

1 employee in the manner provided by law for service of a summons in a court of record
2 or by mailing a copy to the association and officer, director, or employee at their
3 last-known, post-office addresses. Any removal under this subsection has the same
4 effect as if made by the board of directors or the members or stockholders of the
5 association. An officer, director, or employee removed from office or employment
6 under this subsection may not be elected as an officer or director of, or be employed
7 by, an association without the approval of the division and the review board. An
8 order of removal under this subsection is a final order or determination of the review
9 board under s. 215.04 ~~(6)~~ (5).

10 *~~1431/2.24~~* **SECTION 2334.** 215.04 of the statutes is repealed and recreated
11 to read:

12 **215.04 Review board. (1) DUTIES.** The review board shall do all of the
13 following:

- 14 (a) Advise the division on matters related to this chapter.
15 (b) Review the acts, orders, and determinations of the division.
16 (c) Act on any matters pertaining to this chapter that are submitted to it by the
17 division.
18 (d) Perform other review functions relating to this chapter.
19 (e) Conduct hearings and take testimony, and subpoena and swear witnesses
20 at such hearings. The review board shall have the subpoena powers under s. 885.01
21 (4).

22 **(2) APPEARANCES.** An interested party may appear at a proceeding of the review
23 board and may participate in the examination of witnesses and present evidence.

24 **(3) WITNESS FEES.** A person who causes a witness to be subpoenaed shall
25 advance the fees and mileage expense of the witness. Witness fees shall be the same

1 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the
2 review board in the interests of the state shall be paid by the state upon presentation
3 of proper vouchers approved by the chairperson of the review board and charged to
4 the appropriation under s. 20.144 (1) (g).

5 (4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS. Any interested person or a
6 savings association aggrieved by any act, order, or determination of the division,
7 which relates to savings and loan associations, may, within 20 days after receipt or
8 service of a copy of the act, order, or determination, file a written notice requesting
9 the review board's review of the division's act, order, or determination. The review
10 of the division's decision shall be solely to determine if the division acted within the
11 scope of the division's authority and did not act in an arbitrary or capricious manner
12 and to determine if the act, order, or determination of the division is supported by
13 substantial evidence in view of the entire record as submitted. The review of
14 applications for new charters, branch offices, or relocation of offices shall be based
15 exclusively on the record and new evidence may not be taken by the review board.
16 Requests for review under this subsection shall be considered and disposed of as
17 speedily as possible.

18 (5) REVIEW. A determination of the review board is subject to review under ch.
19 227. If an act, order, or determination of the division is reversed or modified by the
20 review board, the division shall be considered to be a person aggrieved and directly
21 affected by the decision under s. 227.53 (1).

22 (6) BOARD MEMBER NOT TO ACT. A member of the review board may not act on
23 any matter involving a savings and loan association or savings and loan holding
24 company of which the member is an officer, director, employee, or agent.

25 *-1431/2.25* SECTION 2335. 215.141 of the statutes is amended to read:

1 215.33 (3) (b) 2. The accounts of the association are insured by the deposit
2 insurance corporation or any other insurer acceptable to the division, or that
3 adequate and sufficient securities have been deposited with the ~~state treasurer~~
4 secretary of administration to assure that the association will meet its obligations
5 to the residents of this state.

6 *~~1431/2.26~~* SECTION 2338. 215.40 (18) of the statutes is amended to read:

7 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.

8 If the division refuses to grant a certificate of authority to organize an association,
9 and the applicants feel aggrieved thereby, they may appeal to the review board to
10 review the division's determination under s. 215.04 (1) ~~(d)~~ (b) and (4).

11 *~~1431/2.27~~* SECTION 2339. 220.02 (2) (e) and (f) of the statutes are created
12 to read:

13 220.02 (2) (e) Savings banks under ch. 214.

14 (f) Savings and loan associations under ch. 215.

15 *~~1431/2.28~~* SECTION 2340. 220.02 (3) of the statutes is amended to read:

16 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce
17 and carry out all laws relating to banks or banking in this state, including those
18 relating to state banks, savings banks, savings and loan associations, and trust
19 company banks, and also all laws relating to small loan companies or other loan
20 companies or agencies, finance companies, motor vehicle dealers, adjustment service
21 companies, community currency exchanges, and collection agencies and those
22 relating to sellers of checks under ch. 217, whether doing business as corporations,
23 individuals, or otherwise, but to exclude laws relating to credit unions.

24 *~~1824/6.44~~* SECTION 2341. 220.08 (4) of the statutes is amended to read:

1 220.08 (4) The division may appoint one or more special deputies, as agent or
2 agents, to assist the division in the duty of reorganization, consolidation, liquidation
3 and distribution, the certificate of appointment to be filed with the division and a
4 certified copy in the office of the clerk of the circuit court for the county in which such
5 bank or banking corporation is located. Such special deputies may execute,
6 acknowledge and deliver any and all deeds, assignments, releases or other
7 instruments necessary and proper to effect any sale and transfer or encumbrance of
8 real estate or personal property after the same has been approved by the division,
9 and an order obtained from the circuit court of the county in which the bank
10 concerned is located. The division may from time to time authorize a special deputy
11 to perform such duties connected with such reorganization, consolidation,
12 liquidation and distribution as the division deems proper. ~~The division~~ On behalf of
13 the division, the department of administration may employ such counsel and the
14 division may procure such expert assistance and advice as may be necessary in the
15 reorganization, consolidation, liquidation and distribution of the assets of such
16 banks or banking corporations. The division may retain such of the officers or
17 employees of such banks or banking corporations as necessary.

18 *~~1431/2.29~~* SECTION 2342. 221.0303 (2) of the statutes is amended to read:

19 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
20 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or
21 participate in the acquisition, placement, and operation of, at locations other than
22 its main or branch offices, customer bank communications terminals, in accordance
23 with rules established by the division. The rules of the division shall provide that
24 any such customer bank communications terminal shall be available for use, on a
25 nondiscriminatory basis, by any state or national bank and by all customers

1 designated by a bank using the terminal. This subsection does not authorize a bank
2 which has its principal place of business outside this state to conduct banking
3 business in this state. The customer bank communications terminals also shall be
4 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
5 association, or savings bank, if the credit union, savings and loan association, or
6 savings bank requests to share its use, subject to rules jointly established by the
7 division of banking, and the office of credit unions ~~and the division of savings~~
8 ~~institutions~~. The division by order may authorize the installation and operation of
9 a customer bank communications terminal in a mobile facility, after notice and
10 hearing upon the proposed service stops of the mobile facility.

11 ***-1289/7.114* SECTION 2343.** 221.0320 (3) (a) of the statutes is amended to
12 read:

13 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
14 given in s. ~~22.01~~ 16.97 (7).

15 ***-1431/2.30* SECTION 2344.** 221.0321 (5) of the statutes is amended to read:
16 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
17 assignment or transfer of stock certificates or other evidence of the borrower’s
18 ownership interest in a corporation formed for the cooperative ownership of real
19 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
20 involving a one-family residence, apply to a proceeding to enforce the lender’s rights
21 in security given for a loan under this subsection. The division shall promulgate joint
22 rules with the office of credit unions ~~and the division of savings institutions~~ that
23 establish procedures for enforcing a lender’s rights in security given for a loan under
24 this subsection.

1 *~~0529/4.209~~* SECTION 2345. 223.02 (1) (intro.) of the statutes is amended to
2 read:

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

6 *~~0529/4.210~~* SECTION 2346. 223.02 (1) (b) of the statutes is amended to read:

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

14 *~~0529/4.211~~* SECTION 2347. 223.02 (1) (c) of the statutes is amended to read:

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

22 *~~0529/4.212~~* SECTION 2348. 223.02 (1) (d) of the statutes is amended to read:

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

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

3 *~~0529/4.213~~* SECTION 2349. 223.02 (1) (e) of the statutes is amended to read:

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

10 *~~1431/2.31~~* SECTION 2350. 223.105 (3) (a) of the statutes is amended to read:

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

18 *~~1431/2.32~~* SECTION 2351. 223.105 (4) of the statutes is amended to read:

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

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

4 ***-1431/2.33* SECTION 2352.** 223.105 (5) of the statutes is amended to read:

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

12 ***-1431/2.34* SECTION 2353.** 223.105 (6) of the statutes is amended to read:

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

21 ***-0529/4.214* SECTION 2354.** 223.20 (3) of the statutes is amended to read:

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

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

5 *~~1634/7.54~~* SECTION 2355. 224.71 (3) (b) 1m. of the statutes is amended to
6 read:

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

9 *~~1634/7.55~~* SECTION 2356. 224.71 (4) (b) 1m. of the statutes is amended to
10 read:

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

13 *~~0529/4.215~~* SECTION 2357. 224.77 (1m) (c) of the statutes is amended to
14 read:

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

20 *~~1187/4.196~~* SECTION 2358. 226.025 (3) of the statutes is amended to read:

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

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

8 ***-1187/4.197* SECTION 2359.** 227.01 (13) (s) of the statutes is amended to read:

9 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
10 person, including a municipality, that is regulated by the ~~office of the commissioner~~
11 ~~of railroads or the public service commission.~~

12 ***-1688/2.27* SECTION 2360.** 227.01 (13) (zk) of the statutes is repealed.

13 ***-1256/5.77* SECTION 2361.** 227.01 (13) (zL) of the statutes is created to read:

14 227.01 (13) (zL) Establishes guidelines under s. 49.147 (3m) (c), (d) 2., (f) 1. or
15 2. b., or (g) 2. for transitional subsidized private sector jobs under Wisconsin Works.

16 ***-1711/5.93* SECTION 2362.** 227.01 (13) (zv) of the statutes is created to read:

17 227.01 (13) (zv) Establishes policies under subch. III of ch. 39.

18 ***-1295/2.30* SECTION 2363.** 227.03 (7) of the statutes is amended to read:

19 227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply
20 to proceedings before the ~~personnel~~ employment relations commission in matters
21 that are arbitrated in accordance with s. 230.44 (4) (bm).

22 ***-0576/8.72* SECTION 2364.** 227.10 (3) (e) of the statutes is amended to read:

23 227.10 (3) (e) Nothing in this subsection prohibits the administrator of the
24 division of merit recruitment and selection in the department of ~~employment~~

1 relations administration from promulgating rules relating to expanded certification
2 under s. 230.25 (1n).

3 *~~1634/7.56~~* SECTION 2365. 227.115 (1) (a) and (b) of the statutes are amended
4 to read:

5 227.115 (1) (a) “Department” means the department of administration
6 commerce.

7 (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~
8 560.9802.

9 *~~1634/7.57~~* SECTION 2366. 227.115 (3) (a) 5. of the statutes is amended to
10 read:

11 227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

12 *~~1187/4.198~~* SECTION 2367. 227.43 (1) (bk) of the statutes is created to read:

13 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
14 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
15 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
16 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325, and 195.60.

17 *~~1187/4.199~~* SECTION 2368. 227.43 (4) (b) of the statutes is amended to read:

18 227.43 (4) (b) The department of transportation shall pay all costs of the
19 services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
20 department under sub. (1) (br), according to the fees set under sub. (3) (b).

21 *~~1295/2.31~~* SECTION 2369. 227.44 (2s) of the statutes is repealed.

22 *~~1187/4.200~~* SECTION 2370. 227.46 (2m) of the statutes is amended to read:

23 227.46 (2m) In any hearing or review assigned to a hearing examiner under
24 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
25 a proposed decision, including findings of fact, conclusions of law, order and opinion,

1 in a form that may be adopted as the final decision in the case. The proposed decision
2 shall be a part of the record and shall be served by the division of hearings and
3 appeals in the department of administration on all parties. Each party adversely
4 affected by the proposed decision shall be given an opportunity to file objections to
5 the proposed decision within 15 days, briefly stating the reasons and authorities for
6 each objection, and to argue with respect to them before the administrator of the
7 division of hearings and appeals. The administrator of the division of hearings and
8 appeals may direct whether such argument shall be written or oral. If the decision
9 of the administrator of the division of hearings and appeals varies in any respect from
10 the decision of the hearing examiner, the decision of the administrator of the division
11 of hearings and appeals shall include an explanation of the basis for each variance.
12 The decision of the administrator of the division of hearings and appeals is a final
13 decision of the agency subject to judicial review under s. 227.52. The department of
14 transportation may petition for judicial review.

15 ***-1187/4.201* SECTION 2371.** 227.46 (3) (intro.) of the statutes is amended to
16 read:

17 227.46 (3) (intro.) With respect to contested cases except a hearing or review
18 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
19 or in a particular case may by order:

20 ***-1295/2.32* SECTION 2372.** 227.47 (2) of the statutes is amended to read:

21 227.47 (2) Except as otherwise provided in this subsection, a proposed or final
22 decision of the ~~personnel~~ employment relations commission, hearing examiner or
23 arbitrator concerning an appeal of the decision of the secretary of employment
24 relations made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of
25 fact or conclusions of law. If within 30 days after the commission issues a decision

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1 in such an appeal either party files a petition for judicial review of the decision under
2 s. 227.53 and files a written notice with the commission that the party has filed such
3 a petition, the commission shall issue written findings of fact and conclusions of law
4 within 90 days after receipt of the notice. The court shall stay the proceedings
5 pending receipt of the findings and conclusions.

6 ***-0576/8.73* SECTION 2373.** 227.47 (2) of the statutes, as affected by 2003
7 Wisconsin Act ... (this act), is amended to read:

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

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

18 ***-1431/2.35* SECTION 2374.** 227.52 (3) of the statutes is amended to read:

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

23 ***-1431/2.36* SECTION 2375.** 227.52 (5) of the statutes is repealed.

1 *~~1431/2.37~~* SECTION 2376. 227.53 (1) (a) 1. of the statutes is amended to read:
2 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition
3 therefor personally or by certified mail upon the agency or one of its officials, and
4 filing the petition in the office of the clerk of the circuit court for the county where
5 the judicial review proceedings are to be held. If the agency whose decision is sought
6 to be reviewed is the office of the commissioner of tax appeals ~~commission~~, the
7 banking review board, the credit union review board, or the savings and loan
8 institutions review board ~~or the savings bank review board~~, the petition shall be
9 served upon both the agency whose decision is sought to be reviewed and the
10 corresponding named respondent, as specified under par. (b) 1. to ~~5.~~ 4.

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

11 *~~1767/3.61~~* SECTION 2377. 227.53 (1) (b) 1. of the statutes is amended to read:
12 227.53 (1) (b) 1. The office of the commissioner of tax appeals ~~commission~~, the
13 department of revenue.

14 *~~1431/2.38~~* SECTION 2378. 227.53 (1) (b) 4. of the statutes is amended to read:
15 227.53 (1) (b) 4. The savings and loan institutions review board, the division
16 of savings ~~institutions~~ banking, except if the petitioner is the division of savings
17 institutions banking, the prevailing parties before the savings and loan institutions
18 review board shall be the named respondents.

19 *~~1431/2.39~~* SECTION 2379. 227.53 (1) (b) 5. of the statutes is repealed.

20 *~~1431/2.40~~* SECTION 2380. 227.53 (1) (d) of the statutes is amended to read:
21 227.53 (1) (d) Except in the case of the office of the commissioner of tax appeals
22 ~~commission~~, the banking review board, the credit union review board, and the
23 savings and loan institutions review board ~~and the savings bank review board~~, the

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1 agency and all parties to the proceeding before it, shall have the right to participate
2 in the proceedings for review. The court may permit other interested persons to
3 intervene. Any person petitioning the court to intervene shall serve a copy of the
4 petition on each party who appeared before the agency and any additional parties
5 to the judicial review at least 5 days prior to the date set for hearing on the petition.

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

6 ***-1295/2.33* SECTION 2381.** 230.03 (8) of the statutes is amended to read:

7 230.03 (8) “Commission” means the ~~personnel~~ employment relations
8 commission.

9 ***-0576/8.74* SECTION 2382.** 230.03 (9) of the statutes is amended to read:

10 230.03 (9) “Department” means the department of ~~employment relations~~
11 administration.

12 ***-1295/2.34* SECTION 2383.** 230.03 (10e) of the statutes is created to read:

13 230.03 (10e) “Division of equal rights” means the division of equal rights in the
14 department of workforce development.

15 ***-1295/2.35* SECTION 2384.** 230.04 (1) of the statutes is amended to read:

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

20 ***-1295/2.36* SECTION 2385.** 230.04 (1m) of the statutes is amended to read:

21 230.04 (1m) The secretary may delegate, in writing, any of his or her functions
22 set forth in this chapter to an appointing authority, within prescribed standards if
23 the secretary finds that the agency has personnel management capabilities to

1 perform such functions effectively and has indicated its approval and willingness to
2 accept such responsibility by written agreement. If the secretary determines that
3 any agency is not performing such delegated function within prescribed standards,
4 the secretary shall forthwith withdraw such delegated function. Subject to the
5 approval of the joint committee on finance, the secretary may order transferred to
6 the department from the agency to which delegation was made such agency staff and
7 other resources as necessary to perform such functions if increased staff was
8 authorized to that agency as a consequence of such delegation or if the department
9 reduced staff or shifted staff to new responsibilities as a result of such delegation.
10 Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an
11 appointing authority may be appealed to the ~~personnel~~ commission under s. 230.44
12 (1) (b). The secretary shall be a party in such an appeal.

13 ***-0576/8.76*** SECTION 2386. 230.04 (7) of the statutes is repealed.

14 ***-1295/2.37*** SECTION 2387. 230.05 (2) (a) of the statutes is amended to read:

15 230.05 (2) (a) Except as provided under par. (b), the administrator may
16 delegate, in writing, any of his or her functions set forth in this subchapter to an
17 appointing authority, within prescribed standards if the administrator finds that the
18 agency has personnel management capabilities to perform such functions effectively
19 and has indicated its approval and willingness to accept such responsibility by
20 written agreement. If the administrator determines that any agency is not
21 performing such delegated function within prescribed standards, the administrator
22 shall withdraw such delegated function. The administrator may order transfer to
23 the division from the agency to which delegation was made such agency staff and
24 other resources as necessary to perform such functions if increased staff was
25 authorized to that agency as a consequence of such delegation or if the division

1 reduced staff or shifted staff to new responsibilities as a result of such delegation
2 subject to the approval of the joint committee on finance. Any delegatory action
3 taken under this subsection by any appointing authority may be appealed to the
4 personnel commission under s. 230.44 (1) (a). The administrator shall be a party in
5 such appeal.

6 ***-0576/8.77* SECTION 2388.** 230.08 (2) (e) 1. of the statutes is amended to read:
7 230.08 (2) (e) 1. Administration — ~~10~~ 13.

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

8 ***-1636/1.1* SECTION 2389.** 230.08 (2) (e) 2. of the statutes is amended to read:
9 230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.

10 ***-1381/3.1* SECTION 2390.** 230.08 (2) (e) 3. of the statutes is amended to read:
11 230.08 (2) (e) 3. Commerce — ~~7~~ 6.

12 ***-1289/7.115* SECTION 2391.** 230.08 (2) (e) 3r. of the statutes is repealed.

13 ***-0576/8.78* SECTION 2392.** 230.08 (2) (e) 4. of the statutes is repealed.

14 ***-1431/2.41* SECTION 2393.** 230.08 (2) (e) 4f. of the statutes is amended to
15 read:

16 230.08 (2) (e) 4f. Financial institutions — ~~4~~ 3.

17 ***-1794/1.2* SECTION 2394.** 230.08 (2) (e) 7. of the statutes is amended to read:
18 230.08 (2) (e) 7. Justice — ~~4~~ 3.

19 ***-1711/5.94* SECTION 2395.** 230.08 (2) (L) 4. of the statutes is repealed.

20 ***-1373/8.19* SECTION 2396.** 230.08 (2) (sm) of the statutes is created to read:
21 230.08 (2) (sm) Assignable prosecutors, as defined in s. 978.001 (1c), in the
22 department of administration.

23 ***-1614/1.3* SECTION 2397.** 230.08 (2) (x) of the statutes is repealed.

1 *~~0576/8.79~~* SECTION 2398. 230.08 (2) (xe) of the statutes is amended to read:

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

5 *~~0576/8.80~~* SECTION 2399. 230.08 (2) (xt) of the statutes is created to read:

6 230.08 (2) (xt) A position in the office of the secretary of administration to
7 advise and assist the secretary on matters related to affirmative action, equal
8 employment opportunity, diversity, and other state employment relation matters.

9 *~~0576/8.81~~* SECTION 2400. 230.08 (2) (y) of the statutes is amended to read:

10 230.08 (2) (y) The director and staff assistant of the federal-state relations
11 office of the department of ~~administration~~.

12 *~~1689/3.48~~* SECTION 2401. 230.08 (2) (yr) of the statutes is amended to read:

13 230.08 (2) (yr) The executive director of the governor's work-based learning
14 board council.

15 *~~0576/8.82~~* SECTION 2402. 230.08 (4) (c) of the statutes is amended to read:

16 230.08 (4) (c) Any proposal of a board, department or commission, as defined
17 in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of
18 positions enumerated in sub. (2) (e), before being submitted to the legislature, shall
19 first be submitted by the board, department or commission or by the historical society
20 for a separate review by the ~~department of administration and by the secretary~~. The
21 ~~department of administration's~~ secretary's review shall include information on the
22 appropriateness of the proposed change with regard to a board's, department's,
23 commission's or society's current or proposed internal organizational structure
24 under s. 15.02 (4). ~~The secretary's review and~~ shall include information on whether
25 the existing classified or existing or proposed unclassified division administrator

1 position involved is or would be assigned to pay range 1–18 or above in schedule 1,
2 or a comparable level, of the compensation plan under s. 230.12. The results of these
3 reviews this review shall be provided by the department of administration and by the
4 secretary to the joint committee on finance and the joint committee on employment
5 relations at the same time that the board's, department's, commission's or society's
6 proposal is presented to either committee.

7 *–0576/8.83* SECTION 2403. 230.08 (7) of the statutes is amended to read:

8 230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ secretary
9 shall provide, by rule, for exceptional methods and kinds of employment to meet the
10 needs of the service during periods of disaster or national emergency, and for other
11 exceptional employment situations such as to employ the mentally disabled, the
12 physically disabled and the disadvantaged.

13 *–0576/8.84* SECTION 2404. 230.09 (2) (g) of the statutes is amended to read:

14 230.09 (2) (g) When filling a new or vacant position, if the secretary determines
15 that the classification for a position is different than that provided for by the
16 legislature as established by law or in budget determinations, or as authorized by the
17 joint committee on finance under s. 13.10, or as specified by the governor creating
18 positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and
19 Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the
20 University of Wisconsin System creating positions under s. 16.505 (2m), or is
21 different than that of the previous incumbent, the secretary shall notify the
22 administrator ~~and the secretary of administration~~. The administrator shall
23 withhold action on the selection and certification process for filling the position. The
24 secretary ~~of administration~~ shall review the position to determine that sufficient
25 funds exist for the position and that the duties and responsibilities of the proposed

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

9 *–0576/8.85* **SECTION 2405.** 230.12 (7m) of the statutes is amended to read:

10 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
11 rules of the secretary and in the compensation plan, pay increases shall be made only
12 on the dates prescribed under sub. (8). Appointing authorities shall at such times
13 each year as specified by the secretary file with the ~~secretary and with the~~
14 ~~department of administration~~ a list of employees showing their then existing pay
15 rates and their proposed new pay rates.

16 *–0576/8.86* **SECTION 2406.** 230.14 (4) of the statutes is amended to read:

17 230.14 (4) The administrator may charge an agency a fee to announce any
18 vacancy to be filled in a classified or unclassified position in that agency. Funds
19 received under this subsection shall be credited to the appropriation account under
20 s. ~~20.512 (1) (ka)~~ 20.505 (1) (kp).

21 *–1712/5.78* **SECTION 2407.** 230.143 (3) of the statutes is repealed.

22 *–0576/8.87* **SECTION 2408.** 230.147 (3) of the statutes is amended to read:

23 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
24 make every reasonable effort to employ in permanent full-time equivalent positions
25 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or

1 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the
2 department of ~~employment relations~~ to assure that its efforts under this subsection
3 comply with ch. 230.

4 ***-0576/8.88* SECTION 2409.** 230.215 (3) (a) of the statutes is amended to read:

5 230.215 (3) (a) An agency may, with the approval of the secretary ~~and with the~~
6 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted
7 permanent positions as such positions become vacant or if an employee voluntarily
8 requests a job-sharing or permanent part-time employment opportunity. No
9 employee occupying a full-time permanent position may be involuntarily
10 terminated, demoted, transferred or reassigned in order to restructure that position
11 for permanent part-time employment and no such employee may be required to
12 accept a permanent part-time position as a condition of continued employment.

13 ***-1373/8.20* SECTION 2410.** 230.34 (1) (a) of the statutes is renumbered 230.34

14 (1) (ah).

15 ***-1373/8.21* SECTION 2411.** 230.34 (1) (ac) of the statutes is created to read:

16 230.34 (1) (ac) In this section, “assistant district attorney” includes an
17 assignable prosecutor, as defined in s. 978.001 (1c).

18 ***-1373/8.22* SECTION 2412.** 230.34 (1) (ar) of the statutes is amended to read:

19 230.34 (1) (ar) Paragraphs ~~(a)~~ (ah) and (am) apply to all employees with
20 permanent status in class in the classified service and all employees who have served
21 with the state as an assistant district attorney for a continuous period of 12 months
22 or more, except that for employees specified in s. 111.81 (7) (a) in a collective
23 bargaining unit for which a representative is recognized or certified, or for employees
24 specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a
25 representative is certified, if a collective bargaining agreement is in effect covering

1 employees in the collective bargaining unit, the determination of just cause and all
2 aspects of the appeal procedure shall be governed by the provisions of the collective
3 bargaining agreement.

4 *–1373/8.23* SECTION 2413. 230.44 (1) (c) of the statutes is amended to read:

5 230.44 (1) (c) *Demotion, layoff, suspension or discharge.* ~~If an employee has~~
6 ~~permanent status in class, or an employee has served with the state as an assistant~~
7 ~~district attorney for a continuous period of 12 months or more, the~~ An employee
8 described in s. 230.34 (1) (ah) may appeal a demotion, layoff, suspension, discharge
9 or reduction in base pay to the commission, if the appeal alleges that the decision was
10 not based on just cause.

11 *–1295/2.38* SECTION 2414. 230.45 (title) of the statutes is amended to read:

12 230.45 (title) **Powers and duties of personnel commission and division**
13 **of equal rights.**

14 *–1295/2.39* SECTION 2415. 230.45 (1) (b) of the statutes is repealed.

15 *–0190/7.22* SECTION 2416. 230.45 (1) (e) of the statutes is amended to read:

16 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
17 under s. 49.33 49.78 (4), from any interested party.

18 *–1295/2.40* SECTION 2417. 230.45 (1) (g) of the statutes is repealed.

19 *–1295/2.41* SECTION 2418. 230.45 (1) (gm) of the statutes is repealed.

20 *–1295/2.42* SECTION 2419. 230.45 (1) (j) of the statutes is repealed.

21 *–1295/2.43* SECTION 2420. 230.45 (1) (k) of the statutes is repealed.

22 *–1295/2.44* SECTION 2421. 230.45 (1) (L) of the statutes is repealed.

23 *–1295/2.45* SECTION 2422. 230.45 (1) (m) of the statutes is repealed.

24 *–1295/2.46* SECTION 2423. 230.45 (1e) of the statutes is created to read:

25 230.45 (1e) The division of equal rights shall:

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

12 (b) Receive and process complaints of retaliatory disciplinary action under s.
13 230.85.

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

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

21 ***-1295/2.47* SECTION 2424.** 230.81 (1) (b) of the statutes is amended to read:

22 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which
23 governmental unit is appropriate to receive the information, disclose the information
24 in writing only to the governmental unit that the ~~commission~~ division of equal rights
25 determines is appropriate. The ~~commission~~ division of equal rights may not

1 designate the department of justice, the courts, the legislature or a service agency
2 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.
3 Each appropriate governmental unit shall designate an employee to receive
4 information under this section.

5 *–1295/2.48* SECTION 2425. 230.85 (1) of the statutes is amended to read:

6 230.85 (1) An employee who believes that a supervisor or appointing authority
7 has initiated or administered, or threatened to initiate or administer, a retaliatory
8 action against that employee in violation of s. 230.83 may file a written complaint
9 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory
10 action or threat thereof and requesting relief, within 60 days after the retaliatory
11 action allegedly occurred or was threatened or after the employee learned of the
12 retaliatory action or threat thereof, whichever occurs last.

13 *–1295/2.49* SECTION 2426. 230.85 (2) of the statutes is amended to read:

14 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as
15 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course
16 of investigating or otherwise processing such a complaint, the ~~commission~~ division
17 of equal rights may require that an interview with any employee described in s.
18 230.80 (3), except a management or supervisory employee who is a party to or is
19 immediately involved in the subject matter of the complaint, be conducted outside
20 the presence of the appointing authority or any representative or agent thereof
21 unless the employee voluntarily requests that presence. An appointing authority
22 shall permit an employee to be interviewed without loss of pay and to have an
23 employee representative present at the interview. An appointing authority of an
24 employee to be interviewed may require the ~~commission~~ division of equal rights to
25 give the appointing authority reasonable notice prior to the interview. If the

1 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory
2 action has occurred or was threatened, it may endeavor to remedy the problem
3 through conference, conciliation or persuasion. If that endeavor is not successful, the
4 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,
5 specifying the nature of the retaliatory action which has occurred or was threatened,
6 and requiring the person named, in this section called the “respondent”, to answer
7 the complaint at a hearing. The notice shall specify the place of hearing and a time
8 of hearing not less than 30 days after service of the complaint upon the respondent
9 nor less than 10 days after service of the notice of hearing. If, however, the
10 ~~commission~~ division of equal rights determines that an emergency exists with
11 respect to a complaint, the notice of hearing may specify a time of hearing within 30
12 days after service of the complaint upon the respondent, but not less than 10 days
13 after service of the notice of hearing. The testimony at the hearing shall be recorded
14 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

15 ***-1295/2.50*** SECTION 2427. 230.85 (3) (a) (intro.) of the statutes is amended
16 to read:

17 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights
18 shall make written findings and orders. If the ~~commission~~ division of equal rights
19 finds that the respondent engaged in or threatened a retaliatory action, it shall order
20 the employee’s appointing authority to insert a copy of the findings and orders into
21 the employee’s personnel file and, if the respondent is a natural person, order the
22 respondent’s appointing authority to insert such a copy into the respondent’s
23 personnel file. In addition, the ~~commission~~ division of equal rights may take any
24 other appropriate action, including but not limited to the following:

25 ***-1295/2.51*** SECTION 2428. 230.85 (3) (a) 4. of the statutes is amended to read:

1 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by
2 a governmental unit respondent, or by a governmental unit employing a respondent
3 who is a natural person if that governmental unit received notice and an opportunity
4 to participate in proceedings before the ~~commission~~ division of equal rights.

5 *–1295/2.52* SECTION 2429. 230.85 (3) (b) of the statutes is amended to read:

6 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds
7 that the respondent did not engage in or threaten a retaliatory action it shall order
8 the complaint dismissed. The ~~commission~~ division of equal rights shall order the
9 employee's appointing authority to insert a copy of the findings and orders into the
10 employee's personnel file and, if the respondent is a natural person, order the
11 respondent's appointing authority to insert such a copy into the respondent's
12 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote
13 that the employee filed a frivolous complaint it may order payment of the
14 respondent's reasonable actual attorney fees and actual costs. Payment may be
15 assessed against either the employee or the employee's attorney, or assessed so that
16 the employee and the employee's attorney each pay a portion. To find a complaint
17 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)
18 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

19 *–1295/2.53* SECTION 2430. 230.85 (3) (c) of the statutes is amended to read:

20 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
21 rights of any complaint under this section, the ~~commission~~ division of equal rights
22 may make interlocutory orders.

23 *–1295/2.54* SECTION 2431. 230.85 (4) of the statutes is amended to read:

1 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
2 of the findings and order on the respondent and, if the respondent is a natural person,
3 upon the respondent's appointing authority.

4 *~~1295/2.55~~* SECTION 2432. 230.85 (5) (a) of the statutes is amended to read:

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

10 *~~1295/2.56~~* SECTION 2433. 230.85 (5) (b) of the statutes is amended to read:

11 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
12 rights may enforce an order by a suit in equity.

13 *~~1295/2.57~~* SECTION 2434. 230.87 (1) of the statutes is amended to read:

14 230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under
15 this subchapter are subject to judicial review under ch. 227. Upon that review, or in
16 any enforcement action, the department of justice shall represent the ~~commission~~
17 division of equal rights unless a conflict of interest results from that representation.

18 A court may order payment of a prevailing appellant employee's reasonable attorney
19 fees by a governmental unit respondent, or by a governmental unit employing a
20 respondent who is a natural person if that governmental unit received notice and an
21 opportunity to appear before the court.

22 *~~1295/2.58~~* SECTION 2435. 230.88 (2) of the statutes is amended to read:

23 230.88 (2) EFFECT. (a) A final order issued under s. 230.85 or 230.87 which has
24 not been appealed and for which the time of appeal has passed binds all parties who
25 were subjected to the jurisdiction of the ~~commission~~ division of equal rights or the

1 court and who received an opportunity to be heard. With respect to these parties, the
2 decree is conclusive as to all issues of law and fact decided.

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

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

23 *–1295/2.59* SECTION 2436. 230.89 of the statutes is amended to read:

24 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal
25 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

7 *~~0576/8.89~~* SECTION 2437. 233.10 (3) (c) 4. of the statutes is amended to read:

8 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of
9 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)
10 and (4) (e) and, to the extent applicable, rules of the department of ~~employment~~
11 ~~relations~~ administration governing such leaves for employees in the classified
12 service as of the last day of the employee's employment as a state employee if the
13 employee was entitled to those benefits on that day.

14 *~~0576/8.90~~* SECTION 2438. 233.10 (4) of the statutes is amended to read:

15 233.10 (4) Notwithstanding the requirement that an employee be a state
16 employee, a carry-over employee of the authority who was employed in a position in
17 the classified service immediately prior to beginning employment with the authority
18 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.
19 230.29 and the rules of the department of ~~employment relations~~ administration
20 governing transfers as a person who holds a position in the classified service.

21 *~~1697/1.1~~* SECTION 2439. 234.02 (1) of the statutes is amended to read:

22 234.02 (1) There is created a public body corporate and politic to be known as
23 the "Wisconsin Housing and Economic Development Authority." The members of the
24 authority shall be the secretary of commerce or his or her designee, the secretary of
25 agriculture, trade and consumer protection or his or her designee, and the secretary

1 of administration or his or her designee, and 6 public members nominated by the
2 governor, and with the advice and consent of the senate appointed, for staggered
3 4-year terms commencing on the dates their predecessors' terms expire. In addition,
4 one senator of each party and one representative to the assembly of each party
5 appointed as are the members of standing committees in their respective houses
6 shall serve as members of the authority. A member of the authority shall receive no
7 compensation for services but shall be reimbursed for necessary expenses, including
8 travel expenses, incurred in the discharge of duties. Subject to the bylaws of the
9 authority respecting resignations, each member shall hold office until a successor
10 has been appointed and has qualified. A certificate of appointment or reappointment
11 of any member shall be filed with the authority and the certificate shall be conclusive
12 evidence of the due and proper appointment.

13 ***-1634/7.58* SECTION 2440.** 234.034 of the statutes is amended to read:

14 **234.034 Consistency with state housing strategy plan.** Subject to
15 agreements with bondholders or noteholders, the authority shall exercise its powers
16 and perform its duties related to housing consistent with the state housing strategy
17 plan under s. ~~16.31~~ 560.9802.

18 ***-1634/7.59* SECTION 2441.** 234.06 (1) of the statutes is amended to read:

19 234.06 (1) The authority may, as authorized in the state housing strategy plan
20 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
21 make temporary loans to eligible sponsors, with or without interest, and with such
22 security for repayment, if any, as the authority determines reasonably necessary and
23 practicable, solely from the housing development fund, to defray development costs
24 for the construction of proposed housing projects for occupancy by persons and
25 families of low and moderate income. No temporary loan may be made unless the

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1 authority may reasonably anticipate that satisfactory financing may be obtained by
2 the eligible sponsor for the permanent financing of the housing project.

3 ***-1634/7.60* SECTION 2442.** 234.06 (3) of the statutes is amended to read:

4 234.06 (3) The authority may, as authorized in the state housing strategy plan
5 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
6 establish and administer programs of grants to counties, municipalities and eligible
7 sponsors of housing projects for persons of low and moderate income, to pay
8 organizational expenses, administrative costs, social services, technical services,
9 training expenses or costs incurred or expected to be incurred by counties,
10 municipalities or sponsors for land and building acquisition, construction,
11 improvements, renewal, rehabilitation, relocation or conservation under a plan to
12 provide housing or related facilities, if the costs are not reimbursable from other
13 private or public loan, grant or mortgage sources.

14 ***-1634/7.61* SECTION 2443.** 234.165 (2) (b) 2. of the statutes is amended to
15 read:

16 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
17 governor a plan for expending or encumbering the actual surplus reported under
18 subd. 1. The part of the plan related to housing shall be consistent with the state
19 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this
20 subdivision may be attached to and submitted as a part of the report filed under subd.
21 1.

22 ***-1634/7.62* SECTION 2444.** 234.25 (1) (e) of the statutes is amended to read:

23 234.25 (1) (e) An evaluation of its progress in implementing within its own
24 housing programs the goals, policies and objectives of the state housing strategy plan

1 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
2 to carry out its programs consistent with the state housing strategy plan.

3 *~~0529/4.216~~* SECTION 2445. 253.06 (4) (c) 2. of the statutes is amended to
4 read:

5 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a
6 determination by the court of the amount due, the clerk of the court shall collect and
7 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The
8 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
9 administration as provided in s. 59.25 (3) (f) 2.

10 *~~0529/4.217~~* SECTION 2446. 253.06 (5) (e) of the statutes is amended to read:

11 253.06 (5) (e) The suspension or termination of authorization of a vendor or
12 eligibility of a participant shall be effective beginning on the 15th day after receipt
13 of the notice of suspension or termination. All forfeitures, recoupments, and
14 enforcement assessments shall be paid to the department within 15 days after
15 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
16 assessment is contested under sub. (6), within 10 days after receipt of the final
17 decision after exhaustion of administrative review, unless the final decision is
18 adverse to the department or unless the final decision is appealed and the decision
19 is stayed by court order under sub. (7). The department shall remit all forfeitures
20 paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.
21 The department shall deposit all enforcement assessments in the appropriation
22 under s. 20.435 (1) (gr).

23 *~~0529/4.218~~* SECTION 2447. 254.45 (4) (b) of the statutes is amended to read:

24 254.45 (4) (b) The department shall remit all forfeitures paid to the ~~state~~
25 ~~treasurer~~ secretary of administration for deposit in the school fund.

1 ***-0529/4.219*** SECTION 2448. 254.59 (2) of the statutes is amended to read:

2 254.59 (2) If a human health hazard is found on private property, the local
3 health officer shall notify the owner and the occupant of the property, by registered
4 mail with return receipt requested, of the presence of the human health hazard and
5 order its abatement or removal within 30 days of receipt of the notice. If the human
6 health hazard is not abated or removed by that date, the local health officer shall
7 immediately enter upon the property and abate or remove the human health hazard
8 or may contract to have the work performed. The human health hazard shall be
9 abated in a manner which is approved by the local health officer. The cost of the
10 abatement or removal may be recovered from the person permitting the violation or
11 may be paid by the municipal treasurer and the account, after being paid by the
12 treasurer, shall be filed with the municipal clerk, who shall enter the amount
13 chargeable to the property in the next tax roll in a column headed "For Abatement
14 of a Nuisance" as a special tax on the lands upon which the human health hazard was
15 abated, and the tax shall be collected as are other taxes. In case of railroads or other
16 lands not taxed in the usual way, the amount chargeable shall be certified by the
17 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
18 designated in the certificate to the sum due from the company owning, occupying, or
19 controlling the land specified, and the ~~state treasurer~~ secretary of administration
20 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
21 collected to the town, city, or village from which the certificate was received. Anyone
22 maintaining such a human health hazard may also be fined not more than \$300 or
23 imprisoned for not more than 90 days or both. The only defenses an owner may have
24 against the collection of a tax under this subsection are that no human health hazard
25 existed on the owner's property, that no human health hazard was corrected on the

1 owner's property, that the procedure outlined in this subsection was not followed or
2 any applicable defense under s. 74.33.

3 ***-0529/4.220* SECTION 2449.** 254.59 (5) of the statutes is amended to read:

4 254.59 (5) The cost of abatement or removal of a human health hazard under
5 this section may be at the expense of the municipality and may be collected from the
6 owner or occupant, or person causing, permitting, or maintaining the human health
7 hazard, or may be charged against the premises and, upon certification of the local
8 health officer, assessed as are other special taxes. In cases of railroads or other lands
9 not taxed in the usual way, the amount chargeable shall be certified by the clerk to
10 the ~~state treasurer~~ secretary of administration who shall add the amount designated
11 in the certificate to the sum due from the company owning, occupying, or controlling
12 the land specified, and the ~~state treasurer~~ secretary of administration shall collect
13 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the
14 town, city, or village from which the certificate was received. Anyone maintaining
15 such a human health hazard may also be fined not more than \$300 or imprisoned for
16 not more than 90 days or both. The only defenses an owner may have against the
17 collection of a tax under this subsection are that no human health hazard existed on
18 the owner's property, that no human health hazard was corrected on the owner's
19 property, that the procedure outlined in this subsection was not followed, or any
20 applicable defense under s. 74.33.

21 ***-1506/2.4* SECTION 2450.** 254.89 of the statutes is renumbered 97.24 (5) and
22 amended to read:

23 97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall
24 conduct evaluation surveys of grade A dairy operations in this state to the extent
25 necessary to certify to the federal food and drug administration, out-of-state

1 markets, the department of agriculture, trade and consumer protection, the federal
2 public health service, and local health departments, the compliance rating of the
3 grade A dairy operations based upon the sanitation and enforcement requirements
4 of the grade A pasteurized milk ordinance of the federal public health service and its
5 related documents. The department may promulgate rules establishing fees which
6 may be charged to dairy plants to fund these activities.

7 ***-1506/2.3* SECTION 2451.** Subchapter VIII (title) of chapter 254 [precedes
8 254.89] of the statutes is repealed.

9 ***-1504/1.12* SECTION 2452.** 255.15 (1) of the statutes is repealed.

10 ***-1504/1.13* SECTION 2453.** 255.15 (1m) (intro.) of the statutes is amended to
11 read:

12 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

13 ***-1504/1.14* SECTION 2454.** 255.15 (1m) (a) of the statutes is repealed.

14 ***-1504/1.15* SECTION 2455.** 255.15 (1m) (c) of the statutes is amended to read:

15 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
16 awarded under sub. (3), including performance-based standards for grant recipients
17 that propose to use the grant for media efforts. The ~~board~~ department shall ensure
18 that programs or projects conducted under the grants are culturally sensitive.

19 ***-1504/1.16* SECTION 2456.** 255.15 (3) (a) (intro.) of the statutes is amended
20 to read:

21 255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),
22 the ~~board~~ department shall distribute the following amounts to or for all of the
23 following:

24 ***-1504/1.17* SECTION 2457.** 255.15 (3) (b) (intro.) of the statutes is amended
25 to read:

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

3 *~~1504/1.18~~* SECTION 2458. 255.15 (4) of the statutes is amended to read:

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

11 *~~1504/1.19~~* SECTION 2459. 255.15 (5) of the statutes is amended to read:

12 255.15 (5) FUNDS. The ~~board~~ department may accept for any of its the purposes
13 under this section any donations and grants of money, equipment, supplies,
14 materials and services from any person. The ~~board~~ department shall include in the
15 report under sub. (4) any donation or grant accepted by the ~~board~~ department under
16 this subsection, including the nature, amount and conditions, if any, of the donation
17 or grant and the identity of the donor.

18 *~~1504/1.20~~* SECTION 2460. 255.15 (6) of the statutes is amended to read:

19 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~
20 ~~to assist in its work.~~ If the ~~board~~ department creates ~~subcommittees~~ committees to
21 assist in its work under this section, one of the ~~subcommittees~~ committees shall
22 address the issue of populations most adversely affected by tobacco.

23 *~~1187/4.202~~* SECTION 2461. 281.36 (1) (cr) of the statutes is amended to read:

24 281.36 (1) (cr) “State transportation agency” means the department of
25 transportation ~~or the office of the commissioner of railroads.~~

1 ***-0421/3.1*** SECTION 2462. 281.59 (3e) (b) 1. and 3. of the statutes are amended
2 to read:

3 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$92,400,000 during the 2001–03
4 2003–05 biennium.

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

6 ***-0421/3.2*** SECTION 2463. 281.59 (3m) (b) 1. and 2. of the statutes are
7 amended to read:

8 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$12,000,000 during the 2001–03
9 2003–05 biennium.

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

11 ***-0421/3.3*** SECTION 2464. 281.59 (3s) (b) 1. and 2. of the statutes are amended
12 to read:

13 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the 2001–03
14 2003–05 biennium.

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

16 ***-0421/3.4*** SECTION 2465. 281.59 (4) (f) of the statutes is amended to read:

17 281.59 (4) (f) Revenue obligations may be contracted by the building
18 commission when it reasonably appears to the building commission that all
19 obligations incurred under this subsection can be fully paid on a timely basis from
20 moneys received or anticipated to be received. Revenue obligations issued under this
21 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~
22 \$1,658,025,000 in principal amount, excluding obligations issued to refund
23 outstanding revenue obligation notes.

24 ***-1712/5.79*** SECTION 2466. 281.65 (10) of the statutes is repealed.

25 ***-0529/4.221*** SECTION 2467. 281.99 (4) of the statutes is amended to read:

1 281.99 (4) All forfeitures shall be paid to the department within 60 days after
2 receipt of the order or according to a schedule agreed to by the department and the
3 water system owner or operator or, if the forfeiture is contested under sub. (3), within
4 10 days after receipt of the final decision after exhaustion of administrative review,
5 unless the final decision is appealed and the order is stayed by court order. The
6 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
7 administration for deposit in the school fund.

8 *~~1289/7.116~~* SECTION 2468. 283.84 (1) (c) of the statutes is amended to read:

9 283.84 (1) (c) Reaches an agreement with the department or a local
10 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
11 money to the department or local governmental unit and the department or local
12 governmental unit uses the money to reduce water pollution in the project area.

13 *~~0415/2.2~~* SECTION 2469. 285.69 (3) of the statutes is renumbered 285.69 (3)
14 (a) and amended to read:

15 285.69 (3) (a) The department may promulgate rules for the payment and
16 collection of fees for inspecting nonresidential asbestos demolition and renovation
17 projects regulated by the department. The fees under this subsection for an
18 inspection may not exceed ~~\$210 per~~ \$450 if the combined square and linear footage
19 of friable asbestos-containing material involved in the project is less than 5,000. The
20 fees under this subsection for an inspection may not exceed \$750 if the combined
21 square and linear footage of friable asbestos-containing material involved in the
22 project is 5,000 or more. The fees collected under this subsection shall be credited
23 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of
24 conducting inspections of nonresidential asbestos demolition and ~~inspection~~
25 renovation projects regulated by the department.

1 ***-0415/2.3*** SECTION 2470. 285.69 (3) (b) and (c) of the statutes are created to
2 read:

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

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

10 ***-1614/1.4*** SECTION 2471. 289.33 (13) of the statutes is created to read:

11 289.33 (13) DIVISION OF HEARINGS AND APPEALS. The division of hearings and
12 appeals created under s. 15.103 (1) shall provide staff to assist the board in
13 performing its duties.

14 ***-1546/2.10*** SECTION 2472. 292.255 of the statutes is amended to read:

15 **292.255 Report on brownfield efforts.** The department of natural
16 resources, and the department of administration ~~and the department of commerce~~
17 shall submit a report evaluating the effectiveness of this state's efforts to remedy the
18 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

19 ***-1546/2.11*** SECTION 2473. 292.74 of the statutes is created to read:

20 **292.74 Brownfields grant program.** (1) DEFINITIONS. In this section:

21 (a) "Eligible site or facility" means an abandoned, idle, or underused industrial
22 or commercial facility or site the expansion or redevelopment of which is adversely
23 affected by actual or perceived environmental contamination.

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

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

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

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

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

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

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

19 1. A competitive scoring system for evaluating grant applications that, for
20 grants under sub. (2) (a) 2., includes consideration of the severity of the risks posed
21 by the contamination, the potential for economic development, the contribution to
22 remediation of contamination affecting more than one property, and the potential for
23 the creation of green spaces or the use for public facilities.

24 2. Provisions specifying the activities that may be covered by grants under this
25 section.

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

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

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

6 *-1546/2.12* SECTION 2474. 292.75 of the statutes is repealed.

7 *-1546/2.13* SECTION 2475. 292.77 of the statutes is repealed.

8 *-1546/2.14* SECTION 2476. 292.79 of the statutes is repealed.

9 *-0448/1.2* SECTION 2477. 292.94 of the statutes is created to read:

10 **292.94 Fees related to enforcement actions.** The department may assess
11 and collect fees from a person who is subject to an order or other enforcement action
12 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
13 review the planning and implementation of any environmental investigation or
14 environmental cleanup that the person is required to conduct. The department shall
15 promulgate rules for the assessment and collection of fees under this section. Fees
16 collected under this section shall be credited to the appropriation account under s.
17 20.370 (2) (dh).

18 *-0529/4.222* SECTION 2478. 299.93 (3) of the statutes is amended to read:

19 299.93 (3) If any deposit is made for an offense to which this section applies,
20 the person making the deposit shall also deposit a sufficient amount to include the
21 environmental assessment prescribed in this section. If the deposit is forfeited, the
22 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~
23 secretary of administration under sub. (4). If the deposit is returned, the
24 environmental assessment shall also be returned.

25 *-0529/4.223* SECTION 2479. 299.93 (4) of the statutes is amended to read:

1 299.93 (4) The clerk of the court shall collect and transmit to the county
2 treasurer the environmental assessment and other amounts required under s. 59.40
3 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~
4 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~
5 secretary of administration shall deposit the amount of the assessment in the
6 environmental fund.

7 ***-0358/1.1*** **SECTION 2480.** 301.025 of the statutes is amended to read:

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

13 ***-1824/6.47*** **SECTION 2481.** 301.03 (18) (d) of the statutes is amended to read:

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

20 ***-0529/4.224*** **SECTION 2482.** 301.105 (intro.) of the statutes is amended to
21 read:

22 **301.105 Telephone company commissions.** (intro.) The department shall
23 collect moneys for commissions from telephone companies for contracts to provide
24 telephone services to inmates. The department shall transmit those moneys to the

1 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
2 administration shall do all of the following:

3 *~~1824/6.48~~* SECTION 2483. 301.12 (6) of the statutes is amended to read:

4 301.12 (6) The sworn statement of the any collection and deportation counsel
5 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall
6 be evidence of the fee and of the care and services received by the resident.

7 *~~1824/6.49~~* SECTION 2484. 301.12 (7) of the statutes is amended to read:

8 301.12 (7) The department of corrections shall administer and enforce this
9 section. ~~The department~~ On behalf of the department of corrections, the department
10 of administration shall appoint an attorney to be designated "collection and
11 deportation counsel" ~~and.~~ The department of corrections may appoint other
12 necessary assistants. The department of corrections may delegate to the collection
13 and deportation counsel such other powers and duties as the department considers
14 advisable. The collection and deportation counsel or any of the assistants may
15 administer oaths, take affidavits and testimony, examine public records, subpoena
16 witnesses and the production of books, papers, records, and documents material to
17 any matter of proceeding relating to payments for the cost of maintenance. The
18 department of corrections shall encourage agreements or settlements with the liable
19 person, having due regard to ability to pay and the present needs of lawful
20 dependents.

21 *~~0576/8.91~~* SECTION 2485. 301.16 (1o) (b) of the statutes is amended to read:

22 301.16 (1o) (b) In the selection of classified service employees of the institution
23 specified in par. (a), the appointing authority shall, whenever possible, use the
24 expanded certification program under rules of the administrator of the division of
25 merit recruitment and selection in the department of ~~employment relations~~

1 administration to ensure that employees of the institution reflect the general
2 population of either the county in which the institution is located or the most
3 populous county contiguous to the county in which the institution is located,
4 whichever population is greater. The administrator of the division of merit
5 recruitment and selection in the department of ~~employment relations~~
6 administration shall provide guidelines for the administration of this selection
7 procedure.

8 *~~1791/2.1~~* SECTION 2486. 301.16 (1r) of the statutes is amended to read:

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

18 *~~0335/P1.1~~* SECTION 2487. 301.21 (2m) (b) of the statutes is amended to read:

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

24 *~~0359/2.1~~* SECTION 2488. 301.26 (4) (d) 2. of the statutes is amended to read:

1 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
2 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$190 for care
3 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$190 for
4 care for juveniles transferred from a juvenile correctional institution under s. 51.35
5 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142
6 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
7 care in a treatment foster home, ~~\$82.56~~ \$88 for departmental corrective sanctions
8 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

9 *~~-0359/2.2~~* SECTION 2489. 301.26 (4) (d) 3. of the statutes is amended to read:

10 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
11 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$194 for care
12 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$194 for
13 care for juveniles transferred from a juvenile correctional institution under s. 51.35
14 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
15 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
16 care in a treatment foster home, ~~\$84.50~~ \$89 for departmental corrective sanctions
17 services and ~~\$22.66~~ \$26 for departmental aftercare services.

18 *~~-0357/1.1~~* SECTION 2490. 301.26 (7) (intro.) of the statutes is amended to
19 read:

20 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
21 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
22 department shall allocate funds for community youth and family aids for the period
23 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
24 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

25 *~~-0357/1.2~~* SECTION 2491. 301.26 (7) (a) of the statutes is amended to read:

1 301.26 (7) (a) For community youth and family aids under this section,
2 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001,~~
3 ~~\$87,760,300 for 2002~~ 2003, \$88,290,200 for 2004, and \$44,145,100 for the first 6
4 months of ~~2003~~ 2005.

5 *~~0357/1.3~~* SECTION 2492. 301.26 (7) (b) (intro.) of the statutes is amended to
6 read:

7 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
8 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
9 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
10 following factors weighted equally:

11 *~~0357/1.4~~* SECTION 2493. 301.26 (7) (c) of the statutes is amended to read:

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

19 *~~0357/1.5~~* SECTION 2494. 301.26 (7) (e) of the statutes is amended to read:

20 301.26 (7) (e) For emergencies related to community youth and family aids
21 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
22 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
23 county is eligible for payments under this paragraph only if it has a population of not
24 more than 45,000.

25 *~~0357/1.6~~* SECTION 2495. 301.26 (7) (h) of the statutes is amended to read:

1 301.26 (7) (h) For counties that are participating in the corrective sanctions
2 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,
3 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
4 provision of corrective sanctions services for juveniles from that county. In
5 distributing funds to counties under this paragraph, the department shall determine
6 a county's distribution by dividing the amount allocated under this paragraph by the
7 number of slots authorized for the program under s. 938.533 (2) and multiplying the
8 quotient by the number of slots allocated to that county by agreement between the
9 department and the county. The department may transfer funds among counties as
10 necessary to distribute funds based on the number of slots allocated to each county.

11 *~~0357/1.7~~* SECTION 2496. 301.26 (8) of the statutes is amended to read:

12 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
13 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
14 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
15 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

16 *~~0332/1.2~~* SECTION 2497. 302.01 (1) (d) of the statutes is amended to read:

17 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
18 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u).~~

19 *~~1769/2.1~~* SECTION 2498. 302.045 (title) of the statutes is amended to read:

20 **302.045 (title) Challenge incarceration program for youthful offenders.**

21 *~~1769/2.2~~* SECTION 2499. 302.045 (1) of the statutes is amended to read:

22 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
23 program for inmates selected to participate under sub. (2). The program shall
24 provide participants with ~~strenuous physical exercise~~, manual labor, personal
25 development counseling, substance abuse treatment and education, military drill

1 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~
2 have not attained the age of 30 as of the date on which they begin participating in
3 the program, or age-appropriate strenuous physical exercise, for all other
4 participants, in preparation for release on parole or extended supervision. The
5 department shall design the program to include not less than 50 participants at a
6 time and so that a participant may complete the program in not more than 180 days.
7 The department may restrict participant privileges as necessary to maintain
8 discipline.

9 ***-1769/2.3* SECTION 2500.** 302.045 (2) (b) of the statutes is amended to read:

10 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
11 inmate will begin participating in the program.

12 ***-1769/2.4* SECTION 2501.** 302.05 (3) of the statutes is created to read:

13 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
14 all of the following apply:

15 1. The inmate is incarcerated regarding a violation other than a crime specified
16 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
17 948.08, or 948.095.

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

21 (b) Except as provided in par. (d), if the department determines that an eligible
22 inmate serving a sentence other than one imposed under s. 973.01 has successfully
23 completed the treatment program described in sub. (1), the parole commission shall
24 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
25 has served. If the parole commission grants parole under this paragraph, it shall

1 require the parolee to participate in an intensive supervision program for drug
2 abusers as a condition of parole.

3 (c) 1. Except as provided in par. (d), if the department determines that an
4 eligible inmate serving the term of confinement in prison portion of a bifurcated
5 sentence imposed under s. 973.01 has successfully completed the treatment program
6 described in sub. (1), the department shall inform the court that sentenced the
7 inmate.

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

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

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

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

21 (e) If an inmate is serving the term of confinement portion of a bifurcated
22 sentence imposed under s. 973.01, the sentence was imposed before the effective date
23 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
24 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
25 court to determine whether he or she is eligible or ineligible to participate in the