

## SENATE BILL 44



1           \*-1295/2.58\* SECTION 2439. 230.88 (2) of the statutes is amended to read:

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

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

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

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## SECTION 2439

1 a complaint filed under s. 230.85 except to dismiss the complaint and, if appropriate,  
2 to assess costs under this paragraph.

3 \***-1295/2.59\*** SECTION 2440. 230.89 of the statutes is amended to read:

4 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal  
5 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

12 \***-0576/8.89\*** SECTION 2441. 233.10 (3) (c) 4. of the statutes is amended to read:

13 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of  
14 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)  
15 and (4) (e) and, to the extent applicable, rules of the ~~department of employment~~  
16 relations office of state human resources management <sup>Extra space!</sup> governing such leaves for  
17 employees in the classified service as of the last day of the employee's employment  
18 as a state employee if the employee was entitled to those benefits on that day.

19 \***-0576/8.90\*** SECTION 2442. 233.10 (4) of the statutes is amended to read:

20 233.10 (4) Notwithstanding the requirement that an employee be a state  
21 employee, a carry-over employee of the authority who was employed in a position in  
22 the classified service immediately prior to beginning employment with the authority  
23 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.  
24 230.29 and the rules of the ~~department of employment relations~~ office of state human

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1 resources management governing transfers as a person who holds a position in the  
2 classified service.

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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## SECTION 2446

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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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 \*b0144/1.1\* SECTION 2455r. 255.06 (2) (i) of the statutes is created to read:

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1           255.06 (2) (i) *Multiple sclerosis screening services*. Allocate and expend at least  
2 \$60,000 in each fiscal year as reimbursement for the provision of multiple sclerosis  
3 screening services to women.

4           **\*b0145/1.12\* SECTION 2455r.** 255.10 (intro.) of the statutes is amended to read:

5           **255.10 Thomas T. Melvin youth tobacco prevention and education**  
6 **program.** (intro.) From the moneys distributed under s. 255.15 (3) (a)–2. (b), the  
7 department shall administer the Thomas T. Melvin youth tobacco prevention and  
8 education program, with the primary purpose of reducing the use of cigarettes and  
9 tobacco products by minors. The department shall award grants for the following  
10 purposes:

11           **\*b0145/1.12\* SECTION 2455v.** 255.15 (title) of the statutes is amended to read:

12           **255.15 (title) Statewide tobacco use control program.**

13           **\*–1504/1.12\* SECTION 2456.** 255.15 (1) of the statutes is repealed.

14           **\*–1504/1.13\* SECTION 2457.** 255.15 (1m) (intro.) of the statutes is amended to  
15 read:

16           255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

17           **\*–1504/1.14\* SECTION 2458.** 255.15 (1m) (a) of the statutes is repealed.

18           **\*–1504/1.15\* SECTION 2459.** 255.15 (1m) (c) of the statutes is amended to read:

19           255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
20 awarded under sub. (3), including performance–based standards for grant recipients  
21 that propose to use the grant for media efforts. The ~~board~~ department shall ensure  
22 that programs or projects conducted under the grants are culturally sensitive.

23           **\*b0145/1.13\* SECTION 2459d.** 255.15 (1m) (f) of the statutes is amended to  
24 read:



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## SECTION 2459d

1           255.15 (1m) (f) ~~Develop and prepare an annual plan regarding Continue~~  
2 ~~implementation of a strategic plan for a statewide tobacco use control program,~~  
3 ~~including the allocation of funding for a statewide tobacco control program, and~~  
4 ~~update the plan annually.~~

5           **\*b0145/1.14\* SECTION 2459x.** 255.15 (2m) of the statutes is created to read:

6           255.15 (2m) TOBACCO CONTROL ADVISORY COMMITTEE. (a) The secretary shall,  
7 under s. 15.04 (1) (c), create a tobacco control advisory committee. The committee  
8 shall consist of not more than 17 members, appointed by the secretary for 3-year  
9 terms, and shall include all of the following:

- 10           1. At least one representative of a local tobacco prevention coalition.
- 11           2. At least one youth who represents youth involved in tobacco prevention and  
12 control efforts.
- 13           3. At least one representative of a population that is disproportionately  
14 impacted by tobacco use.
- 15           4. At least one representative of a statewide health care provider association  
16 or organization.
- 17           5. At least one representative of a statewide or regional hospital association or  
18 organization.
- 19           6. At least one representative of a statewide or regional insurance association  
20 or organization.
- 21           7. At least one representative of a state or local chamber of commerce or other  
22 business association or organization.
- 23           8. One senator.
- 24           9. One representative to the assembly who is of a different political party from  
25 the senator appointed under subd. 8.

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1           10. At least 3 representatives of organizations that have the reduction of the  
2 health and economic impacts of tobacco use as their primary organizational  
3 missions.

4           11. The secretary.

5           12. The superintendent of public instruction or his or her designee.

6           13. The attorney general or his or her designee.

7           14. One or more members of organizations or associations specified by the  
8 department.

9           (b) The tobacco control advisory committee shall do all of the following:

10           1. Develop public-private partnerships on tobacco use control issues and  
11 initiatives.

12           2. Ensure regular review and monitoring of the plan under sub. (1m) (f).

13           3. Identify external resources and steps that the department could take to  
14 support implementation of the plan under sub. (1m) (f) or other local tobacco use  
15 prevention and control policy initiatives.

16           4. Ensure coordination with other tobacco control efforts in this state.

17           5. Provide advice and guidance on proposed tobacco use prevention and control  
18 plans and strategies, including those funded under sub. (3).

19           6. Ensure that an external evaluator conducts regular outcome-based  
20 evaluations of tobacco use prevention and control projects and presents the  
21 evaluations to the joint legislative audit committee.

22           7. Develop and distribute an annual report on the impacts of tobacco use in this  
23 state and the progress of tobacco use prevention and control efforts.

24           8. For members specified in par. (a) 1., 4., 5., 6., 7., 10., and 14., commit the  
25 human and material resources of the associations or organizations represented by

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SECTION 2459x

1 those members to efforts toward tobacco use prevention and control to the greatest  
2 extent possible.

3 9. Address the issue of populations most adversely affected by tobacco use.

4 \*b0145/1.14\* SECTION 2460d. 255.15 (3) (a) of the statutes is repealed.

5 \*b0145/1.14\* SECTION 2461d. 255.15 (3) (b) (intro.) of the statutes is amended  
6 to read:

7 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1) (te)~~ 20.435 (5)  
8 (fm), the board department may distribute grants for any of the following:

9 \*b0145/1.14\* SECTION 2461r. 255.15 (3) (b) 8. of the statutes is amended to  
10 read:

11 255.15 (3) (b) 8. Other tobacco use cessation or prevention programs, including  
12 tobacco research and intervention.

13 \*-1504/1.18\* SECTION 2462. 255.15 (4) of the statutes is amended to read:

14 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the  
15 board department shall submit to the governor and to the chief clerk of each house  
16 of the legislature for distribution under s. 13.172 (2) a report that evaluates the  
17 success of the grant program under sub. (3). The report shall specify the number of  
18 grants awarded during the immediately preceding fiscal year and the purpose for  
19 which each grant was made. The report shall also specify donations and grants  
20 accepted by the board department under sub. (5).

21 \*-1504/1.19\* SECTION 2463. 255.15 (5) of the statutes is amended to read:

22 255.15 (5) FUNDS. The board department may accept for any of ~~its~~ the purposes  
23 under this section any donations and grants of money, equipment, supplies,  
24 materials and services from any person. The board department shall include in the  
25 report under sub. (4) any donation or grant accepted by the board department under

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1 this subsection, including the nature, amount and conditions, if any, of the donation  
2 or grant and the identity of the donor.

3 \*b0145/1.15\* SECTION 2464d. 255.15 (6) of the statutes is repealed.

4 \*-0421/3.1\* SECTION 2466. 281.59 (3e) (b) 1. and 3. of the statutes are amended  
5 to read:

6 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$55,100,000 during the ~~2001–03~~  
7 2003–05 biennium.

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

9 \*-0421/3.2\* SECTION 2467. 281.59 (3m) (b) 1. and 2. of the statutes are  
10 amended to read:

11 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$4,000,000 during the ~~2001–03~~ 2003–05  
12 biennium.

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

14 \*-0421/3.3\* SECTION 2468. 281.59 (3s) (b) 1. and 2. of the statutes are amended  
15 to read:

16 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the ~~2001–03~~  
17 2003–05 biennium.

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

19 \*-0421/3.4\* SECTION 2469. 281.59 (4) (f) of the statutes is amended to read:

20 281.59 (4) (f) Revenue obligations may be contracted by the building  
21 commission when it reasonably appears to the building commission that all  
22 obligations incurred under this subsection can be fully paid on a timely basis from  
23 moneys received or anticipated to be received. Revenue obligations issued under this  
24 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~

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1 \$1,615,955,000 in principal amount, excluding obligations issued to refund  
2 outstanding revenue obligation notes.

3 **\*-1712/5.79\* SECTION 2470.** 281.65 (10) of the statutes is repealed.

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

5 281.99 (4) All forfeitures shall be paid to the department within 60 days after  
6 receipt of the order or according to a schedule agreed to by the department and the  
7 water system owner or operator or, if the forfeiture is contested under sub. (3), within  
8 10 days after receipt of the final decision after exhaustion of administrative review,  
9 unless the final decision is appealed and the order is stayed by court order. The  
10 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of  
11 administration for deposit in the school fund.

12 **\*-1289/7.116\* SECTION 2472.** 283.84 (1) (c) of the statutes is amended to read:

13 283.84 (1) (c) Reaches an agreement with the department or a local  
14 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays  
15 money to the department or local governmental unit and the department or local  
16 governmental unit uses the money to reduce water pollution in the project area.

17 **\*-0415/2.2\* SECTION 2473.** 285.69 (3) of the statutes is renumbered 285.69 (3)

18 (a) and amended to read:

19 285.69 (3) (a) The department may promulgate rules for the payment and  
20 collection of fees for inspecting nonresidential asbestos demolition and renovation  
21 projects regulated by the department. The fees under this subsection for an  
22 inspection <sup>↓</sup> plus the fee under sub. (1) (c) may not exceed \$210 per ~~\$400~~ if the  
23 combined square and linear footage of friable asbestos-containing material involved  
24 in the project is less than 5,000. The fees under this subsection for an inspection plus  
25 the fee under sub. (1) (c) may not exceed \$750 if the combined square and linear

delete  
extra  
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1 footage of friable asbestos-containing material involved in the project is 5,000 or  
2 more. The fees collected under this subsection shall be credited to the appropriation  
3 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of  
4 nonresidential asbestos demolition and ~~inspection~~ renovation projects regulated by  
5 the department.

6 **\*-0415/2.3\* SECTION 2474.** 285.69 (3) (b) and (c) of the statutes are created to  
7 read:

8 285.69 (3) (b) In addition to the fees under par. (a), the department may charge  
9 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and  
10 renovation project.

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

15 **\*b0105/3.6\* SECTION 2474kd.** 287.03 (1) (d) of the statutes is repealed.

16 **\*b0105/3.6\* SECTION 2474kf.** 287.19 (2) of the statutes is amended to read:

17 287.19 (2) POWERS. In providing assistance under sub. (1), the department may  
18 provide assistance relating to the marketing of materials recovered from solid waste,  
19 ~~if the provision of that assistance is a responsibility assigned to the department in~~  
20 ~~a memorandum of understanding, contract or other agreement with the recycling~~  
21 ~~market development board.~~

22 **\*b0105/3.6\* SECTION 2474kq.** 287.22 (2) (c) of the statutes is amended to read:

23 287.22 (2) (c) Advise state agencies concerning the promulgation of rules under  
24 ss. 100.29, 100.295, and 101.126 ~~and 560.031.~~

25 **\*b0105/3.6\* SECTION 2474L.** 287.26 of the statutes is created to read:

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1           **287.26 Recycling market development grants.** (1) The department shall  
2 award a grant of \$50,000 in each fiscal year to a private, nonprofit,  
3 industry-supported organization that is described in section 501 (c) (3) of the  
4 Internal Revenue Code and that provides waste reduction and recycling assistance  
5 through business-to-business peer exchange. An organization that is awarded a  
6 grant must be instrumental in assisting and encouraging companies and institutions  
7 to reduce their operating costs through improved production and solid waste  
8 management practices and must be in existence on October 29, 1999.

9           (2) The department shall annually contract for the operation of a statewide  
10 materials exchange program with a materials exchange program that received  
11 funding from the recycling market development board in the 1997–99 fiscal  
12 biennium.

13           **\*b0207/1.5\* SECTION 2475g.** 289.64 (6) of the statutes is amended to read:

14           289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected  
15 under sub. (2) shall be credited to the appropriation under s. 20.370 (2) ~~(eg) for~~  
16 ~~transfer to the appropriation under s. 20.505 (4) (k) (ei).~~

17           **\*b0183/5.10\* SECTION 2475r.** 292.11 (14) of the statutes is created to read:

18           292.11 (14) FUNDING FROM AGRICHEMICAL MANAGEMENT FUND. If the department  
19 expends funds from the appropriation under s. 20.370 (2) (dv) to take action  
20 authorized under s. 94.73 (2m), the department may request the joint committee on  
21 finance to supplement the appropriation under s. 20.370 (2) (dx) in an amount equal  
22 to the amount expended. If the department proposes to take action authorized under  
23 s. 94.73 (2m), the department may request the joint committee on finance to  
24 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the  
25 amount that the department expects to expend to take that action. The joint


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1 committee on finance may, from the appropriation under s. 20.865 (4) (u),  
2 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the  
3 amount that the department expended or expects to expend to take action under s.  
4 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is not required to find  
5 that an emergency exists.

6 **\*b0187/1.1\* SECTION 2475e.** 289.645 (4) (d) of the statutes is created to read:

7 289.645 (4) (d) The recycling fee does not apply to sediments that are  
8 contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from  
9 the bed of a navigable water of this state in connection with a phase of a project to  
10 remedy contamination of the bed of the navigable water if the quantity of the  
11 sediments removed, either in the phase or in combination with other planned phases  
12 of the project, will exceed 200,000 cubic yards.

13

*extra space?* 

14 **\*-1546/2.13\* SECTION 2479.** 292.77 of the statutes is repealed.

15 **\*-0448/1.2\* SECTION 2481.** 292.94 of the statutes is created to read:

16 **292.94 Fees related to enforcement actions.** The department may assess  
17 and collect fees from a person who is subject to an order or other enforcement action  
18 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to  
19 review the planning and implementation of any environmental investigation or  
20 environmental cleanup that the person is required to conduct. The department shall  
21 promulgate rules for the assessment and collection of fees under this section. Fees  
22 collected under this section shall be credited to the appropriation account under s.  
23 20.370 (2) (dh).

24 **\*b0183/5.11\* SECTION 2481s.** 299.41 of the statutes is renumbered 93.57 and  
25 amended to read:



## SENATE BILL 44

1           **93.57 Household hazardous waste.** The department shall establish and  
2 administer a grant program to assist municipalities and regional planning  
3 commissions in creating and operating local programs for the collection and disposal  
4 of household hazardous waste.

5           \*~~0529/4.222~~\* **SECTION 2482.** 299.93 (3) of the statutes is amended to read:

6           299.93 (3) If any deposit is made for an offense to which this section applies,  
7 the person making the deposit shall also deposit a sufficient amount to include the  
8 environmental assessment prescribed in this section. If the deposit is forfeited, the  
9 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~  
10 secretary of administration under sub. (4). If the deposit is returned, the  
11 environmental assessment shall also be returned.

12           \*~~0529/4.223~~\* **SECTION 2483.** 299.93 (4) of the statutes is amended to read:

13           299.93 (4) The clerk of the court shall collect and transmit to the county  
14 treasurer the environmental assessment and other amounts required under s. 59.40  
15 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
16 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
17 secretary of administration shall deposit the amount of the assessment in the  
18 environmental fund.

19           \*~~0358/1.1~~\* **SECTION 2484.** 301.025 of the statutes is amended to read:

20           **301.025 Division of juvenile corrections.** The division of juvenile  
21 corrections shall exercise the powers and perform the duties of the department that  
22 relate to juvenile correctional services and institutions, juvenile offender review,  
23 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the  
24 serious juvenile offender program under s. 938.538, and youth aids.

25           \*~~b0244/1.3~~\* **SECTION 2485g.** 301.0465 of the statutes is created to read:

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## SECTION 2485g

1           **301.0465 Halfway houses for nonviolent offenders. (1) ESTABLISHMENT**  
2           AND COST. The department shall request proposals and may contract for the  
3           establishment of 2 25-bed halfway houses for nonviolent offenders, with one to be  
4           located in an urban area and one in a rural area. The department, however, may not  
5           accept a proposal unless its daily cost per inmate under the proposal is less than or  
6           equal to its highest daily cost per inmate under contracts entered into under s.  
7           301.21.

8           **(2) FACILITY, INMATE, OFFICER, AND EMPLOYEE STATUS.** A halfway house  
9           established under sub. (1) is a state prison under s. 302.01. Inmates confined in a  
10          halfway house under this section are under the care and control of the halfway house,  
11          subject to its rules and discipline, and subject to all laws pertaining to inmates of  
12          other state prisons. Officers and employees of a halfway house are subject to all laws  
13          pertaining to other state prisons.

14          **(3) ELIGIBILITY.** The department shall determine which prisoners are to be  
15          confined in a halfway house established under sub. (1), but a prisoner is eligible for  
16          this confinement only if all of the following apply:

17          (a) The prisoner is a nonviolent offender to whom one of the following applies:

18                1. He or she is serving no more than the last 6 months of the term of confinement  
19                of a bifurcated sentence.

20                2. He or she was returned to prison under s. 302.113 (9) and there are no more  
21                than 6 months remaining of the time for which he or she is to be incarcerated.

22                3. He or she is serving an indeterminate sentence for a crime other than a  
23                serious felony, as defined in s. 302.11 (1g), and there are no more than 6 months  
24                remaining until his or her mandatory release date under s. 302.11.

## SENATE BILL 44

1           4. He or she is serving an indeterminate sentence and the parole commission  
2 has authorized his or her release on parole within the next 6 months.

3           5. He or she is serving no more than the last 6 months of an indeterminate  
4 sentence.

5           (b) Upon a petition by the department within the 3 months immediately  
6 preceding the person's placement in the halfway house, the sentencing court entered  
7 an order authorizing the placement.

8           (4) NO DIRECT COMMITMENT BY COURT. A court may not directly commit persons  
9 to a halfway house established under sub. (1).

10           (5) REPORT. The department shall submit a report to the legislature under s.  
11 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

12           (a) The success of the halfway house program under this section in  
13 reintegrating offenders into the community as compared to other programs for  
14 incarcerated offenders.

15           (b) The cost effectiveness of the program.

16           (c) The administration of the program.

17           (d) The public's opinion of the program.

18           **\*b0244/1.3\* SECTION 2485r.** 301.0465 of the statutes, as created by 2003  
19 Wisconsin Act .... (this act), is repealed.

20           **\*-0529/4.224\* SECTION 2486.** 301.105 (intro.) of the statutes is amended to  
21 read:

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

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SECTION 2486

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

3 \*~~0576/8.91~~\* SECTION 2489. 301.16 (1o) (b) of the statutes is amended to read:

4 301.16 (1o) (b) In the selection of classified service employees of the institution  
5 specified in par. (a), the appointing authority shall, whenever possible, use the  
6 expanded certification program under rules of the administrator of the division of  
7 merit recruitment and selection in the ~~department of employment relations~~ office of  
8 state human resources management <sup>delete this phrase</sup> to ensure that employees of the institution  
9 reflect the general population of either the county in which the institution is located  
10 or the most populous county contiguous to the county in which the institution is  
11 located, whichever population is greater. The administrator of the division of merit  
12 recruitment and selection in the department of ~~employment relations~~  
13 administration shall provide guidelines for the administration of this selection  
14 procedure.

15 \*~~1791/2.1~~\* SECTION 2490. 301.16 (1r) of the statutes is amended to read:

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

25 \*~~b0212/2.1~~\* SECTION 2490d. 301.16 (1v) of the statutes is amended to read:

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## SECTION 2490d

1           301.16 (1v) In addition to the institutions under sub. (1), the department shall  
2           establish a ~~medium~~ minimum security correctional institution in Chippewa Falls.  
3           The department shall designate 50 beds at this correctional institution for  
4           programming for offenders in prison as an alternative to the revocation of probation,  
5           extended supervision, or parole.

6           **\*b0211/3.1\* SECTION 2491g.** 301.215 of the statutes is created to read:

7           **301.215 Contracts with counties.** (1) During any period that the  
8           department contracts with a private person under s. 301.21 (2m) for the transfer and  
9           confinement in another state of prisoners who have been committed to the custody  
10          of the department, the department shall do all of the following:

11          (a) By July 1 annually, accept proposals submitted from county sheriffs to place  
12          prisoners who have been committed to the custody of the department in county jails.

13          (b) By the following October 1, evaluate every proposal submitted under par.  
14          (a) and notify each county that submitted a proposal whether, based on criteria that  
15          the department establishes, prisoners who have been committed to the custody of the  
16          department may be placed in the county's jail under a contract with the department  
17          beginning on the following January 1.


18          (2) If the department determines under sub. (1) (b) that prisoners may be  
19          placed in the county's jail, the department and county shall establish the daily cost  
20          to the department of placing the prisoner in the county's jail. Notwithstanding s.  
21          302.27, the daily cost established under this subsection may not exceed the highest  
22          daily cost paid by the department to a private person under an existing contract  
23          under s. 301.21 (2m).

24          (3) If the department and a county enter into a contract for the placement of  
25          prisoners who have been committed to the custody of the department in county jails,

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## SECTION 2491g

1 the department shall give priority to placing prisoners in the county jail before  
2 placing any prisoner with a private person outside the state under a contract under  
3 s. 301.21 (2m).

4 *extra space?*   
5 **\*b0201/3.1\* SECTION 2492d.** 301.26 (4) (d) 2. of the statutes is amended to  
6 read:

7 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~  
8 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$183 for care  
9 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$183 for  
10 care for juveniles transferred from a juvenile correctional institution under s. 51.35  
11 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142  
12 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for  
13 care in a treatment foster home, ~~\$82.56~~ \$86 for departmental corrective sanctions  
14 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

15 **\*b0201/3.1\* SECTION 2493d.** 301.26 (4) (d) 3. of the statutes is amended to  
16 read:

17 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~  
18 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$187 for care  
19 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$187 for  
20 care for juveniles transferred from a juvenile correctional institution under s. 51.35  
21 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149  
22 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for  
23 care in a treatment foster home, ~~\$84.50~~ \$87 for departmental corrective sanctions  
24 services, and ~~\$22.66~~ \$26 for departmental aftercare services.

25 **\*b0164/7.3\* SECTION 2493m.** 301.26 (5) of the statutes is created to read:

**SENATE BILL 44****SECTION 2493m**

1           301.26 (5) REVENUE SUFFICIENCY. (a) By September 15, December 15, March  
2           15, and June 15 of each fiscal year, the department of corrections shall submit a  
3           report to the joint committee on finance, and by March 15 of each odd-numbered  
4           year, the department of corrections shall submit a report to the department of  
5           administration, detailing year-to-date revenues and expenditures under the  
6           appropriation account under s. 20.410 (3) (hm) and projecting the balance that will  
7           remain in that appropriation account on June 30 of that fiscal year. If a report  
8           submitted under this paragraph projects a deficit in that appropriation account on  
9           June 30 of a fiscal year, the department of corrections shall include in the report a  
10          description of the efforts that it is making to reduce operating costs so as to minimize  
11          or eliminate that projected deficit.

12           (b) 1. If based on a report submitted under par. (a) for March 15 of an  
13          odd-numbered year the joint committee on finance projects that there will be a  
14          deficit in the appropriation account under s. 20.410 (3) (hm) on June 30 of that year,  
15          the joint committee on finance shall ensure that the per person daily cost  
16          assessments under sub. (4) (d) 2. and 3. for care in a Type 1 secured correctional  
17          facility, as defined in s. 938.02 (19), for the next fiscal biennium are sufficient to  
18          recoup that projected deficit by adding 50% of that projected deficit to the cost basis  
19          used to determine the per person daily cost assessment under sub. (4) (d) 2. for care  
20          in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the first year  
21          of the next fiscal biennium and by adding 50% of that projected deficit to the cost  
22          basis used to determine the per person daily cost assessment under sub. (4) (d) 3. for  
23          care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the 2nd  
24          year of the next fiscal biennium.

**SENATE BILL 44****SECTION 2493m**

1           2. The secretary of administration shall place in unallotted reserve and use to  
2 recoup the projected deficit specified in subd. 1. all moneys generated by the  
3 increases in the per person daily cost assessments specified in subd. 1. that result  
4 from adding that projected deficit to the cost basis specified in subd. 1.

5           (c) If on June 30 of the odd-numbered year of the next fiscal biennium the  
6 moneys placed in unallotted reserve under par. (b) 2. exceed the amount of the actual  
7 deficit on June 30 of the odd-numbered year of the fiscal biennium in which that  
8 deficit was incurred, all moneys in excess of that actual deficit shall be remitted to  
9 the counties or transferred to the appropriation account under s. 20.410 (3) (kx) by  
10 September 30 of that odd-numbered year. Each county and the department shall  
11 receive a proportionate share of the remittance and transfer depending on the total  
12 number of days of placement at Type 1 secured correctional facilities, as defined in  
13 s. 938.02 (19), for each county and the state. Counties shall use any amounts  
14 remitted under this paragraph for the purposes specified in this section. The  
15 department shall deposit in the general fund the amounts transferred under this  
16 paragraph to the appropriation account under s. 20.410 (3) (kx).

17           \***-0357/1.1\*** SECTION 2494. 301.26 (7) (intro.) of the statutes is amended to  
18 read:

19           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
20 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the  
21 department shall allocate funds for community youth and family aids for the period  
22 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in  
23 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

24           \***-0357/1.2\*** SECTION 2495. 301.26 (7) (a) of the statutes is amended to read:



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

5           \*~~0357/1.3~~\* SECTION 2496. 301.26 (7) (b) (intro.) of the statutes is amended to  
6 read:

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

11           \*~~b0203/1.1~~\* SECTION 2497d. 301.26 (7) (c) of the statutes is amended to read:

12           301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
13 ~~\$523,300~~ \$1,053,200 for the last 6 months of 2001, ~~\$1,576,600 for 2002~~ 2003,  
14 \$2,106,500 for 2004, and \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties  
15 based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that  
16 no county may receive an allocation under this paragraph that is less than 93% nor  
17 more than 115% of the amount that the county would have received under this  
18 paragraph if the allocation had been distributed only on the basis of the factor  
19 specified in par. (b) 3.

20           \*~~0357/1.5~~\* SECTION 2498. 301.26 (7) (e) of the statutes is amended to read:

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

**SENATE BILL 44****SECTION 2499**

1           \*~~0357/1.6~~\* **SECTION 2499.** 301.26 (7) (h) of the statutes is amended to read:

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

12           \*~~0357/1.7~~\* **SECTION 2500.** 301.26 (8) of the statutes is amended to read:

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

17           \*~~0332/1.2~~\* **SECTION 2501.** 302.01 (1) (d) of the statutes is amended to read:

18           302.01 (1) (d) The correctional institution at Prairie du Chien authorized under  
19 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u).~~

20           \*~~1769/2.1~~\* **SECTION 2502.** 302.045 (title) of the statutes is amended to read:

21           **302.045 (title) Challenge incarceration program for youthful offenders.**

22           \*~~1769/2.2~~\* **SECTION 2503.** 302.045 (1) of the statutes is amended to read:

23           302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
24 program for inmates selected to participate under sub. (2). The program shall  
25 provide participants with ~~strenuous physical exercise~~, manual labor, personal

## SENATE BILL 44

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

10 \*~~1769/2.3~~\* SECTION 2504. 302.045 (2) (b) of the statutes is amended to read:  
11 302.045 (2) (b) The inmate has not attained the age of 30, 40 as of the date the  
12 inmate will begin participating in the program.

13 \*~~1769/2.4~~\* SECTION 2505. 302.05 (3) of the statutes is created to read:  
14 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom  
15 all of the following apply:

16 1. The inmate is incarcerated regarding a violation other than a crime specified  
17 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,  
18 948.08, or 948.095.

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

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

**SENATE BILL 44****SECTION 2505**

1 has served. If the parole commission grants parole under this paragraph, it shall  
2 require the parolee to participate in an intensive supervision program for drug  
3 abusers as a condition of parole.

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

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

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

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

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

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

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1 court to determine whether he or she is eligible or ineligible to participate in the  
2 earned release program under this subsection during the term of confinement. The  
3 inmate shall serve a copy of the petition on the district attorney who prosecuted him  
4 or her, and the district attorney may file a written response. The court shall exercise  
5 its discretion in granting or denying the inmate's petition but must do so no later  
6 than 90 days after the inmate files the petition. If the court determines under this  
7 paragraph that the inmate is eligible to participate in the earned release program,  
8 the court shall inform the inmate of the provisions of par. (c).

9 \*~~1769/2.5~~\* SECTION 2506. 302.113 (2) of the statutes is amended to read:

10 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this  
11 section is entitled to release to extended supervision after he or she has served the  
12 term of confinement in prison portion of the sentence imposed under s. 973.01, as  
13 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)  
14 (c) 2. a., or 973.195 (1r), if applicable.

15 \*~~1712/5.80~~\* SECTION 2507. 303.066 of the statutes is repealed.

16 \*~~1769/2.6~~\* SECTION 2508. 304.06 (1) (b) of the statutes, as affected by 2001  
17 Wisconsin Act 109, is amended to read:

18 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.  
19 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole  
20 an inmate of the Wisconsin state prisons or any felon or any person serving at least  
21 one year or more in a county house of correction or a county reforestation camp  
22 organized under s. 303.07, when he or she has served 25% of the sentence imposed  
23 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62  
24 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an  
25 inmate serving a life term when he or she has served 20 years, as modified by the

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## SECTION 2508

1 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if  
2 applicable. The person serving the life term shall be given credit for time served prior  
3 to sentencing under s. 973.155, including good time under s. 973.155 (4). The  
4 secretary may grant special action parole releases under s. 304.02. The department  
5 or the parole commission shall not provide any convicted offender or other person  
6 sentenced to the department's custody any parole eligibility or evaluation until the  
7 person has been confined at least 60 days following sentencing.

8 \*~~0336/P2.3~~\* SECTION 2509. 304.073 of the statutes is repealed.

9 \*~~0336/P2.4~~\* SECTION 2510. 304.074 (1) of the statutes is repealed.

10 \*~~0336/P2.5~~\* SECTION 2511. 304.074 (4) of the statutes is repealed.

11 \*~~1195/3.1~~\* SECTION 2512. 340.01 (7m) of the statutes is amended to read:

12 340.01 (7m) "Commercial driver license" means a license issued to a person by  
13 this state or another jurisdiction which is in accordance with the requirements of the  
14 ~~federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317~~ or by  
15 Canada or Mexico, and which authorizes the licensee to operate certain commercial  
16 motor vehicles.

17 \*~~b0272/2.1~~\* SECTION 2512m. 340.01 (8) (d) of the statutes is amended to read:

18 340.01 (8) (d) The vehicle is transporting hazardous materials requiring  
19 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR  
20 73.

21 \*~~1195/3.2~~\* SECTION 2513. 340.01 (13m) of the statutes is amended to read:

22 340.01 (13m) "Disqualification" means the loss or withdrawal of a person's  
23 privilege to operate a commercial motor vehicle relating to certain offenses  
24 committed by the person while driving or operating a motor vehicle or while on duty  
25 time with respect to a commercial motor vehicle.

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1           \***-1575/3.1\*** SECTION 2516. 341.25 (1) (a) of the statutes is amended to read:

2           341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile  
3 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be  
4 registered at such lesser fee plus an additional fee of \$2.

5           \***-1575/3.2\*** SECTION 2518. 342.14 (1) of the statutes is amended to read:

6           342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,  
7 by the owner of the vehicle.

8           \***-0444/2.1\*** SECTION 2519. 342.14 (1r) of the statutes is amended to read:

9           342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental  
10 impact fee of \$9, by the person filing the application. All moneys collected under this  
11 subsection shall be credited to the environmental fund for environmental  
12 *Extra space!* management. ~~This subsection does not apply after December 31, 2003~~ 2005.

13           \***-1575/3.3\*** SECTION 2520. 342.14 (3) of the statutes is amended to read:

14           342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner  
15 of the vehicle.

16           \***b0196/1.3\*** SECTION 2521m. 343.025 (2) of the statutes is amended to read:

17           343.025 (2) Beginning in 1991, the department shall annually submit a report  
18 to the chief clerk of each house of the legislature for distribution to the legislature  
19 under s. 13.172 (2) concerning the numbers of individuals, by counties in this state,  
20 to whom the department distributed explanatory materials under ~~ss. 343.14 (8),~~  
21 343.20 (2m) and 343.50 (4).

22           \***b0272/2.2\*** SECTION 2521w. 343.03 (1) (a) of the statutes is amended to read:

23           343.03 (1) (a) The department shall institute a classified driver license system  
24 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and 384.

## SENATE BILL 44

## SECTION 2522

1           \*-1195/3.4\* SECTION 2522. 343.03 (1) (a) of the statutes, as affected by 2003  
2 Wisconsin Act .... (this act), is amended to read:

3           343.03 (1) (a) The department shall institute a classified driver license system  
4 meeting all federal standards under 49 USC 30304 (e) and 31301 to 31317 and 49  
5 CFR 383 <sup>plain</sup> and 384.

6           \*-1195/3.5\* SECTION 2523. 343.03 (3) (a) of the statutes is amended to read:

7           343.03 (3) (a) *Regular license*. The standard license legend is “regular” or a  
8 readily recognizable abbreviation thereof. The regular license, without any express  
9 endorsements or restrictions as provided in this chapter, authorizes the licensee to  
10 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise  
11 provided in this subsection. The license may be endorsed to permit operation of Type  
12 1 motorcycles or school buses that are not commercial motor vehicles. A regular  
13 license may be subject to restrictions, including the attachment of a special  
14 restrictions card as provided in s. 343.17 (4).

15           \*-1195/3.6\* SECTION 2524. 343.03 (3) (e) of the statutes is amended to read:

16           343.03 (3) (e) *Occupational license*. A license issued under s. 343.10  
17 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or  
18 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses issued under s.~~  
19 ~~343.10 authorizing the operation of “Class A”, “Class B” or “Class C” vehicles shall~~  
20 ~~be labeled “CDL Occupational”~~. An occupational license may authorize the operation  
21 of “Class D” or “Class M” vehicles, or both, but may not be <sup>looks like an extra space</sup> endorsed to permit  
22 operation of the vehicle types described in s. 343.04 (2). The license may be subject  
23 to restrictions in addition to those provided in s. 343.10, including the attachment  
24 of a special restrictions card as provided in s. 343.17 (4).



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1           \***-1195/3.6m\*** SECTION 2524r. 343.03 (5) (title) of the statutes is amended to  
2 read:

3           343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

4           \***-1195/3.7\*** SECTION 2525. 343.03 (5) of the statutes is renumbered 343.03 (5)  
5 (a) and amended to read:

6           343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the  
7 department shall obtain driver record information from the national driver registry  
8 and commercial driver license information system to determine whether the  
9 applicant holds a commercial driver license, or a license that is revoked, suspended  
10 or canceled, or is otherwise disqualified. If the applicant is currently licensed in  
11 another state, the department shall obtain information on the applicant's license  
12 status with the state of licensure before issuing a license.

13           \***-1195/3.8\*** SECTION 2526. 343.03 (5) (b) of the statutes is created to read:

14           343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the  
15 department shall, within the time period specified in 49 CFR 384.232, request from  
16 any other jurisdiction that has issued an operator's license or commercial driver  
17 license to the person within the previous 10 years the driving record of the person  
18 as required under 49 CFR 384.206 (a) (2) (ii).

19           2. Subdivision 1. does not apply to a renewal of a person's commercial driver  
20 license if the department has previously issued or renewed a commercial driver  
21 license after the effective date of this subdivision .... [revisor inserts date], and, in  
22 connection with the previous issuance or renewal, the department recorded on the  
23 person's driving record under s. 343.23 (2) (a) the date on which the operator's record  
24 check under subd. 1. was performed.

**SENATE BILL 44****SECTION 2527**

1           \***-1195/3.9\*** **SECTION 2527.** 343.03 (6) of the statutes is renumbered 343.03 (6)

2           (a).

3           \***-1195/3.10\*** **SECTION 2528.** 343.03 (6) (b) of the statutes is created to read:

4           343.03 (6) (b) The department shall, upon request and within 30 days of the  
5           request, provide to the driver licensing agencies of other jurisdictions the driving  
6           record of any person currently or previously licensed by the department, as required  
7           under 49 CFR 384.206 (a) (2) (iii).

8           \***-1195/3.11\*** **SECTION 2529.** 343.03 (6) (c) of the statutes is created to read:

9           343.03 (6) (c) The department shall, upon request and within the time period  
10          specified in s. 343.23 (2) (am) 1. b. and c., provide the operating record file  
11          information specified in s. 343.23 (2) (am) 1. b. and c. to any of the following  
12          requesters:

- 13           1. The person holding the commercial driver license.
- 14           2. The U.S. secretary of transportation.
- 15           3. Any employer or prospective employer of the person holding the commercial  
16          driver license, after notice to such person.
- 17           4. Any driver licensing agency of another jurisdiction or law enforcement  
18          agency.
- 19           5. Any governmental entity having access to the commercial driver license  
20          information system.
- 21           6. Any authorized agent of a requester specified in subs. 1. to 5.

22          \***-1195/3.12\*** **SECTION 2530.** 343.03 (7) (title) of the statutes is amended to  
23          read:

24          343.03 (7) (title) **NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND**  
25          **CERTAIN VIOLATIONS.**

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1           \***-1195/3.13\*** SECTION 2531. 343.03 (7) of the statutes is renumbered 343.03

2           (7) (a).

3           \***-1195/3.14\*** SECTION 2532. 343.03 (7) (b) of the statutes is created to read:

4           343.03 (7) (b) Within 10 days after the disqualification of the holder of a  
5           commercial driver license from operating a commercial motor vehicle for at least 60  
6           days, or after the revocation, suspension, or cancellation of a commercial driver  
7           license for at least 60 days, the department shall notify the commercial driver license  
8           information system and, if the license was not issued by the department, the  
9           jurisdiction that issued the license of the disqualification, revocation, suspension, or  
10          cancellation and the violation that resulted in the disqualification, revocation,  
11          suspension, or cancellation.

12          \***-1195/3.15\*** SECTION 2533. 343.03 (7) (c) of the statutes is created to read:

13          343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial  
14          driver license issued by another jurisdiction for violating any state law or local  
15          ordinance of this state or any law of a federally recognized American Indian tribe or  
16          band in this state in conformity with any state law relating to motor vehicle traffic  
17          control, other than parking violations, or after a conviction of the holder of an  
18          operator's license issued by another jurisdiction, other than a commercial driver  
19          license, for operating a commercial motor vehicle without a commercial driver  
20          license, the department shall notify the driver licensing agency of the jurisdiction  
21          that issued the license of the conviction.

22          \***-1195/3.16\*** SECTION 2534. 343.03 (7) (c) of the statutes, as created by 2003  
23          Wisconsin Act .... (this act), is amended to read:

24          343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial  
25          driver license issued by another jurisdiction for violating any state law or local

## SENATE BILL 44

## SECTION 2534

1 ordinance of this state or any law of a federally recognized American Indian tribe or  
2 band in this state in conformity with any state law relating to motor vehicle traffic  
3 control, other than parking violations, or after a conviction of the holder of an  
4 operator's license issued by another jurisdiction, other than a commercial driver  
5 license, for operating a commercial motor vehicle without a commercial driver  
6 license, the department shall notify the driver licensing agency of the jurisdiction  
7 that issued the license of the conviction.

8 \*b0272/2.5\* SECTION 2534g. 343.04 (1) (c) 2. of the statutes is amended to read:

9 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring  
10 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR  
11 73.

12 \*b0272/2.5\* SECTION 2534i. 343.04 (2) (a) of the statutes is amended to read:

13 343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials  
14 transporter vehicles are vehicles transporting hazardous materials requiring  
15 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR  
16 73.

17 \*b0272/2.5\* SECTION 2534k. 343.055 (3) of the statutes is amended to read:

18 343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS  
19 OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes  
20 the operation of a combination vehicle with double or triple trailers, a vehicle  
21 transporting hazardous materials requiring placarding except as provided in sub. (1)  
22 (c), a vehicle transporting any quantity of a material listed as a select agent or toxin  
23 under 42 CFR 73, or a vehicle carrying or designed to transport the driver and 15 or  
24 more persons, by a person who does not hold a valid operator's license properly  
25 endorsed to permit such operation.

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1           \***-1195/3.17\*** SECTION 2535. 343.06 (2) of the statutes is amended to read:

2           343.06 (2) The department shall not issue a commercial driver license,  
3 including a renewal, ~~occupational~~, or reinstated license, to any person during any  
4 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another  
5 jurisdiction in substantial conformity therewith, as the result of one or more  
6 disqualifying offenses committed on or after July 1, 1987, or to any person whose  
7 operating privilege is revoked, suspended, or canceled. Any person who is known to  
8 the department to be subject to disqualification as described in s. 343.44 (1) (d) shall  
9 be disqualified by the department as provided in s. 343.315.

10           \***b0272/2.6\*** SECTION 2536g. 343.07 (1m) (d) of the statutes is created to read:

11           343.07 (1m) (d) No person holding an instruction permit issued under this  
12 subsection may operate a vehicle transporting hazardous materials requiring  
13 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR  
14 73.

15           \***-1195/3.19\*** SECTION 2537. 343.10 (1) (b) of the statutes is amended to read:

16           343.10 (1) (b) The application shall be in a form established by the department  
17 and shall identify the specific motor vehicle that the applicant seeks authorization  
18 to operate, including the vehicle classification and any required endorsements. The  
19 application shall include an explanation of why operating the motor vehicle is  
20 essential to the person's livelihood and identify the person's occupation or trade. The  
21 application shall identify the applicant's employer, and include proof of financial  
22 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the  
23 applicant requests authorization to operate. The application shall identify the hours  
24 of operation and routes of travel being requested by the applicant in accord with the

## SENATE BILL 44

## SECTION 2537

1 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~  
2 ~~knowledge, he or she is disqualified under s. 343.315.~~

3 **\*-1195/3.20\* SECTION 2538.** 343.10 (1) (d) of the statutes is repealed.

4 **\*-1195/3.21\* SECTION 2539.** 343.10 (1) (e) of the statutes is repealed.

5 **\*-1195/3.22\* SECTION 2540.** 343.10 (1) (f) of the statutes is repealed.

6 **\*-1195/3.23\* SECTION 2541.** 343.10 (2) (c) of the statutes is amended to read:

7 343.10 (2) (c) No occupational license permitting the operation of a commercial  
8 motor vehicle may be granted to a person ~~during a period of disqualification under~~  
9 ~~s. 343.315.~~

10 **\*-1195/3.24\* SECTION 2542.** 343.10 (7) (e) of the statutes is amended to read:

11 343.10 (7) (e) The occupational license issued by the department shall contain  
12 the restrictions required by sub. (5). The occupational license authorizes the licensee  
13 to operate a motor vehicle only when that operation is an essential part of the  
14 licensee's occupation or trade. If the department determines that the applicant is  
15 eligible under sub. (2), the department may impose such conditions and limitations  
16 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as  
17 in the secretary's judgment are necessary in the interest of public safety and welfare,  
18 including reexamination of the person's qualifications to operate a ~~commercial or~~  
19 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit  
20 such authorization to include, without limitation, the operation of particular  
21 vehicles, particular kinds of operation and particular traffic conditions.

22 **\*-1195/3.25\* SECTION 2543.** 343.10 (7) (g) of the statutes is repealed.

23 **\*-1195/3.26\* SECTION 2544.** 343.12 (2) (intro.) of the statutes is amended to  
24 read:

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1           343.12 (2) (intro.) ~~The~~ Except as provided in sub. (2m), the department shall  
2 issue a school bus endorsement to a ~~person~~ <sup>person</sup> only if such person meets all of the  
3 following requirements: ~~person~~ <sup>delete underscoring</sup>

4           \*~~1195/3.27~~\* SECTION 2545. 343.12 (2m) of the statutes is created to read:

5           343.12 (2m) The department shall issue a school bus endorsement to a person,  
6 authorizing operation of a school bus that is a commercial motor vehicle, only if such  
7 person meets all of the requirements specified in sub. (2) and, in addition, meets all  
8 of the following requirements:

9           (a) Has been or is at the same time issued a valid commercial driver license.

10           (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing  
11 the knowledge and driving skills tests required for obtaining such an endorsement.

12           (c) Passes a knowledge test in compliance with the requirements of 49 CFR  
13 383.123 (a) (2).

14           (d) Passes a driving skills test in compliance with the requirements of 49 CFR  
15 383.123 (a) (3). If the test specified under sub. (2) (h) and s. 343.16 (1) meets the  
16 requirements of 49 CFR 383.123 (a) (3), no additional driving skills test is required  
17 under this paragraph.


18           \*~~1195/3.28~~\* SECTION 2546. 343.12 (3) of the statutes is amended to read:

19           343.12 (3) The Notwithstanding sub. (2) (a) and (g), the department may issue  
20 a school bus endorsement under sub. (2) to a person who is more than 70 years of age  
21 if the person meets the requirements specified in sub. (2) (c) to (f) and (h) before  
22 issuance of the endorsement and annually takes and passes a physical examination  
23 prior to issuance or renewal of the endorsement to determine that the person meets  
24 the physical standards established under sub. (2) (g). Notwithstanding sub. (2) (a)  
25 and (g), the department may issue a school bus endorsement under sub. (2m) to a

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## SECTION 2546

1 person who is more than 70 years of age if the person meets the requirements  
 2 specified in subs. (2) (c) to (f) and (h) and (2m) (a) to (d) before issuance of the  
 3 endorsement and annually takes and passes a physical examination prior to  
 4 issuance or renewal of the endorsement to determine that the person meets the  
 5 physical standards established under sub. (2) (g).

6 *extra space?* 

7 **\*b0062/1.50\* SECTION 2547t.** 343.12 (4) (a) (intro.) and 1. of the statutes are  
 8 consolidated, renumbered 343.12 (4) (a) and amended to read:

9 343.12 (4) (a) Notwithstanding sub. (1), a person may operate a school bus in  
 10 this state if ~~one or more of the following requirements are met:~~ 1. The the person  
 11 is a nonresident holding a valid commercial driver license with a “P” passenger an  
 12 “S” endorsement and the school bus is a commercial motor vehicle or, if the school bus  
 13 is not a commercial motor vehicle, the person is a resident of Iowa, Illinois, Michigan,  
 14 or Minnesota holding a valid operator’s license and any additional endorsements  
 15 required by the person’s home jurisdiction for the operation of a school bus and the  
 16 origin or destination of the trip is in another state.

17 **\*-1195/3.31\* SECTION 2549.** 343.12 (4) (a) 2. of the statutes is repealed.

18 **\*b0062/1.51\* SECTION 2550d.** 343.12 (4) (a) 3. of the statutes is repealed.

19 **\*-1195/3.33\* SECTION 2551.** 343.12 (4) (b) of the statutes is amended to read:

20 343.12 (4) (b) The department may, by rule, establish standards for the  
 21 employment by an employer of a person under par. (a) ~~3.~~ as an operator of a school  
 22 bus in this state. The rules may require the person to meet the qualifications  
 23 contained in sub. (2) ~~or, (2m), or (3)~~ and any rules of the department applicable to  
 24 residents.

25 **\*b0196/1.4\* SECTION 2551h.** 343.14 (8) of the statutes is repealed.