

1 to the child's custodial parent under ss. 49.141 to 49.161, and the child's family is
2 eligible for continuing child support services under 45 CFR 302.33.

3 ***-1256/5.81* SECTION 2675.** 767.15 (1) of the statutes is amended to read:

4 767.15 (1) In any action affecting the family in which either party is a recipient
5 of wages, a stipend, or benefits under ss. 49.141 to 49.161 or aid under s. 46.261,
6 49.19, or 49.45, each party shall, either within 20 days after making service on the
7 opposite party of any motion or pleading requesting the court or circuit court
8 commissioner to order, or to modify a previous order, relating to child support,
9 maintenance, or family support, or before filing the motion or pleading in court, serve
10 a copy of the motion or pleading upon the county child support agency under s. 59.53
11 (5) of the county in which the action is begun.

12 ***-1256/5.82* SECTION 2676.** 767.24 (6) (c) of the statutes is amended to read:

13 767.24 (6) (c) In making an order of joint legal custody and periods of physical
14 placement, the court may specify one parent as the primary caretaker of the child and
15 one home as the primary home of the child, for the purpose of determining eligibility
16 for aid under s. 49.19 or wages, a stipend, or benefits under ss. 49.141 to 49.161 or
17 for any other purpose the court considers appropriate.

18 ***-1824/6.52* SECTION 2677.** 767.29 (1) (dm) 1m. of the statutes is amended to
19 read:

20 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
21 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
22 payment and collection system on December 31, 1998, and shall deposit all fees
23 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
24 The department or its designee may collect unpaid fees under this subdivision
25 through income withholding under s. 767.265 (2m). If the department or its designee

SECTION 2677

1 determines that income withholding is inapplicable, ineffective, or insufficient for
2 the collection of any unpaid fees under this subdivision, the department or its
3 designee may move the court for a remedial sanction under ch. 785. The department
4 or its designee may contract with or employ a collection agency or other person for
5 the collection of any unpaid fees under this subdivision and, notwithstanding s.
6 20.930, may ~~contract with or employ~~ retain an attorney to appear in any action in
7 state or federal court to enforce the payment obligation. The department or its
8 designee may not deduct the amount of unpaid fees from any maintenance, child or
9 family support, or arrearage payment.

10 ***-1256/5.83* SECTION 2678.** 767.47 (6) (a) of the statutes is amended to read:

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

21 ***-1256/5.84* SECTION 2679.** 767.47 (6) (b) of the statutes is amended to read:

22 767.47 (6) (b) Nothing in par. (a) prevents the state from bringing an action to
23 determine paternity pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
24 2., 49.19 (4) (h) 1., or 49.45 (19), or receipt of a stipend under s. 49.147 (3m) (g) or

1 benefits or wages under s. 49.148, 49.155, or 49.157 ~~or~~ 49.159, where evidence other
2 than the testimony of the mother may establish the paternity of the child.

3 ***-0529/4.264* SECTION 2680.** 778.135 of the statutes is amended to read:

4 **778.135 Campaign finance forfeitures; how recovered.** Notwithstanding
5 s. 778.13, whenever any action or proposed action by the elections board under s. 5.05
6 (1) (c) is settled as a result of agreement between the parties without approval of the
7 court, the moneys accruing to the state on account of such settlement shall be paid
8 to the board and deposited with the ~~state treasurer~~ secretary of administration.
9 Whenever any proposed action by a county board of election commissioners under s.
10 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
11 accruing to the county on account of such settlement shall be paid to the board of
12 election commissioners and deposited with the county treasurer in the same manner
13 as provided for forfeitures under s. 778.13.

14 ***-0529/4.265* SECTION 2681.** 778.136 of the statutes is amended to read:

15 **778.136 Ethics and lobbying forfeitures; how recovered.**
16 Notwithstanding s. 778.13, whenever any moneys are received by the ethics board
17 or attorney general in settlement of a civil action or other civil matter for violation
18 of the lobbying law or code of ethics for state public officials and employees under s.
19 19.545, the moneys shall accrue to the state and be deposited with the ~~state treasurer~~
20 secretary of administration.

21 ***-0529/4.266* SECTION 2682.** 778.17 of the statutes is amended to read:

22 **778.17 Statement to county board; payment to state.** Every county
23 treasurer shall, on the first day of the annual meeting of the county board, submit
24 to it a verified statement of all moneys received by the county treasurer during the
25 year next preceding from town, village, and city treasurers under this chapter,

1 containing the names of such treasurers, the amount received from each, and the
2 date of receipt. The county clerk shall deduct all expenses incurred by the county in
3 recovering such forfeitures from the aggregate amount so received, and shall
4 immediately certify to the county treasurer the amount of clear proceeds of such
5 forfeitures, so ascertained, who shall pay the same to the ~~state treasurer~~ secretary
6 of administration.

7 ***-1111/4.103* SECTION 2683.** 779.41 (1m) of the statutes is amended to read:
8 779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and~~
9 ~~consumer protection~~ justice shall adjust the dollar amounts identified under sub. (1)
10 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
11 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

12 ***-1111/4.104* SECTION 2684.** 779.93 (title) of the statutes is amended to read:
13 **779.93 (title) Duties of the department of ~~agriculture, trade and~~**
14 **~~consumer protection~~ justice.**

15 ***-1111/4.105* SECTION 2685.** 779.93 (1) of the statutes is amended to read:
16 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
17 justice shall investigate violations of this subchapter and attempts to circumvent
18 this subchapter. The department of ~~agriculture, trade and consumer protection~~
19 justice may subpoena persons and records to facilitate its investigations, and may
20 enforce compliance with such subpoenas as provided in s. 885.12.

21 ***-1111/4.106* SECTION 2686.** 779.93 (2) (intro.) of the statutes is amended to
22 read:

23 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
24 ~~protection~~ justice may ~~in on~~ in behalf of the state or ~~in on~~ in behalf of any person who holds
25 a prepaid maintenance lien:

1 *~~1765/1.1~~* SECTION 2687. 809.25 (2) (a) 1. of the statutes is amended to read:
2 809.25 (2) (a) 1. For filing an appeal, cross–appeal, petition for review, petition
3 to bypass, or other proceeding, ~~\$150~~ \$195.

4 *~~0529/4.267~~* SECTION 2688. 812.42 (2) (c) of the statutes is amended to read:
5 812.42 (2) (c) In addition to the \$15 garnishee fee, the garnishee shall receive
6 a \$3 fee for each payment delivered to the creditor under s. 812.39 after the first
7 payment. That additional fee shall be deducted from the moneys delivered to the
8 creditor. Those fees become part of the funds of the state if the department of
9 administration is the garnishee, or funds of the appropriate governmental
10 subdivision if any other governmental entity is the garnishee. The judgment creditor
11 shall pay the initial garnishee fee to the ~~treasurer of the state~~ secretary of
12 administration or other governmental subdivision, as applicable.

13 *~~1431/2.43~~* SECTION 2689. 813.16 (7) of the statutes is amended to read:
14 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
15 is a savings and loan association or savings bank supervised by the division of
16 banking or a corporation supervised by the division of savings institutions, home
17 loan bank board, U.S. federal office of thrift supervision, federal deposit insurance
18 corporation, or resolution trust corporation, the court, unless the opposing party
19 objects, shall appoint an officer of such corporation as receiver to act without
20 compensation and to give such bond as the court requires.

21 *~~0529/4.268~~* SECTION 2690. 813.31 (1) of the statutes is amended to read:
22 813.31 (1) In each case of termination of receivership as provided in s. 813.28,
23 the court, except in cases where the proceedings have been certified to the proper
24 court under s. 813.26 (1), shall set aside the sum there named and direct its payment
25 by the receiver, to the ~~state treasurer~~ secretary of administration.

1 ***-0529/4.269*** SECTION 2691. 813.31 (2) of the statutes is amended to read:

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

4 ***-0529/4.270*** SECTION 2692. 813.31 (3) of the statutes is amended to read:

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

10 ***-0529/4.271*** SECTION 2693. 814.60 (1) of the statutes is amended to read:

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

17 ***-0529/4.272*** SECTION 2694. 814.61 (1) (a) of the statutes is amended to read:

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

25 ***-0529/4.273*** SECTION 2695. 814.61 (3) of the statutes is amended to read:

1 814.61 (3) THIRD-PARTY COMPLAINT. When any defendant files a 3rd-party
2 complaint, the defendant shall pay a fee of \$45. The defendant shall pay only one
3 such \$45 fee in an action. Of the fees received by the clerk under this subsection, the
4 county treasurer shall pay \$25 to the ~~state treasurer~~ secretary of administration for
5 deposit in the general fund and shall retain the balance for the use of the county. The
6 ~~state treasurer~~ secretary of administration shall credit \$5 of the \$25 to the
7 appropriation under s. 20.680 (2) (j).

8 *–0529/4.274* SECTION 2696. 814.61 (7) (a) of the statutes is amended to read:

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

18 *–0529/4.275* SECTION 2697. 814.61 (7) (b) of the statutes is amended to read:

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

25 *–0529/4.276* SECTION 2698. 814.61 (8) (c) of the statutes is amended to read:

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

6 *~~0529/4.277~~* SECTION 2699. 814.61 (8) (d) of the statutes is amended to read:

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

11 *~~1256/5.85~~* SECTION 2700. 814.61 (13) of the statutes is amended to read:

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

18 *~~0529/4.278~~* SECTION 2701. 814.62 (1) of the statutes is amended to read:

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

1 ***-0529/4.279*** SECTION 2702. 814.62 (3) (d) 2. of the statutes is amended to
2 read:

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

8 ***-0529/4.280*** SECTION 2703. 814.62 (3) (d) 3. of the statutes is amended to
9 read:

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

15 ***-0529/4.281*** SECTION 2704. 814.63 (5) of the statutes is amended to read:

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

21 ***-1765/1.2*** SECTION 2705. 814.634 (1) (a) of the statutes is amended to read:

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

1 ***-1765/1.3*** SECTION 2706. 814.634 (1) (b) of the statutes is amended to read:

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

7 ***-1765/1.4*** SECTION 2707. 814.634 (1) (c) of the statutes is amended to read:

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

14 ***-0529/4.282*** SECTION 2708. 814.634 (2) of the statutes is amended to read:

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

18 ***-1770/2.1*** SECTION 2709. 814.635 (1m) of the statutes is amended to read:

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

23 ***-0529/4.283*** SECTION 2710. 814.635 (2) of the statutes is amended to read:

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

4 ***-0529/4.284*** SECTION 2711. 814.65 (1) of the statutes is amended to read:

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

13 ***-0529/4.285*** SECTION 2712. 814.66 (3) of the statutes is amended to read:

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

23 ***-0919/3.7*** SECTION 2713. 885.235 (1g) (a) 1. of the statutes is renumbered
24 885.235 (1g) (a).

25 ***-0919/3.8*** SECTION 2714. 885.235 (1g) (a) 2. of the statutes is repealed.

1 ***-0919/3.9*** SECTION 2715. 885.235 (1g) (b) of the statutes is amended to read:

2 885.235 (1g) (b) Except with respect to the operation of a commercial motor
3 vehicle as provided in par. (d), the fact that the analysis shows that the person had
4 an alcohol concentration of more than 0.04 but less than ~~0.1~~ 0.08 is relevant evidence
5 on the issue of intoxication or an alcohol concentration of ~~0.1~~ 0.08 or more but is not
6 to be given any prima facie effect.

7 ***-0919/3.10*** SECTION 2716. 885.235 (1g) (bd) of the statutes is repealed.

8 ***-0919/3.11*** SECTION 2717. 885.235 (1g) (c) of the statutes is amended to read:

9 885.235 (1g) (c) The In cases involving persons who have 2 or fewer prior
10 convictions, suspensions, or revocations, as counted under s. 343.307 (1), the fact
11 that the analysis shows that the person had an alcohol concentration of ~~0.1~~ 0.08 or
12 more is prima facie evidence that he or she was under the influence of an intoxicant
13 and is prima facie evidence that he or she had an alcohol concentration of ~~0.1~~ 0.08
14 or more.

15 ***-0919/3.12*** SECTION 2718. 885.235 (1g) (cd) of the statutes is repealed.

16 ***-0107/2.2*** SECTION 2719. 885.38 (2) of the statutes is amended to read:

17 885.38 (2) The supreme court shall establish the procedures and policies for the
18 recruitment, training, and certification of persons to act as qualified interpreters in
19 a court proceeding and for the fees imposed for the training and certification, and for
20 the coordination, discipline, retention, and training of those interpreters. Any fees
21 collected under this subsection shall be credited to the appropriation under s. 20.680
22 (2) (gc).

23 ***-0059/2.1*** SECTION 2720. 885.38 (3) (a) (intro.) of the statutes is amended to
24 read:

1 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
2 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
3 proficiency and that an interpreter is necessary, the court shall advise the person
4 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
5 ~~afford one, an interpreter will be provided~~ at the public's expense if the person is one
6 of the following:

7 *~~1756/2.7~~* SECTION 2721. 893.965 of the statutes is created to read:

8 **893.965 Housing, public accommodations, and employment**
9 **discrimination; civil remedies.** (1) HOUSING DISCRIMINATION. Any civil action
10 arising under s. 106.50 (6m) is subject to the limitations of s. 106.50 (6m) (b).

11 (2) PUBLIC ACCOMMODATIONS DISCRIMINATION. Any civil action arising under s.
12 106.52 (4) (e) is subject to the limitations of s. 106.52 (4) (e) 2.

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

15 *~~1607/P3.10~~* SECTION 2722. 895.48 (1m) (intro.) of the statutes, as affected
16 by 2001 Wisconsin Act 74, is amended to read:

17 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
18 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
19 medical technician licensed under s. 146.50, first responder certified under s. 146.50
20 (8), physician assistant licensed under ch. 448, registered nurse licensed under ch.
21 441, or a massage therapist or bodyworker issued a certificate under ch. 460 who
22 renders voluntary health care to a participant in an athletic event or contest
23 sponsored by a nonprofit corporation, as defined in s. ~~46.93 (1m) (e)~~ 66.0129 (6) (b),
24 a private school, as defined in s. 115.001 (3r), a public agency, as defined in s. ~~46.93~~
25 ~~(1m) (e)~~ 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil

1 liability for his or her acts or omissions in rendering that care if all of the following
2 conditions exist:

3 ***-0576/8.92* SECTION 2723.** 895.65 (2) of the statutes is amended to read:

4 895.65 (2) An employee may bring an action in circuit court against his or her
5 employer or employer's agent, including this state, if the employer or employer's
6 agent retaliates, by engaging in a disciplinary action, against the employee because
7 the employee exercised his or her rights under the first amendment to the U.S.
8 constitution or article I, section 3, of the Wisconsin constitution by lawfully disclosing
9 information or because the employer or employer's agent believes the employee so
10 exercised his or her rights. The employee shall bring the action within 2 years after
11 the action allegedly occurred or after the employee learned of the action, whichever
12 occurs last. No employee may bring an action against the department of ~~employment~~
13 ~~relations~~ administration as an employer's agent.

14 ***-0358/1.2* SECTION 2724.** 938.02 (15m) of the statutes is amended to read:

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

22 ***-0529/4.286* SECTION 2725.** 938.275 (2) (d) of the statutes is amended to read:

23 938.275 (2) (d) Reimbursement payments shall be made to the clerk of courts
24 of the county where the proceedings took place. Each payment shall be transmitted
25 to the county treasurer, who shall deposit 25% of the amount paid for state-provided

1 counsel in the county treasury and transmit the remainder to the ~~state treasurer~~
2 secretary of administration. Payments transmitted to the ~~state treasurer~~ secretary
3 of administration shall be deposited in the general fund and credited to the
4 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
5 100% of the amount paid for county–provided counsel in the county treasury.

6 *–0358/1.3* SECTION 2726. 938.34 (4n) (intro.) of the statutes is amended to
7 read:

8 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to ~~s. 938.532 (3)~~ and to any
9 arrangement between the department and a county department regarding the
10 provision of aftercare supervision for juveniles who have been released from a
11 secured correctional facility, a secured child caring institution, or a secured group
12 home, designate one of the following to provide aftercare supervision for the juvenile
13 following the juvenile’s release from the secured correctional facility, secured child
14 caring institution, or secured group home:

15 *–0529/4.287* SECTION 2727. 938.34 (8d) (b) of the statutes is amended to read:

16 938.34 (8d) (b) The clerk of court shall collect and transmit the amount to the
17 county treasurer under s. 59.40 (2) (m). The county treasurer shall then make
18 payment to the ~~state treasurer~~ secretary of administration under s. 59.25 (3) (f) 2.

19 *–0529/4.288* SECTION 2728. 938.34 (8d) (c) of the statutes is amended to read:

20 938.34 (8d) (c) If a juvenile placed in a secured correctional facility or a secured
21 child caring institution fails to pay the surcharge under par. (a), the department shall
22 assess and collect the amount owed from the juvenile’s wages or other moneys. If a
23 juvenile placed in a secured group home fails to pay the surcharge under par. (a), the
24 county department shall assess and collect the amount owed from the juvenile’s

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

3 ***-0358/1.4*** SECTION 2729. 938.532 of the statutes is repealed.

4 ***-0576/8.93*** SECTION 2730. 938.538 (6m) (b) of the statutes is amended to
5 read:

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

17 ***-0919/3.13*** SECTION 2731. 940.09 (1) (bm) of the statutes is amended to read:

18 940.09 (1) (bm) Causes the death of another by the operation of a commercial
19 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
20 than ~~0.1~~ 0.08.

21 ***-0919/3.14*** SECTION 2732. 940.09 (1) (e) of the statutes is amended to read:

22 940.09 (1) (e) Causes the death of an unborn child by the operation of a
23 commercial motor vehicle while the person has an alcohol concentration of 0.04 or
24 more but less than ~~0.1~~ 0.08.

25 ***-0919/3.15*** SECTION 2733. 940.25 (1) (bm) of the statutes is amended to read:

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

4 ***-0919/3.16*** SECTION 2734. 940.25 (1) (e) of the statutes is amended to read:

5 940.25 (1) (e) Causes great bodily harm to an unborn child by the operation of
6 a commercial motor vehicle while the person has an alcohol concentration of 0.04 or
7 more but less than ~~0.1~~ 0.08.

8 ***-1187/4.212*** SECTION 2735. 945.06 of the statutes is amended to read:

9 **945.06 Public utilities to cease service.** When any public utility, common
10 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
11 commission, ~~office of the commissioner of railroads~~ or department of transportation
12 of this state, is notified in writing by a federal, state or local law enforcement agency,
13 acting within its jurisdiction, that any facility furnished by it is being used or will be
14 used for the purpose of transmitting or receiving gambling information in violation
15 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
16 maintaining of such facility, after reasonable notice to the subscriber, but no
17 damages, penalty or forfeiture, civil or criminal, shall be found against any such
18 public utility, common carrier, contract carrier or railroad, for any act done in
19 compliance with any notice received from a law enforcement agency under this
20 section. Nothing in this section shall be deemed to prejudice the right of any person
21 affected thereby to secure an appropriate determination as otherwise provided by
22 law in any court or tribunal or agency, that such facility should not be discontinued
23 or removed, or should be restored.

24 ***-1788/2.3*** SECTION 2736. 949.02 of the statutes is amended to read:

1 **949.02 Administration.** The department shall administer this chapter. The
2 department shall appoint a program director to assist in administering this chapter.
3 The department shall promulgate rules for the implementation and operation of this
4 chapter. The rules shall include procedures to ensure that any limitation of an award
5 ~~under s. 949.06 (5) (e)~~ is calculated in a fair and equitable manner.

6 *~~1788/2.4~~* **SECTION 2737.** 949.06 (5) of the statutes is repealed.

7 *~~0919/3.17~~* **SECTION 2738.** 949.08 (2) (em) of the statutes is amended to read:
8 949.08 (2) (em) Is an adult passenger in the offender's commercial motor
9 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger
10 knew the offender was under the influence of an intoxicant, a controlled substance,
11 a controlled substance analog or any combination of an intoxicant, controlled
12 substance and controlled substance analog, or had an alcohol concentration of 0.04
13 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
14 victim of a crime specified in s. 940.30, 940.305, 940.31, or 948.30.

15 *~~1788/2.5~~* **SECTION 2739.** 949.15 (1) of the statutes is amended to read:

16 949.15 (1) Whenever the department orders the payment of an award under
17 this chapter as a result of the occurrence of an event that creates a cause of action
18 on the part of a claimant against any person, the department is subrogated to the
19 rights of the claimant and may bring an action against the person for the amount of
20 the damages sustained by the claimant. If an amount greater than that paid under
21 the award order is recovered and collected in any such action, the department shall
22 pay the balance to the claimant. If the person responsible for the injury or death has
23 previously made restitution payments ~~to the general fund~~ under s. 973.20 (9) (b), any
24 judgment obtained by the department under this section shall be reduced by the

1 amount of the restitution payments ~~to the general fund~~ that the person made under
2 s. 973.20 (9) (b).

3 ***-1634/7.65* SECTION 2740.** 961.01 (20g) of the statutes is amended to read:

4 961.01 (20g) “Public housing project” means any housing project or
5 development administered by a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

6 ***-0529/4.289* SECTION 2741.** 961.41 (5) (b) of the statutes is amended to read:

7 961.41 (5) (b) The clerk of the court shall collect and transmit the amount to
8 the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then
9 make payment to the ~~state treasurer~~ secretary of administration as provided in s.
10 59.25 (3) (f) 2.

11 ***-0529/4.290* SECTION 2742.** 961.41 (5) (c) of the statutes is amended to read:

12 961.41 (5) (c) All moneys collected from drug surcharges shall be deposited by
13 the ~~state treasurer~~ secretary of administration in and utilized in accordance with s.
14 20.435 (6) (gb).

15 ***-1373/8.24* SECTION 2743.** 967.03 of the statutes is repealed.

16 ***-0127/1.2* SECTION 2744.** 971.14 (2) (am) of the statutes is amended to read:

17 971.14 (2) (am) Notwithstanding par. (a), if the court orders the defendant to
18 be examined by the department or a department facility, the department shall
19 determine where the examination will be conducted, who will conduct the
20 examination and whether the examination will be conducted on an inpatient or
21 outpatient basis. The department’s responsibility for conducting examinations is
22 limited to inpatient examinations and those outpatient examinations that are for
23 defendants in custody in jail or in a locked unit of a facility. Any such outpatient
24 examination shall be conducted in a jail or a locked unit of a facility. In any case
25 under this paragraph in which the department determines that an inpatient

1 examination is necessary, the 15-day period under par. (c) begins upon the arrival
2 of the defendant at the inpatient facility. If an outpatient examination is begun by
3 or through the department, and the department later determines that an inpatient
4 examination is necessary, the sheriff shall transport the defendant to the inpatient
5 facility designated by the department, unless the defendant has been released on
6 bail.

7 ***-1769/2.7* SECTION 2745.** 972.15 (2b) of the statutes is created to read:

8 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
9 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
10 presentence investigation report shall include in the report a recommendation as to
11 whether the defendant should be eligible to participate in the earned release
12 program under s. 302.05 (3).

13 ***-1769/2.8* SECTION 2746.** 973.01 (3g) of the statutes is created to read:

14 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
15 sentence under this section on a person convicted of a crime other than a crime
16 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
17 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
18 discretion, decide whether the person being sentenced is eligible or ineligible to
19 participate in the earned release program under s. 302.05 (3) during the term of
20 confinement in prison portion of the bifurcated sentence.

21 ***-1769/2.9* SECTION 2747.** 973.01 (4) of the statutes is amended to read:

22 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
23 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
24 confinement in prison portion of the sentence without reduction for good behavior.
25 The term of confinement in prison portion is subject to extension under s. 302.113 (3)

1 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
2 or 973.195 (1r).

3 ***-1769/2.10* SECTION 2748.** 973.01 (8) (ag) of the statutes is created to read:

4 973.01 (8) (ag) If the court provides under sub. (3g) that the person is eligible
5 to participate in the earned release program under s. 302.05 (3), the court shall also
6 inform the person of the provisions of s. 302.05 (3) (c).

7 ***-1195/3.56* SECTION 2749.** 973.015 of the statutes is amended to read:

8 **973.015 Misdemeanors, special disposition.** (1) When a person is under
9 the age of 21 at the time of the commission of an offense for which the person has been
10 found guilty in a court for violation of a law for which the maximum penalty is
11 imprisonment for one year or less in the county jail, the court may order at the time
12 of sentencing that the record be expunged upon successful completion of the sentence
13 if the court determines the person will benefit and society will not be harmed by this
14 disposition. This subsection does not apply to information maintained by the
15 department of transportation regarding a conviction that is required to be included
16 in a record kept under s. 343.23 (2) (a).

17 ***-1792/3.4* SECTION 2750.** 973.017 (title) of the statutes, as created by 2001
18 Wisconsin Act 109, is amended to read:

19 **973.017 (title) ~~Bifurcated sentences; use~~ Use of guidelines;**
20 **consideration of aggravating and mitigating factors.**

21 ***-1792/3.5* SECTION 2751.** 973.017 (1) of the statutes, as created by 2001
22 Wisconsin Act 109, is renumbered 973.017 (1) (intro.) and amended to read:

23 973.017 (1) DEFINITION. (intro.) In this section, “sentencing decision” means
24 the following:

1 (a) With respect to a crime for which the court may impose a bifurcated sentence
2 under s. 973.01, a decision as to whether to impose a bifurcated sentence under s.
3 973.01 or place a person on probation and a decision as to the length of a bifurcated
4 sentence, including the length of each component of the bifurcated sentence, the
5 amount of a fine, and the length of a term of probation.

6 *~~1792/3.6~~* SECTION 2752. 973.017 (1) (b) of the statutes is created to read:

7 973.017 (1) (b) With respect to any other crime, a decision as to whether to
8 impose a jail sentence or place a person on probation and a decision as to the length
9 of a jail sentence, the amount of a fine, and the length of a term of probation.

10 *~~1792/3.7~~* SECTION 2753. 973.017 (2) (a) of the statutes, as created by 2001
11 Wisconsin Act 109, is renumbered 973.017 (2g) and amended to read:

12 973.017 (2g) USE OF ADVISORY GUIDELINES. ~~If the offense is a felony~~ When a court
13 makes a sentencing decision concerning a person convicted of a felony committed on
14 or after February 1, 2003, the court shall consider the sentencing guidelines adopted
15 by the sentencing commission under s. 973.30 or, if the sentencing commission has
16 not adopted a guideline for the offense, any applicable temporary sentencing
17 guideline adopted by the criminal penalties study committee created under 1997
18 Wisconsin Act 283. This subsection does not apply if the sentencing commission has
19 adopted mandatory sentencing guidelines for the felony under s. 973.31.

20 *~~1792/3.8~~* SECTION 2754. 973.017 (2r) of the statutes is created to read:

21 973.017 (2r) USE OF MANDATORY GUIDELINES. If the sentencing commission has
22 adopted mandatory sentencing guidelines for a crime under s. 973.31, the court,
23 when making a sentencing decision concerning a person convicted of that crime,
24 shall impose a sentence of the kind and within the range described in the applicable
25 sentencing guideline unless the court finds that there is an aggravating or mitigating

1 factor that warrants the imposition of a different kind of sentence or a sentence
2 outside of the range described in the guideline.

3 *~~1792/3.9~~* SECTION 2755. 973.017 (10) of the statutes, as created by 2001
4 Wisconsin Act 109, is amended to read:

5 973.017 (10) USE OF ADVISORY GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The
6 requirement under sub. ~~(2)~~ ~~(a)~~ (2g) that a court consider sentencing guidelines
7 adopted by the sentencing commission or the criminal penalties study committee
8 does not require a court to make a sentencing decision that is within any range or
9 consistent with a recommendation specified in the guidelines, and there is no right
10 to appeal a court's sentencing decision based on the court's decision to depart in any
11 way from any guideline. This subsection does not apply to a sentencing decision that
12 is made in connection with a crime for which the sentencing commission has adopted
13 mandatory sentencing guidelines under s. 973.31.

14 *~~0529/4.291~~* SECTION 2756. 973.045 (2) of the statutes is amended to read:
15 973.045 (2) After the clerk determines the amount due, the clerk of court shall
16 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
17 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
18 administration under s. 59.25 (3) (f) 2.

19 *~~0529/4.292~~* SECTION 2757. 973.045 (3) (a) (intro.) of the statutes is amended
20 to read:

21 973.045 (3) (a) (intro.) The clerk shall record the crime victim and witness
22 surcharge in 2 parts. Part A is the portion that the ~~state treasurer~~ secretary of
23 administration shall credit to the appropriation account under s. 20.455 (5) (g) and
24 part B is the portion that the ~~state treasurer~~ secretary of administration shall credit
25 to the appropriation account under s. 20.455 (5) (gc), as follows:

1 *~~0529/4.293~~* SECTION 2758. 973.045 (4) of the statutes is amended to read:

2 973.045 (4) If an inmate in a state prison or a person sentenced to a state prison
3 has not paid the crime victim and witness assistance surcharge under this section,
4 the department shall assess and collect the amount owed from the inmate's wages
5 or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
6 secretary of administration.

7 *~~0529/4.294~~* SECTION 2759. 973.046 (2) of the statutes is amended to read:

8 973.046 (2) After the clerk of court determines the amount due, the clerk shall
9 collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The
10 county treasurer shall then make payment to the ~~state treasurer~~ secretary of
11 administration under s. 59.25 (3) (f) 2.

12 *~~0529/4.295~~* SECTION 2760. 973.046 (3) of the statutes is amended to read:

13 973.046 (3) All moneys collected from deoxyribonucleic acid analysis
14 surcharges shall be deposited by the ~~state treasurer~~ secretary of administration as
15 specified in s. 20.455 (2) (Lm) and utilized under s. 165.77.

16 *~~0529/4.296~~* SECTION 2761. 973.046 (4) of the statutes is amended to read:

17 973.046 (4) If an inmate in a state prison or a person sentenced to a state prison
18 has not paid the deoxyribonucleic acid analysis surcharge under this section, the
19 department shall assess and collect the amount owed from the inmate's wages or
20 other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~
21 secretary of administration.

22 *~~0529/4.297~~* SECTION 2762. 973.055 (2) (a) of the statutes is amended to read:

23 973.055 (2) (a) If the assessment is imposed by a court of record, after the court
24 determines the amount due, the clerk of the court shall collect and transmit the
25 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer

1 shall then make payment to the ~~state treasurer~~ secretary of administration as
2 provided in s. 59.25 (3) (f) 2.

3 ***-0529/4.298* SECTION 2763.** 973.055 (2) (b) of the statutes is amended to read:

4 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
5 determination by the court of the amount due, the court shall collect and transmit
6 the amount to the treasurer of the county, city, town, or village, and that treasurer
7 shall make payment to the ~~state treasurer~~ secretary of administration as provided
8 in s. 66.0114 (1) (bm).

9 ***-0529/4.299* SECTION 2764.** 973.055 (3) of the statutes is amended to read:

10 973.055 (3) All moneys collected from domestic abuse assessments shall be
11 deposited by the ~~state treasurer~~ secretary of administration in s. 20.435 (3) (hh) and
12 utilized in accordance with s. 46.95.

13 ***-0336/P2.6* SECTION 2765.** 973.09 (3) (bm) 1. of the statutes is amended to
14 read:

15 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
16 period of probation, the department may notify the sentencing court and the district
17 attorney that a probationer owes unpaid fees to the department under s. ~~304.073 or~~
18 304.074.

19 ***-0336/P2.7* SECTION 2766.** 973.09 (3) (bm) 3. of the statutes is amended to
20 read:

21 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
22 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073 or~~
23 304.074 and the amount of the unpaid fees. If the department proves by a
24 preponderance of the evidence that the probationer owes unpaid fees under s.

1 304.073 ~~or~~ 304.074, the court may, by order, extend the period of probation for a
2 stated period or modify the terms and conditions of probation.

3 ***-0336/P2.8* SECTION 2767.** 973.09 (3) (c) 1. of the statutes is amended to read:

4 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge
5 court-ordered payment obligations or to pay fees owed under s. ~~304.073 or~~ 304.074.

6 ***-1195/3.57* SECTION 2768.** 973.11 (1) (intro.) of the statutes is amended to
7 read:

8 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
9 no contest to one or more misdemeanors for which mandatory periods of
10 imprisonment are not required, if the chief judge of the judicial administrative
11 district has approved a volunteers in probation program established in the
12 applicable county, and if the court decides that volunteer supervision under the
13 program will likely benefit the person and the community and subject to the
14 limitations under sub. (3), the court may withhold sentence or judgment of conviction
15 and order that the person be placed with that volunteers in probation program. A
16 person's participation in the program may not be used to conceal, withhold, or mask
17 information regarding the judgment of conviction if the conviction is required to be
18 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the
19 order shall provide any conditions that the court determines are reasonable and
20 appropriate and may include, but need not be limited to, one or more of the following:

21 ***-1788/2.6* SECTION 2769.** 973.20 (9) (b) of the statutes is amended to read:

22 973.20 (9) (b) When a court orders a defendant to pay restitution is ordered
23 under this section, the court shall inquire to see if an award has been made under
24 ch. 949 and if the department of justice is subrogated to the cause of action under s.
25 949.15. If the restitution defendant is ordered to pay restitution in an amount that

1 is less than or equal to the award under ch. 949, the defendant shall pay the
2 restitution shall be paid only to the general fund department of justice and the
3 restitution payments shall be credited to the appropriation account under s. 20.455
4 (5) (hm). If the ~~restitution~~ defendant is ordered to pay restitution in an amount that
5 is greater than the award under ch. 949, the ~~general fund shall receive~~ defendant
6 shall pay the department of justice an amount equal to the award under ch. 949,
7 which amount shall be credited to the appropriation account under s. 20.455 (5) (hm),
8 and the defendant shall pay the balance shall be paid to the victim.

9 ***-1792/3.10* SECTION 2770.** 973.30 (1) (c) of the statutes is amended to read:

10 973.30 (1) (c) Adopt and, as necessary, update advisory sentencing guidelines
11 for felonies committed on or after July 30, 2002, to promote public safety in a
12 cost-effective manner, to ~~reflect changes~~ promote consistency in sentencing
13 practices, and to preserve the integrity of the criminal justice and correctional
14 systems.

15 ***-1792/3.11* SECTION 2771.** 973.30 (1) (cm) of the statutes is created to read:

16 973.30 (1) (cm) Develop advisory guidelines regarding the appropriate use of
17 alternatives to incarceration.

18 ***-1792/3.12* SECTION 2772.** 973.31 of the statutes is created to read:

19 **973.31 Mandatory sentencing guidelines.** (1) In this section,
20 “commission” means the sentencing commission.

21 (2) If the commission determines in the report required under 2003 Wisconsin
22 Act ... (this act), section 9110 (1) that temporary sentencing guidelines adopted by
23 the criminal penalties study committee created under 1997 Wisconsin Act 283 are
24 not adequately promoting the objectives listed in s. 973.30 (1) (c), the commission
25 shall adopt mandatory guidelines for sentencing decisions, as defined in s. 973.017

1 (1), for felonies and misdemeanors for which a court may impose a bifurcated
2 sentence.

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

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

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

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

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

18 (5) In general, in developing mandatory sentencing guidelines, the commission
19 shall begin with crimes that result in the greatest number of bifurcated sentences
20 being imposed. In general, the commission shall develop mandatory sentencing
21 guidelines for Class G to I felonies, unclassified felonies, and misdemeanors for
22 which a court may impose a bifurcated sentence before developing them for Class B
23 to F felonies. Beginning with the crimes that are committed most frequently, the
24 commission shall develop mandatory sentencing guidelines for crimes based on the
25 frequency with which they are committed.

1 *~~1712/5.81~~* SECTION 2773. 977.01 of the statutes is renumbered 977.01
2 (intro.) and amended to read:

3 **977.01 Definitions.** (intro.) In this chapter, unless the context requires
4 otherwise, ~~“board”~~:

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

6 *~~1634/7.66~~* SECTION 2774. 977.01 (2) of the statutes, as affected by 2003
7 Wisconsin Act ... (this act), is amended to read:

8 977.01 (2) “Public assistance” means relief provided by counties under s. 59.53
9 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
10 IV of ch. 49, low-income energy assistance under s. ~~16.385~~ 16.27, weatherization
11 assistance under s. ~~16.39~~ 16.26, and the food stamp program under 7 USC 2011 to
12 2029.

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

13 *~~1712/5.82~~* SECTION 2775. 977.06 (1) (a) of the statutes is amended to read:

14 977.06 (1) (a) Verify the information necessary to determine indigency under
15 s. 977.07 (2). The information provided by a person seeking assigned counsel that
16 is subject to verification shall include any social security numbers provided on an
17 application under sub. (1m), income records, value of assets, eligibility for public
18 assistance, ~~as defined in s. 106.215 (1) (fm)~~, and claims of expenses.

19 *~~1373/8.25~~* SECTION 2776. 978.001 (1c) of the statutes is created to read:

20 978.001 (1c) “Assignable prosecutor” means an attorney employed by the state
21 prosecutors board whom the board may assign to a prosecutorial unit under s. 978.14
22 (1) (d).

23 *~~1373/8.26~~* SECTION 2777. 978.03 (1) of the statutes is amended to read:

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

13 *~~1373/8.27~~* SECTION 2778. 978.03 (1m) of the statutes is amended to read:

14 978.03 (1m) The district attorney of any prosecutorial unit having a population
15 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
16 attorneys and such assistant district attorneys as may be requested by the
17 department of administration and authorized in accordance with s. 16.505. The
18 district attorney shall rank the deputy district attorneys for purposes of carrying out
19 duties under this section. The deputies, according to rank, may perform any duty
20 of the district attorney who appointed him or her, under the district attorney's
21 direction, or any duty of the district attorney to whose prosecutorial unit he or she
22 is assigned by the state prosecutors board under s. 978.14 (1) (c). In the absence or
23 disability of the district attorney, the deputies, according to rank, may perform any
24 act required by law to be performed by the district attorney. Any such deputy must

1 have practiced law in this state for at least 2 years prior to appointment under this
2 section.

3 ***-1373/8.28* SECTION 2779.** 978.03 (2) of the statutes is amended to read:

4 978.03 (2) The district attorney of any prosecutorial unit having a population
5 of 100,000 or more but not more than 199,999 may appoint one deputy district
6 attorney and such assistant district attorneys as may be requested by the
7 department of administration and authorized in accordance with s. 16.505. The
8 deputy may perform any duty of the district attorney who appointed him or her,
9 under the district attorney's direction, or any duty of the district attorney to whose
10 prosecutorial unit he or she is assigned by the state prosecutors board under s. 978.14
11 (1)(c). In the absence or disability of the district attorney, the deputy may perform
12 any act required by law to be performed by the district attorney. The deputy must
13 have practiced law in this state for at least 2 years prior to appointment under this
14 section.

15 ***-1373/8.29* SECTION 2780.** 978.03 (3) of the statutes is amended to read:

16 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
17 an attorney admitted to practice law in this state and, except as provided in ss.
18 978.043 and 978.044, may exercise any power of, or perform any duty required by law
19 to be performed by, the district attorney. ~~The~~ appointing him or her or a district
20 attorney to whose prosecutorial unit he or she is assigned by the state prosecutors
21 board under s. 978.14 (1)(c). In consultation with the state prosecutors board, the
22 district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint
23 such temporary counsel as may be authorized by the department of administration.

24 ***-1373/8.30* SECTION 2781.** 978.04 of the statutes is amended to read:

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

10 *–1373/8.31* SECTION 2782. 978.043 of the statutes is amended to read:

11 **978.043 Assistants for prosecution of sexually violent person**
12 **commitment cases.** The district attorney of the prosecutorial unit that consists of
13 Brown County and the district attorney of the prosecutorial unit that consists of
14 Milwaukee County shall each assign one assistant district attorney in his or her
15 prosecutorial unit to be a sexually violent person commitment prosecutor. An
16 assistant district attorney assigned under this section to be a sexually violent person
17 commitment prosecutor may engage only in the prosecution of sexually violent
18 person commitment proceedings under ch. 980 and, ~~at the request of the district~~
19 ~~attorney of the prosecutorial unit~~ as permitted or required under rules adopted by
20 the state prosecutors board under s. 978.14 (1) (c), may file and prosecute sexually
21 violent person commitment proceedings under ch. 980 in any prosecutorial unit in
22 this state.

23 *–1373/8.32* SECTION 2783. 978.044 (2) (b) of the statutes is amended to read:

24 978.044 (2) (b) Provide assistance to the district attorney in other counties
25 relating to the establishment of restorative justice programs, as described in par. (a)

1 as permitted or required under rules adopted by the state prosecutors board under
2 s. 978.14 (1) (c).

3 ***-1373/8.33* SECTION 2784.** 978.045 (1g) of the statutes is amended to read:

4 978.045 (1g) A court on its own motion may appoint a special prosecutor under
5 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
6 under that subsection. Before a court appoints a special prosecutor on its own motion
7 or at the request of a district attorney for an appointment that exceeds 6 hours per
8 case, the court or, subject to any applicable rule issued under s. 978.14 (1) (c), the
9 district attorney shall request do all of the following:

10 1. Request assistance from a district attorney, deputy district attorney, or
11 assistant district attorney from other prosecutorial units or an assistant attorney
12 general. ~~A district attorney requesting the appointment of a special prosecutor, or~~
13 ~~a court if the court is appointing a special prosecutor on its own motion, shall notify~~
14 ~~the department of administration~~

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

19 ***-1373/8.34* SECTION 2785.** 978.046 of the statutes is created to read:

20 **978.046 Assignable prosecutors.** An assignable prosecutor who has been
21 assigned to a prosecutorial unit may exercise any power of, or perform any duty
22 required by law to be performed by, the district attorney of the prosecutorial unit.

23 ***-1373/8.35* SECTION 2786.** 978.05 (1) of the statutes is amended to read:

24 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
25 all criminal actions before any court within his or her prosecutorial unit. In

1 determining whether to prosecute a case, the district attorney shall consider the
2 guidelines adopted by the state prosecutors board under s. 978.14 (1) (b). The district
3 attorney, however, is not bound by those guidelines, and there is no right to appeal
4 based on a prosecutor's decision to depart in any way from any guideline.

5 *–1373/8.36* SECTION 2787. 978.05 (8) (b) of the statutes is amended to read:

6 978.05 (8) (b) Hire, employ, and supervise his or her staff and assignable
7 prosecutors assigned to his or her prosecutorial unit under s. 978.14 (1) (d) and,
8 subject to ss. 978.043 and 978.044, make appropriate assignments of the staff and
9 assignable prosecutors throughout the prosecutorial unit. The district attorney may
10 request the assistance of district attorneys, deputy district attorneys, or assistant
11 district attorneys from other prosecutorial units, subject to any rules promulgated
12 under s. 978.14 (1) (c), or assistant attorneys general, who then may appear and
13 assist in the investigation and prosecution of any matter for which a district attorney
14 is responsible under this chapter in like manner as assistants in the prosecutorial
15 unit and with the same authority as the district attorney in the unit in which the
16 action is brought. Nothing in this paragraph limits the authority of counties to
17 regulate the hiring, employment, and supervision of county employees.

18 *–1373/8.37* SECTION 2788. 978.06 (1) of the statutes is amended to read:

19 978.06 (1) No district attorney, deputy district attorney ~~or~~, assistant district
20 attorney, or assignable prosecutor may receive any fee or reward from or on behalf
21 of any prosecutor or any other individual for services in any prosecution or business
22 to which it is the district attorney's official duty to attend.

23 *–1373/8.38* SECTION 2789. 978.06 (2) of the statutes is amended to read:

24 978.06 (2) No district attorney, deputy district attorney ~~or~~, assistant district
25 attorney, or assignable prosecutor may be concerned as attorney or counsel for either

1 party, other than for the state or county, in any civil action depending upon the same
2 state of facts upon which any criminal prosecution commenced but undetermined
3 depends.

4 ***-1373/8.39* SECTION 2790.** 978.06 (3) (a) of the statutes is amended to read:

5 978.06 (3) (a) No district attorney, deputy district attorney ~~or~~, assistant district
6 attorney, or assignable prosecutor while in office may hold any judicial office. No
7 assignable prosecutor and no full-time district attorney, deputy district attorney, or
8 assistant district attorney may hold the office of or act as corporation counsel or city,
9 village, or town attorney. A part-time district attorney, deputy district attorney, or
10 assistant district attorney may hold the office of or act as corporation counsel or city,
11 village, or town attorney or otherwise serve as legal counsel to any governmental
12 unit.

13 ***-1373/8.40* SECTION 2791.** 978.06 (4) of the statutes is amended to read:

14 978.06 (4) No person who acted as district attorney, deputy district attorney
15 ~~or~~, assistant district attorney, or assignable prosecutor, or special prosecutor under
16 s. 978.045, for a county at the time of an arrest, examination, or indictment of any
17 person charged with a crime in that county may thereafter appear for, or defend that
18 person against the crime charged in the complaint, information, or indictment.

19 ***-1373/8.41* SECTION 2792.** 978.06 (5) (a) of the statutes is amended to read:

20 978.06 (5) (a) No full-time district attorney, deputy district attorney, or
21 assistant district attorney may engage in a private practice of law, but he or she is
22 authorized to complete all civil cases, not in conflict with the interest of the county
23 or counties of his or her prosecutorial unit, in which he or she is counsel, pending in
24 court before he or she takes office. No assignable prosecutor may engage in a private

1 practice of law. A part-time district attorney, deputy district attorney, or assistant
2 district attorney may engage in a private practice of law.

3 *–1373/8.42* SECTION 2793. 978.12 (title) of the statutes is amended to read:

4 **978.12 (title) Salaries Prosecutor salaries and benefits of ~~district~~**
5 **~~attorney and state employees in office of district attorney.~~**

6 *–1373/8.43* SECTION 2794. 978.12 (1) (c) of the statutes is amended to read:

7 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
8 district attorneys and assignable prosecutors shall be employed outside the
9 classified service. For purposes of salary administration, the secretary of
10 employment relations shall establish one or more classifications for assistant district
11 attorneys and assignable prosecutors in accordance with the classification or
12 classifications allocated to assistant attorneys general. Except as provided in s.
13 111.93 (3), the salaries of assistant district attorneys and assignable prosecutors
14 shall be established and adjusted in accordance with the state compensation plan for
15 assistant attorneys general whose positions are allocated to the classification or
16 classifications established by the secretary of employment relations.

17 *–0576/8.94* SECTION 2795. 978.12 (1) (c) of the statutes, as affected by 2003
18 Wisconsin Act ... (this act), is amended to read:

19 978.12 (1) (c) *Assistant district attorneys and assignable prosecutors.* Assistant
20 district attorneys and assignable prosecutors shall be employed outside the
21 classified service. For purposes of salary administration, the secretary of
22 ~~employment relations~~ administration shall establish one or more classifications for
23 assistant district attorneys and assignable prosecutors in accordance with the
24 classification or classifications allocated to assistant attorneys general. Except as
25 provided in s. 111.93 (3), the salaries of assistant district attorneys and assignable

1 prosecutors shall be established and adjusted in accordance with the state
2 compensation plan for assistant attorneys general whose positions are allocated to
3 the classification or classifications established by the secretary of ~~employment~~
4 relations administration.

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

5 ***–1373/8.44* SECTION 2796.** 978.12 (4) of the statutes is amended to read:

6 978.12 (4) ANNUAL LEAVE. Annual leave for the district attorney is governed by
7 s. 230.35 (1r). Annual leave for other state employees of the office of district attorney
8 shall be accrued at the rate provided in s. 230.35 using the employee's state service
9 computed under sub. (2). Annual leave shall be earned on a calendar year basis
10 prorated from the effective date of the employee's transfer for the balance of the
11 calendar year. This subsection does not apply to assignable prosecutors.

12 ***–0529/4.300* SECTION 2797.** 978.12 (5) (c) 1. of the statutes is amended to
13 read:

14 978.12 (5) (c) 1. The salaries authorized under this section for the district
15 attorney and the state employees of the office of district attorney shall be paid by the
16 ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a
17 voucher submitted by the district attorney to the department of administration. The
18 county treasurer shall pay the amounts directly to the district attorney and state
19 employees of the office of district attorney and the amounts paid shall be subject to
20 the retirement system established under chapter 201, laws of 1937.

21 ***–1373/8.45* SECTION 2798.** 978.12 (5) (d) of the statutes is created to read:

22 978.12 (5) (d) *Applicability*. This subsection does not apply to assignable
23 prosecutors.

SECTION 2799

1 ***-0529/4.301*** **SECTION 2799.** 978.13 (1) (b) of the statutes, as affected by 2001

2 Wisconsin Act 109, is amended to read:

3 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
4 and fringe benefit costs of 2 clerk positions providing clerical services to the
5 prosecutors in the district attorney's office handling cases involving felony violations
6 under ch. 961. ~~The state treasurer~~ secretary of administration shall pay the amount
7 authorized under this subsection to the county treasurer pursuant to a voucher
8 submitted by the district attorney to the department of administration from the
9 appropriation under s. 20.475 (1) (i).

10 ***-0529/4.302*** **SECTION 2800.** 978.13 (1) (c) of the statutes, as affected by 2001

11 Wisconsin Act 109, is amended to read:

12 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
13 fringe benefit costs of clerk positions in the district attorney's office necessary for the
14 prosecution of violent crime cases primarily involving felony violations under s.
15 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
16 940.06, 940.225, 943.23 (1g), and 943.32 (2). ~~The state treasurer~~ secretary of
17 administration shall pay the amount authorized under this subsection to the county
18 treasurer pursuant to a voucher submitted by the district attorney to the secretary
19 of administration from the appropriation under s. 20.475 (1) (i).

20 ***-0529/4.303*** **SECTION 2801.** 978.13 (1) (d) of the statutes, as affected by 2001

21 Wisconsin Act 109, is amended to read:

22 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
23 and fringe benefit costs of 2 clerk positions providing clerical services to the
24 prosecutors in the district attorney's office handling cases involving the unlawful
25 possession or use of firearms. ~~The state treasurer~~ secretary of administration shall

1 pay the amount authorized under this subsection to the county treasurer from the
2 appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district
3 attorney to the department of administration.

4 ***-1373/8.46* SECTION 2802.** 978.14 of the statutes is created to read:

5 **978.14 State prosecutors board. (1)** The state prosecutors board shall do
6 all of the following:

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

10 (c) Promulgate and administer rules regarding the temporary assignment of
11 district attorneys and deputy and assistant district attorneys from one prosecutorial
12 unit to another.

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

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

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

20 ***-0332/1.3* SECTION 2803.** 1997 Wisconsin Act 4, section 4 (1) (title) is
21 repealed.

22 ***-0332/1.4* SECTION 2804.** 1997 Wisconsin Act 4, section 4 (1) (a), as last
23 affected by 2001 Wisconsin Act 16, section 4035, is renumbered 301.16 (1u) of the
24 statutes and amended to read:

SECTION 2804

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

9 *~~0332/1.5~~* SECTION 2805. 1997 Wisconsin Act 4, section 4 (1) (b) is repealed.

10 *~~1308/2.3~~* SECTION 2806. 1997 Wisconsin Act 27, section 9101 (11m) is
11 amended to read:

12 [1997 Wisconsin Act 27] Section 9101 (11m) REPORT BY LAND INFORMATION
13 BOARD AND WISCONSIN LAND COUNCIL. No later than September 1, ~~2002~~ 2004, the land
14 information board and Wisconsin land council shall report to the legislature in the
15 manner provided under section 13.172 (2) of the statutes and to the governor
16 concerning the issue of continuation of their functions, including the feasibility of
17 combination of their functions.

18 *~~0332/1.6~~* SECTION 2807. 1997 Wisconsin Act 27, section 9111 (2u) is
19 repealed.

20 *~~1308/2.4~~* SECTION 2808. 1997 Wisconsin Act 27, section 9456 (3m), as last
21 affected by 2001 Wisconsin Act 16, is amended to read:

22 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
23 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
24 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
25 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)

1 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and (5) and 92.10
2 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
3 (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of
4 the statutes and SECTION 9101 (1) of this act take effect on September 1, ~~2003~~ 2005.

5 ***-1308/2.5* SECTION 2809.** 1999 Wisconsin Act 9, section 9401 (2zt) is
6 amended to read:

7 [1999 Wisconsin Act 9] Section 9401 (2zt) WISCONSIN LAND COUNCIL. The
8 treatment of section 20.505 (1) (ka) (by SECTION 519) of the statutes takes effect on
9 September 1, ~~2003~~ 2005.

10 ***-1308/2.6* SECTION 2810.** 1999 Wisconsin Act 9, section 9401 (2zu) is
11 amended to read:

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

17 ***-1250/1.4* SECTION 2811.** 2001 Wisconsin Act 16, section 9152 (5y) is
18 amended to read:

19 [2001 Wisconsin Act 16] Section 9152 (5y) REQUEST ON WEST CANAL STREET
20 RECONSTRUCTION AND EXTENSION PROJECT FUNDING. A request for additional funds in
21 the 2003–05 fiscal biennium to complete the West Canal Street reconstruction and
22 extension project specified under section 84.03 (3) of the statutes, as created by this
23 act, shall require the city of Milwaukee to make a matching contribution to the
24 amount of the grant to be awarded.

1 ***-1021/1.9101*** SECTION **9101. Nonstatutory provisions;**
2 **administration.**

3 (1) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program
4 revenue moneys appropriated to the department of administration for the office of
5 justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the
6 department of administration shall expend \$90,600 in fiscal year 2003–04 and
7 \$95,900 in fiscal year 2004–05 to provide the multijurisdictional enforcement group
8 serving Dane County with funding for one assistant district attorney to prosecute
9 criminal violations of chapter 961 of the statutes.

10 ***-1022/1.9101*** (2) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From
11 federal and program revenue moneys appropriated to the department of
12 administration for the office of justice assistance under section 20.505 (6) (kp) and
13 (p) of the statutes, the department of administration shall expend \$286,300 in fiscal
14 year 2003–04 and \$294,900 in fiscal year 2004–05 to provide the multijurisdictional
15 enforcement group serving Milwaukee County with funding for 3 assistant district
16 attorneys to prosecute criminal violations of chapter 961 of the statutes.

17 ***-1373/8.9101*** (3) STATE PROSECUTORS BOARD; INITIAL TERMS. Notwithstanding
18 section 15.105 (6) (b) 1. of the statutes, as created by this act, the first 4 members of
19 the state prosecutors board shall be appointed for 2–year terms, subject to section
20 15.105 (6) (b) 2. of the statutes, as created by this act.

21 ***-1634/7.9101*** (4) TRANSFER OF HOUSING OPERATIONS TRANSITIONAL PROVISIONS.
22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
23 liabilities of the department of administration primarily related to the
24 administration of subchapter II of chapter 16, 2001 stats., other than sections 16.385

1 and 16.39, 2001 stats., as determined by the secretary of administration, shall
2 become the assets and liabilities of the department of commerce.

3 (b) *Position and employee transfers.* All incumbent employees holding
4 positions in the department of administration performing duties primarily related
5 to the administration of subchapter II of chapter 16, 2001 stats., other than sections
6 16.385 and 16.39, 2001 stats., as determined by the secretary of administration, are
7 transferred on the effective date of this paragraph to the department of commerce.

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

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

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

SECTION 9101

1 modified, rescinded by the department of commerce to the extent allowed under the
2 contract, or expires.

3 (f) *Rules and orders.* All rules promulgated by the department of
4 administration in effect on the effective date of this paragraph that are primarily
5 related to the administration of subchapter II of chapter 16, 2001 stats., other than
6 sections 16.385 and 16.39, 2001 stats., remain in effect until their specified
7 expiration date or until amended or repealed by the department of commerce. Any
8 orders issued by the department of administration or the division of housing in the
9 department of administration that are in effect on the effective date of this
10 paragraph and that are primarily related to the administration of subchapter II of
11 chapter 16, 2001 stats., other than sections 16.385 and 16.39, 2001 stats., remain in
12 effect until their specified expiration date or until modified or rescinded by the
13 department of commerce.

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

22 ***-1711/5.9101*** (5) HIGHER EDUCATIONAL AIDS. The authorized FTE positions
23 for the department of administration, funded from the appropriation under section
24 20.505 (1) (a) of the statutes, as affected by this act, are increased by 2.0 GPR
25 positions on the effective date of this subsection for the purpose of assisting the Board

1 of Regents of the University of Wisconsin System in administering higher
2 educational aids under subchapter III of chapter 39 of the statutes, as affected by this
3 act.

4 ***-1746/4.9101*** (6) SALE OR LEASE OF CERTAIN STATE PROPERTY.

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

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

10 ***-1759/2.9101*** (7) POSITION TRANSFER; EMPLOYEE STATUS. The incumbent
11 employee holding the position specified in SECTION 9159 (8) is transferred on July 1,
12 2003, to the department of administration and has all the rights and the same status
13 under subchapter V of chapter 111 and chapter 230 of the statutes in the department
14 of administration that he or she enjoyed in the department of workforce development
15 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
16 no employee so transferred who has attained permanent status in class is required
17 to serve a probationary period.

18 ***-1761/4.9101*** (8) ESTIMATE OF MEDICAL ASSISTANCE TRUST FUND REVENUE.

19 (a) *Estimate for fiscal year 2003–04.* Before January 1, 2004, the secretary of
20 administration shall estimate the total amount that will be deposited into the
21 Medical Assistance trust fund for state fiscal year 2003–04 that will exceed
22 \$550,000,000.

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

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

3 *–0854/7.9101* (9) STATE AGENCY PAYMENTS RELATING TO UNFUNDED PRIOR
4 SERVICE LIABILITY UNDER THE WISCONSIN RETIREMENT SYSTEM.

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

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

14 (c) From each sum certain appropriation of general purpose revenue identified
15 in paragraph (b), the secretary of administration shall lapse to the general fund the
16 amount specified in paragraph (b) that would otherwise have been expended from
17 each of the appropriations. The secretary of administration shall make the lapse on
18 the day on which the state agency would have been required to make the
19 expenditure. After the secretary of administration makes the lapse, each of the sum
20 certain appropriations is decreased by the amount specified in paragraph (b) for that
21 appropriation.

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

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

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

12 (f) 1. Except as provided in subdivision 2., from each appropriation of
13 segregated fund revenues or segregated fund revenues — service identified in
14 paragraph (b), the secretary of administration shall lapse to the underlying fund the
15 amount specified in paragraph (b) that would otherwise have been expended from
16 each of the appropriations. The secretary of administration shall make the lapse on
17 the day on which the state agency would have been required to make the
18 expenditure. After the secretary of administration makes the lapse, each of the sum
19 certain segregated revenues or segregated revenues — service appropriations is
20 decreased by the amount specified in paragraph (b) for that appropriation, and the
21 expenditure estimate for each of the appropriations that are not sum certain
22 appropriations is reestimated to subtract the amount specified in paragraph (b) for
23 that appropriation. The secretary of administration shall then transfer the lapsed
24 amounts and an amount equal to the amount subtracted from the estimates to the
25 general fund.

SECTION 9101

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

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

20 ***-1273/P2.9102*** **SECTION 9102. Nonstatutory provisions; adolescent**
21 **pregnancy prevention and pregnancy services board.**

22 ***-1273/P2.9103*** **SECTION 9103. Nonstatutory provisions; aging and**
23 **long-term care board.**

24 ***-1111/4.9104*** **SECTION 9104. Nonstatutory provisions; agriculture,**
25 **trade and consumer protection.**

1 (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

2 (a) *Assets and liabilities.* All assets and liabilities of the department of
3 agriculture, trade and consumer protection that are primarily related to consumer
4 protection programs or functions that are being transferred to the department of
5 justice under this act shall become the assets and liabilities of the department of
6 justice. The departments of justice and agriculture, trade and consumer protection
7 shall jointly determine these assets and liabilities and shall jointly develop and
8 implement a plan for their orderly transfer. In the event of any disagreement
9 between the departments, the secretary of administration shall resolve the
10 disagreement.

11 (b) *Employee transfers.* The departments of justice and agriculture, trade and
12 consumer protection shall jointly determine which positions that are primarily
13 related to consumer protection programs or functions that are being transferred to
14 the department of justice under this act shall be transferred to the department of
15 justice. In the event of any disagreement between the departments, the secretary
16 of administration shall resolve the disagreement. The positions determined to be
17 transferred under this paragraph, and the incumbent employees in those positions,
18 shall be transferred to the department of justice.

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

1 (d) *Supplies and equipment.* All tangible personal property, including records,
2 of the department of agriculture, trade and consumer protection that are primarily
3 related to consumer protection programs or functions that are being transferred to
4 the department of justice under this act are transferred to the department of justice.
5 The departments of justice and agriculture, trade and consumer protection shall
6 jointly identify the tangible personal property, including records, and shall jointly
7 develop and implement a plan for their orderly transfer. In the event of any
8 disagreement between the departments, the secretary of administration shall
9 resolve the disagreement.

10 (e) *Pending matters.* Any matter pending with the department of agriculture,
11 trade and consumer protection that is primarily related to a consumer protection
12 program or function that is being transferred to the department of justice under this
13 act is being transferred to the department of justice. All materials submitted to or
14 actions taken by the department of agriculture, trade and consumer protection with
15 respect to the pending matter are considered as having been submitted to or taken
16 by the department of justice.

17 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
18 and consumer protection or by the department of justice that are primarily related
19 to consumer protection programs or functions that are being transferred to the
20 department of justice under this act, and that are in effect on the effective date of this
21 paragraph, remain in effect and those contracts entered into by the department of
22 agriculture, trade and consumer protection are transferred to the department of
23 justice. The departments of justice and agriculture, trade and consumer protection
24 shall jointly identify these contracts and shall jointly develop and implement a plan
25 for their orderly transfer. In the event of any disagreement between the