

**SENATE BILL****SECTION 2324**

1           (2) The commission shall assess a sum equal to the annual total amount under  
2 sub. (1) to local exchange and interexchange telecommunications utilities in  
3 proportion to their gross operating revenues during the last calendar year. If total  
4 expenditures for telephone relay service exceeded the payment made under this  
5 section in the prior year, the commission shall charge the remainder to assessed  
6 telecommunications utilities in proportion to their gross operating revenues during  
7 the last calendar year. A telecommunications utility shall pay the assessment within  
8 30 days after the bill has been mailed to the assessed telecommunication utility. The  
9 bill constitutes notice of the assessment and demand of payment. Payments shall  
10 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

11           \*~~1187/4.191~~\* **SECTION 2325.** 197.10 (4) of the statutes is amended to read:

12           197.10 (4) Insofar as the use, operation, service, management, control, sale,  
13 lease, purchase, extension, improvement, rates, value or earnings of the properties  
14 of the public utility or provisions looking toward the ultimate acquisition of the same  
15 are made subject to the terms of any contract provided for in sub. (1), and so long as  
16 said contract remains in force, the following sections of the statutes shall be  
17 inapplicable to the same: ss. ~~195.05, 195.10~~, 196.02 (1) and (2), 196.05, 196.09,  
18 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,  
19 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,  
20 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract  
21 made hereunder shall operate to prevent an appeal to the public service commission  
22 by any person, other than a party to said contract, upon any complaint alleging that  
23 any rate, fare, charge or classification, or any joint rate, or any regulation, act or  
24 practice relating to the production, transmission, delivery or furnishing of gas, heat,  
25 light or power, or any service in connection therewith, is unjustly discriminatory, or

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1 that any such service is inadequate or cannot be obtained. Upon said appeal the  
2 commission shall, as provided by law, determine and by order fix a rate, fare, charge,  
3 classification, joint rate or regulation, act or practice or service to be imposed,  
4 observed or followed in the future in lieu of that found to be unjustly discriminatory  
5 or inadequate.

6 **\*-1187/4.192\* SECTION 2326.** 201.01 (1) of the statutes is amended to read:

7 201.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~  
8 ~~the case of railroads and the public service commission in the case of other public~~  
9 ~~service corporations.~~

10 **\*-1187/4.193\* SECTION 2327.** 201.01 (2) of the statutes is amended to read:

11 201.01 (2) “Public service corporation” means and embraces every corporation,  
12 except municipalities and other political subdivisions, which is a public utility as  
13 defined in s. 196.01, ~~and every corporation which is a railroad as defined in s. 195.02,~~  
14 but shall not include a public utility corporation receiving an annual gross revenue  
15 of less than \$1,000 for the calendar year next preceding the issuance of any securities  
16 by it. “Public service corporation” includes a holding company, as defined under s.  
17 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). “Public service  
18 corporation” does not include a telecommunications utility, as defined in s. 196.01  
19 (10). “Public service corporation” does not include any other holding company unless  
20 the holding company was formed after November 28, 1985, and unless the  
21 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,  
22 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do  
23 at least one of the items specified in s. 196.795 (7) (a). “Public service corporation”  
24 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,  
25 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless

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1 such company also owns, operates, manages or controls a public utility which is not  
2 a telecommunications utility. “Public service corporation” does not include a  
3 transmission company, as defined in s. 196.485 (1) (ge).

4 **\*-1187/4.194\* SECTION 2328.** 201.10 (3) of the statutes is amended to read:

5 201.10 (3) Whenever the commission deems it necessary to make an  
6 investigation of the books, accounts and practices or to make an appraisal of the  
7 property of any public service corporation which has filed an application for  
8 authority to issue any securities to which this chapter is applicable, such public  
9 service corporation shall pay all expenses reasonably attributable to such special  
10 investigation, or to such an appraisal of the property. For the purpose of calculating  
11 investigative and appraisal expenses of the commission, 90% of the costs determined  
12 shall be costs of the commission and 10% of the costs determined shall be costs of  
13 state government operations. The procedure set up by s. 195.60 or 196.85, whichever  
14 is appropriate, for the rendering and collection of bills shall be in all ways applicable  
15 to the rendering and collection of bills under this section. Ninety percent of the  
16 amounts paid to the public service commission under authority of this subsection  
17 shall be credited to the appropriation account under s. 20.155 (1) (g).

18 **\*-1187/4.195\* SECTION 2329.** 201.13 of the statutes is amended to read:

19 **201.13 Stock.** Subject to the regulatory jurisdiction of the commission under  
20 this chapter and to all other applicable provisions of law relating to railroad or other  
21 special types of corporations, all classes and series of stock of a public service  
22 corporation shall be governed by the provisions of ch. 180.

23 **\*-1431/2.17\* SECTION 2330.** 214.01 (1) (im) of the statutes is amended to read:

24 214.01 (1) (im) “Division” means the division of savings institutions banking.

25 **\*-1431/2.18\* SECTION 2331.** 214.01 (1) (sr) of the statutes is amended to read:



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1           \*~~1431/2.20~~\* SECTION 2334. 215.01 (6) of the statutes is amended to read:

2           215.01 (6) “Division” means the division of ~~savings institutions~~ banking.

3           \*~~1431/2.21~~\* SECTION 2335. 215.01 (22) of the statutes is amended to read:

4           215.01 (22) “Review board” means the savings ~~and loan~~ institutions review  
5 board.

6           \*~~1431/2.22~~\* SECTION 2336. 215.02 (title) of the statutes is repealed and  
7 recreated to read:

8           **215.02 (title) Powers of the division.**

9           \*~~1431/2.23~~\* SECTION 2337. 215.02 (10) (a) 3. of the statutes is amended to  
10 read:

11           215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy  
12 of the order shall be served upon the association and upon the officer, director, or  
13 employee in the manner provided by law for service of a summons in a court of record  
14 or by mailing a copy to the association and officer, director, or employee at their  
15 last-known, post-office addresses. Any removal under this subsection has the same  
16 effect as if made by the board of directors or the members or stockholders of the  
17 association. An officer, director, or employee removed from office or employment  
18 under this subsection may not be elected as an officer or director of, or be employed  
19 by, an association without the approval of the division and the review board. An  
20 order of removal under this subsection is a final ~~order or~~ determination of the review  
21 board under s. 215.04 ~~(6)~~ (5).

22           \*~~1431/2.24~~\* SECTION 2338. 215.04 of the statutes is repealed and recreated  
23 to read:

24           **215.04 Review board. (1) DUTIES.** The review board shall do all of the  
25 following:

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- 1           (a) Advise the division on matters related to this chapter.
- 2           (b) Review the acts, orders, and determinations of the division.
- 3           (c) Act on any matters pertaining to this chapter that are submitted to it by the  
4 division.
- 5           (d) Perform other review functions relating to this chapter.
- 6           (e) Conduct hearings and take testimony, and subpoena and swear witnesses  
7 at such hearings. The review board shall have the subpoena powers under s. 885.01  
8 (4).
- 9           **(2) APPEARANCES.** An interested party may appear at a proceeding of the review  
10 board and may participate in the examination of witnesses and present evidence.
- 11           **(3) WITNESS FEES.** A person who causes a witness to be subpoenaed shall  
12 advance the fees and mileage expense of the witness. Witness fees shall be the same  
13 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the  
14 review board in the interests of the state shall be paid by the state upon presentation  
15 of proper vouchers approved by the chairperson of the review board and charged to  
16 the appropriation under s. 20.144 (1) (g).
- 17           **(4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS.** Any interested person or a  
18 savings association aggrieved by any act, order, or determination of the division,  
19 which relates to savings and loan associations, may, within 20 days after receipt or  
20 service of a copy of the act, order, or determination, file a written notice requesting  
21 the review board's review of the division's act, order, or determination. The review  
22 of the division's decision shall be solely to determine if the division acted within the  
23 scope of the division's authority and did not act in an arbitrary or capricious manner  
24 and to determine if the act, order, or determination of the division is supported by  
25 substantial evidence in view of the entire record as submitted. The review of

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1 applications for new charters, branch offices, or relocation of offices shall be based  
2 exclusively on the record and new evidence may not be taken by the review board.  
3 Requests for review under this subsection shall be considered and disposed of as  
4 speedily as possible.

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

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

12 \*-1431/2.25\* SECTION 2339. 215.141 of the statutes is amended to read:

13 **215.141 Financially related services tie-ins.** In any transaction conducted  
14 by an association, a savings and loan holding company, or a subsidiary of either with  
15 a customer who is also a customer of any other subsidiary of any of them, the  
16 customer shall be given a notice in 12–point boldface type in substantially the  
17 following form:

18 NOTICE OF RELATIONSHIP

19 This company, ..... (insert name and address of association, savings and loan  
20 holding company, or subsidiary), is related to ..... (insert name and address of  
21 association, savings and loan holding company, or subsidiary) of which you are also  
22 a customer. You may not be compelled to buy any product or service from either of  
23 the above companies or any other related company in order to participate in this  
24 transaction.

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1           If you feel that you have been compelled to buy any product or service from  
2 either of the above companies or any other related company in order to participate  
3 in this transaction, you should contact the management of either of the above  
4 companies at either of the above addresses or the division of ~~savings institutions~~  
5 banking at .... (insert address).

6           \*~~1824/6.43~~\* SECTION 2340. 215.32 (3) of the statutes is amended to read:

7           215.32 (3) EMPLOYMENT OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYEES OF  
8 ASSOCIATION. ~~The division~~ On behalf of the division, the department of  
9 administration may employ necessary counsel and the division may employ experts  
10 in a liquidation under this section and may retain any officer or employee of the  
11 association.

12           \*~~0529/4.208~~\* SECTION 2341. 215.33 (3) (b) 2. of the statutes is amended to  
13 read:

14           215.33 (3) (b) 2. The accounts of the association are insured by the deposit  
15 insurance corporation or any other insurer acceptable to the division, or that  
16 adequate and sufficient securities have been deposited with the ~~state treasurer~~  
17 secretary of administration to assure that the association will meet its obligations  
18 to the residents of this state.

19           \*~~1431/2.26~~\* SECTION 2342. 215.40 (18) of the statutes is amended to read:

20           215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.  
21 If the division refuses to grant a certificate of authority to organize an association,  
22 and the applicants feel aggrieved thereby, they may appeal to the review board to  
23 review the division's determination under s. 215.04 (1) ~~(d)~~ (b) and (4).

24           \*~~1431/2.27~~\* SECTION 2343. 220.02 (2) (e) and (f) of the statutes are created  
25 to read:



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1           220.02 (2) (e) Savings banks under ch. 214.

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

3           \*~~1431/2.28~~\* SECTION 2344. 220.02 (3) of the statutes is amended to read:

4           220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
5 and carry out all laws relating to banks or banking in this state, including those  
6 relating to state banks, savings banks, savings and loan associations, and trust  
7 company banks, and also all laws relating to small loan companies or other loan  
8 companies or agencies, finance companies, motor vehicle dealers, adjustment service  
9 companies, community currency exchanges, and collection agencies and those  
10 relating to sellers of checks under ch. 217, whether doing business as corporations,  
11 individuals, or otherwise, but to exclude laws relating to credit unions.

12           \*~~1824/6.44~~\* SECTION 2345. 220.08 (4) of the statutes is amended to read:

13           220.08 (4) The division may appoint one or more special deputies, as agent or  
14 agents, to assist the division in the duty of reorganization, consolidation, liquidation  
15 and distribution, the certificate of appointment to be filed with the division and a  
16 certified copy in the office of the clerk of the circuit court for the county in which such  
17 bank or banking corporation is located. Such special deputies may execute,  
18 acknowledge and deliver any and all deeds, assignments, releases or other  
19 instruments necessary and proper to effect any sale and transfer or encumbrance of  
20 real estate or personal property after the same has been approved by the division,  
21 and an order obtained from the circuit court of the county in which the bank  
22 concerned is located. The division may from time to time authorize a special deputy  
23 to perform such duties connected with such reorganization, consolidation,  
24 liquidation and distribution as the division deems proper. ~~The division~~ On behalf of  
25 the division, the department of administration may employ such counsel and the

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1 division may procure such expert assistance and advice as may be necessary in the  
2 reorganization, consolidation, liquidation and distribution of the assets of such  
3 banks or banking corporations. The division may retain such of the officers or  
4 employees of such banks or banking corporations as necessary.

5 **\*-1431/2.29\*** SECTION 2346. 221.0303 (2) of the statutes is amended to read:

6 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS  
7 TERMINALS. A bank may, directly or indirectly, acquire, place, and operate, or  
8 participate in the acquisition, placement, and operation of, at locations other than  
9 its main or branch offices, customer bank communications terminals, in accordance  
10 with rules established by the division. The rules of the division shall provide that  
11 any such customer bank communications terminal shall be available for use, on a  
12 nondiscriminatory basis, by any state or national bank and by all customers  
13 designated by a bank using the terminal. This subsection does not authorize a bank  
14 which has its principal place of business outside this state to conduct banking  
15 business in this state. The customer bank communications terminals also shall be  
16 available for use, on a nondiscriminatory basis, by any credit union, savings and loan  
17 association, or savings bank, if the credit union, savings and loan association, or  
18 savings bank requests to share its use, subject to rules jointly established by the  
19 division of banking, and the office of credit unions ~~and the division of savings~~  
20 ~~institutions~~. The division by order may authorize the installation and operation of  
21 a customer bank communications terminal in a mobile facility, after notice and  
22 hearing upon the proposed service stops of the mobile facility.

23 **\*-1289/7.114\*** SECTION 2347. 221.0320 (3) (a) of the statutes is amended to  
24 read:

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1           221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
2 given in s. ~~22.01~~ 16.97 (7).

3           \*~~1431/2.30~~\* SECTION 2348. 221.0321 (5) of the statutes is amended to read:

4           221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
5 assignment or transfer of stock certificates or other evidence of the borrower’s  
6 ownership interest in a corporation formed for the cooperative ownership of real  
7 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
8 involving a one-family residence, apply to a proceeding to enforce the lender’s rights  
9 in security given for a loan under this subsection. The division shall promulgate joint  
10 rules with the office of credit unions and the ~~division of savings institutions~~ that  
11 establish procedures for enforcing a lender’s rights in security given for a loan under  
12 this subsection.

13           \*~~0529/4.209~~\* SECTION 2349. 223.02 (1) (intro.) of the statutes is amended to  
14 read:

15           223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the  
16 ~~state treasurer~~ secretary of administration or the ~~state treasurer’s~~ secretary’s agent  
17 in accordance with the following provisions:

18           \*~~0529/4.210~~\* SECTION 2350. 223.02 (1) (b) of the statutes is amended to read:

19           223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~  
20 ~~treasurer’s~~ secretary’s agent shall pay over to the bank trust company the interest,  
21 dividends, or other income on deposit or may authorize the bank trust company to  
22 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of  
23 administration shall issue a certificate stating that a deposit has been made with the  
24 ~~state treasurer~~ secretary of administration or the ~~state treasurer’s~~ secretary’s agent  
25 in the manner provided in this section.

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## SECTION 2351

1           \*~~0529/4.211~~\* SECTION 2351. 223.02 (1) (c) of the statutes is amended to read:

2           223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~  
3 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful  
4 execution of any trust which may be lawfully imposed upon and accepted by the trust  
5 company bank. The cash or securities shall remain in the possession of the ~~state~~  
6 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until  
7 otherwise ordered by a court of competent jurisdiction, unless released pursuant to  
8 par. (d).

9           \*~~0529/4.212~~\* SECTION 2352. 223.02 (1) (d) of the statutes is amended to read:

10          223.02 (1) (d) The securities and cash deposited by a trust company bank may  
11 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~  
12 secretary's agent and returned to the bank, if the division certifies to the ~~state~~  
13 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers  
14 and that the division is satisfied that there are no outstanding trust liabilities.

15          \*~~0529/4.213~~\* SECTION 2353. 223.02 (1) (e) of the statutes is amended to read:

16          223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate  
17 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as  
18 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the  
19 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and  
20 securities received by it. The agent shall pay the cash and securities to the ~~state~~  
21 ~~treasurer~~ secretary of administration on demand without conditions.

22          \*~~1431/2.31~~\* SECTION 2354. 223.105 (3) (a) of the statutes is amended to read:

23          223.105 (3) (a) To assure compliance with such rules as may be established  
24 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~  
25 ~~division of savings institutions~~ shall, at least once every 18 months, examine the

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1 fiduciary operations of each organization which is under its respective jurisdiction  
2 and is subject to examination under sub. (2). If a particular organization subject to  
3 examination under sub. (2) is not otherwise under the jurisdiction of one of the  
4 foregoing agencies, such examination shall be conducted by the division of banking.

5 **\*-1431/2.32\* SECTION 2355.** 223.105 (4) of the statutes is amended to read:

6 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
7 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
8 operations as defined in this section shall, as required by rule, notify the division of  
9 banking, or the office of credit unions ~~or the division of savings institutions~~ of that  
10 fact, directing the notice to the agency then exercising regulatory authority over the  
11 organization or, if there is none, to the division of banking. Any organization which  
12 intends to engage in fiduciary operations shall, prior to engaging in such operations,  
13 notify the appropriate agency of this intention. The notifications required under this  
14 subsection shall be on forms and contain information required by the rules  
15 promulgated by the division of banking.

16 **\*-1431/2.33\* SECTION 2356.** 223.105 (5) of the statutes is amended to read:

17 223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~  
18 ~~savings institutions~~ or office of credit unions shall, upon the failure of such  
19 organization to submit notifications or reports required under this section or  
20 otherwise to comply with the provisions of this section, or rules established by the  
21 division of banking under s. 220.04 (7), upon due notice, order such defaulting  
22 organization to cease and desist from engaging in fiduciary activities and may apply  
23 to the appropriate court for enforcement of such order.

24 **\*-1431/2.34\* SECTION 2357.** 223.105 (6) of the statutes is amended to read:

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1           223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
2           unions ~~or the division of savings institutions, a savings bank or savings and loan~~  
3           association regulated by the division of banking, or an organization authorized by  
4           the division of banking to operate as a bank or trust company under ch. 221 or this  
5           chapter, an organization may not begin activity as a fiduciary operation under this  
6           section after May 12, 1992. An organization engaged in fiduciary operations under  
7           this section on May 12, 1992, may continue to engage in fiduciary operations after  
8           that date.

9           \*~~0529/4.214~~\* **SECTION 2358.** 223.20 (3) of the statutes is amended to read:

10           223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has  
11           been fully discharged of all trusts committed to it, it may, by amendment to its  
12           articles of incorporation, duly adopted by its stockholders and approved by the  
13           division, surrender its powers to act in a fiduciary capacity. A trust company bank  
14           that surrenders its trust powers under this subsection shall eliminate from its  
15           corporate name the word ~~“trust,”~~ “trust” and may thereupon withdraw from the ~~state~~  
16           ~~treasurer~~ secretary of administration all securities and cash that it has deposited  
17           with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

18           \*~~1634/7.54~~\* **SECTION 2359.** 224.71 (3) (b) 1m. of the statutes is amended to  
19           read:

20           224.71 (3) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
21           560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

22           \*~~1634/7.55~~\* **SECTION 2360.** 224.71 (4) (b) 1m. of the statutes is amended to  
23           read:

24           224.71 (4) (b) 1m. A community-based organization, as defined in s. ~~16.30~~  
25           560.9801 (1), or a housing authority, as defined in s. ~~16.30~~ 560.9801 (2).

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## SECTION 2361

1           \*~~0529/4.215~~\* SECTION 2361. 224.77 (1m) (c) of the statutes is amended to  
2 read:

3           224.77 (1m) (c) All forfeitures shall be paid to the division of banking within  
4 10 days after receipt of notice of assessment or, if the forfeiture is contested under  
5 par. (b), within 10 days after receipt of the final decision after exhaustion of  
6 administrative review. The division of banking shall remit all forfeitures paid to the  
7 ~~state treasurer~~ secretary of administration for deposit in the school fund.

8           \*~~1187/4.196~~\* SECTION 2362. 226.025 (3) of the statutes is amended to read:

9           226.025 (3) The appointment of the department of financial institutions or the  
10 designation of a resident agent as attorney for the service of summons, notice,  
11 pleadings or process under s. 180.1507 shall be applicable only to actions or  
12 proceedings against the foreign corporations described in this section (unless such  
13 corporations have been admitted to this state for purposes other than those  
14 mentioned in this section) where the cause of action or proceeding arises out of  
15 transactions between such foreign corporations and public utilities operating in this  
16 state with which such foreign corporations are affiliated; and to actions or  
17 proceedings by or before the public service commission ~~or office of the commissioner~~  
18 ~~of railroads~~ involving the transactions described in sub. (1), or involving the relation  
19 between such foreign corporations and public utilities operating in this state with  
20 which they are affiliated.

21           \*~~1187/4.197~~\* SECTION 2363. 227.01 (13) (s) of the statutes is amended to read:

22           227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any  
23 person, including a municipality, that is regulated by the ~~office of the commissioner~~  
24 ~~of railroads or the public service commission~~.

25           \*~~1688/2.27~~\* SECTION 2364. 227.01 (13) (zk) of the statutes is repealed.

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## SECTION 2365

1           \*~~1256/5.77~~\* SECTION 2365. 227.01 (13) (zL) of the statutes is created to read:

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

4           \*~~1711/5.93~~\* SECTION 2366. 227.01 (13) (zv) of the statutes is created to read:

5           227.01 (13) (zv) Establishes policies under subch. III of ch. 39.

6           \*~~1295/2.30~~\* SECTION 2367. 227.03 (7) of the statutes is amended to read:

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

10          \*~~0576/8.72~~\* SECTION 2368. 227.10 (3) (e) of the statutes is amended to read:

11          227.10 (3) (e) Nothing in this subsection prohibits the administrator of the  
12          division of merit recruitment and selection in the department of ~~employment~~  
13          relations administration from promulgating rules relating to expanded certification  
14          under s. 230.25 (1n).

15          \*~~1634/7.56~~\* SECTION 2369. 227.115 (1) (a) and (b) of the statutes are amended  
16          to read:

17          227.115 (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          \*~~1634/7.57~~\* SECTION 2370. 227.115 (3) (a) 5. of the statutes is amended to  
22          read:

23          227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

24          \*~~1187/4.198~~\* SECTION 2371. 227.43 (1) (bk) of the statutes is created to read:



**SENATE BILL****SECTION 2371**

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

5           \*–1187/4.199\* **SECTION 2372.** 227.43 (4) (b) of the statutes is amended to read:

6           227.43 (4) (b) The department of transportation shall pay all costs of the  
7           services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the  
8           department under sub. (1) (br), according to the fees set under sub. (3) (b).

9           \*–1295/2.31\* **SECTION 2373.** 227.44 (2s) of the statutes is repealed.

10          \*–1187/4.200\* **SECTION 2374.** 227.46 (2m) of the statutes is amended to read:

11          227.46 (2m) In any hearing or review assigned to a hearing examiner under  
12          s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare  
13          a proposed decision, including findings of fact, conclusions of law, order and opinion,  
14          in a form that may be adopted as the final decision in the case. The proposed decision  
15          shall be a part of the record and shall be served by the division of hearings and  
16          appeals in the department of administration on all parties. Each party adversely  
17          affected by the proposed decision shall be given an opportunity to file objections to  
18          the proposed decision within 15 days, briefly stating the reasons and authorities for  
19          each objection, and to argue with respect to them before the administrator of the  
20          division of hearings and appeals. The administrator of the division of hearings and  
21          appeals may direct whether such argument shall be written or oral. If the decision  
22          of the administrator of the division of hearings and appeals varies in any respect from  
23          the decision of the hearing examiner, the decision of the administrator of the division  
24          of hearings and appeals shall include an explanation of the basis for each variance.  
25          The decision of the administrator of the division of hearings and appeals is a final

**SENATE BILL****SECTION 2374**

1 decision of the agency subject to judicial review under s. 227.52. The department of  
2 transportation may petition for judicial review.

3 **\*-1187/4.201\* SECTION 2375.** 227.46 (3) (intro.) of the statutes is amended to  
4 read:

5 227.46 (3) (intro.) With respect to contested cases except a hearing or review  
6 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule  
7 or in a particular case may by order:

8 **\*-1295/2.32\* SECTION 2376.** 227.47 (2) of the statutes is amended to read:

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

19 **\*-0576/8.73\* SECTION 2377.** 227.47 (2) of the statutes, as affected by 2003  
20 Wisconsin Act ... (this act), is amended to read:

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

## SENATE BILL

## SECTION 2377

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

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

6 **\*-1431/2.35\* SECTION 2378.** 227.52 (3) of the statutes is amended to read:  
7 227.52 (3) Those decisions of the division of banking that are subject to review,  
8 prior to any judicial review, by the banking review board, and decisions of the division  
9 of banking relating to savings banks or savings and loan associations, but no other  
10 institutions subject to the jurisdiction of the division of banking.

11 **\*-1431/2.36\* SECTION 2379.** 227.52 (5) of the statutes is repealed.

12 **\*-1431/2.37\* SECTION 2380.** 227.53 (1) (a) 1. of the statutes is amended to read:  
13 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition  
14 therefor personally or by certified mail upon the agency or one of its officials, and  
15 filing the petition in the office of the clerk of the circuit court for the county where  
16 the judicial review proceedings are to be held. If the agency whose decision is sought  
17 to be reviewed is the office of the commissioner of tax appeals commission, the  
18 banking review board, the credit union review board, or the savings and loan  
19 institutions review board ~~or the savings bank review board~~, the petition shall be  
20 served upon both the agency whose decision is sought to be reviewed and the  
21 corresponding named respondent, as specified under par. (b) 1. to ~~5.~~ 4.

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

22 **\*-1767/3.61\* SECTION 2381.** 227.53 (1) (b) 1. of the statutes is amended to read:

## SENATE BILL

## SECTION 2381

1           227.53 (1) (b) 1. The office of the commissioner of tax appeals commission, the  
2 department of revenue.

3           \***-1431/2.38\*** SECTION 2382. 227.53 (1) (b) 4. of the statutes is amended to read:

4           227.53 (1) (b) 4. The savings and loan institutions review board, the division  
5 of savings ~~institutions~~ banking, except if the petitioner is the division of savings  
6 ~~institutions~~ banking, the prevailing parties before the savings and loan institutions  
7 review board shall be the named respondents.

8           \***-1431/2.39\*** SECTION 2383. 227.53 (1) (b) 5. of the statutes is repealed.

9           \***-1431/2.40\*** SECTION 2384. 227.53 (1) (d) of the statutes is amended to read:

10           227.53 (1) (d) Except in the case of the office of the commissioner of tax appeals  
11 ~~commission~~, the banking review board, the credit union review board, and the  
12 savings and loan institutions review board ~~and the savings bank review board~~, the  
13 agency and all parties to the proceeding before it, shall have the right to participate  
14 in the proceedings for review. The court may permit other interested persons to  
15 intervene. Any person petitioning the court to intervene shall serve a copy of the  
16 petition on each party who appeared before the agency and any additional parties  
17 to the judicial review at least 5 days prior to the date set for hearing on the petition.

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

18           \***-1295/2.33\*** SECTION 2385. 230.03 (8) of the statutes is amended to read:

19           230.03 (8) “Commission” means the ~~personnel~~ employment relations  
20 commission.

21           \***-0576/8.74\*** SECTION 2386. 230.03 (9) of the statutes is amended to read:

22           230.03 (9) “Department” means the department of ~~employment relations~~  
23 administration.

## SENATE BILL

## SECTION 2387

1           \***-1295/2.34\*** SECTION 2387. 230.03 (10e) of the statutes is created to read:  
2           230.03 (10e) “Division of equal rights” means the division of equal rights in the  
3           department of workforce development.

4           \***-1295/2.35\*** SECTION 2388. 230.04 (1) of the statutes is amended to read:  
5           230.04 (1) The secretary is charged with the effective administration of this  
6           chapter. All powers and duties, necessary to that end, which are not exclusively  
7           vested by statute in the commission, the division of equal rights, the administrator  
8           or appointing authorities, are reserved to the secretary.

9           \***-1295/2.36\*** SECTION 2389. 230.04 (1m) of the statutes is amended to read:  
10          230.04 (1m) The secretary may delegate, in writing, any of his or her functions  
11          set forth in this chapter to an appointing authority, within prescribed standards if  
12          the secretary finds that the agency has personnel management capabilities to  
13          perform such functions effectively and has indicated its approval and willingness to  
14          accept such responsibility by written agreement. If the secretary determines that  
15          any agency is not performing such delegated function within prescribed standards,  
16          the secretary shall forthwith withdraw such delegated function. Subject to the  
17          approval of the joint committee on finance, the secretary may order transferred to  
18          the department from the agency to which delegation was made such agency staff and  
19          other resources as necessary to perform such functions if increased staff was  
20          authorized to that agency as a consequence of such delegation or if the department  
21          reduced staff or shifted staff to new responsibilities as a result of such delegation.  
22          Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an  
23          appointing authority may be appealed to the ~~personnel~~ commission under s. 230.44  
24          (1) (b). The secretary shall be a party in such an appeal.

25          \***-0576/8.76\*** SECTION 2390. 230.04 (7) of the statutes is repealed.

**SENATE BILL****SECTION 2391**

1           \***-1295/2.37\*** **SECTION 2391.** 230.05 (2) (a) of the statutes is amended to read:

2           230.05 (2) (a) Except as provided under par. (b), the administrator may  
3 delegate, in writing, any of his or her functions set forth in this subchapter to an  
4 appointing authority, within prescribed standards if the administrator finds that the  
5 agency has personnel management capabilities to perform such functions effectively  
6 and has indicated its approval and willingness to accept such responsibility by  
7 written agreement. If the administrator determines that any agency is not  
8 performing such delegated function within prescribed standards, the administrator  
9 shall withdraw such delegated function. The administrator may order transfer to  
10 the division from the agency to which delegation was made such agency staff and  
11 other resources as necessary to perform such functions if increased staff was  
12 authorized to that agency as a consequence of such delegation or if the division  
13 reduced staff or shifted staff to new responsibilities as a result of such delegation  
14 subject to the approval of the joint committee on finance. Any delegatory action  
15 taken under this subsection by any appointing authority may be appealed to the  
16 ~~personnel~~ commission under s. 230.44 (1) (a). The administrator shall be a party in  
17 such appeal.

18           \***-0576/8.77\*** **SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

19           230.08 (2) (e) 1. Administration — ~~10~~ 13.

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

20           \***-1636/1.1\*** **SECTION 2393.** 230.08 (2) (e) 2. of the statutes is amended to read:

21           230.08 (2) (e) 2. Agriculture, trade and consumer protection — ~~6~~ 5.

22           \***-1381/3.1\*** **SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

23           230.08 (2) (e) 3. Commerce — ~~7~~ 6.

## SENATE BILL

## SECTION 2395

1           \***-1289/7.115\*** SECTION 2395. 230.08 (2) (e) 3r. of the statutes is repealed.

2           \***-0576/8.78\*** SECTION 2396. 230.08 (2) (e) 4. of the statutes is repealed.

3           \***-1431/2.41\*** SECTION 2397. 230.08 (2) (e) 4f. of the statutes is amended to  
4 read:

5           230.08 (2) (e) 4f. Financial institutions — ~~4~~ 3.

6           \***-1794/1.2\*** SECTION 2398. 230.08 (2) (e) 7. of the statutes is amended to read:

7           230.08 (2) (e) 7. Justice — ~~4~~ 3.

8           \***-1711/5.94\*** SECTION 2399. 230.08 (2) (L) 4. of the statutes is repealed.

9           \***-1373/8.19\*** SECTION 2400. 230.08 (2) (sm) of the statutes is created to read:

10           230.08 (2) (sm) Assignable prosecutors, as defined in s. 978.001 (1c), in the  
11 department of administration.

12           \***-1614/1.3\*** SECTION 2401. 230.08 (2) (x) of the statutes is repealed.

13           \***-0576/8.79\*** SECTION 2402. 230.08 (2) (xe) of the statutes is amended to read:

14           230.08 (2) (xe) The director of Indian gaming in the department of  
15 ~~administration~~, and the attorney in the department of ~~administration~~, appointed  
16 under s. 569.015 (2).

17           \***-0576/8.80\*** SECTION 2403. 230.08 (2) (xt) of the statutes is created to read:

18           230.08 (2) (xt) A position in the office of the secretary of administration to  
19 advise and assist the secretary on matters related to affirmative action, equal  
20 employment opportunity, diversity, and other state employment relation matters.

21           \***-0576/8.81\*** SECTION 2404. 230.08 (2) (y) of the statutes is amended to read:

22           230.08 (2) (y) The director and staff assistant of the federal–state relations  
23 office of the department of ~~administration~~.

24           \***-1689/3.48\*** SECTION 2405. 230.08 (2) (yr) of the statutes is amended to read:

**SENATE BILL****SECTION 2405**

1           230.08 (2) (yr) The executive director of the governor's work-based learning  
2   board council.

3           \*~~0576/8.82~~\* **SECTION 2406.** 230.08 (4) (c) of the statutes is amended to read:

4           230.08 (4) (c) Any proposal of a board, department or commission, as defined  
5   in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of  
6   positions enumerated in sub. (2) (e), before being submitted to the legislature, shall  
7   first be submitted by the board, department or commission or by the historical society  
8   for a separate review by the ~~department of administration and by the~~ secretary. The  
9   ~~department of administration's~~ secretary's review shall include information on the  
10   appropriateness of the proposed change with regard to a board's, department's,  
11   commission's or society's current or proposed internal organizational structure  
12   under s. 15.02 (4). ~~The secretary's review and~~ shall include information on whether  
13   the existing classified or existing or proposed unclassified division administrator  
14   position involved is or would be assigned to pay range 1-18 or above in schedule 1,  
15   or a comparable level, of the compensation plan under s. 230.12. The results of ~~these~~  
16   ~~reviews~~ this review shall be provided by the ~~department of administration and by the~~  
17   secretary to the joint committee on finance and the joint committee on employment  
18   relations at the same time that the board's, department's, commission's or society's  
19   proposal is presented to either committee.

20           \*~~0576/8.83~~\* **SECTION 2407.** 230.08 (7) of the statutes is amended to read:

21           230.08 (7) EXCEPTIONAL EMPLOYMENT SITUATIONS. The ~~administrator~~ secretary  
22   shall provide, by rule, for exceptional methods and kinds of employment to meet the  
23   needs of the service during periods of disaster or national emergency, and for other  
24   exceptional employment situations such as to employ the mentally disabled, the  
25   physically disabled and the disadvantaged.



## SENATE BILL

## SECTION 2408

1           \*~~0576/8.84~~\* SECTION 2408. 230.09 (2) (g) of the statutes is amended to read:  
2           230.09 (2) (g) When filling a new or vacant position, if the secretary determines  
3           that the classification for a position is different than that provided for by the  
4           legislature as established by law or in budget determinations, or as authorized by the  
5           joint committee on finance under s. 13.10, or as specified by the governor creating  
6           positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and  
7           Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the  
8           University of Wisconsin System creating positions under s. 16.505 (2m), or is  
9           different than that of the previous incumbent, the secretary shall notify the  
10          administrator ~~and the secretary of administration~~. The administrator shall  
11          withhold action on the selection and certification process for filling the position. The  
12          secretary ~~of administration~~ shall review the position to determine that sufficient  
13          funds exist for the position and that the duties and responsibilities of the proposed  
14          position reflect the intent of the legislature as established by law or in budget  
15          determinations, the intent of the joint committee on finance acting under s. 13.10,  
16          the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the  
17          University of Wisconsin Hospitals and Clinics Board creating positions under s.  
18          16.505 (2n) or the intent of the board of regents of the University of Wisconsin System  
19          creating positions under s. 16.505 (2m). The administrator may not proceed with the  
20          selection and certification process until the secretary ~~of administration~~ has  
21          authorized the position to be filled.

22          \*~~0576/8.85~~\* SECTION 2409. 230.12 (7m) of the statutes is amended to read:  
23          230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the  
24          rules of the secretary and in the compensation plan, pay increases shall be made only  
25          on the dates prescribed under sub. (8). Appointing authorities shall at such times

**SENATE BILL****SECTION 2409**

1 each year as specified by the secretary file with the ~~secretary and with the~~  
2 department of ~~administration~~ a list of employees showing their then existing pay  
3 rates and their proposed new pay rates.

4 **\*-0576/8.86\* SECTION 2410.** 230.14 (4) of the statutes is amended to read:

5 230.14 (4) The administrator may charge an agency a fee to announce any  
6 vacancy to be filled in a classified or unclassified position in that agency. Funds  
7 received under this subsection shall be credited to the appropriation account under  
8 s. ~~20.512 (1) (ka)~~ 20.505 (1) (kp).

9 **\*-1712/5.78\* SECTION 2411.** 230.143 (3) of the statutes is repealed.

10 **\*-0576/8.87\* SECTION 2412.** 230.147 (3) of the statutes is amended to read:

11 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall  
12 make every reasonable effort to employ in permanent full-time equivalent positions  
13 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or  
14 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the  
15 department of ~~employment relations~~ to assure that its efforts under this subsection  
16 comply with ch. 230.

17 **\*-0576/8.88\* SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

18 230.215 (3) (a) An agency may, with the approval of the secretary ~~and with the~~  
19 ~~approval of the secretary of administration under s. 16.50~~, restructure budgeted  
20 permanent positions as such positions become vacant or if an employee voluntarily  
21 requests a job-sharing or permanent part-time employment opportunity. No  
22 employee occupying a full-time permanent position may be involuntarily  
23 terminated, demoted, transferred or reassigned in order to restructure that position  
24 for permanent part-time employment and no such employee may be required to  
25 accept a permanent part-time position as a condition of continued employment.

## SENATE BILL

## SECTION 2414

1           \***-1373/8.20\*** SECTION 2414. 230.34 (1) (a) of the statutes is renumbered 230.34  
2 (1) (ah).

3           \***-1373/8.21\*** SECTION 2415. 230.34 (1) (ac) of the statutes is created to read:  
4           230.34 (1) (ac) In this section, “assistant district attorney” includes an  
5 assignable prosecutor, as defined in s. 978.001 (1c).

6           \***-1373/8.22\*** SECTION 2416. 230.34 (1) (ar) of the statutes is amended to read:  
7           230.34 (1) (ar) Paragraphs (a) (ah) and (am) apply to all employees with  
8 permanent status in class in the classified service and all employees who have served  
9 with the state as an assistant district attorney for a continuous period of 12 months  
10 or more, except that for employees specified in s. 111.81 (7) (a) in a collective  
11 bargaining unit for which a representative is recognized or certified, or for employees  
12 specified in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a  
13 representative is certified, if a collective bargaining agreement is in effect covering  
14 employees in the collective bargaining unit, the determination of just cause and all  
15 aspects of the appeal procedure shall be governed by the provisions of the collective  
16 bargaining agreement.

17           \***-1373/8.23\*** SECTION 2417. 230.44 (1) (c) of the statutes is amended to read:  
18           230.44 (1) (c) *Demotion, layoff, suspension or discharge.* ~~If an employee has~~  
19 ~~permanent status in class, or an employee has served with the state as an assistant~~  
20 ~~district attorney for a continuous period of 12 months or more, the~~ An employee  
21 described in s. 230.34 (1) (ah) may appeal a demotion, layoff, suspension, discharge  
22 or reduction in base pay to the commission, if the appeal alleges that the decision was  
23 not based on just cause.

24           \***-1295/2.38\*** SECTION 2418. 230.45 (title) of the statutes is amended to read:

**SENATE BILL****SECTION 2418**

1           **230.45 (title) Powers and duties of personnel commission and division**  
2           **of equal rights.**

3           \*~~1295/2.39~~\* **SECTION 2419.** 230.45 (1) (b) of the statutes is repealed.

4           \*~~0190/7.22~~\* **SECTION 2420.** 230.45 (1) (e) of the statutes is amended to read:

5           230.45 (1) (e) Hear appeals, when authorized under county merit system rules  
6 under s. ~~49.33~~ 49.78 (4), from any interested party.

7           \*~~1295/2.40~~\* **SECTION 2421.** 230.45 (1) (g) of the statutes is repealed.

8           \*~~1295/2.41~~\* **SECTION 2422.** 230.45 (1) (gm) of the statutes is repealed.

9           \*~~1295/2.42~~\* **SECTION 2423.** 230.45 (1) (j) of the statutes is repealed.

10          \*~~1295/2.43~~\* **SECTION 2424.** 230.45 (1) (k) of the statutes is repealed.

11          \*~~1295/2.44~~\* **SECTION 2425.** 230.45 (1) (L) of the statutes is repealed.

12          \*~~1295/2.45~~\* **SECTION 2426.** 230.45 (1) (m) of the statutes is repealed.

13          \*~~1295/2.46~~\* **SECTION 2427.** 230.45 (1e) of the statutes is created to read:

14          230.45 (1e) The division of equal rights shall:

15          (a) Receive and process complaints of discrimination of state employees under  
16 s. 111.375. In the course of investigating or otherwise processing such a complaint,  
17 the division of equal rights may require that an interview with any state employee,  
18 except a management or supervisory employee who is a party to or immediately  
19 involved in the subject matter of the complaint, be conducted outside the presence  
20 of the appointing authority or any representative or agent thereof unless the  
21 employee voluntarily requests that presence. An appointing authority shall permit  
22 an employee to be interviewed without loss of pay and to have an employee  
23 representative present at the interview. An appointing authority of an employee to  
24 be interviewed may require the division of equal rights to give the appointing  
25 authority reasonable notice prior to the interview.

## SENATE BILL

## SECTION 2427

1 (b) Receive and process complaints of retaliatory disciplinary action under s.  
2 230.85.

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

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

10 **\*-1295/2.47\* SECTION 2428.** 230.81 (1) (b) of the statutes is amended to read:

11 230.81 (1) (b) After asking the ~~commission~~ division of equal rights which  
12 governmental unit is appropriate to receive the information, disclose the information  
13 in writing only to the governmental unit that the ~~commission~~ division of equal rights  
14 determines is appropriate. The ~~commission~~ division of equal rights may not  
15 designate the department of justice, the courts, the legislature or a service agency  
16 under subch. IV of ch. 13 as an appropriate governmental unit to receive information.  
17 Each appropriate governmental unit shall designate an employee to receive  
18 information under this section.

19 **\*-1295/2.48\* SECTION 2429.** 230.85 (1) of the statutes is amended to read:

20 230.85 (1) An employee who believes that a supervisor or appointing authority  
21 has initiated or administered, or threatened to initiate or administer, a retaliatory  
22 action against that employee in violation of s. 230.83 may file a written complaint  
23 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory  
24 action or threat thereof and requesting relief, within 60 days after the retaliatory

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1 action allegedly occurred or was threatened or after the employee learned of the  
2 retaliatory action or threat thereof, whichever occurs last.

3 **\*-1295/2.49\* SECTION 2430.** 230.85 (2) of the statutes is amended to read:

4 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as  
5 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course  
6 of investigating or otherwise processing such a complaint, the ~~commission~~ division  
7 of equal rights may require that an interview with any employee described in s.  
8 230.80 (3), except a management or supervisory employee who is a party to or is  
9 immediately involved in the subject matter of the complaint, be conducted outside  
10 the presence of the appointing authority or any representative or agent thereof  
11 unless the employee voluntarily requests that presence. An appointing authority  
12 shall permit an employee to be interviewed without loss of pay and to have an  
13 employee representative present at the interview. An appointing authority of an  
14 employee to be interviewed may require the ~~commission~~ division of equal rights to  
15 give the appointing authority reasonable notice prior to the interview. If the  
16 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory  
17 action has occurred or was threatened, it may endeavor to remedy the problem  
18 through conference, conciliation or persuasion. If that endeavor is not successful, the  
19 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,  
20 specifying the nature of the retaliatory action which has occurred or was threatened,  
21 and requiring the person named, in this section called the “respondent”, to answer  
22 the complaint at a hearing. The notice shall specify the place of hearing and a time  
23 of hearing not less than 30 days after service of the complaint upon the respondent  
24 nor less than 10 days after service of the notice of hearing. If, however, the  
25 ~~commission~~ division of equal rights determines that an emergency exists with

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1 respect to a complaint, the notice of hearing may specify a time of hearing within 30  
2 days after service of the complaint upon the respondent, but not less than 10 days  
3 after service of the notice of hearing. The testimony at the hearing shall be recorded  
4 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

5 \***-1295/2.50\*** SECTION 2431. 230.85 (3) (a) (intro.) of the statutes is amended  
6 to read:

7 230.85 (3) (a) (intro.) After hearing, the ~~commission~~ division of equal rights  
8 shall make written findings and orders. If the ~~commission~~ division of equal rights  
9 finds that the respondent engaged in or threatened a retaliatory action, it shall order  
10 the employee's appointing authority to insert a copy of the findings and orders into  
11 the employee's personnel file and, if the respondent is a natural person, order the  
12 respondent's appointing authority to insert such a copy into the respondent's  
13 personnel file. In addition, the ~~commission~~ division of equal rights may take any  
14 other appropriate action, including but not limited to the following:

15 \***-1295/2.51\*** SECTION 2432. 230.85 (3) (a) 4. of the statutes is amended to read:

16 230.85 (3) (a) 4. Order payment of the employee's reasonable attorney fees by  
17 a governmental unit respondent, or by a governmental unit employing a respondent  
18 who is a natural person if that governmental unit received notice and an opportunity  
19 to participate in proceedings before the ~~commission~~ division of equal rights.

20 \***-1295/2.52\*** SECTION 2433. 230.85 (3) (b) of the statutes is amended to read:

21 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds  
22 that the respondent did not engage in or threaten a retaliatory action it shall order  
23 the complaint dismissed. The ~~commission~~ division of equal rights shall order the  
24 employee's appointing authority to insert a copy of the findings and orders into the  
25 employee's personnel file and, if the respondent is a natural person, order the

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## SECTION 2433

1 respondent's appointing authority to insert such a copy into the respondent's  
2 personnel file. If the ~~commission~~ division of equal rights finds by unanimous vote  
3 that the employee filed a frivolous complaint it may order payment of the  
4 respondent's reasonable actual attorney fees and actual costs. Payment may be  
5 assessed against either the employee or the employee's attorney, or assessed so that  
6 the employee and the employee's attorney each pay a portion. To find a complaint  
7 frivolous the ~~commission~~ division of equal rights must find that either s. 814.025 (3)  
8 (a) or (b) applies or that both s. 814.025 (3) (a) and (b) apply.

9       \***-1295/2.53\*** SECTION 2434. 230.85 (3) (c) of the statutes is amended to read:

10       230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal  
11 rights of any complaint under this section, the ~~commission~~ division of equal rights  
12 may make interlocutory orders.

13       \***-1295/2.54\*** SECTION 2435. 230.85 (4) of the statutes is amended to read:

14       230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy  
15 of the findings and order on the respondent and, if the respondent is a natural person,  
16 upon the respondent's appointing authority.

17       \***-1295/2.55\*** SECTION 2436. 230.85 (5) (a) of the statutes is amended to read:

18       230.85 (5) (a) If a respondent does not comply with any lawful order by the  
19 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit  
20 a sum of not less than \$10 nor more than \$100. Every day during which a respondent  
21 fails to comply with any order of the ~~commission~~ division of equal rights constitutes  
22 a separate violation of that order.

23       \***-1295/2.56\*** SECTION 2437. 230.85 (5) (b) of the statutes is amended to read:

24       230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal  
25 rights may enforce an order by a suit in equity.



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1           \*~~1295/2.57~~\* SECTION 2438. 230.87 (1) of the statutes is amended to read:

2           230.87 (1) Findings and orders of the ~~commission~~ division of equal rights under  
3 this subchapter are subject to judicial review under ch. 227. Upon that review, or in  
4 any enforcement action, the department of justice shall represent the ~~commission~~  
5 division of equal rights unless a conflict of interest results from that representation.  
6 A court may order payment of a prevailing appellant employee's reasonable attorney  
7 fees by a governmental unit respondent, or by a governmental unit employing a  
8 respondent who is a natural person if that governmental unit received notice and an  
9 opportunity to appear before the court.

10          \*~~1295/2.58~~\* SECTION 2439. 230.88 (2) of the statutes is amended to read:

11          230.88 (2) EFFECT. (a) A final order issued under s. 230.85 or 230.87 which has  
12 not been appealed and for which the time of appeal has passed binds all parties who  
13 were subjected to the jurisdiction of the ~~commission~~ division of equal rights or the  
14 court and who received an opportunity to be heard. With respect to these parties, the  
15 decree is conclusive as to all issues of law and fact decided.

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

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

12 \*–1295/2.59\* **SECTION 2440.** 230.89 of the statutes is amended to read:

13 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal  
14 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

21 \*–0576/8.89\* **SECTION 2441.** 233.10 (3) (c) 4. of the statutes is amended to read:

22 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of  
23 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)  
24 and (4) (e) and, to the extent applicable, rules of the department of employment  
25 relations administration governing such leaves for employees in the classified

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## SECTION 2441

1 service as of the last day of the employee's employment as a state employee if the  
2 employee was entitled to those benefits on that day.

3 \*~~0576/8.90~~\* SECTION 2442. 233.10 (4) of the statutes is amended to read:

4 233.10 (4) Notwithstanding the requirement that an employee be a state  
5 employee, a carry-over employee of the authority who was employed in a position in  
6 the classified service immediately prior to beginning employment with the authority  
7 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.  
8 230.29 and the rules of the department of ~~employment relations~~ administration  
9 governing transfers as a person who holds a position in the classified service.

10 \*~~1697/1.1~~\* SECTION 2443. 234.02 (1) of the statutes is amended to read:

11 234.02 (1) There is created a public body corporate and politic to be known as  
12 the "Wisconsin Housing and Economic Development Authority." The members of the  
13 authority shall be the secretary of commerce or his or her designee, the secretary of  
14 agriculture, trade and consumer protection or his or her designee, and the secretary  
15 of administration or his or her designee, and 6 public members nominated by the  
16 governor, and with the advice and consent of the senate appointed, for staggered  
17 4-year terms commencing on the dates their predecessors' terms expire. In addition,  
18 one senator of each party and one representative to the assembly of each party  
19 appointed as are the members of standing committees in their respective houses  
20 shall serve as members of the authority. A member of the authority shall receive no  
21 compensation for services but shall be reimbursed for necessary expenses, including  
22 travel expenses, incurred in the discharge of duties. Subject to the bylaws of the  
23 authority respecting resignations, each member shall hold office until a successor  
24 has been appointed and has qualified. A certificate of appointment or reappointment

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1 of any member shall be filed with the authority and the certificate shall be conclusive  
2 evidence of the due and proper appointment.

3 **\*-1634/7.58\* SECTION 2444.** 234.034 of the statutes is amended to read:

4 **234.034 Consistency with state housing strategy plan.** Subject to  
5 agreements with bondholders or noteholders, the authority shall exercise its powers  
6 and perform its duties related to housing consistent with the state housing strategy  
7 plan under s. ~~16.31~~ 560.9802.

8 **\*-1634/7.59\* SECTION 2445.** 234.06 (1) of the statutes is amended to read:

9 234.06 (1) The authority may, as authorized in the state housing strategy plan  
10 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to  
11 make temporary loans to eligible sponsors, with or without interest, and with such  
12 security for repayment, if any, as the authority determines reasonably necessary and  
13 practicable, solely from the housing development fund, to defray development costs  
14 for the construction of proposed housing projects for occupancy by persons and  
15 families of low and moderate income. No temporary loan may be made unless the  
16 authority may reasonably anticipate that satisfactory financing may be obtained by  
17 the eligible sponsor for the permanent financing of the housing project.

18 **\*-1634/7.60\* SECTION 2446.** 234.06 (3) of the statutes is amended to read:

19 234.06 (3) The authority may, as authorized in the state housing strategy plan  
20 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to  
21 establish and administer programs of grants to counties, municipalities and eligible  
22 sponsors of housing projects for persons of low and moderate income, to pay  
23 organizational expenses, administrative costs, social services, technical services,  
24 training expenses or costs incurred or expected to be incurred by counties,  
25 municipalities or sponsors for land and building acquisition, construction,

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1 improvements, renewal, rehabilitation, relocation or conservation under a plan to  
2 provide housing or related facilities, if the costs are not reimbursable from other  
3 private or public loan, grant or mortgage sources.

4 **\*-1634/7.61\* SECTION 2447.** 234.165 (2) (b) 2. of the statutes is amended to  
5 read:

6 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the  
7 governor a plan for expending or encumbering the actual surplus reported under  
8 subd. 1. The part of the plan related to housing shall be consistent with the state  
9 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this  
10 subdivision may be attached to and submitted as a part of the report filed under subd.  
11 1.

12 **\*-1634/7.62\* SECTION 2448.** 234.25 (1) (e) of the statutes is amended to read:

13 234.25 (1) (e) An evaluation of its progress in implementing within its own  
14 housing programs the goals, policies and objectives of the state housing strategy plan  
15 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability  
16 to carry out its programs consistent with the state housing strategy plan.

17 **\*-0529/4.216\* SECTION 2449.** 253.06 (4) (c) 2. of the statutes is amended to  
18 read:

19 253.06 (4) (c) 2. If a fine or forfeiture is imposed by a court of record, after a  
20 determination by the court of the amount due, the clerk of the court shall collect and  
21 transmit such amount to the county treasurer as provided in s. 59.40 (2) (m). The  
22 county treasurer shall then make payment to the ~~state treasurer~~ secretary of  
23 administration as provided in s. 59.25 (3) (f) 2.

24 **\*-0529/4.217\* SECTION 2450.** 253.06 (5) (e) of the statutes is amended to read:

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

13           \***-0529/4.218\*** SECTION 2451. 254.45 (4) (b) of the statutes is amended to read:

14           254.45 (4) (b) The department shall remit all forfeitures paid to the ~~state~~  
15 ~~treasurer~~ secretary of administration for deposit in the school fund.

16           \***-0529/4.219\*** SECTION 2452. 254.59 (2) of the statutes is amended to read:

17           254.59 (2) If a human health hazard is found on private property, the local  
18 health officer shall notify the owner and the occupant of the property, by registered  
19 mail with return receipt requested, of the presence of the human health hazard and  
20 order its abatement or removal within 30 days of receipt of the notice. If the human  
21 health hazard is not abated or removed by that date, the local health officer shall  
22 immediately enter upon the property and abate or remove the human health hazard  
23 or may contract to have the work performed. The human health hazard shall be  
24 abated in a manner which is approved by the local health officer. The cost of the  
25 abatement or removal may be recovered from the person permitting the violation or

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## SECTION 2452

1 may be paid by the municipal treasurer and the account, after being paid by the  
2 treasurer, shall be filed with the municipal clerk, who shall enter the amount  
3 chargeable to the property in the next tax roll in a column headed “For Abatement  
4 of a Nuisance” as a special tax on the lands upon which the human health hazard was  
5 abated, and the tax shall be collected as are other taxes. In case of railroads or other  
6 lands not taxed in the usual way, the amount chargeable shall be certified by the  
7 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount  
8 designated in the certificate to the sum due from the company owning, occupying, or  
9 controlling the land specified, and the ~~state treasurer~~ secretary of administration  
10 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount  
11 collected to the town, city, or village from which the certificate was received. Anyone  
12 maintaining such a human health hazard may also be fined not more than \$300 or  
13 imprisoned for not more than 90 days or both. The only defenses an owner may have  
14 against the collection of a tax under this subsection are that no human health hazard  
15 existed on the owner’s property, that no human health hazard was corrected on the  
16 owner’s property, that the procedure outlined in this subsection was not followed or  
17 any applicable defense under s. 74.33.

18 \***-0529/4.220\*** SECTION 2453. 254.59 (5) of the statutes is amended to read:

19 254.59 (5) The cost of abatement or removal of a human health hazard under  
20 this section may be at the expense of the municipality and may be collected from the  
21 owner or occupant, or person causing, permitting, or maintaining the human health  
22 hazard, or may be charged against the premises and, upon certification of the local  
23 health officer, assessed as are other special taxes. In cases of railroads or other lands  
24 not taxed in the usual way, the amount chargeable shall be certified by the clerk to  
25 the ~~state treasurer~~ secretary of administration who shall add the amount designated

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1 in the certificate to the sum due from the company owning, occupying, or controlling  
2 the land specified, and the ~~state treasurer~~ secretary of administration shall collect  
3 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the  
4 town, city, or village from which the certificate was received. Anyone maintaining  
5 such a human health hazard may also be fined not more than \$300 or imprisoned for  
6 not more than 90 days or both. The only defenses an owner may have against the  
7 collection of a tax under this subsection are that no human health hazard existed on  
8 the owner's property, that no human health hazard was corrected on the owner's  
9 property, that the procedure outlined in this subsection was not followed, or any  
10 applicable defense under s. 74.33.

11 **\*-1506/2.4\* SECTION 2454.** 254.89 of the statutes is renumbered 97.24 (5) and  
12 amended to read:

13 97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall  
14 conduct evaluation surveys of grade A dairy operations in this state to the extent  
15 necessary to certify to the federal food and drug administration, out-of-state  
16 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal  
17 public health service, and local health departments, the compliance rating of the  
18 grade A dairy operations based upon the sanitation and enforcement requirements  
19 of the grade A pasteurized milk ordinance of the federal public health service and its  
20 related documents. The department may promulgate rules establishing fees which  
21 may be charged to dairy plants to fund these activities.

22 **\*-1506/2.3\* SECTION 2455.** Subchapter VIII (title) of chapter 254 [precedes  
23 254.89] of the statutes is repealed.

24 **\*-1504/1.12\* SECTION 2456.** 255.15 (1) of the statutes is repealed.



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## SECTION 2457

1           \***-1504/1.13\*** SECTION 2457. 255.15 (1m) (intro.) of the statutes is amended to  
2 read:

3           255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

4           \***-1504/1.14\*** SECTION 2458. 255.15 (1m) (a) of the statutes is repealed.

5           \***-1504/1.15\*** SECTION 2459. 255.15 (1m) (c) of the statutes is amended to read:

6           255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
7 awarded under sub. (3), including performance-based standards for grant recipients  
8 that propose to use the grant for media efforts. The ~~board~~ department shall ensure  
9 that programs or projects conducted under the grants are culturally sensitive.

10          \***-1504/1.16\*** SECTION 2460. 255.15 (3) (a) (intro.) of the statutes is amended  
11 to read:

12          255.15 (3) (a) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),  
13 the ~~board~~ department shall distribute the following amounts to or for all of the  
14 following:

15          \***-1504/1.17\*** SECTION 2461. 255.15 (3) (b) (intro.) of the statutes is amended  
16 to read:

17          255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1)~~ 20.435 (1) (tc),  
18 the ~~board~~ department may distribute grants for any of the following:

19          \***-1504/1.18\*** SECTION 2462. 255.15 (4) of the statutes is amended to read:

20          255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the  
21 ~~board~~ department shall submit to the governor and to the chief clerk of each house  
22 of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
23 success of the grant program under sub. (3). The report shall specify the number of  
24 grants awarded during the immediately preceding fiscal year and the purpose for

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1 which each grant was made. The report shall also specify donations and grants  
2 accepted by the board department under sub. (5).

3 **\*-1504/1.19\* SECTION 2463.** 255.15 (5) of the statutes is amended to read:

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

10 **\*-1504/1.20\* SECTION 2464.** 255.15 (6) of the statutes is amended to read:

11 255.15 (6) ~~SUBCOMMITTEES~~ COMMITTEES. ~~The board may create subcommittees~~  
12 ~~to assist in its work.~~ If the board department creates subcommittees committees to  
13 assist in its work under this section, one of the subcommittees committees shall  
14 address the issue of populations most adversely affected by tobacco.

15 **\*-1187/4.202\* SECTION 2465.** 281.36 (1) (cr) of the statutes is amended to read:

16 281.36 (1) (cr) “State transportation agency” means the department of  
17 transportation ~~or the office of the commissioner of railroads.~~

18 **\*-0421/3.1\* SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended  
19 to read:

20 281.59 (3e) (b) 1. Equal to \$90,000,000 \$92,400,000 during the 2001–03  
21 2003–05 biennium.

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

23 **\*-0421/3.2\* SECTION 2467.** 281.59 (3m) (b) 1. and 2. of the statutes are  
24 amended to read:

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1           281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$12,000,000 during the 2001–03  
2           2003–05 biennium.

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

4           \*~~0421/3.3~~\* SECTION 2468. 281.59 (3s) (b) 1. and 2. of the statutes are amended  
5           to read:

6           281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the 2001–03  
7           2003–05 biennium.

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

9           \*~~0421/3.4~~\* SECTION 2469. 281.59 (4) (f) of the statutes is amended to read:

10          281.59 (4) (f) Revenue obligations may be contracted by the building  
11          commission when it reasonably appears to the building commission that all  
12          obligations incurred under this subsection can be fully paid on a timely basis from  
13          moneys received or anticipated to be received. Revenue obligations issued under this  
14          subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~  
15          \$1,658,025,000 in principal amount, excluding obligations issued to refund  
16          outstanding revenue obligation notes.

17          \*~~1712/5.79~~\* SECTION 2470. 281.65 (10) of the statutes is repealed.

18          \*~~0529/4.221~~\* SECTION 2471. 281.99 (4) of the statutes is amended to read:

19          281.99 (4) All forfeitures shall be paid to the department within 60 days after  
20          receipt of the order or according to a schedule agreed to by the department and the  
21          water system owner or operator or, if the forfeiture is contested under sub. (3), within  
22          10 days after receipt of the final decision after exhaustion of administrative review,  
23          unless the final decision is appealed and the order is stayed by court order. The  
24          department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of  
25          administration for deposit in the school fund.

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## SECTION 2472

1           \*~~1289/7.116~~\* SECTION 2472. 283.84 (1) (c) of the statutes is amended to read:

2           283.84 (1) (c) Reaches an agreement with the department or a local  
3 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays  
4 money to the department or local governmental unit and the department or local  
5 governmental unit uses the money to reduce water pollution in the project area.

6           \*~~0415/2.2~~\* SECTION 2473. 285.69 (3) of the statutes is renumbered 285.69 (3)  
7 (a) and amended to read:

8           285.69 (3) (a) The department may promulgate rules for the payment and  
9 collection of fees for inspecting nonresidential asbestos demolition and renovation  
10 projects regulated by the department. The fees under this subsection for an  
11 inspection may not exceed ~~\$210 per~~ \$450 if the combined square and linear footage  
12 of friable asbestos-containing material involved in the project is less than 5,000. The  
13 fees under this subsection for an inspection may not exceed \$750 if the combined  
14 square and linear footage of friable asbestos-containing material involved in the  
15 project is 5,000 or more. The fees collected under this subsection shall be credited  
16 to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of  
17 conducting inspections of nonresidential asbestos demolition and ~~inspection~~  
18 renovation projects regulated by the department.

19           \*~~0415/2.3~~\* SECTION 2474. 285.69 (3) (b) and (c) of the statutes are created to  
20 read:

21           285.69 (3) (b) In addition to the fees under par. (a), the department may charge  
22 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and  
23 renovation project.

24           (c) For the purpose of par. (a), combined square and linear footage shall be  
25 determined by adding the number of square feet of friable asbestos-containing

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## SECTION 2474

1 material on areas other than pipes to the number of linear feet of friable  
2 asbestos-containing material on pipes.

3 **\*-1614/1.4\* SECTION 2475.** 289.33 (13) of the statutes is created to read:

4 289.33 (13) DIVISION OF HEARINGS AND APPEALS. The division of hearings and  
5 appeals created under s. 15.103 (1) shall provide staff to assist the board in  
6 performing its duties.

7 **\*-1546/2.10\* SECTION 2476.** 292.255 of the statutes is amended to read:

8 **292.255 Report on brownfield efforts.** The department of natural  
9 resources, and the department of administration ~~and the department of commerce~~  
10 shall submit a report evaluating the effectiveness of this state's efforts to remedy the  
11 contamination of, and to redevelop, brownfields, as defined in s. 560.60 (1v).

12 **\*-1546/2.11\* SECTION 2477.** 292.74 of the statutes is created to read:

13 **292.74 Brownfields grant program.** (1) DEFINITIONS. In this section:

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

17 (b) "Local governmental unit" means a city, village, town, county,  
18 redevelopment authority created under s. 66.1333, community development  
19 authority created under s. 66.1335, or housing authority.

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

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

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

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

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

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

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

15 2. Provisions specifying the activities that may be covered by grants under this  
16 section.

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

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

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

22 **\*-1546/2.12\* SECTION 2478.** 292.75 of the statutes is repealed.

23 **\*-1546/2.13\* SECTION 2479.** 292.77 of the statutes is repealed.

24 **\*-1546/2.14\* SECTION 2480.** 292.79 of the statutes is repealed.

25 **\*-0448/1.2\* SECTION 2481.** 292.94 of the statutes is created to read:

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## SECTION 2481

1           **292.94 Fees related to enforcement actions.** The department may assess  
2 and collect fees from a person who is subject to an order or other enforcement action  
3 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to  
4 review the planning and implementation of any environmental investigation or  
5 environmental cleanup that the person is required to conduct. The department shall  
6 promulgate rules for the assessment and collection of fees under this section. Fees  
7 collected under this section shall be credited to the appropriation account under s.  
8 20.370 (2) (dh).

9           \***-0529/4.222\*** SECTION 2482. 299.93 (3) of the statutes is amended to read:  
10           299.93 (3) If any deposit is made for an offense to which this section applies,  
11 the person making the deposit shall also deposit a sufficient amount to include the  
12 environmental assessment prescribed in this section. If the deposit is forfeited, the  
13 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~  
14 secretary of administration under sub. (4). If the deposit is returned, the  
15 environmental assessment shall also be returned.

16           \***-0529/4.223\*** SECTION 2483. 299.93 (4) of the statutes is amended to read:  
17           299.93 (4) The clerk of the court shall collect and transmit to the county  
18 treasurer the environmental assessment and other amounts required under s. 59.40  
19 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
20 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
21 secretary of administration shall deposit the amount of the assessment in the  
22 environmental fund.

23           \***-0358/1.1\*** SECTION 2484. 301.025 of the statutes is amended to read:

24           **301.025 Division of juvenile corrections.** The division of juvenile  
25 corrections shall exercise the powers and perform the duties of the department that

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## SECTION 2484

1 relate to juvenile correctional services and institutions, juvenile offender review,  
2 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the  
3 serious juvenile offender program under s. 938.538, and youth aids.

4 **\*-1824/6.47\* SECTION 2485.** 301.03 (18) (d) of the statutes is amended to read:

5 301.03 (18) (d) Compromise or waive all or part of the liability for services  
6 received as the department considers necessary to efficiently administer this  
7 subsection, subject to such conditions as the department considers appropriate. The  
8 sworn statement of ~~the~~ any collection and deportation counsel appointed under s.  
9 301.12 (7), the department's legal counsel, or the secretary, shall be evidence of the  
10 services provided and the fees charged for those services.

11 **\*-0529/4.224\* SECTION 2486.** 301.105 (intro.) of the statutes is amended to  
12 read:

13 **301.105 Telephone company commissions.** (intro.) The department shall  
14 collect moneys for commissions from telephone companies for contracts to provide  
15 telephone services to inmates. The department shall transmit those moneys to the  
16 ~~state treasurer~~ secretary of administration. ~~The state treasurer~~ secretary of  
17 administration shall do all of the following:

18 **\*-1824/6.48\* SECTION 2487.** 301.12 (6) of the statutes is amended to read:

19 301.12 (6) The sworn statement of ~~the~~ any collection and deportation counsel  
20 appointed under sub. (7), of the department's legal counsel, or of the secretary, shall  
21 be evidence of the fee and of the care and services received by the resident.

22 **\*-1824/6.49\* SECTION 2488.** 301.12 (7) of the statutes is amended to read:

23 301.12 (7) The department of corrections shall administer and enforce this  
24 section. ~~The department~~ On behalf of the department of corrections, the department  
25 of administration shall appoint an attorney to be designated "collection and



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## SECTION 2488

1 deportation counsel” and.” The department of corrections may appoint other  
2 necessary assistants. The department of corrections may delegate to the collection  
3 and deportation counsel such other powers and duties as the department considers  
4 advisable. The collection and deportation counsel or any of the assistants may  
5 administer oaths, take affidavits and testimony, examine public records, subpoena  
6 witnesses and the production of books, papers, records, and documents material to  
7 any matter of proceeding relating to payments for the cost of maintenance. The  
8 department of corrections shall encourage agreements or settlements with the liable  
9 person, having due regard to ability to pay and the present needs of lawful  
10 dependents.

11 **\*-0576/8.91\* SECTION 2489.** 301.16 (1o) (b) of the statutes is amended to read:

12 301.16 (1o) (b) In the selection of classified service employees of the institution  
13 specified in par. (a), the appointing authority shall, whenever possible, use the  
14 expanded certification program under rules of the administrator of the division of  
15 merit recruitment and selection in the department of ~~employment relations~~  
16 administration to ensure that employees of the institution reflect the general  
17 population of either the county in which the institution is located or the most  
18 populous county contiguous to the county in which the institution is located,  
19 whichever population is greater. The administrator of the division of merit  
20 recruitment and selection in the department of ~~employment relations~~  
21 administration shall provide guidelines for the administration of this selection  
22 procedure.

23 **\*-1791/2.1\* SECTION 2490.** 301.16 (1r) of the statutes is amended to read:

24 301.16 (1r) In addition to the institutions under sub. (1), the department shall  
25 establish a medium security correctional institution for persons 15 years of age or

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1 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison  
2 under s. 302.01. The medium security correctional institution under this subsection  
3 shall be known as the Racine Youthful Offender Correctional Facility and shall be  
4 located at the intersection of Albert Street and North Memorial Drive in the city of  
5 Racine. The department shall limit the number of prisoners who may be placed at  
6 the Racine Youthful Offender Correctional Facility to no more than ~~400~~ 450 at any  
7 one time.

8 **\*-0335/P1.1\* SECTION 2491.** 301.21 (2m) (b) of the statutes is amended to read:

9 301.21 (2m) (b) While in an institution in another state covered by a contract  
10 under this subsection, Wisconsin prisoners are subject to all provisions of law and  
11 regulation concerning the confinement of persons in that institution under the laws  
12 of that state, except as otherwise provided for by any contract entered into under this  
13 subsection.

14 **\*-0359/2.1\* SECTION 2492.** 301.26 (4) (d) 2. of the statutes is amended to read:

15 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~  
16 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$190 for care  
17 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$190 for  
18 care for juveniles transferred from a juvenile correctional institution under s. 51.35  
19 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142  
20 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for  
21 care in a treatment foster home, ~~\$82.56~~ \$88 for departmental corrective sanctions  
22 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

23 **\*-0359/2.2\* SECTION 2493.** 301.26 (4) (d) 3. of the statutes is amended to read:

24 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~  
25 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$194 for care