federal department of health and human services any requests
5 for waiver of federal medical assistance laws that are necessary to secure federal
6 financial participation for the managed care demonstration projects under this
7 subsection. Regardless of whether a waiver is approved, the department of health
8 and family services may contract for the provision of the managed care
9 demonstration projects under this subsection.

10 *~~0207/6.9124~~* (3) ASSESSMENT OF FACILITY LICENSED BEDS; REVISED RULES.

11 (a) The department of health and family services shall submit in proposed form
12 a revision of rules required under section 50.14 (5) (b) of the statutes to the legislative
13 council staff under section 227.15 (1) of the statutes no later than the first day of the
14 4th month beginning after the effective date of this paragraph.

15 (b) Using the procedure under section 227.24 of the statutes, the department
16 of health and family services may promulgate as emergency rules a revision of rules
17 required under section 50.14 (5) (b) of the statutes for the period before the effective
18 date of the revised rules submitted under paragraph (a), but not to exceed the period
19 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
20 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and
21 family services is not required to provide evidence that promulgating a rule under
22 this paragraph as an emergency rule is necessary for the preservation of the public
23 peace, health, safety, or welfare and is not required to provide a finding of emergency
24 for a rule promulgated under this paragraph.

1 ***-1254/2.9124*** (4) MEDICAL ASSISTANCE MANAGED CARE WAIVER REQUEST. By
2 January 1, 2004, the department of health and family services shall request from the
3 secretary of the federal department of health and human services, under 42 USC
4 1396n (c), any waivers of federal Medical Assistance Program laws necessary to
5 authorize the department of health and family services to require that those
6 recipients of Medical Assistance who are eligible for the Supplemental Security
7 Income Program under 42 USC 1382 to 1383f enroll for services in managed care
8 plans, including recipients who are in a geographic service region that contains no
9 more than a single managed care organization as service provider.

10 ***-1506/2.9124*** (5) TRANSFER OF GRADE A DAIRY OPERATIONS CERTIFICATION.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of health and family services primarily related to the
13 certification of grade A dairy operations, as determined by the secretary of
14 administration, shall become the assets and liabilities of the department of
15 agriculture, trade and consumer protection.

16 (b) *Employee transfers.* All positions and all incumbent employees holding
17 those positions in the department of health and family services performing duties
18 primarily related to the certification of grade A dairy operations, as determined by
19 the secretary of administration, are transferred on the effective date of this
20 paragraph to the department of agriculture, trade and consumer protection.

21 (c) *Employee status.* Employees transferred under paragraph (b) have all the
22 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
23 statutes in the department of agriculture, trade and consumer protection that they
24 enjoyed in the department of health and family services immediately before the
25 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so

1 transferred who has attained permanent status in class is required to serve a
2 probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of health and family
5 services that is primarily related to the certification of grade A dairy operations, as
6 determined by the secretary of administration, is transferred to the department of
7 agriculture, trade and consumer protection.

8 (e) *Contracts.* All contracts entered into by the department of health and family
9 services in effect on the effective date of this paragraph that are primarily related
10 to the certification of grade A dairy operations, as determined by the secretary of
11 administration, remain in effect and are transferred to the department of
12 agriculture, trade and consumer protection. The department of agriculture, trade
13 and consumer protection shall carry out any obligations under such a contract until
14 the contract is modified or rescinded by the department of agriculture, trade and
15 consumer protection to the extent allowed under the contract.

16 (f) *Pending matters.* Any matter pending with the department of health and
17 family services on the effective date of this paragraph that is primarily related to the
18 certification of grade A dairy operations is transferred to the department of
19 agriculture, trade and consumer protection and all materials submitted to or actions
20 taken by the department of health and family services with respect to the pending
21 matter are considered as having been submitted to or taken by the department of
22 agriculture, trade and consumer protection.

23 ***-1506/2.9124*** (6) MILK CERTIFICATION. The authorized FTE positions for the
24 department of health and family services, funded from the appropriation under

1 section 20.435 (1) (a) of the statutes for the purpose of performing milk certification,
2 are decreased by 4.8 GPR positions on the effective date of this subsection.

3 ***-1610/2.9124*** (7) FEASIBILITY OF FAMILY CARE EXPANSION; REPORT. The
4 secretary of health and family services shall assess the feasibility of expanding,
5 under section 46.281 (1) (e) of the statutes, the Family Care Program to include 2
6 counties in addition to the counties or other entities participating in the program on
7 the effective date of this subsection. By July 1, 2004, the secretary of health and
8 family services shall report to the secretary of administration and the governor
9 concerning the feasibility and whether the expansion should be included as part of
10 the biennial budget bill for the 2005–07 fiscal biennium.

11 ***-1611/4.9124*** (8) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT
12 OPERATING DEFICIT REDUCTION.

13 (a) If an amendment to the state medical assistance plan that provides for a
14 revised payment methodology for medical assistance services that are provided by
15 a local government is approved by the federal center for medicare and medicaid
16 services before July 1, 2005, no county department under section 46.215, 46.22,
17 46.23, or 51.42 of the statutes and no local health department, as defined in section
18 250.01 (4) of the statutes, may receive a distribution of an allocation under section
19 49.45 (6t) of the statutes, as affected by this act.

20 (b) If paragraph (a) applies, any county department or local health department
21 that has received distribution of an allocation under section 49.45 (6t) of the statutes,
22 as affected by this act, for any year after 2002 shall, upon demand by the department
23 of health and family services, return to the department of health and family services
24 all those moneys so distributed.

1 *–1763/1.9124* (9) ADVISORY COMMITTEE ON HUMAN SERVICES AND SOCIAL
2 SERVICES; REPORT.

3 (a) The secretary of health and family services shall, under section 15.04 (1) (c)
4 of the statutes, appoint an advisory committee to develop recommendations
5 concerning restructuring the system under which publicly administered human
6 services and social services programs are funded. The advisory committee shall
7 consist of all of the following:

8 1. Consumers of human services and social services and family members of
9 consumers.

10 2. Human services and social services advocacy organizations.

11 3. Representatives of county governments and associations.

12 4. Representatives of human services and social services provider
13 organizations.

14 5. State residents.

15 (b) The advisory committee under paragraph (a) shall consider all of the
16 following goals in developing its recommendations:

17 1. Achieving greater equity and consistency of human services and social
18 services access across the state.

19 2. Affirming a human services and social services system that is publicly
20 administered at the local level.

21 3. Fostering human services and social services consumer–directed care.

22 4. Enhancing accountability for effective, efficient delivery of human services
23 and social services within available resources.

24 (c) By October 1, 2004, the secretary of health and family services shall submit
25 to the appropriate standing committees of the legislature, in the manner provided

1 under section 13.72 (3) of the statutes, and to the governor a report that specifies the
2 considerations and recommendations of the advisory committee appointed under
3 paragraph (a).

4 ***-1273/P2.9125* SECTION 9125. Nonstatutory provisions; higher**
5 **educational aids board.**

6 ***-1711/5.9125* (1) TRANSFER OF DUTIES TO BOARD OF REGENTS.**

7 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
8 liabilities of the higher educational aids board shall become the assets and liabilities
9 of the Board of Regents of the University of Wisconsin System.

10 (b) *Positions and employees.*

11 1. The authorized FTE positions for the higher educational aids board, funded
12 from the appropriation under section 20.235 (2) (aa), 2001 stats., are decreased by
13 2.0 GPR positions on the effective date of this subdivision for the purpose of
14 eliminating that board.

15 2. The authorized FTE positions for the higher educational aids board, funded
16 from the appropriation under section 20.235 (2) (aa), 2001 stats., are decreased by
17 1.36 GPR positions on the effective date of this subdivision for the purpose of
18 eliminating that board.

19 3. The authorized FTE positions for the higher educational aids board, funded
20 from the appropriation under section 20.235 (2) (qb), 2001 stats., are decreased by
21 0.64 SEG position on the effective date of this subdivision for the purpose of
22 eliminating that board.

23 4. On the effective date of this subdivision, all incumbent employees holding
24 the positions specified in subdivision 2. are transferred to the department of
25 administration.

1 5. On the effective date of this subdivision, all incumbent employees holding
2 the positions specified in subdivisions 2. and 3. are transferred to the Board of
3 Regents of the University of Wisconsin System.

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

11 (d) *Tangible personal property.* On the effective date of this paragraph, all
12 tangible personal property, including records, of the higher educational aids board
13 is transferred to the Board of Regents of the University of Wisconsin System.

14 (e) *Contracts.* All contracts entered into by the higher educational aids board
15 in effect on the effective date of this paragraph remain in effect and are transferred
16 to the Board of Regents of the University of Wisconsin System. The Board of Regents
17 of the University of Wisconsin System shall carry out any such contractual
18 obligations until modified or rescinded by that board to the extent allowed under the
19 contract.

20 (f) *Rules and orders.* All rules promulgated by the higher educational aids
21 board that are in effect on the effective date of this paragraph remain in effect until
22 their specified expiration date or until amended or repealed by the Board of Regents
23 of the University of Wisconsin System. All orders issued by the higher educational
24 aids board that are in effect on the effective date of this paragraph remain in effect

1 until their specified expiration date or until modified or rescinded by the Board of
2 Regents of the University of Wisconsin System.

3 (g) *Pending matters.* Any matter pending with the higher educational aids
4 board on the effective date of this paragraph is transferred to the Board of Regents
5 of the University of Wisconsin System and all materials submitted to or actions taken
6 by the higher educational aids board with respect to the pending matter are
7 considered as having been submitted to or taken by the Board of Regents of the
8 University of Wisconsin System.

9 ***-1273/P2.9126* SECTION 9126. Nonstatutory provisions; historical**
10 **society.**

11 ***-1273/P2.9127* SECTION 9127. Nonstatutory provisions; Housing and**
12 **Economic Development Authority.**

13 ***-1273/P2.9128* SECTION 9128. Nonstatutory provisions; insurance.**

14 ***-1273/P2.9129* SECTION 9129. Nonstatutory provisions; investment**
15 **board.**

16 ***-1273/P2.9130* SECTION 9130. Nonstatutory provisions; joint**
17 **committee on finance.**

18 ***-1273/P2.9131* SECTION 9131. Nonstatutory provisions; judicial**
19 **commission.**

20 ***-1273/P2.9132* SECTION 9132. Nonstatutory provisions; justice.**

21 ***-1887/1.9132* (1) TRANSFER OF COUNTY-TRIBAL LAW ENFORCEMENT GRANT**
22 **PROGRAM.**

23 (a) *Positions and employees.*

24 1. On the effective date of this subdivision, all full-time equivalent positions
25 in the department of justice having duties primarily related to the department's

1 county-tribal law enforcement grant program, as determined by the secretary of
2 administration, are transferred to the office of justice assistance.

3 2. All incumbent employees holding positions specified in subdivision 1. are
4 transferred on the effective date of this subdivision to the office of justice assistance.

5 3. Employees transferred under subdivision 2. have all the rights and the same
6 status under subchapter V of chapter 111 and chapter 230 of the statutes in the office
7 of justice assistance that they enjoyed in the department of justice immediately
8 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
9 so transferred who has attained permanent status in class is required to serve a
10 probationary period.

11 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of justice primarily related to the department's
13 county-tribal law enforcement grant program, as determined by the secretary of
14 administration, shall become the assets and liabilities of the office of justice
15 assistance.

16 (c) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of justice that is
18 primarily related to the department's county-tribal law enforcement grant program,
19 as determined by the secretary of administration, is transferred to the office of justice
20 assistance.

21 (d) *Contracts.* All contracts entered into by the department of justice in effect
22 on the effective date of this paragraph that are primarily related to the department's
23 county-tribal law enforcement grant program, as determined by the secretary of
24 administration, remain in effect and are transferred to the office of justice
25 assistance. The office of justice assistance shall carry out any obligations under such

1 a contract until the contract is modified or rescinded by the office of justice assistance
2 to the extent allowed under the contract.

3 (e) *Rules and orders.* All rules promulgated by the department of justice
4 primarily related to the department's county-tribal law enforcement grant program
5 that are in effect on the effective date of this paragraph shall become rules of the
6 office of justice assistance and shall remain in effect until their specified expiration
7 dates or until amended or repealed by the office of justice assistance. All orders
8 issued by the department of justice primarily related to the department's
9 county-tribal law enforcement grant program that are in effect on the effective date
10 of this paragraph shall become orders of the office of justice assistance and shall
11 remain in effect until their specified expiration dates or until modified or rescinded
12 by the office of justice assistance.

13 (f) *Pending matters.* Any matter pending with the department of justice on the
14 effective date of this paragraph that is primarily related to the department's
15 county-tribal law enforcement grant program, as determined by the secretary of
16 administration, is transferred to the office of justice assistance, and all materials
17 submitted to or actions taken by the department of justice with respect to the pending
18 matter are considered as having been submitted to or taken by the office of justice
19 assistance.

20 ***-1273/P2.9133* SECTION 9133. Nonstatutory provisions; legislature.**

21 ***-1630/2.9133* (1) FUNDING OF AUTHORIZED POSITIONS FOR THE LEGISLATURE AND**
22 **LEGISLATIVE SERVICE AGENCIES DURING THE 2003-05 FISCAL BIENNIUM.** Notwithstanding
23 section 16.505 (4) of the statues, all authorized positions for the legislature and for
24 each legislative service agency, as defined in section 16.70 (6) of the statutes, that are
25 funded from an appropriation under section 20.765 (1), (2), (3) (a) to (fa), or (4) of the

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1 statutes, as affected by this act, shall be funded from the appropriation under section
2 20.765 (5) of the statutes, as created by this act, before the effective date of the
3 biennial budget act for the 2005–07 fiscal biennium.

4 ***-1630/2.9133*** ^{create auton of ZRAC} (2) ALLOCATION OF APPROPRIATED FUNDS BY THE JOINT COMMITTEE

5 ON LEGISLATIVE ORGANIZATION. Before the effective date of the biennial budget act for
6 the 2005–07 fiscal biennium, the joint committee on legislative organization shall
7 allocate moneys from the appropriation under section 20.765 (5) (a) of the statutes,
8 as created by this act, to be used for the purposes provided in the appropriations
9 under section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as affected by this
10 act.

11 ***-1630/2.9133*** (3) CONTINUATION OF EXISTING EXPENDITURE AUTHORITY.

12 Notwithstanding subsection (2), if on the effective date of this subsection the joint
13 committee on legislative organization has not acted to fully allocate for expenditure
14 the moneys shown in the schedule under section 20.005 (3) of the statutes for the
15 appropriation under section 20.765 (5) (a) of the statutes, as created by this act, the
16 officers who were permitted to authorize expenditures to be made from the
17 appropriations under section 20.765 (1), (2), (3) (a) to (fa), and (4) of the statutes, as
18 affected by this act, on the day before the effective date of this subsection may, during
19 the period prior to the effective date of the 2005–07 biennial budget act, continue to
20 authorize expenditures to be made for the same purposes for which they were
21 previously authorized from the appropriation under section 20.765 (5) (a) of the
22 statutes, as created by this act, until such time as the joint committee on legislative
23 organization acts under subsection (2). ~~No~~ expenditures authorized under this
24 subsection may exceed 90% of the amounts shown for the 2001–03 fiscal biennium
25 for the appropriation to which the expenditures were previously charged, as

Unless otherwise determined by the joint committee on legislative organization under subsection (2),
Auton. ZRAC