

SENATE BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 ***-1449/1.1*** SECTION 1. 5.05 (11) of the statutes is created to read:

2 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriation under
3 s. 20.510 (1) (x), the board may provide financial assistance to eligible counties and
4 municipalities for election administration costs.

5 ***-1449/1.2*** SECTION 2. 7.31 (5) of the statutes is amended to read:

6 7.31 (5) The board shall conduct regular training and administer examinations
7 to ensure that individuals who are certified by the board under this section are
8 knowledgeable concerning their authority and responsibilities. The board shall pay
9 all costs required to conduct the training and to administer the examinations from
10 the ~~appropriation~~ appropriations under s. 20.510 (1) (bm) and (jm).

11 ***-1449/1.3*** SECTION 3. 7.31 (6) of the statutes is created to read:

12 7.31 (6) The board may assess municipalities for costs incurred by the board
13 in conducting the training and certification program under this section. The amount
14 assessed to any municipality may not exceed the costs incurred by the board that are
15 attributable to that municipality. The board shall credit any moneys received under
16 this subsection to the appropriation under s. 20.510 (1) (jm).

17 ***-1289/7.1*** SECTION 4. 7.33 (4) and (5) of the statutes are amended to read:

18 7.33 (4) Except as otherwise provided in this subsection, each local
19 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), may, and each state agency shall,
20 upon proper application under sub. (3), permit each of its employees to serve as an
21 election official without loss of fringe benefits or seniority privileges earned for

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1 scheduled working hours during the period specified in sub. (3), without loss of pay
2 for scheduled working hours during the period specified in sub. (3) except as provided
3 in sub. (5), and without any other penalty. For employees who are included in a
4 collective bargaining unit for which a representative is recognized or certified under
5 subch. V of ch. 111, this subsection shall apply unless otherwise provided in a
6 collective bargaining agreement.

7 (5) Any employee of a local governmental unit, as defined in s. ~~22.01~~ 16.97 (7),
8 or state agency who obtains a paid leave of absence under sub. (4) in order to serve
9 as an election official under s. 7.30 shall certify in writing to the head of the local
10 governmental unit or state agency by which he or she is employed the amount of
11 compensation that the employee receives for such service. Upon receipt of the
12 certification, the head of the local governmental unit or state agency shall deduct
13 that amount from the employee's pay earned for scheduled working hours during the
14 period specified in sub. (2) when the employee is on a paid leave of absence.

15 ~~*-1634/7.1*~~ **SECTION 5.** 13.099 (1) (a) and (b) of the statutes are amended to
16 read:

17 13.099 (1) (a) "Department" means the department of ~~administration~~
18 commerce.

19 (b) "State housing strategy plan" means the plan developed under s. ~~16.31~~
20 560.9802.

21 ~~*-1634/7.2*~~ **SECTION 6.** 13.0999 (2) (a) of the statutes is amended to read:

22 13.0999 (2) (a) If any bill that is introduced in either house of the legislature
23 directly or substantially affects the development, construction, cost or availability of
24 housing in this state, the department, ~~through the division of housing,~~ shall prepare
25 a report on the bill within 30 days after it is introduced. The department may request

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1 any information from other state agencies, local governments or individuals or
2 organizations that is reasonably necessary for the department to prepare the report.

3 ***-1634/7.3* SECTION 7.** 13.0999 (3) (a) 5. of the statutes is amended to read:

4 13.0999 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

5 ***-1599/1.1* SECTION 8.** 13.101 (6) (a) of the statutes is amended to read:

6 13.101 (6) (a) As an emergency measure necessitated by decreased state
7 revenues and to prevent the necessity for a state tax on general property, the
8 committee may reduce any appropriation made to any board, commission,
9 department, or the University of Wisconsin System, or to any other state agency or
10 activity, by such amount as it deems feasible, not exceeding 25% of the
11 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
12 (cr), and (r), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and
13 (6) (aq), (ar), and (at), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for
14 forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,
15 city, village, town, or school district. Appropriations of receipts and of a sum
16 sufficient shall for the purposes of this section be regarded as equivalent to the
17 amounts expended under such appropriations in the prior fiscal year which ended
18 June 30. All functions of said state agencies shall be continued in an efficient
19 manner, but because of the uncertainties of the existing situation no public funds
20 should be expended or obligations incurred unless there shall be adequate revenues
21 to meet the expenditures therefor. For such reason the committee may make
22 reductions of such appropriations as in its judgment will secure sound financial
23 operations of the administration for said state agencies and at the same time
24 interfere least with their services and activities.

25 ***-1289/7.2* SECTION 9.** 13.101 (14) of the statutes is amended to read:

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1 13.101 (14) With the concurrence of the joint committee on information policy
2 and technology, direct the department of ~~electronic government~~ administration to
3 report to the committee concerning any specific information technology system
4 project in accordance with s. 13.58 (5) (b) 4.

5 *~~1504/1.1~~* **SECTION 10.** 13.101 (16) (b) of the statutes is amended to read:

6 13.101 (16) (b) Annually, on June 15, beginning in 2004, the committee shall
7 transfer from the permanent endowment fund to the tobacco control fund the lesser
8 of ~~\$25,000,000~~ \$15,054,500 for fiscal year 2003–04, and the lesser of \$15,062,000 for
9 fiscal year 2004–05 and every fiscal year thereafter, or the proceeds of, and
10 investment earnings on, investments of the permanent endowment fund in the prior
11 calendar year.

12 *~~1630/2.1~~* **SECTION 11.** 13.121 (1) of the statutes is amended to read:

13 13.121 (1) CURRENT MEMBER. From the appropriation under s. 20.765 (1) (a) or
14 (b) or (5), each member of the legislature shall be paid, in equal installments, the
15 salary provided under s. 20.923.

16 *~~0576/8.1~~* **SECTION 12.** 13.121 (4) of the statutes is amended to read:

17 13.121 (4) INSURANCE. For the purpose of premium determinations under s.
18 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate
19 equivalent to a percentage of time worked recommended for such positions by the
20 secretary of ~~employment relations~~ administration and approved by the joint
21 committee on employment relations in the same manner as compensation for such
22 positions is determined under s. 20.923. This percentage of time worked shall be
23 applied to the sick leave accrual rate established under s. 230.35 (2). The approved
24 percentage shall be incorporated into the compensation plan under s. 230.12 (1).

25 *~~0576/8.2~~* **SECTION 13.** 13.123 (1) (a) 1. of the statutes is amended to read:

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1 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
2 filed with the department of administration, the necessity of establishing a
3 temporary residence at the state capital for the period of any regular or special
4 legislative session shall be entitled to an allowance for expenses incurred for food and
5 lodging for each day that he or she is in Madison on legislative business, but not
6 including any Saturday or Sunday unless the legislator is in actual attendance on
7 such day at a session of the legislature or a meeting of a standing committee of which
8 the legislator is a member. The amount of the allowance for each biennial session
9 shall be 90% of the per diem rate for travel for federal government business within
10 the city of Madison, as established by the federal general services administration.
11 For the purpose of determining the amount of the allowance, the secretary of
12 ~~employment relations~~ administration shall certify to the chief clerk of each house the
13 federal per diem rate in effect on December 1, or the first business day thereafter if
14 December 1 is not a business day, in each even-numbered year. Each legislator shall
15 file an affidavit with the chief clerk of his or her house certifying the specific dollar
16 amount within the authorized allowance the member wishes to receive. Such
17 affidavit, when filed, shall remain in effect for the biennial session.

18 *~~1630/2.2~~* SECTION 14. 13.123 (1) (c) of the statutes is amended to read:

19 13.123 (1) (c) Each member shall certify to the chief clerk of the house in which
20 the member serves, as promptly as may be following the 1st of each month, the
21 number of days during the previous calendar month on which the member was in
22 Madison on legislative business and for which the member seeks the allowance
23 provided by this subsection. Such allowances shall be paid from the appropriation
24 under s. 20.765 (1) (a) or (b) or (5) within one week after each calendar month; and
25 shall be paid, upon the filing with the department of administration, the chief clerk's

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1 affidavit stating the number of days in Madison on legislative business for all
2 members of the chief clerk's house.

3 ***-1630/2.3* SECTION 15.** 13.123 (2) (intro.) of the statutes is amended to read:

4 13.123 (2) INTERIM EXPENSES. (intro.) From the appropriation under s. 20.765
5 (1) (a) or (b) or (5), each member of the legislature shall be entitled to an expense
6 allowance for postage and clerical assistance for each full calendar month during
7 which the legislature is in actual session 3 days or less. No allowance is payable to
8 a representative to the assembly unless the speaker of the assembly files with the
9 chief clerk of the assembly a written authorization for the allowance to be paid. No
10 allowance is payable to a senator unless the majority leader of the senate files with
11 the chief clerk of the senate a written authorization for the allowance to be paid. An
12 authorization filed under this subsection becomes effective for the month in which
13 it is filed and continues in effect through the month in which the speaker of the
14 assembly or the majority leader of the senate files a written revocation of the
15 authorization with the chief clerk of the appropriate house. The rate of such
16 allowance shall be as follows:

17 ***-1630/2.4* SECTION 16.** 13.123 (3) (a) of the statutes is amended to read:

18 13.123 (3) (a) Any senator authorized by the committee on senate organization
19 to attend a meeting outside the state capital, any representative to the assembly
20 authorized by the committee on assembly organization to attend an out-of-state
21 meeting or authorized by the speaker to attend a meeting within this state outside
22 the state capital, and all members of the legislature required by law, legislative rule,
23 resolution or joint resolution to attend such meetings, shall be paid no additional
24 compensation for such services but shall be reimbursed for actual and necessary
25 expenses from the appropriation under s. 20.765 (1) (a) or (b) or (5), but no legislator

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1 may be reimbursed under this subsection for expenses on any day for which the
2 legislator submits a claim under sub. (1).

3 ***-1630/2.5* SECTION 17.** 13.125 of the statutes is amended to read:

4 **13.125 Chaplains.** The officiating chaplain of the senate and assembly shall
5 be paid such amount as may be established by each house for each day of service from
6 the appropriation under s. 20.765 (1) (a) or (b) or (5). Payment shall be made on
7 certification by the chief clerk of the senate or of the assembly, respectively, showing
8 the amount to which each chaplain is entitled.

9 ***-1630/2.6* SECTION 18.** 13.14 (2) of the statutes is amended to read:

10 **13.14 (2) FLORAL PIECES.** The senate and assembly may procure floral pieces
11 for deceased or ill members of the legislature and state officers who, in the judgment
12 of the presiding officer and chief clerk, have been identified with the legislative
13 process. Such expenses shall be by voucher, signed by the presiding officer or chief
14 clerk of the respective house, and shall be drawn on the appropriation under s. 20.765
15 (1) (a) or (b) or (5).

16 ***-1630/2.7* SECTION 19.** 13.14 (3) of the statutes is amended to read:

17 **13.14 (3) TRAVEL; LEGISLATIVE PERSONNEL.** The actual and necessary expenses
18 of legislative policy research personnel, assistants to legislators, and research staff
19 assigned to legislative committees incident to attending meetings outside the state
20 capital shall be reimbursed from the appropriation under s. 20.765 (1) (a) or (b) or
21 (5).

22 ***-0576/8.3* SECTION 20.** 13.20 (2) of the statutes is amended to read:

23 **13.20 (2) PAY RANGES; DURATION OF EMPLOYMENT.** All legislative employees shall
24 be paid in accordance with the compensation and classification plan for employees
25 in the classified civil service within ranges approved by the joint committee on

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1 legislative organization. The secretary of ~~employment relations~~ administration
2 shall make recommendations concerning a compensation and classification schedule
3 for legislative employees if requested to do so by the joint committee on legislative
4 organization or by the committee on organization of either house. If the joint
5 committee does not approve pay ranges for legislative employees, the committee on
6 organization of either house may approve pay ranges for its employees.
7 Appointments shall be made for the legislative session, unless earlier terminated by
8 the appointing officer.

9 ***-1016/6.1* SECTION 21.** 13.40 (3) (b) of the statutes is amended to read:

10 13.40 (3) (b) An appropriation to honor a moral obligation undertaken
11 pursuant to ss. 16.523 (8), 16.526 (8), 16.527 (10), 18.61 (5), 85.25 (5), 101.143 (9m)
12 (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b), 234.626
13 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59 (13m).

****NOTE: This is reconciled s. 13.40 (3) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1016, LRB-0854, and LRB-1797.

14 ***-1748/2.1* SECTION 22.** 13.40 (3) (fm) of the statutes is created to read:

15 13.40 (3) (fm) An appropriation for the 2003–05 fiscal biennium to make
16 payments to counties, towns, villages, and cities under ss. 79.035 and 79.036.

17 ***-1711/5.1* SECTION 23.** 13.40 (3) (i) 1. of the statutes is repealed.

18 ***-1630/2.8* SECTION 24.** 13.45 (3) (a) of the statutes is amended to read:

19 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
20 13.123 (1), any legislator appointed to serve on a legislative committee or a
21 committee to which the legislator was appointed by either house or the officers
22 thereof shall be reimbursed from the appropriations under s. 20.765 (1) (a) or (b) or
23 (5) for actual and necessary expenses incurred as a member of the committee.

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1 *~~0576/8.4~~* SECTION 25. 13.48 (2) (j) of the statutes is amended to read:

2 13.48 (2) (j) No later than the first day of the 7th month after the effective date
3 of each biennial budget act, the secretary of ~~employment relations~~ administration
4 shall report to the building commission, in writing, regarding the desirability of
5 including plans for day care facility space in the plans for any construction or major
6 remodeling project, enumerated in the state building program in the biennial budget
7 act, for any state office building. Based upon the report of the secretary of
8 ~~employment relations~~ administration, the building commission may direct that
9 plans for day care facility space be included in the plans for that construction or
10 major remodeling project.

11 *~~1746/4.1~~* SECTION 26. 13.48 (14) (c) of the statutes is amended to read:

12 13.48 (14) (c) If there is any outstanding public debt used to finance the
13 acquisition of a building, structure or land or the construction of a building or
14 structure that is sold or leased under par. (b), the building commission shall deposit
15 a sufficient amount of the net proceeds from the sale or lease of the building,
16 structure or land in the bond security and redemption fund under s. 18.09 to repay
17 the principal and pay the interest on the debt, and any premium due upon refunding
18 any of that debt. If there is no such debt outstanding, or, if the net proceeds exceed
19 the amount required to repay that principal and pay that interest and premium, the
20 building commission shall ~~credit~~ deposit the net proceeds or remaining net proceeds
21 ~~to in the appropriation account under s. 20.865 (4) (a)~~ budget stabilization fund.

22 *~~1630/2.9~~* SECTION 27. 13.50 (6) (am) of the statutes is amended to read:

23 13.50 (6) (am) The cochairpersons of the joint survey committee on retirement
24 systems or the cochairpersons of the joint committee on finance, with respect to any
25 bill or amendment specified in par. (a), or the presiding officer of either house of the

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1 legislature, with respect to any bill or amendment specified in par. (a) that is pending
2 in his or her house, may make a determination, based on any available information,
3 that the bill or amendment may have a significant fiscal impact on the costs,
4 actuarial balance or goals of the Wisconsin ~~retirement system~~ Retirement System
5 and order the attachment of an independent actuarial opinion on such impact. The
6 cochairpersons or presiding officer ordering such an opinion shall direct the staff
7 under sub. (4) to obtain the opinion. The staff shall make payment for the opinion
8 from the appropriation under s. 20.765 (2) (ab) or (5).

9 ***-0576/8.5* SECTION 28.** 13.51 (2) (b) of the statutes is amended to read:

10 13.51 (2) (b) The secretary of ~~employment relations~~ administration or the
11 secretary's designee.

12 ***-1630/2.10* SECTION 29.** 13.56 (2) of the statutes is amended to read:

13 13.56 (2) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint
14 committee for review of administrative rules or their designated agents shall accept
15 service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that
16 the legislature should be represented in the proceeding, it shall request the joint
17 committee on legislative organization to designate the legislature's representative
18 for the proceeding. The costs of participation in the proceeding shall be paid equally
19 from the appropriations under s. 20.765 (1) (a) and (b) or shall be paid from the
20 appropriation under s. 20.765 (5), if applicable, except that such costs incurred by the
21 department of justice shall be paid from the appropriation under s. 20.455 (1) (d).

22 ***-1630/2.11* SECTION 30.** 13.57 (3) of the statutes is amended to read:

23 13.57 (3) All expenses under sub. (1) shall be reimbursed from the
24 appropriation under s. 20.765 (1) (a) or (b) or (5).

25 ***-1289/7.3* SECTION 31.** 13.58 (5) (a) 5. of the statutes is amended to read:

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1 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of ~~electronic~~
2 ~~government~~ administration, the joint committee on legislative organization and the
3 director of state courts, review and transmit comments concerning the plans to the
4 entities submitting the plans.

5 *~~1289/7.4~~* SECTION 32. 13.58 (5) (b) 1. of the statutes is amended to read:

6 13.58 (5) (b) 1. Direct the department of ~~electronic government~~ administration
7 to conduct studies or prepare reports on items related to the committee's duties under
8 par. (a).

9 *~~1289/7.5~~* SECTION 33. 13.58 (5) (b) 4. (intro.) of the statutes is amended to
10 read:

11 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
12 direct the department of ~~electronic government~~ administration to report
13 semiannually to the committee and the joint committee on finance concerning any
14 specific information technology system project which is being designed, developed,
15 tested or implemented and which the committees anticipate will have a total cost to
16 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
17 report shall include all of the following:

18 *~~1630/2.12~~* SECTION 34. 13.81 (6) of the statutes is amended to read:

19 13.81 (6) REIMBURSEMENT FOR SPECIAL STUDIES. At the end of each fiscal year,
20 the general fund shall be reimbursed, from any other state fund, the amounts
21 actually expended by the joint legislative council under s. 20.765 (3) (e) or (5) for the
22 cost of making and publishing surveys and analyses of activities and policies related
23 to such funds. The council shall bill such state funds at the end of each fiscal year
24 for the costs so incurred, in accordance with cost records maintained by the council.

25 *~~1630/2.13~~* SECTION 35. 13.81 (8) of the statutes is amended to read:

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1 13.81 (8) CONFERENCE ON LEGISLATIVE PROCEDURES. Following each general
2 election, the joint legislative council shall sponsor a conference to acquaint new
3 legislators or legislators–elect with legislative procedures. Expenses for the
4 conference shall be paid from the appropriation under s. 20.765 (3) (e) or (5).

5 *–1630/2.14* **SECTION 36.** 13.83 (3) (c) 1. of the statutes is amended to read:

6 13.83 (3) (c) 1. The joint legislative council shall pay the expenses incurred by
7 the members appointed under par. (b) 1., in performing their functions on the special
8 committee, from the appropriation under s. 20.765 (3) (e) or (5).

9 *–1630/2.15* **SECTION 37.** 13.90 (2) of the statutes is amended to read:

10 13.90 (2) The cochairpersons of the joint committee on legislative organization
11 or their designated agent shall accept service made under s. 806.04 (11). If the
12 committee, the senate organization committee or the assembly organization
13 committee, determines that the legislature should be represented in the proceeding,
14 that committee shall designate the legislature’s representative for the proceeding.
15 The costs of participation in the proceeding shall be paid equally from the
16 appropriations under s. 20.765 (1) (a) and (b) or shall be paid from the appropriation
17 under s. 20.765 (5), if applicable, except that such costs incurred by the department
18 of justice shall be paid from the appropriation under s. 20.455 (1) (d).

19 *–1630/2.16* **SECTION 38.** 13.90 (4) of the statutes is amended to read:

20 13.90 (4) The cochairpersons of the joint committee on legislative organization
21 shall authorize payment of fees entitling the legislature to membership in national
22 organizations from the appropriation under s. 20.765 (3) (fa) or (5).

23 *–1289/7.6* **SECTION 39.** 13.90 (6) of the statutes is amended to read:

24 13.90 (6) The joint committee on legislative organization shall adopt, revise
25 biennially and submit to the cochairpersons of the joint committee on information

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1 policy and technology, the governor and the ~~chief information officer~~ secretary of
2 administration, no later than September 15 of each even-numbered year, a strategic
3 plan for the utilization of information technology to carry out the functions of the
4 legislature and legislative service agencies, as defined in s. 16.70 (6). The plan shall
5 address the business needs of the legislature and legislative service agencies and
6 shall identify all resources relating to information technology which the legislature
7 and legislative service agencies desire to acquire, contingent upon funding
8 availability, the priority for such acquisitions and the justification for such
9 acquisitions. The plan shall also identify any changes in the functioning of the
10 legislature and legislative service agencies under the plan.

11 ***-1327/1.1* SECTION 40.** 13.92 (1) (b) 1. b. of the statutes is amended to read:

12 13.92 (1) (b) 1. b. Any agency, as defined in s. 16.70 (~~1~~) (1e), created under ch.
13 13, 14, 15, or 758.

14 ***-1373/8.1* SECTION 41.** 13.92 (3) of the statutes is amended to read:

15 13.92 (3) TREATMENT OF CERTAIN LEGISLATIVE REFERENCE BUREAU EMPLOYEES.
16 Notwithstanding s. 230.08 (2) (fc), those employees holding positions in the classified
17 service at the legislative reference bureau on June 16, 1998, who have achieved
18 permanent status in class before that date, shall retain, while serving in the
19 unclassified service at the legislative reference bureau, those protections afforded
20 employees in the classified service under ss. 230.34 (1) (~~a~~) (ah) and 230.44 (1) (c)
21 relating to demotion, suspension, discharge, layoff or reduction in base pay. Such
22 employees shall also have reinstatement privileges to the classified service as
23 provided under s. 230.33 (1). Those employees of the legislative reference bureau
24 holding positions in the classified service on June 16, 1998, who have not achieved
25 permanent status in class in any position at the legislative reference bureau on that

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1 date are eligible to receive the protections, privileges and rights preserved under this
2 subsection if they successfully complete service equivalent to the probationary
3 period required in the classified service for the position which they hold on that date.

4 ***-1289/7.7* SECTION 42.** 13.93 (2) (h) of the statutes is amended to read:

5 13.93 (2) (h) Approve specifications and scheduling for computer databases
6 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
7 prescribed in ss. ~~22.03~~ 16.971 (6) and 35.56 (5).

8 ***-1630/2.17* SECTION 43.** 13.93 (2) (k) of the statutes is amended to read:

9 13.93 (2) (k) Pay, from the appropriation under s. 20.765 (3) (a) or (5), the
10 expenses of attendance at meetings of members of the Commission on Uniform State
11 Laws who are appointed by the governor.

12 ***-0529/4.1* SECTION 44.** 13.94 (1) (a) of the statutes is amended to read:

13 13.94 (1) (a) Audit the ~~books and accounts of the treasurer, the moneys on hand~~
14 in the treasury and all bonds and securities belonging to all public funds on deposit
15 in the treasury or properly accounted for by the ~~treasurer~~ secretary of
16 administration, at least every 2 years; and report the result of such examination in
17 writing to the governor and the joint committee on finance, specifying therein
18 particularly the amount and kind of funds and of all such bonds and securities. The
19 bureau shall transmit a certified copy of such report to the ~~outgoing treasurer and~~
20 successor secretary of administration.

21 ***-0529/4.2* SECTION 45.** 13.94 (1) (d) 1. of the statutes is amended to read:

22 13.94 (1) (d) 1. At least once every 2 years, and at such other times as the
23 governor or legislature directs, examine and see that all the money appearing by the
24 books of the department of administration ~~and state treasurer~~ as belonging to the
25 several funds is in the vaults of the treasury or in the several state depositories.

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1 *~~0529/4.3~~* SECTION 46. 13.94 (1) (d) 2. of the statutes is amended to read:

2 13.94 (1) (d) 2. If the governor directs that such an examination be conducted,
3 the order from the governor shall provide for reimbursement of the legislative audit
4 bureau's costs in making the examination from the appropriation under s. 20.525 (1)
5 (a). No order from the governor for an examination under this paragraph may take
6 precedence over any examination already scheduled by the legislative audit bureau
7 without approval of the joint legislative audit committee. If a deficiency is discovered
8 pursuant to an examination under this paragraph, the governor shall require the
9 ~~treasurer~~ secretary of administration to make up the deficiency immediately; and if
10 the ~~treasurer~~ secretary of administration refuses or neglects for 10 days thereafter
11 to have the full sum belonging to said funds in the treasury the attorney general shall
12 institute proceedings to recover the deficiency.

13 *~~0529/4.4~~* SECTION 47. 13.94 (1) (f) of the statutes is amended to read:

14 13.94 (1) (f) ~~Certify~~ Whenever a new secretary of administration takes office,
15 certify to the incoming ~~treasurer~~ secretary the balance in the treasury when he or
16 she came into office and all bonds and securities belonging to all public funds on
17 deposit in the treasury or properly accounted for and transmit a certified copy thereof
18 to the outgoing ~~treasurer~~ secretary.

19 *~~1634/7.4~~* SECTION 48. 13.94 (1) (q) of the statutes is amended to read:

20 13.94 (1) (q) No later than February 1, 2006, prepare a performance evaluation
21 audit of the volunteer fire fighter and emergency medical technician service award
22 program established under s. ~~16.25~~ 560.9813. The legislative audit bureau shall file
23 a copy of the audit report under this paragraph with the distributees specified in par.
24 (b).

25 *~~1630/2.18~~* SECTION 49. 13.94 (1m) of the statutes is amended to read:

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1 13.94 (1m) INDEPENDENT EXPERTS. The legislative audit bureau may contract
2 for the services of such independent professional or technical experts as deemed
3 necessary to carry out the statutory duties and functions of the bureau within the
4 limits of the amount provided under s. 20.765 (3) (c) or (5); and, in the case of
5 postaudits involving the performance and program accomplishments of a
6 department, shall contract for the services of such subject matter and program
7 specialists from any state or federal agency or public institution of higher learning
8 as deemed necessary by the joint committee on legislative organization.

9 ***-1373/8.2*** SECTION 50. 13.94 (5) of the statutes is amended to read:

10 13.94 (5) TREATMENT OF CLASSIFIED EMPLOYEES. Notwithstanding sub. (3) (b),
11 those individuals holding positions in the classified service at the legislative audit
12 bureau who achieved permanent status in class on July 31, 1981, shall retain, while
13 serving in the unclassified service in the legislative audit bureau, those protections
14 afforded employees in the classified service under ss. 230.34 (1) (a) (ah) and 230.44
15 (1) (c) relating to demotion, suspension, discharge or layoff, except that the
16 applicability of any reduction in base pay of such an employee shall be determined
17 on the basis of the base pay received by the employee on July 31, 1981, plus the total
18 amount of any subsequent general economic increases approved by the joint
19 committee on employment relations for nonrepresented employees in the classified
20 service. Such employees shall also have reinstatement privileges to the classified
21 service as provided under s. 230.33 (1). Employees of the legislative audit bureau
22 holding positions in the classified service on July 31, 1981, who have not achieved
23 permanent status in class in any position in the legislative audit bureau on that date
24 are eligible to receive the protections and privileges preserved under this subsection

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SECTION 50

1 if they successfully complete the probationary period required for the position which
2 they hold.

3 ***-1289/7.8* SECTION 51.** 14.20 (1) (a) of the statutes is amended to read:

4 14.20 (1) (a) “Local governmental unit” has the meaning given in s. ~~22.01~~ 16.97
5 (7).

6 ***-1752/3.1* SECTION 52.** 14.20 (2) of the statutes is amended to read:

7 14.20 (2) From the ~~appropriations~~ appropriation under s. 20.525 (1) (f) ~~and (k)~~,
8 the governor may provide a grant to any local governmental unit or nonprofit
9 organization for support of a literacy improvement program.

10 ***-1630/2.19* SECTION 53.** 14.38 (10) (c) of the statutes is amended to read:

11 14.38 (10) (c) Publish in the official state newspaper within 10 days after the
12 date of publication of an act a notice certifying the number of each act, the number
13 of the bill from which it originated, the date of publication and the relating clause.
14 Each certificate shall also contain a notice of where the full text of each act can be
15 obtained. Costs under this paragraph shall be charged to the appropriation under
16 s. 20.765 (1) (d) or (5).

17 ***-0529/4.5* SECTION 54.** 14.58 (1) (intro.) of the statutes is repealed and
18 recreated to read:

19 14.58 (1) SIGN CHECKS, SHARE DRAFTS, AND OTHER DRAFTS. (intro.) Sign checks,
20 share drafts, and other drafts on depositories in which moneys may be deposited in
21 one of the following methods:

22 ***-0529/4.6* SECTION 55.** 14.58 (2) of the statutes is renumbered 16.401 (2) and
23 amended to read:

24 16.401 (2) ISSUE RECEIPTS. Issue receipts for all money paid to the ~~treasurer~~
25 department.

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SECTION 56

1 *~~0529/4.7~~* SECTION 56. 14.58 (3) of the statutes is renumbered 16.401 (3).

2 *~~0529/4.8~~* SECTION 57. 14.58 (4) of the statutes is renumbered 16.401 (4) and
3 amended to read:

4 16.401 (4) PAY ON WARRANTS SUMS AUTHORIZED BY LAW. (a) Pay out of the treasury,
5 on demand, upon the warrants of the department of ~~administration~~, except as
6 provided in s. 20.929, such sums only as are authorized by law to be so paid, if there
7 are appropriate funds therein to pay the same, and, when any sum is required to be
8 paid out of a particular fund, pay it out of such fund only; and upon each such
9 warrant, when payment is made in currency, take the receipt endorsed on or annexed
10 thereto, of the payee therein named or an authorized agent or assignee. The state
11 ~~treasurer~~ secretary shall accept telephone advice believed by ~~the treasurer~~ him or
12 her to be genuine from any public depository, as defined in s. 34.01 (5), stating that
13 a specified amount of money has been deposited with such public depository for the
14 credit of the state ~~treasurer~~, and shall act upon such telephone advice as though it
15 had been in writing.

16 (b) When in the judgment of the ~~state treasurer~~ secretary balances in state
17 public depository accounts are temporarily in excess of that required under par. (a),
18 ~~the treasurer, with the concurrence of the secretary of administration,~~ may authorize
19 ~~the preparation of a warrant in excess of the funds contained in~~ transfer the excess
20 balance to the investment fund for the purpose of investment only. The earnings
21 attributable to the investment of temporary excess balances shall be distributed as
22 provided in sub. ~~(19)~~ (14).

23 *~~0529/4.9~~* SECTION 58. 14.58 (5) of the statutes is renumbered 16.401 (5) and
24 amended to read:

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1 16.401 (5) ACCOUNT FOR INTEREST. Pay into the treasury and account for all
2 sums directly or indirectly received by the ~~treasurer~~ secretary by virtue of the
3 ~~treasurer's~~ secretary's office, or as interest or compensation for the use, deposit, or
4 forbearance of any state moneys in the ~~treasurer's~~ secretary's hands or under the
5 ~~treasurer's~~ secretary's control.

6 *~~0529/4.10~~* SECTION 59. 14.58 (6) of the statutes is renumbered 16.401 (6)
7 and amended to read:

8 16.401 (6) KEEP CASH AND FUND ACCOUNTS. Keep records showing the number,
9 date, and amount of each cash receipt issued by the ~~treasurer's office~~ department and
10 classify said receipts by state funds; submit a summary statement of collections by
11 fund together with a copy of each remittance advice in support thereof; keep also
12 records showing the check, share draft, or other draft number, date, payee, and
13 amount of each cash disbursement and classify said disbursements by state funds;
14 keep a record of the date, payee, and amount of each disbursement made by a money
15 transfer technique other than a check or draft and classify the disbursement by state
16 fund; and verify at the end of each week the amounts shown by the ~~treasurer's~~
17 secretary's records to represent total cash balance and cash balances of individual
18 state funds by comparing said amounts with corresponding balances appearing on
19 records maintained by the department ~~of administration~~.

20 *~~0529/4.11~~* SECTION 60. 14.58 (8) (intro.) and (a) to (c) of the statutes are
21 renumbered 16.401 (7) (intro.) and (a) to (c).

22 *~~0529/4.12~~* SECTION 61. 14.58 (8) (d) of the statutes is repealed.

23 *~~0529/4.13~~* SECTION 62. 14.58 (9) of the statutes is renumbered 16.401 (8)
24 and amended to read:

SENATE BILL**SECTION 62**

1 16.401 (8) ~~BIENNIAL SUBMIT BIENNIAL~~ REPORT. ~~On or before October 15 of each~~
2 ~~odd-numbered year, submit to the governor and the chief clerk of each house of the~~
3 ~~legislature, for distribution to the legislature under s. 13.172 (2), a report containing~~
4 ~~the same information required of departments and independent agencies under s.~~
5 ~~15.04 (1) (d). The report shall also~~ As part of the report submitted under s. 15.04 (1)
6 (d), include a statement showing for each of the 2 preceding fiscal years the cash
7 balance in each state fund at the beginning of the fiscal year, the aggregate amount
8 of receipts credited, and the aggregate amount of disbursements charged to each said
9 fund during the fiscal year and the resultant cash balance in each state fund at the
10 end of the fiscal year. This statement shall further show as of the end of each said
11 2 fiscal years, at par, the aggregate value of securities held for each state fund and
12 the aggregate value of securities held in trust or deposited for safekeeping, and shall
13 show the manner in which the total cash balance was accounted for by listing the
14 balances on deposit in each state account in a public depository, deducting from the
15 total of such balances the aggregate amount of checks, share drafts, or other drafts
16 outstanding and adding thereto the aggregate amount of cash and cash items in
17 office.

18 ***-0529/4.14*** SECTION 63. 14.58 (10) of the statutes is renumbered 16.401 (9)
19 and amended to read:

20 16.401 (9) REPORT CERTAIN PAYMENTS. Whenever the ~~state treasurer~~ secretary
21 or any state department shall remit to any county, city, town, or village any sum in
22 payment of a state aid or other item, the remitter shall transmit a statement of the
23 amount and purpose thereof to the clerk of such municipality. After the receipt
24 thereof, the clerk of such municipality shall present such statement at the next

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1 regular meeting of the governing body and shall thereafter file and keep such
2 statement for 6 years.

3 *~~0529/4.15~~* SECTION 64. 14.58 (12) of the statutes is renumbered 16.401 (10)
4 and amended to read:

5 16.401 (10) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped
6 upon each check, share draft, and other draft issued by the ~~state treasurer~~ secretary
7 the period of time, as determined by the ~~state treasurer~~ secretary but not to exceed
8 one year, during which the check or other draft may be presented for payment. The
9 ~~state treasurer~~ secretary shall cancel on his or her records any check or other draft
10 that is not presented for payment within the prescribed time period and shall credit
11 the amount thereof to the fund upon which it is drawn. ~~Notice of such cancellation~~
12 ~~and credit shall be immediately submitted by the state treasurer to the department~~
13 ~~of administration.~~

14 *~~0529/4.16~~* SECTION 65. 14.58 (13) of the statutes is renumbered 16.401 (11)
15 and amended to read:

16 16.401 (11) ~~SERVICES~~ PROVIDE SERVICES IN CONNECTION WITH SECURITIES HELD IN
17 TRUST. Upon request therefor from any company, corporation, society, order, or
18 association ~~which~~ that has securities on deposit with the ~~treasurer~~ secretary, in
19 trust, mail to its address not to exceed 60 days before the same become due, any or
20 all interest coupons; return to it any or all bonds, notes, or other deposits as they
21 become due and are replaced by other securities; cut all interest coupons, make any
22 endorsement of interest or otherwise on any such securities; and collect therefor from
23 the company, corporation, society, order, or association making the request, a 25-cent
24 fee for a single coupon cut, or for each entry of interest endorsed on a note or return
25 of a bond, note, or other security, and a 10-cent fee for each additional coupon cut,

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1 or entry of interest endorsed on a note, bond, or other security, and may withhold any
2 and all coupons cut or refuse endorsement of interest on securities until such fee is
3 paid. Such fees shall be paid into the state treasury as a part of the general fund,
4 and an extra charge may be required for postage or registered mail.

5 ***-0529/4.17* SECTION 66.** 14.58 (17) of the statutes is renumbered 16.401 (12)
6 and amended to read:

7 **16.401 (12) SAFEKEEPING HOLD SAFEKEEPING RECEIPTS FOR FEDERAL SECURITIES.**
8 Whenever any federal securities are purchased under authority of any law and the
9 ~~state treasurer~~ secretary is custodian thereof the ~~treasurer~~ secretary may accept and
10 hold safekeeping receipts of a federal reserve bank for such securities. Each such
11 receipt shall be identified on its face with the name of the fund to which the securities
12 described in the receipt belong.

13 ***-0529/4.18* SECTION 67.** 14.58 (18) of the statutes is renumbered 16.401 (13)
14 and amended to read:

15 **16.401 (13) SALE OF INVESTMENTS.** Whenever the department of administration
16 draws a check, share draft, or other draft dated the next following business day upon
17 a fund whose investment and collection is under the exclusive control of the
18 investment board pursuant to s. 25.17 (1), and the receipts of the state ~~treasurer~~ are
19 insufficient to permit a disbursement from said fund in the amount of such check,
20 share draft, or other draft, the investment board shall sell investments owned by
21 such fund for delivery in time to provide sufficient money to cover such check, share
22 draft, or other draft on the date ~~which~~ that it bears.

23 ***-0529/4.19* SECTION 68.** 14.58 (19) of the statutes is renumbered 16.401 (14).

24 ***-0529/4.20* SECTION 69.** 14.58 (21) of the statutes is repealed.

25 ***-1711/5.2* SECTION 70.** 14.63 (11m) of the statutes is amended to read:

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1 14.63 (11m) FINANCIAL AID CALCULATIONS. The value of tuition units shall not
2 be included in the calculation of a beneficiary's eligibility for state financial aid for
3 higher education if the beneficiary notifies the ~~higher educational aids board~~ and the
4 institution of higher education that the beneficiary is planning to attend that he or
5 she is a beneficiary of a contract under this section and the contract owner agrees to
6 release to the ~~higher educational aids board~~ and the institution of higher education
7 information necessary for the calculation under this subsection.

8 *~~1711/5.3~~* SECTION 71. 14.64 (8) of the statutes is amended to read:

9 14.64 (8) FINANCIAL AID CALCULATIONS. The balance of a college savings account
10 shall not be included in the calculation of a beneficiary's eligibility for state financial
11 aid for higher education if the beneficiary notifies the ~~higher educational aids board~~
12 Board of Regents of the University of Wisconsin System and the eligible educational
13 institution that the beneficiary is planning to attend that he or she is a beneficiary
14 of a college savings account and if the account owner agrees to release to the ~~higher~~
15 ~~educational aids board~~ Board of Regents of the University of Wisconsin System and
16 the eligible educational institution information necessary for the calculation under
17 this subsection.

18 *~~0356/3.1~~* SECTION 72. 14.65 (1) of the statutes is amended to read:

19 14.65 (1) The secretary of administration shall transfer from the tuition trust
20 fund or the college savings program trust fund to the general fund an amount equal
21 to the amount expended from the appropriations under s. 20.505 (9) (a), 1995 stats.,
22 and s. 20.585 (2) (a), 2001 stats., and s. 20.585 (2) (am), 2001 stats., when the
23 secretary of administration determines that funds in the tuition trust fund or the
24 college savings program trust fund are sufficient to make the transfer. The secretary
25 of administration may make the transfer in installments.

SENATE BILL**SECTION 73**

1 *~~1792/3.1~~* **SECTION 73.** 15.01 (2) of the statutes is amended to read:

2 15.01 (2) “Commission” means a 3-member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the Wisconsin waterways commission which shall consist of
5 5 members, the parole commission which shall consist of 8 members, and the Fox
6 River management commission which shall consist of 7 members. A Wisconsin group
7 created for participation in a continuing interstate body, or the interstate body itself,
8 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
9 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
10 but is not a commission for purposes of s. 15.06. The sentencing commission created
11 under s. ~~15.105 (27)~~ 15.145 (4) shall be known as a “commission” but is not a
12 commission for purposes of s. 15.06 (1) to (4m), (7), and (9).

13 *~~1187/4.1~~* **SECTION 74.** 15.03 of the statutes is amended to read:

14 **15.03 Attachment for limited purposes.** Any division, office, commission,
15 council or board attached under this section to a department or independent agency
16 or a specified division thereof shall be a distinct unit of that department, independent
17 agency or specified division. Any division, office, commission, council or board so
18 attached shall exercise its powers, duties and functions prescribed by law, including
19 rule making, licensing and regulation, and operational planning within the area of
20 program responsibility of the division, office, commission, council or board,
21 independently of the head of the department or independent agency, but budgeting,
22 program coordination and related management functions shall be performed under
23 the direction and supervision of the head of the department or independent agency,
24 ~~except that with respect to the office of the commissioner of railroads, all personnel~~
25 ~~and biennial budget requests by the office of the commissioner of railroads shall be~~

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1 ~~provided to the department of transportation as required under s. 189.02 (7) and~~
2 ~~shall be processed and properly forwarded by the public service commission without~~
3 ~~change except as requested and concurred in by the office of the commissioner of~~
4 ~~railroads.~~

5 *~~1187/4.2~~* SECTION 75. 15.06 (1) (ar) of the statutes is repealed.

6 *~~1767/3.1~~* SECTION 76. 15.06 (1) (bm) of the statutes is created to read:

7 15.06 (1) (bm) The tax appeals commissioner shall be nominated by the
8 governor, and with the advice and consent of the senate, appointed for a 6-year term
9 expiring on March 1 of an odd-numbered year.

10 *~~1295/2.1~~* SECTION 77. 15.06 (1) (d) of the statutes is repealed.

11 *~~1711/5.4~~* SECTION 78. 15.07 (1) (a) 1. of the statutes is repealed.

12 *~~1431/2.1~~* SECTION 79. 15.07 (1) (b) 5. of the statutes is amended to read:

13 15.07 (1) (b) 5. Savings and loan institutions review board.

14 *~~1431/2.2~~* SECTION 80. 15.07 (1) (b) 18. of the statutes is repealed.

15 *~~1689/3.1~~* SECTION 81. 15.07 (2) (k) of the statutes is repealed.

16 *~~1289/7.9~~* SECTION 82. 15.07 (2) (L) of the statutes is amended to read:

17 15.07 (2) (L) The governor shall serve as chairperson of the information
18 technology management board and the ~~chief information officer~~ the secretary of
19 administration or his or her designee shall serve as secretary of that board.

20 *~~1373/8.3~~* SECTION 83. 15.07 (2) (m) of the statutes is created to read:

21 15.07 (2) (m) The chairperson of the state prosecutor's board shall be
22 designated annually by the governor.

23 *~~1431/2.3~~* SECTION 84. 15.07 (5) (g) of the statutes is amended to read:

24 15.07 (5) (g) Members of the savings and loan institutions review board, \$10
25 per day.

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1 ***-1431/2.4*** SECTION 85. 15.07 (5) (gm) of the statutes is repealed.

2 ***-1634/7.5*** SECTION 86. 15.103 (2) of the statutes is repealed.

3 ***-0576/8.6*** SECTION 87. 15.103 (3m) of the statutes is created to read:

4 15.103 (3m) DIVISION OF MERIT RECRUITMENT AND SELECTION. (a) There is created
5 in the department of administration a division of merit recruitment and selection.

6 (b) The chief justice of the supreme court, the speaker of the assembly, the
7 president of the senate, and two individuals appointed by the governor, one of whom
8 may not be employed by the state, or their designees, shall compile a list of 3 qualified
9 individuals to serve as the administrator of the division of merit recruitment and
10 selection in the department of administration. The governor shall select an
11 individual from this list to serve as administrator or the governor shall request that
12 the chief justice of the supreme court, the speaker of the assembly, the president of
13 the senate, and two individuals appointed by the governor, one of whom may not be
14 employed by the state, or their designees, submit another list of 3 qualified
15 individuals. The chief justice of the supreme court, the speaker of the assembly, the
16 president of the senate, and two individuals appointed by the governor, one of whom
17 may not be employed by the state, or their designees, shall continue to submit lists
18 of 3 qualified individuals until such time that the governor selects an individual from
19 a list. The individual selected shall be nominated by the governor and, with the
20 advice and consent of the senate, appointed for a 5-year term.

21 ***-1767/3.2*** SECTION 88. 15.105 (1) of the statutes is repealed.

22 ***-1767/3.3*** SECTION 89. 15.105 (1m) of the statutes is created to read:

23 15.105 (1m) OFFICE OF COMMISSIONER OF TAX APPEALS. There is created an office
24 of the commissioner of tax appeals which is attached to the department of
25 administration under s. 15.03. The tax appeals commissioner shall be experienced

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1 in tax matters. The commissioner may not serve on or under any committee of a
2 political party. The commissioner shall hold office until a successor is appointed and
3 qualified.

4 ***-1712/5.1* SECTION 90.** 15.105 (4) of the statutes is amended to read:

5 15.105 (4) PUBLIC RECORDS BOARD. There is created a public records board which
6 is attached to the department of administration under s. 15.03. The public records
7 board shall consist of the governor, the director of the historical society, the attorney
8 general, the state auditor, and the director of the legislative council staff, or their
9 designated representatives, and a representative of the small business community,
10 a representative of ~~a local unit of government~~ the governing body of a municipality,
11 as defined in s. ~~106.215 (1) (e)~~ 281.59 (1) (c), and one other member.

12 ***-1373/8.4* SECTION 91.** 15.105 (6) of the statutes is created to read:

13 15.105 (6) STATE PROSECUTORS BOARD. (a) There is created a state prosecutors
14 board which is attached to the department of administration under s. 15.03 and
15 which shall consist of eight district attorneys appointed by the governor.

16 (b) 1. Subject to subd. 2., the members of the state prosecutors board shall be
17 appointed for 4-year terms.

18 2. A person may not serve as a member of the board if he or she ceases to hold
19 the office of district attorney.

20 (c) Notwithstanding the provisions of any statute or ordinance, membership on
21 the state prosecutors board does not disqualify a member from holding any other
22 public office or employment.

23 ***-1607/P3.1* SECTION 92.** 15.105 (11) of the statutes is repealed.

24 ***-1614/1.1* SECTION 93.** 15.105 (12) (e) of the statutes is repealed.

25 ***-1614/1.2* SECTION 94.** 15.105 (12) (f) of the statutes is amended to read:

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1 15.105 (12) (f) *Assistance*. The ~~executive director~~ board may request any state
2 agency to provide assistance necessary for the board to fulfill its duties.

3 *~~0666/9.1~~* **SECTION 95**. 15.105 (25) of the statutes is repealed.

4 *~~1634/7.6~~* **SECTION 96**. 15.105 (26) of the statutes is renumbered 15.155 (5),
5 and 15.155 (5) (a) (intro.), as renumbered, is amended to read:

6 15.155 (5) (a) (intro.) There is created a volunteer fire fighter and emergency
7 medical technician service award board that is attached to the department of
8 ~~administration~~ commerce under s. 15.03. The board shall consist of the secretary of
9 ~~administration~~ commerce or his or her designee and the following members
10 appointed for 3-year terms:

11 *~~1792/3.2~~* **SECTION 97**. 15.105 (27) of the statutes is renumbered 15.145 (4),
12 and 15.145 (4) (a) (intro.), as renumbered, is amended to read:

13 15.145 (4) (a) *Creation; membership*. (intro.) There is created a sentencing
14 commission that is attached to the department of ~~administration~~ corrections under
15 s. 15.03 and that shall consist of the following members:

16 *~~1289/7.10~~* **SECTION 98**. 15.107 (7) (f) of the statutes is amended to read:

17 15.107 (7) (f) A representative of the department of ~~electronic government~~
18 administration.

19 *~~1111/4.1~~* **SECTION 99**. 15.13 of the statutes is amended to read:

20 **15.13 Department of agriculture, trade and consumer protection;**
21 **creation.** There is created a department of agriculture, trade and consumer
22 protection under the direction and supervision of the board of agriculture, trade and
23 consumer protection. The board shall consist of ~~7~~ 9 members with an agricultural
24 background and ~~2~~ members who are consumer representatives, appointed for

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1 staggered 6-year terms. Appointments to the board shall be made without regard
2 to party affiliation, residence or interest in any special organized group.

3 ***-1111/4.2* SECTION 100.** 15.137 (1) (a) (intro.) of the statutes is amended to
4 read:

5 15.137 (1) (a) (intro.) There is created in the department of agriculture, trade
6 and consumer protection an agricultural producer security council consisting of the
7 following members appointed by the secretary of agriculture, trade, and rural
8 resources for 3-year terms:

9 ***-0576/8.7* SECTION 101.** 15.16 (1) (intro.) of the statutes is amended to read:

10 15.16 (1) EMPLOYEE TRUST FUNDS BOARD. (intro.) The employee trust funds
11 board shall consist of the governor or the governor's designee on the group insurance
12 board, the secretary of ~~employment relations~~ administration or the secretary's
13 designee and 11 persons appointed or elected for 4-year terms as follows:

14 ***-0576/8.8* SECTION 102.** 15.165 (2) of the statutes is amended to read:

15 15.165 (2) GROUP INSURANCE BOARD. There is created in the department of
16 employee trust funds a group insurance board. The board shall consist of the
17 governor, the attorney general, the secretary of administration, ~~the secretary of~~
18 ~~employment relations~~ and the commissioner of insurance or their designees, and 5
19 persons appointed for 2-year terms, of whom one shall be an insured participant in
20 the Wisconsin retirement system who is not a teacher, one shall be an insured
21 participant in the Wisconsin retirement system who is a teacher, one shall be an
22 insured participant in the Wisconsin retirement system who is a retired employee,
23 and one shall be an insured employee of a local unit of government.

24 ***-0576/8.9* SECTION 103.** 15.17 of the statutes is repealed.

25 ***-0576/8.10* SECTION 104.** 15.173 of the statutes is repealed.

SENATE BILL**SECTION 105**

1 *~~0576/8.11~~* **SECTION 105.** 15.175 (title) of the statutes is repealed.

2 *~~0576/8.12~~* **SECTION 106.** 15.175 (1) of the statutes is renumbered 15.105
3 (25m) and amended to read:

4 15.105 (**25m**) **STATE EMPLOYEES SUGGESTION BOARD.** There is created in the
5 department of ~~employment relations~~ administration a state employees suggestion
6 board consisting of 3 persons, at least one of whom shall be a state officer or employee,
7 appointed for 4–year terms.

8 *~~0576/8.13~~* **SECTION 107.** 15.177 (title) of the statutes is repealed.

9 *~~0576/8.14~~* **SECTION 108.** 15.177 (1) of the statutes is renumbered 15.107
10 (16m), and 15.107 (16m) (a), as renumbered, is amended to read:

11 15.107 (**16m**) (a) There is created in the department of ~~employment relations~~
12 administration a council on affirmative action consisting of 15 members appointed
13 for 3–year terms. A majority of the members shall be public members and a majority
14 of the members shall be minority persons, women and persons with a disability
15 appointed with consideration to the appropriate representation of each group.

16 *~~1431/2.5~~* **SECTION 109.** 15.183 (2) of the statutes is repealed.

17 *~~1431/2.6~~* **SECTION 110.** 15.185 (3) of the statutes is amended to read:

18 15.185 (**3**) **SAVINGS AND LOAN INSTITUTIONS REVIEW BOARD.** There is created in the
19 department of financial institutions a savings ~~and loan~~ institutions review board
20 consisting of ~~7~~ 5 members, at least ~~5~~ 3 of whom shall have not less than ~~10~~ 5 years'
21 experience in the savings and loan ~~or savings bank~~ business in this state, appointed
22 for staggered ~~4–year~~ 5–year terms.

23 *~~1431/2.7~~* **SECTION 111.** 15.185 (4) of the statutes is repealed.

24 *~~1504/1.2~~* **SECTION 112.** 15.195 (1) of the statutes is repealed.

25 *~~1289/7.11~~* **SECTION 113.** 15.21 of the statutes is repealed.

SENATE BILL

SECTION 114

1 *~~1289/7.12~~* SECTION 114. 15.215 (title) of the statutes is repealed.

2 *~~1289/7.13~~* SECTION 115. 15.215 (1) of the statutes is renumbered 15.105 (28)
3 and amended to read:

4 15.105 (28) INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an
5 information technology management board that is attached to the department of
6 ~~electronic government~~ administration under s. 15.03. The board shall consist of the
7 governor, the cochairpersons of the joint committee on information policy and
8 technology or a member of the legislature from the same house as a cochairperson
9 designated by that cochairperson, one member of the minority party in each house
10 of the legislature, appointed in the same manner as members of standing committees
11 are appointed, the secretary of administration, 2 heads of departments or
12 independent agencies appointed to serve at the pleasure of the governor, 2 other
13 members appointed to serve for 4-year terms, and the ~~chief information officer~~
14 secretary of administration or his or her designee.

15 *~~1712/5.2~~* SECTION 116. 15.225 (2) of the statutes is repealed.

16 *~~1689/3.2~~* SECTION 117. 15.225 (3) (title) of the statutes is renumbered
17 15.227 (18) (title) and amended to read:

18 15.227 (18) (title) GOVERNOR'S WORK-BASED LEARNING BOARD COUNCIL.

19 *~~1689/3.3~~* SECTION 118. 15.225 (3) (a) of the statutes is renumbered 15.227
20 (18) (a) and amended to read:

21 15.227 (18) (a) There is created a governor's work-based learning board which
22 is ~~attached to the department of workforce development under s. 15.03~~ council
23 consisting of the members specified in par. (b).

24 *~~1689/3.4~~* SECTION 119. 15.225 (3) (b) (intro.) of the statutes is renumbered
25 15.227 (18) (b) (intro.) and amended to read:

SENATE BILL**SECTION 119**

1 15.227 (18) (b) (intro.) The governor's work-based learning board council shall
2 consist of the following members:

3 ***-1689/3.5*** SECTION 120. 15.225 (3) (b) 1. of the statutes is renumbered 15.227
4 (18) (b) 1. and amended to read:

5 15.227 (18) (b) 1. The governor, who shall serve as chairperson of the council.

6 ***-1689/3.6*** SECTION 121. 15.225 (3) (b) 2. of the statutes is renumbered 15.227
7 (18) (b) 2.

8 ***-1689/3.7*** SECTION 122. 15.225 (3) (b) 3. of the statutes is renumbered 15.227
9 (18) (b) 3.

10 ***-1689/3.8*** SECTION 123. 15.225 (3) (b) 4. of the statutes is renumbered 15.227
11 (18) (b) 4.

12 ***-1689/3.9*** SECTION 124. 15.225 (3) (b) 5. of the statutes is renumbered 15.227
13 (18) (b) 5.

14 ***-1689/3.10*** SECTION 125. 15.225 (3) (b) 6. of the statutes is renumbered
15 15.227 (18) (b) 6.

16 ***-1689/3.11*** SECTION 126. 15.225 (3) (b) 6g. of the statutes is renumbered
17 15.227 (18) (b) 6g.

18 ***-1689/3.12*** SECTION 127. 15.225 (3) (b) 6m. of the statutes is renumbered
19 15.227 (18) (b) 6m.

20 ***-1689/3.13*** SECTION 128. 15.225 (3) (b) 7g. of the statutes is renumbered
21 15.227 (18) (b) 7g.

22 ***-1689/3.14*** SECTION 129. 15.225 (3) (b) 8g. of the statutes is renumbered
23 15.227 (18) (b) 8g.

24 ***-1689/3.15*** SECTION 130. 15.225 (3) (b) 8m. of the statutes is renumbered
25 15.227 (18) (b) 8m.

SENATE BILL

SECTION 131

1 *~~1689/3.16~~* SECTION 131. 15.225 (3) (b) 9. of the statutes is renumbered
2 15.227 (18) (b) 9.

3 *~~1794/1.1~~* SECTION 132. 15.253 (4) of the statutes is repealed.

4 *~~1373/8.5~~* SECTION 133. 15.255 (2) (b) 4. of the statutes is amended to read:
5 15.255 (2) (b) 4. Two members, who are citizens of this state but who are not
6 employed in law enforcement, by a district attorney, or as specified in subd. 3.,~~who~~
7 ~~are citizens of this state~~ and who are not assignable prosecutors, as defined in s.
8 978.001 (1c).

9 *~~1711/5.5~~* SECTION 134. 15.67 of the statutes is repealed.

10 *~~1373/8.6~~* SECTION 135. 15.78 of the statutes is amended to read:

11 **15.78 Public defender board.** There is created a public defender board
12 consisting of 9 members appointed for staggered 3–year terms. No member may be,
13 or be employed on the staff of, a judicial or law enforcement officer, district attorney,
14 corporation counsel, or the state public defender. No member may be an assignable
15 prosecutor, as defined in s. 978.001 (1c). At least 5 members shall be members of the
16 State Bar of Wisconsin.

17 *~~1187/4.3~~* SECTION 136. 15.79 of the statutes is amended to read:

18 **15.79 Public service commission; creation.** There is created a public
19 service commission. No member of the commission may have a financial interest in
20 a ~~railroad~~ or public utility. If any member voluntarily becomes so interested, the
21 member's office shall become vacant. If the member involuntarily becomes so
22 interested, the member's office shall become vacant unless the member divests
23 himself or herself of the interest within a reasonable time. No commissioner may
24 serve on or under any committee of a political party. Each commissioner shall hold
25 office until a successor is appointed and qualified.

SENATE BILL**SECTION 137**

1 ***-1187/4.4*** **SECTION 137.** 15.795 of the statutes is repealed.

2 ***-1295/2.2*** **SECTION 138.** 15.80 of the statutes is repealed.

3 ***-1373/8.7*** **SECTION 139.** 16.003 (2) of the statutes is amended to read:

4 16.003 (2) **STAFF.** Except as provided in ss. 16.548, 16.57, 978.03 (1), (1m), and
5 (2), 978.04 and, 978.05 (8) (b), and 978.14 (1) (d), the secretary shall appoint the staff
6 necessary for performing the duties of the department. All staff shall be appointed
7 under the classified service except as otherwise provided by law.

8 ***-0576/8.15*** **SECTION 140.** 16.004 (7) (a) of the statutes is amended to read:

9 16.004 (7) (a) The secretary shall establish and maintain a personnel
10 management information system which shall be used to furnish the governor, and
11 ~~the legislature and the department of employment relations~~ with current
12 information pertaining to authorized positions, payroll and related items for all civil
13 service employees, except employees of the office of the governor, the courts and
14 judicial branch agencies, and the legislature and legislative service agencies. It is
15 the intent of the legislature that the University of Wisconsin System provide position
16 and other information to the department and the legislature, which includes
17 appropriate data on each position, facilitates accountability for each authorized
18 position and traces each position over time. Nothing in this paragraph may be
19 interpreted as limiting the authority of the board of regents of the University of
20 Wisconsin System to allocate and reallocate positions by funding source within the
21 legally authorized levels.

22 ***-1824/8.1*** **SECTION 141.** 16.004 (15) of the statutes is created to read:

23 16.004 (15) **LEGAL SERVICES.** (a) In this subsection, “state agency” means an
24 office, commission, department, independent agency, or board in the executive
25 branch of state government, and includes the building commission.

SENATE BILL

SECTION 141

1 (b) The department may provide legal services to state agencies. Annually, the
2 department shall assess each state agency for the cost of the legal services provided
3 to the state agency. The department shall credit all moneys received from state
4 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

5 *~~1373/8.8~~* SECTION 142. 16.006 of the statutes is amended to read:

6 **16.006 Treatment of classified employees.** Those individuals holding
7 positions in the classified service in the department who are engaged in legislative
8 text processing functions and who achieved permanent status in class on August 9,
9 1989, shall retain, while serving in the unclassified service in the legislature or any
10 legislative branch agency, those protections afforded employees in the classified
11 service under ss. 230.34 (1) (a) (~~ah~~) and 230.44 (1) (c) relating to demotion,
12 suspension, discharge, layoff, or reduction in base pay except that the applicability
13 of any reduction in base pay of such an employee shall be determined on the basis
14 of the base pay received by the employee on August 9, 1989, plus the total amount
15 of any subsequent general economic increases provided in the compensation plan
16 under s. 230.12 for nonrepresented employees in the classified service. Such
17 employees shall also have reinstatement privileges to the classified service as
18 provided under s. 230.33 (1). Employees of the department holding positions in the
19 classified service on August 9, 1989, who are engaged in legislative text processing
20 functions and who have not achieved permanent status in class in any position in the
21 department on that date are eligible to receive the protections and privileges
22 preserved under this section if they successfully complete service equivalent to the
23 probationary period required in the classified service for the positions which they
24 hold.

SENATE BILL**SECTION 143**

1 *~~1824/8.2~~***SECTION 143.** 16.009 (3) (intro.), (a) and (bm) of the statutes are
2 consolidated, renumbered 16.009 (3) amended to read:

3 16.009 (3) The board may: ~~(a) Contract~~ contract with any state agency to carry
4 out the board's activities. ~~(bm) Employ an attorney for, including the provision of~~
5 legal services in accordance with requirements of the long-term care ombudsman
6 program under 42 USC 3027 (a) (12) and 42 USC 3058g (g).

7 *~~1295/2.3~~* **SECTION 144.** 16.009 (5) (c) of the statutes is repealed.

8 *~~1295/2.4~~* **SECTION 145.** 16.009 (5) (d) of the statutes is amended to read:

9 16.009 (5) (d) Any employee ~~of an employer not described in par. (c) and~~ who
10 is discharged or otherwise retaliated or discriminated against in violation of par. (a)
11 may file a complaint with the department of workforce development under s. 106.54
12 (5).

13 *~~1295/2.5~~* **SECTION 146.** 16.009 (5) (e) of the statutes is amended to read:

14 16.009 (5) (e) Any person not described in par. ~~(c) or~~ (d) who is retaliated or
15 discriminated against in violation of par. (a) may commence an action in circuit court
16 for damages incurred as a result of the violation.

17 *~~1308/2.1~~* **SECTION 147.** 16.023 (2) of the statutes is amended to read:

18 16.023 (2) In conjunction with the working group established under sub. (1) (L)
19 1., the council shall, not later than one year after October 14, 1997, develop
20 evaluation criteria for its functions under sub. (1). The council shall complete a
21 report that contains an evaluation of its functions and activities not later than
22 September 1, ~~2002~~ 2004, and shall submit the report to the chief clerk of each house
23 of the legislature, for distribution to the legislature under s. 13.172 (2), and to the
24 governor. The report shall also include a recommendation as to whether the council
25 should continue in existence past its sunset date specified in s. 15.107 (16) (e) and,

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SECTION 147

1 if so, a recommendation as to whether any structural modifications should be made
2 to the council's functions or to the state's land use programs.

3 ***-1308/2.2* SECTION 148.** 16.023 (3) of the statutes is amended to read:

4 16.023 (3) Subsections (1) and (2) do not apply after August 31, 2003 2005.

5 ***-1634/7.7* SECTION 149.** 16.25 of the statutes is renumbered 560.9813, and
6 560.9813 (3) (d) and (4), as renumbered, are amended to read:

7 560.9813 (3) (d) 1. Subject to subd. 2., the board shall match all annual
8 municipal contributions paid for volunteer fire fighters and emergency medical
9 technicians up to \$250 per fiscal year, other than contributions paid for the purchase
10 of additional years of service under par. (e), to be paid from the appropriation account
11 under s. ~~20.505 (4) (er)~~ 20.143 (1) (eu). This amount shall be adjusted annually on
12 July 1 to reflect any changes in the U.S. consumer price index for all urban
13 consumers, U.S. city average, as determined by the U.S. department of labor, for the
14 12-month period ending on the preceding December 31. The board shall pay all
15 amounts that are matched under this paragraph to the individuals and
16 organizations offering the plans selected by the municipalities.

17 2. If the moneys appropriated under s. ~~20.505 (4) (er)~~ 20.143 (1) (eu) are not
18 sufficient to fully fund the contributions required to be paid by the board under subd.
19 1., the board shall prorate the contributions paid for the volunteer fire fighters and
20 emergency medical technicians.

21 (4) (a) The board shall establish by rule the requirements for, and the
22 qualifications of, the individuals and organizations in the private sector that are
23 eligible to provide administrative services and investment plans under the program,
24 other than services funded from the appropriation under s. ~~20.505 (4) (ee)~~ 20.143 (1)
25 (et). In establishing the requirements and qualifications, the board shall develop

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1 criteria of financial stability that each individual and organization must meet in
2 order to offer the services and plans under the program.

3 (b) The board may contract with any individual or organization in the private
4 sector that seeks to provide administrative services and investment plans required
5 for the program, other than services funded from the appropriation under s. ~~20.505~~
6 ~~(4)(ee)~~ 20.143 (1)(et), if the individual or organization fulfills the requirements and
7 has the qualifications established by the board under par. (a). Section 16.72 (2) (b)
8 does not apply to any such contract.

9 ***-1634/7.8* SECTION 150.** Subchapter II (title) of chapter 16 [precedes 16.30]
10 of the statutes is renumbered subchapter X (title) of chapter 560 [precedes 560.9801].

11 ***-1634/7.9* SECTION 151.** 16.30 of the statutes is renumbered 560.9801.

12 ***-1634/7.10* SECTION 152.** 16.31 of the statutes is renumbered 560.9802.

13 ***-1634/7.11* SECTION 153.** 16.33 of the statutes, as affected by 2001 Wisconsin
14 Act 109, is renumbered 560.9803, and 560.9803 (1) (a) and (3) (a), as renumbered, are
15 amended to read:

16 560.9803 (1) (a) Subject to sub. (2), make grants or loans, directly or through
17 agents designated under s. ~~16.334~~ 560.9804, from the appropriation under s. ~~20.505~~
18 ~~(7)~~ 20.143 (2) (b) to persons or families of low or moderate income to defray housing
19 costs of the person or family.

20 (3) (a) The department may make grants or loans under sub. (1) (a) directly or
21 through agents designated under s. ~~16.334~~ 560.9804.

22 ***-1634/7.12* SECTION 154.** 16.334 of the statutes is renumbered 560.9804, and
23 560.9804 (1) (a) and (c), as renumbered, are amended to read:

24 560.9804 (1) (a) Award grants and loans under s. ~~16.33~~ 560.9803 (1) and (2)
25 subject to the approval of the department.

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SECTION 154

1 (c) On terms approved by the department, administer and disburse funds from
2 a grant or loan under s. ~~16.33~~ 560.9803 on behalf of the recipient of the grant or loan.

3 ***-1634/7.13* SECTION 155.** 16.336 of the statutes is renumbered 560.9805.

4 ***-1634/7.14* SECTION 156.** 16.339 of the statutes is renumbered 560.9806, and
5 560.9806 (2) (a), as renumbered, is amended to read:

6 560.9806 (2) (a) From the appropriation under s. ~~20.505 (7)~~ 20.143 (2) (fm), the
7 department may award a grant to an eligible applicant for the purpose of providing
8 transitional housing and associated supportive services to homeless individuals and
9 families if the conditions under par. (b) are satisfied. The department shall ensure
10 that the funds for the grants are reasonably balanced among geographic areas of the
11 state, consistent with the quality of applications submitted.

12 ***-1634/7.15* SECTION 157.** 16.35 of the statutes is renumbered 560.9815.

13 ***-1634/7.16* SECTION 158.** 16.351 of the statutes is renumbered 560.9807, and
14 560.9807 (1), as renumbered, is amended to read:

15 560.9807 (1) GRANTS. From moneys available under s. ~~20.505 (7)~~ 20.143 (2) (h),
16 the department shall make grants to organizations, including organizations
17 operated for profit, that provide shelter or services to homeless individuals or
18 families.

19 ***-1634/7.17* SECTION 159.** 16.352 of the statutes is renumbered 560.9808, and
20 560.9808 (2) (a) and (b) (intro.), as renumbered, are amended to read:

21 560.9808 (2) (a) From the appropriations under s. ~~20.505 (7)~~ 20.143 (2) (fm) and
22 (h), the department shall award grants to eligible applicants for the purpose of
23 supplementing the operating budgets of agencies and shelter facilities that have or
24 anticipate a need for additional funding because of the renovation or expansion of an
25 existing shelter facility, the development of an existing building into a shelter facility,

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1 the expansion of shelter services for homeless persons, or an inability to obtain
2 adequate funding to continue the provision of an existing level of services.

3 (b) (intro.) The department shall allocate funds from the appropriations under
4 s. ~~20.505 (7)~~ 20.143 (2) (fm) and (h) for temporary shelter for homeless individuals
5 and families as follows:

6 ***-1634/7.18* SECTION 160.** 16.358 of the statutes is renumbered 560.9809, and
7 560.9809 (1), as renumbered, is amended to read:

8 560.9809 (1) The department may administer housing programs, including the
9 housing improvement grant program and the initial rehabilitation grant program,
10 that are funded by a community development block grant, 42 USC 5301 to 5320,
11 ~~under a contract entered into with the department of commerce under s. 560.045.~~

12 ***-1634/7.19* SECTION 161.** 16.375 of the statutes is renumbered 560.9810.

13 ***-1634/7.20* SECTION 162.** 16.385 of the statutes is renumbered 16.27, and
14 16.27 (3) (b), (c), (d) and (e) (intro.), 1. and 7., as renumbered, are amended to read:

15 16.27 (3) (b) By October 1 of every year from the appropriation under s. ~~20.505~~
16 ~~(7)(e)~~ 20.505 (1) (mb), determine the total amount available for payment of heating
17 assistance under sub. (6) and determine the benefit schedule.

18 (c) From the appropriation under s. ~~20.505 (7) (m)~~ 20.505 (1) (mb), allocate
19 \$1,100,000 in each federal fiscal year for the department's expenses in administering
20 the funds to provide low-income energy assistance.

21 (d) From the appropriation under s. ~~20.505 (7) (e)~~ 20.505 (1) (mb), allocate
22 \$2,900,000 in each federal fiscal year for the expenses of a county department,
23 another local governmental agency or a private nonprofit organization in
24 administering under sub. (4) the funds to provide low-income energy assistance.

25 (e) (intro.) From the appropriation under s. ~~20.505 (7) (e)~~ 20.505 (1) (mb):

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SECTION 162

1 1. Allocate and transfer to the appropriation under s. 20.505 (7) ~~(km)~~ (1) (kn),
2 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year
3 under the priority of maintaining funding for the geographical areas on July 20,
4 1985, and, if funding is reduced, prorating contracted levels of payment, for the
5 weatherization assistance program administered by the department under s. ~~16.39~~
6 16.26.

7 7. By October 1 of each year and after consulting with the department of
8 administration, allocate funds budgeted but not spent and any funds remaining from
9 previous fiscal years to heating assistance under sub. (6) or to the weatherization
10 assistance program under s. ~~16.39~~ 16.26.

11 *~~1634/7.21~~* SECTION 163. 16.39 of the statutes is renumbered 16.26.

12 *~~0576/8.16~~* SECTION 164. 16.40 (18) of the statutes is amended to read:

13 16.40 (18) REQUIRE AGENCIES TO PROVIDE COPIES. Require each state agency, at
14 the time that the agency submits a request to the department for an increased
15 appropriation to be provided in an executive budget bill which is necessitated by the
16 compensation plan under s. 230.12 or a collective bargaining agreement approved
17 under s. 111.92, to provide a copy of the request to ~~the secretary of employment~~
18 ~~relations and the joint committee on employment relations.~~

19 *~~0529/4.21~~* SECTION 165. 16.401 (intro.) of the statutes is created to read:

20 **16.401 Treasury management.** (intro.) The department shall:

21 *~~0529/4.22~~* SECTION 166. 16.401 (1) of the statutes is created to read:

22 16.401 (1) HAVE CUSTODY OF MONEYS. Receive and have charge of all moneys
23 paid into the treasury and any other moneys received by officers and employees of
24 state agencies, and pay out the moneys as directed by law, except as provided in ss.
25 16.52 (7), 20.907 (5) (b), 20.920, and 20.929.

SENATE BILL**SECTION 167**

1 *~~1386/4.1~~* **SECTION 167.** 16.406 of the statutes is created to read:

2 **16.406 Request to issue certain general obligation debt.** Annually, on or
3 before September 1, but not after 2005, the department shall prepare an estimate of
4 the net balances of the general fund for the fiscal year corresponding with the year
5 in which the department makes an estimate under this section. Copies of the
6 estimates shall be provided to the cochairpersons of the joint committee on finance
7 and to the legislative fiscal bureau. If the estimated net general fund balance for the
8 fiscal year, as certified by the department, is less than the estimated net general fund
9 balance for that fiscal year as shown in the most recent schedule under s. 20.005 (1),
10 the secretary of administration may request that the building commission refund the
11 whole or any part of any unpaid indebtedness used to finance tax-supported or
12 self-amortizing facilities from moneys appropriated under s. 20.866 (2) (xe).

13 *~~0529/4.23~~* **SECTION 168.** 16.412 of the statutes is amended to read:

14 **16.412 Agency payments.** At the request of any agency, the secretary, ~~with~~
15 ~~the approval of the state treasurer,~~ may authorize the processing of specified regular
16 periodic payments through the use of money transfer techniques including, without
17 limitation because of enumeration, direct deposit, electronic funds transfer, and
18 automated clearinghouse procedures.

19 *~~0576/8.17~~* **SECTION 169.** 16.415 (1) of the statutes is amended to read:

20 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
21 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
22 the treasurer or other disbursing officer of the state to pay any compensation to any
23 person in the classified service of the state unless an estimate, payroll, or account for
24 such compensation, containing the names of every person to be paid, bears the
25 certificate of the appointing authority that each person named in the estimate,

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1 payroll or account has been appointed, employed, or subject to any other personnel
2 transaction in accordance with, and that the pay for the person has been established
3 in accordance with, the law, compensation plan, or applicable collective bargaining
4 agreement, and applicable rules of the ~~secretary of employment relations and the~~
5 administrator of the division of merit recruitment and selection in the department
6 of ~~employment relations~~ then in effect.

7 ***-0529/4.24* SECTION 170.** 16.415 (1) of the statutes, as affected by 2003
8 Wisconsin Act (this act), is amended to read:

9 16.415 (1) Neither the secretary nor any other fiscal officer of this state may
10 draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant on
11 ~~the treasurer or other~~ any disbursing officer of the state to pay any compensation to
12 any person in the classified service of the state unless an estimate, payroll, or account
13 for such compensation, containing the names of every person to be paid, bears the
14 certificate of the appointing authority that each person named in the estimate,
15 payroll, or account has been appointed, employed, or subject to any other personnel
16 transaction in accordance with, and that the pay for the person has been established
17 in accordance with, the law, compensation plan, or applicable collective bargaining
18 agreement, and applicable rules of the administrator of the division of merit
19 recruitment and selection in the department then in effect.

***NOTE: This is reconciled s. 16.415 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0529 and LRB-0576.

20 ***-0576/8.18* SECTION 171.** 16.415 (3) of the statutes is amended to read:

21 16.415 (3) Any sums paid contrary to this section may be recovered from any
22 appointing authority making such appointments in contravention of law or of the
23 rules promulgated pursuant thereto, or from any appointing authority signing or

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1 countersigning or authorizing the signing or countersigning of any warrant for the
2 payment of the same, or from the sureties on the official bond of any such appointing
3 authority, in an action in the circuit court for any county within the state, maintained
4 by the secretary of ~~employment relations~~ administration, or by a citizen resident
5 therein, who is assessed for, and liable to pay, or within one year before the
6 commencement of the action has paid, a state, city or county tax within this state.
7 All moneys recovered in any action brought under this section when collected, shall
8 be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such
9 action he or she shall be entitled to receive for personal use the taxable cost of such
10 action and 5% of the amount recovered as attorney fees.

11 ***-1289/7.14* SECTION 172.** 16.43 of the statutes is amended to read:

12 **16.43 Budget compiled.** The secretary shall compile and submit to the
13 governor or the governor-elect and to each person elected to serve in the legislature
14 during the next biennium, not later than November 20 of each even-numbered year,
15 a compilation giving all of the data required by s. 16.46 to be included in the state
16 budget report, except the recommendations of the governor and the explanation
17 thereof. The secretary shall not include in the compilation any provision for the
18 development or implementation of an information technology development project
19 for an executive branch agency that is not consistent with the strategic plan of the
20 agency, as approved under s. ~~22.13~~ 16.976.

21 ***-1599/1.2* SECTION 173.** 16.50 (1) (b) of the statutes is amended to read:

22 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
23 (2) (ac) and (r), 20.835, and 20.865 (4).

24 ***-0576/8.19* SECTION 174.** 16.50 (3) of the statutes is amended to read:

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1 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
2 the legislature or the courts, may increase the pay of any employee, expend money
3 or incur any obligation except in accordance with the estimate that is submitted to
4 the secretary as provided in sub. (1) and approved by the secretary or the governor.
5 No change in the number of full-time equivalent positions authorized through the
6 biennial budget process or other legislative act may be made without the approval
7 of the joint committee on finance, except for position changes made by the governor
8 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
9 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
10 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
11 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
12 part-time or limited term employees until such time as the secretary determines
13 that the filling of the position or the expending of funds is consistent with s. 16.505
14 and with the intent of the legislature as established by law or in budget
15 determinations, or the intent of the joint committee on finance in creating or
16 abolishing positions under s. 13.10, the intent of the governor in creating or
17 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
18 of the University of Wisconsin System in creating or abolishing positions under s.
19 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
20 for the position may not be undertaken. The secretary shall submit a quarterly
21 report to the joint committee on finance of any position changes made by the governor
22 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
23 within the pay ranges prescribed in the compensation plan or as provided in a
24 collective bargaining agreement under subch. V of ch. 111. ~~At the request of the~~
25 ~~secretary of employment relations, the~~ The ~~secretary of administration~~ may

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1 authorize the temporary creation of pool or surplus positions under any source of
2 funds if the secretary of ~~employment relations~~ determines that temporary positions
3 are necessary to maintain adequate staffing levels for high turnover classifications,
4 in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
5 or pool positions authorized by the secretary shall be reported quarterly to the joint
6 committee on finance in conjunction with the report required under s. 16.54 (8).

7 ***-1296/5.1* SECTION 175.** 16.502 of the statutes is created to read:

8 **16.502 Calculation of positions.** In any report prepared by the department
9 that calculates the number of positions, as defined in s. 230.03 (11), the department
10 shall separately calculate and present in the report the University of Wisconsin
11 Hospitals and Clinics Board's positions; positions of the board of regents of the
12 University of Wisconsin System funded by gifts, grants, auxiliary enterprises
13 revenue, or federal revenue; and all remaining positions in state government.

14 ***-1704/1.1* SECTION 176.** 16.505 (1) (intro.) of the statutes is amended to read:

15 16.505 (1) (intro.) Except as provided in subs. (2), (2d), (2m), (2n), and (2p), no
16 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
17 created or abolished unless authorized by one of the following:

18 ***-1704/1.2* SECTION 177.** 16.505 (2d) of the statutes is created to read:

19 16.505 (2d) The department of revenue may request the governor to create a
20 full-time equivalent position or portion thereof funded from gross lottery revenues,
21 as defined in s. 25.75 (1) (b), in the department of revenue to perform services relating
22 to the state lottery that are not performed by one or more persons under contract with
23 the department of administration. Upon receiving such a request, the governor may
24 change the authorized level of full-time equivalent positions funded from such
25 revenues in the department of revenue in accordance with this subsection. The

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SECTION 177

1 governor may approve a different authorized level of positions than is requested. If
2 the governor proposes to change the number of full-time equivalent positions, the
3 governor shall notify the joint committee on finance in writing of his or her proposed
4 action. If the cochairpersons of the committee do not notify the governor that the
5 committee has scheduled a meeting for the purpose of reviewing the proposed action
6 within 14 working days after the date of the governor's notification, the position
7 changes may be made as proposed by the governor. If, within 14 working days after
8 the date of the governor's notification, the cochairpersons of the committee notify the
9 governor that the committee has scheduled a meeting for the purpose of reviewing
10 the proposed action, the position changes may be made under this subsection only
11 upon approval of the committee.

12 *~~1327/1.2~~* SECTION 178. 16.52 (6) (a) of the statutes is amended to read:

13 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,
14 or printing orders for any agency, as defined in s. 16.70 ~~(1)~~ (1e), shall, before any
15 liability is incurred thereon, be submitted to the secretary for his or her approval as
16 to legality of purpose and sufficiency of appropriated and allotted funds therefor. In
17 all cases the date of the contract or order governs the fiscal year to which the contract
18 or order is chargeable, unless the secretary determines that the purpose of the
19 contract or order is to prevent lapsing of appropriations or to otherwise circumvent
20 budgetary intent. Upon such approval, the secretary shall immediately encumber
21 all contracts or orders, and indicate the fiscal year to which they are chargeable.

22 *~~1599/1.3~~* SECTION 179. 16.52 (10) of the statutes is amended to read:

23 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
24 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal

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1 year shall not apply to the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
2 (r).

3 ***-1797/7.1*** SECTION 180. 16.523 of the statutes is created to read:

4 **16.523 Purchase of bonds issued by Badger Tobacco Asset**
5 **Securitization Corporation; revenue obligations.** (1) There is established a
6 tobacco settlement bond purchase program, to be administered by the department,
7 to purchase any bonds issued by Badger Tobacco Asset Securitization Corporation.
8 The legislature finds and determines that the tobacco settlement bond purchase
9 program is likely to produce sufficient net income to pay when due the principal of
10 and interest on revenue obligations issued by the state to make the purchase and,
11 thereby, constitutes a revenue-producing enterprise or program, as defined in s.
12 18.52 (6).

13 (2) The net proceeds of revenue obligations issued under subch. II of ch. 18, as
14 authorized under this section, shall be deposited in a fund in the state treasury, or
15 an account maintained by a trustee, created under s. 18.57 (1). The moneys shall be
16 applied for ancillary payments and the provision of reserves, as determined by the
17 building commission, and for the purchase by the department of any bonds issued
18 by Badger Tobacco Asset Securitization Corporation, as determined by the
19 department, and any remainder shall be paid into a tobacco settlement bond
20 purchase program redemption fund created under s. 18.561 (5) or the tobacco
21 settlement bond purchase program repayment fund, or both, as provided in the
22 authorizing resolution.

23 (3) The department shall have all powers necessary and convenient to
24 distribute the revenues from the tobacco settlement bond purchase program and the

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1 proceeds of the revenue obligations issued under this section in accordance with
2 subch. II of ch. 18.

3 (4) The department may enter into agreements with the federal government
4 or its agencies, political subdivisions of this state, individuals, or private entities to
5 insure, or in any other manner provide, additional security for the revenue
6 obligations issued under this section.

7 (5) (a) Subject to the limitation under par. (b), the building commission may
8 contract revenue obligations under this section in the maximum amount that the
9 building commission believes can be fully paid on a timely basis from moneys
10 received or anticipated to be received from the tobacco settlement bond purchase
11 program.

12 (b) The requirements for funds for the tobacco settlement bond purchase
13 program to be paid from revenue obligations issued under this section shall be
14 determined by the secretary of administration, but shall not exceed \$1,600,000,000
15 to purchase, acquire, conduct, control, operate, or manage the tobacco settlement
16 bond purchase program.

17 (6) Unless otherwise expressly provided in resolutions authorizing the
18 issuance of revenue obligations under this section or in other agreements with the
19 owners of revenue obligations, each issue of revenue obligations under this section
20 shall be on a parity with every other revenue obligation issued under this section and
21 in accordance with subch. II of ch. 18.

22 (7) As determined by the building commission, any moneys deposited into the
23 tobacco settlement bond purchase program repayment fund that are not required for
24 paying principal of and premium, if any, and interest on revenue obligations and
25 providing for reserves and for ancillary payments authorized to be paid from such

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1 moneys are transferred in equal amounts to the tobacco control fund and to the
2 general fund.

3 (8) Recognizing its moral obligation to do so, the legislature expresses its
4 expectation and aspiration that, if the funds in the tobacco settlement bond purchase
5 program repayment fund are insufficient to pay the principal of and interest on the
6 revenue obligations issued under subch. II of ch. 18 pursuant to this section, the
7 legislature shall make an appropriation from the general fund sufficient to pay the
8 principal of and interest on the obligations or to replenish a reserve fund, if
9 applicable.

10 *-0854/5.1* SECTION 181. 16.526 of the statutes is created to read:

11 **16.526 Payment of the state's unfunded prior service liability under**
12 **the Wisconsin Retirement System; revenue obligations.** (1) For purposes of
13 subch. II of ch. 18, the purpose of paying of the state's unfunded prior service liability
14 under s. 40.05 (2) (b) is a special fund program, and the excise tax fund is a special
15 fund. The legislature finds and determines that the excise tax fund is a segregated
16 fund consisting of fees, penalties, or excise taxes and that the special program to pay
17 the state's unfunded prior service liability under s. 40.05 (2) (b) from the net proceeds
18 of revenue obligations issued under this section is appropriate and will serve a public
19 purpose.

20 (2) The net proceeds of revenue obligations issued under subch. II of ch. 18, as
21 authorized under this section, shall be deposited in a fund in the state treasury, or
22 an account maintained by a trustee, created under s. 18.57 (1). The moneys shall be
23 applied for ancillary payments and for the provision of reserves, as determined by
24 the building commission, and for the payment of part or all of the state's unfunded
25 prior service liability under s. 40.05 (2) (b), as determined by the department, and