

1           **SECTION 2389s.** 230.04 (5) of the statutes is amended to read:

2           230.04 (5) The ~~secretary~~ director shall promulgate rules on all matters relating  
3 to the administration of the department office and the performance of the duties  
4 assigned to the secretary director, except on matters relating to those provisions of  
5 subch. II for which responsibility is specifically charged to the administrator.

6           **SECTION 2390.** 230.04 (7) of the statutes is repealed.

7           **SECTION 2390b.** 230.04 (8) of the statutes is amended to read:

8           230.04 (8) The secretary director shall establish an employee performance  
9 evaluation program under s. 230.37 (1).

10          **SECTION 2390c.** 230.04 (9) (intro.) of the statutes is amended to read:

11          230.04 (9) (intro.) The secretary director shall do all of the following:

12          **SECTION 2390d.** 230.04 (9) (f) of the statutes is renumbered 230.455 and  
13 amended to read:

14          **230.455 Division of affirmative action.** ~~Establish an affirmative action~~  
15 ~~subunit reporting directly to the secretary.~~ The division of affirmative action subunit  
16 shall advise and assist the secretary director, the administrator and agency heads  
17 on establishing policies and programs to ensure appropriate affirmative action. The  
18 ~~subunit~~ division of affirmative action shall advise and assist the secretary director  
19 in monitoring such programs and shall provide staff to the council on affirmative  
20 ~~action council.~~

21          **SECTION 2390e.** 230.04 (9m) of the statutes is amended to read:

22          230.04 (9m) The secretary director shall conduct periodic reviews and  
23 evaluations of the written records of hiring decisions made by appointing authorities  
24 under ss. 230.21 (1m), 230.25 (1p) and 230.27 (2k).

25          **SECTION 2390f.** 230.04 (9r) (b) (intro.) of the statutes is amended to read:

1           230.04 (9r) (b) (intro.) The secretary director shall keep a record of all of the  
2 following:

3           **SECTION 2390g.** 230.04 (10) (a) of the statutes is amended to read:

4           230.04 (10) (a) The secretary director may require all agencies and their  
5 officers to comply with the secretary's director's request to furnish current  
6 information pertaining to authorized positions, payroll and related items regarding  
7 civil service and employment relations functions.

8           **SECTION 2390h.** 230.04 (10) (b) of the statutes is amended to read:

9           230.04 (10) (b) The secretary director shall request from each agency and each  
10 agency shall furnish to the secretary director relevant racial, ethnic, gender and  
11 disability information on every new employee hired by the agency including limited  
12 term, project, seasonal and sessional employees. The secretary director shall  
13 maintain the data to permit a periodic review of the agency's affirmative action plan  
14 accomplishments.

15           **SECTION 2390i.** 230.04 (10) (c) of the statutes is amended to read:

16           230.04 (10) (c) The secretary director shall request from each agency and each  
17 agency shall furnish to the secretary director relevant information regarding the  
18 prior military service, if any, of every new employee hired by the agency including  
19 limited term, project, seasonal and sessional employees. The secretary director shall  
20 maintain the data to permit a periodic review of the progress being made to provide  
21 employment opportunities in civil service for veterans and disabled veterans.

22           **SECTION 2390j.** 230.04 (11) of the statutes is amended to read:

23           230.04 (11) The secretary director may provide by rule for an understudy  
24 program to assure continuity in selected positions.

25           **SECTION 2390k.** 230.04 (12) of the statutes is amended to read:

1           230.04 (12) The ~~secretary~~ director shall keep in the office an official roster of  
2 all permanent classified employees which shall include classification titles, pay and  
3 employment status changes and appropriate dates thereof.

4           **SECTION 2390L.** 230.04 (13) (intro.) of the statutes is amended to read:

5           230.04 (13) (intro.) The ~~secretary~~ director shall do all of the following:

6           **SECTION 2390m.** 230.04 (14) of the statutes is amended to read:

7           230.04 (14) The ~~secretary~~ director shall establish, by rule, the scope and  
8 minimum requirements of a state employee grievance procedure relating to  
9 conditions of employment.

10          **SECTION 2390n.** 230.04 (15) of the statutes is amended to read:

11          230.04 (15) The ~~secretary~~ director shall review and either approve or  
12 disapprove each determination by an agency head regarding the classification of a  
13 state employee as a protective occupation participant for purposes of the Wisconsin  
14 retirement system.

15          **SECTION 2390nm.** 230.04 (16) of the statutes is created to read:

16          230.04 (16) The director may appoint an executive assistant outside the  
17 classified service.

18          **SECTION 2390p.** 230.046 (5) (c) of the statutes is amended to read:

19          230.046 (5) (c) An agreement has been entered into by the trainee and the  
20 appointing authority relative to employment with the state, together with such other  
21 terms and conditions as may be necessary under the rules of the ~~secretary~~ director  
22 whenever on-the-job trainees are employed; and

23          **SECTION 2390q.** 230.046 (7) of the statutes is amended to read:

24          230.046 (7) ESTABLISH INTERNSHIPS. The ~~secretary~~ director shall establish in the  
25 classified service in-service training internships designed to give rigorous training

1 in public service administration for periods not to exceed 3 years under the direct  
2 supervision of experienced administrators.

3 **SECTION 2390r.** 230.046 (8) of the statutes is amended to read:

4 230.046 (8) COOPERATE FOR SCHOLARSHIP LOANS. To stimulate the interest of  
5 qualified students of exceptional merit in government career service, the secretary  
6 director shall cooperate with the board of regents of the University of Wisconsin  
7 System in providing opportunities for recipients of public service scholarship loans  
8 to secure employment under the internship plan.

9 **SECTION 2390s.** 230.046 (9) of the statutes is amended to read:

10 230.046 (9) TUITION REFUND PROGRAM. The secretary director may establish by  
11 rule in the classified service a tuition refund program to supplement departmental  
12 training, to encourage employee job-related development and, upon satisfactory  
13 completion of training under this program to refund to the employee, an amount not  
14 to exceed the cost of tuition and necessary fees.

15 **SECTION 2390t.** 230.046 (10) (intro.) of the statutes is amended to read:

16 230.046 (10) ~~DEPARTMENT FUNCTIONS~~ FUNCTIONS OF THE OFFICE. (intro.) The  
17 department office may do all of the following:

18 **SECTION 2390w.** 230.047 (8) of the statutes is amended to read:

19 230.047 (8) ADMINISTRATION. The secretary director shall promulgate rules for  
20 the operation and implementation of this section. The rules shall prescribe the  
21 duration, terms and conditions of such interchange.

22 **SECTION 2391.** 230.05 (2) (a) of the statutes is amended to read:

23 230.05 (2) (a) Except as provided under par. (b), the administrator may  
24 delegate, in writing, any of his or her functions set forth in this subchapter to an  
25 appointing authority, within prescribed standards if the administrator finds that the

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

14 **SECTION 2391c.** 230.06 (1) (c) of the statutes is amended to read:

15 230.06 (1) (c) Provide the secretary director with current information relative  
16 to the assignment of duties to permanent classified positions in his or her agency.

17 **SECTION 2391g.** 230.06 (1) (d) of the statutes is amended to read:

18 230.06 (1) (d) Report promptly to the secretary director or the administrator  
19 any information the secretary director or the administrator requires in connection  
20 with any delegated personnel function and with each appointment, promotion,  
21 demotion, suspension or separation from the service or other change in employee  
22 status.

23 **SECTION 2391h.** 230.06 (1) (e) of the statutes is amended to read:

1           230.06 (1) (e) When requested by the secretary director or the administrator,  
2 provide reports on employee work performance and any other records or information  
3 the secretary director or administrator requires to carry out this subchapter.

4           **SECTION 2391r.** 230.06 (1) (f) of the statutes is amended to read:

5           230.06 (1) (f) Provide the secretary director with the civil service information  
6 required under s. 16.004 (7).

7           **SECTION 2391t.** 230.06 (1) (g) of the statutes is amended to read:

8           230.06 (1) (g) Prepare an affirmative action plan which complies with the  
9 standards established by the secretary director under s. 230.04 (9) (a) and which sets  
10 goals and outlines steps for incorporating affirmative action and principles  
11 supporting affirmative action into the procedures and policies of his or her agency.

12           **SECTION 2391w.** 230.06 (1) (L) of the statutes is amended to read:

13           230.06 (1) (L) Provide information about the employment of each severely  
14 disabled employee for the secretary's director's report under s. 230.04 (9r) within 30  
15 days after the disabled employee is appointed, and at other times at the request of  
16 the secretary director.

17           **SECTION 2391x.** 230.06 (3) of the statutes is amended to read:

18           230.06 (3) All reports and records submitted under sub. (1) shall be prepared  
19 and presented at such times and in such manner as the secretary director or  
20 administrator prescribes.

21           **SECTION 2392.** 230.08 (2) (e) 1. of the statutes is amended to read:

22           230.08 (2) (e) 1. Administration — ~~10~~ 13.

23           **SECTION 2394.** 230.08 (2) (e) 3. of the statutes is amended to read:

24           230.08 (2) (e) 3. Commerce — ~~7~~ 6.

25           **SECTION 2394m.** 230.08 (2) (e) 3e. of the statutes is amended to read:

1           230.08 (2) (e) 3e. Corrections — 5 4.

2           **SECTION 2395.** 230.08 (2) (e) 3r. of the statutes is repealed.

3           **SECTION 2396.** 230.08 (2) (e) 4. of the statutes is repealed.

4           **SECTION 2397.** 230.08 (2) (e) 4f. of the statutes is amended to read:

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

6           **SECTION 2398.** 230.08 (2) (e) 7. of the statutes is amended to read:

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

8           **SECTION 2398r.** 230.08 (2) (g) of the statutes is amended to read:

9           230.08 (2) (g) One stenographer appointed by each elective executive officer,  
10          and one deputy or assistant appointed by each elective executive officer except the  
11          attorney general, the secretary of state, and the superintendent of public instruction.

12          **SECTION 2404m.** 230.08 (2) (ya) of the statutes is created to read:

13          230.08 (2) (ya) The director and executive assistant to the director of the office  
14          of state human resources management in the department of administration.

15          **SECTION 2405d.** 230.08 (2) (yr) of the statutes is repealed.

16          **SECTION 2406.** 230.08 (4) (c) of the statutes is amended to read:

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

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

9 **SECTION 2407b.** 230.08 (8) of the statutes is amended to read:

10 230.08 (8) AUDITING OF PAYROLLS. The secretary director shall audit the payrolls  
11 of the classified and unclassified service, as necessary, to carry out this subchapter.

12 **SECTION 2407d.** 230.09 (1) (intro.) of the statutes is amended to read:

13 230.09 (1) (intro.) The secretary director shall ascertain and record the duties,  
14 responsibilities and authorities of, and establish grade levels and classifications for,  
15 all positions in the classified service. Each classification so established shall include  
16 all positions which are comparable with respect to authority, responsibility and  
17 nature of work required. Each classification shall be established to include as many  
18 positions as are reasonable and practicable. In addition, each class shall:

19 **SECTION 2407f.** 230.09 (2) (a) of the statutes is amended to read:

20 230.09 (2) (a) After consultation with the appointing authorities, the secretary  
21 director shall allocate each position in the classified service to an appropriate class  
22 on the basis of its duties, authority, responsibilities or other factors recognized in the  
23 job evaluation process. The secretary director may reclassify or reallocate positions  
24 on the same basis.

25 **SECTION 2407h.** 230.09 (2) (am) of the statutes is amended to read:



1           230.09 (2) (am) The secretary director shall maintain and improve the  
2 classification plan to meet the needs of the service, using methods and techniques  
3 which may include personnel management surveys, individual position reviews,  
4 occupational group classification surveys, or other appropriate methods of position  
5 review. Such reviews may be initiated by the secretary director after taking into  
6 consideration the recommendations of the appointing authority, or at his or her own  
7 discretion. The secretary director shall establish, modify or abolish classifications  
8 as the needs of the service require.

9           **SECTION 2407j.** 230.09 (2) (b) of the statutes is amended to read:

10           230.09 (2) (b) To accommodate and effectuate the continuing changes in the  
11 classification plan as a result of the classification survey program and otherwise, the  
12 secretary director shall, upon initial establishment of a classification, assign that  
13 class to the appropriate pay rate or range, and may, upon subsequent review,  
14 reassign classes to different pay rates or ranges. The secretary director shall assign  
15 each class to a pay range according to the skill, effort, responsibility and working  
16 conditions required for the class, without regard to whether the class is occupied  
17 primarily by members of a certain gender or racial group. The secretary director  
18 shall give notice to appointing authorities to permit them to make recommendations  
19 before final action is taken on any such assignment or reassignment of classes.

20           **SECTION 2407L.** 230.09 (2) (c) of the statutes is amended to read:

21           230.09 (2) (c) If anticipated changes in program or organization will  
22 significantly affect the assignment of duties or responsibilities to positions, the  
23 appointing authority shall, whenever practicable, confer with the secretary director  
24 within a reasonable time prior to the reorganization or changes in program to  
25 formulate methods to fill positions which are newly established or modified to the

1 extent that reclassification of the position is appropriate. In all cases, appointing  
2 authorities shall give written notice to the secretary director and employee of  
3 changes in the assignment of duties or responsibilities to a position when the  
4 changes in assignment may affect the classification of the position.

5 **SECTION 2407n.** 230.09 (2) (d) of the statutes is amended to read:

6 230.09 (2) (d) If after review of a filled position the secretary director  
7 reclassifies or reallocates the position, the secretary director shall determine  
8 whether the incumbent shall be regraded or whether the position shall be opened to  
9 other applicants.

10 **SECTION 2408b.** 230.09 (2) (g) of the statutes is amended to read:

11 230.09 (2) (g) When filling a new or vacant position, if the secretary director  
12 determines that the classification for a position is different than that provided for by  
13 the legislature as established by law or in budget determinations, or as authorized  
14 by the joint committee on finance under s. 13.10, or as specified by the governor  
15 creating positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals  
16 and Clinics Board creating positions under s. 16.505 (2n) or the board of regents of  
17 the University of Wisconsin System creating positions under s. 16.505 (2m), or is  
18 different than that of the previous incumbent, the secretary director shall notify the  
19 administrator and the secretary of administration. The administrator shall  
20 withhold action on the selection and certification process for filling the position. The  
21 secretary of administration shall review the position to determine that sufficient  
22 funds exist for the position and that the duties and responsibilities of the proposed  
23 position reflect the intent of the legislature as established by law or in budget  
24 determinations, the intent of the joint committee on finance acting under s. 13.10,  
25 the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the

1 University of Wisconsin Hospitals and Clinics Board creating positions under s.  
2 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System  
3 creating positions under s. 16.505 (2m). The administrator may not proceed with the  
4 selection and certification process until the secretary of administration has  
5 authorized the position to be filled.

6 **SECTION 2408d.** 230.09 (3) of the statutes is amended to read:

7 230.09 (3) The secretary director shall establish separate classifications for  
8 career executive positions under s. 230.24 and rules governing the salary  
9 administration of positions in such classifications.

10 **SECTION 2408f.** 230.12 (1) (a) 3. of the statutes is amended to read:

11 230.12 (1) (a) 3. Provisions for administration of the compensation plan and  
12 salary transactions shall be provided, as determined by the secretary director, in  
13 either the rules of the secretary director or the compensation plan.

14 **SECTION 2408i.** 230.12 (1) (c) 2. of the statutes is amended to read:

15 230.12 (1) (c) 2. The secretary director may establish a plan of extra  
16 compensation for work performed during selected hours at an hourly rate or rates  
17 subject to approval of the joint committee on employment relations. Eligibility for  
18 such extra compensation shall be as provided in the compensation plan.

19 **SECTION 2408j.** 230.12 (1) (d) of the statutes is amended to read:

20 230.12 (1) (d) *Uniforms and safety equipment.* The secretary director, with  
21 approval of the joint committee on employment relations, may establish a schedule  
22 of payments to employees for uniforms or protective clothing and equipment  
23 required to perform their duties.

24 **SECTION 2408L.** 230.12 (3) (a) of the statutes is amended to read:

1           230.12 (3) (a) *Submission to the joint committee on employment relations.* The  
2 ~~secretary~~ director shall submit to the joint committee on employment relations a  
3 proposal for any required changes in the compensation plan which may include  
4 across the board pay adjustments for positions in the classified service. The proposal  
5 shall include the amounts and methods for within range pay progression, for pay  
6 transactions, and for performance awards. The proposal shall be based upon  
7 experience in recruiting for the service, the principle of providing pay equity  
8 regardless of gender or race, data collected as to rates of pay for comparable work in  
9 other public services and in commercial and industrial establishments,  
10 recommendations of agencies and any special studies carried on as to the need for  
11 any changes in the compensation plan to cover each year of the biennium. The  
12 proposal shall also take proper account of prevailing pay rates, costs and standards  
13 of living and the state's employment policies.

14           **SECTION 2408n.** 230.12 (3) (ad) of the statutes is amended to read:

15           230.12 (3) (ad) *Timing of proposed changes.* Notwithstanding any other  
16 statute, the ~~secretary~~ director may delay timing for announcement or  
17 implementation of any recommended changes in the compensation plan under this  
18 section until after some or all of the collective bargaining agreements under subch.  
19 V of ch. 111 for that biennium are negotiated. Any such action taken under this  
20 paragraph is not appealable under s. 230.44.

21           **SECTION 2408p.** 230.12 (3) (b) of the statutes is amended to read:

22           230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The ~~secretary~~  
23 director shall submit the proposal for any required changes in the compensation plan  
24 to the joint committee on employment relations. The committee shall hold a public  
25 hearing on the proposal. The proposal, as may be modified by the joint committee

1 on employment relations together with the unchanged provisions of the current  
2 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan  
3 is adopted under this subsection, constitute the state's compensation plan for  
4 positions in the classified service. Any modification of the secretary's director's  
5 proposed changes in the compensation plan by the joint committee on employment  
6 relations may be disapproved by the governor within 10 calendar days. A vote of 6  
7 members of the joint committee on employment relations is required to set aside any  
8 such disapproval of the governor.

9 **SECTION 2408r.** 230.12 (3) (c) of the statutes is amended to read:

10 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the secretary  
11 director may propose amendments to one or more parts of the compensation plan at  
12 such times as the needs of the service require.

13 **SECTION 2408t.** 230.12 (3) (e) 1. of the statutes is amended to read:

14 230.12 (3) (e) 1. The secretary director, after receiving recommendations from  
15 the board of regents, shall submit to the joint committee on employment relations a  
16 proposal for adjusting compensation and employee benefits for employees under ss.  
17 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective  
18 bargaining unit under subch. V of ch. 111 for which a representative is certified. The  
19 proposal shall include the salary ranges and adjustments to the salary ranges for the  
20 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).  
21 The proposal shall be based upon the competitive ability of the board of regents to  
22 recruit and retain qualified faculty and academic staff, data collected as to rates of  
23 pay for comparable work in other public services, universities and commercial and  
24 industrial establishments, recommendations of the board of regents and any special  
25 studies carried on as to the need for any changes in compensation and employee

1 benefits to cover each year of the biennium. The proposal shall also take proper  
2 account of prevailing pay rates, costs and standards of living and the state's  
3 employment policies. The proposal for such pay adjustments may contain  
4 recommendations for across-the-board pay adjustments, merit or other  
5 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)  
6 shall apply to the process for approval of all pay adjustments for such employees  
7 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved  
8 by the joint committee on employment relations and the governor shall be based  
9 upon a percentage of the budgeted salary base for such employees under ss. 20.923  
10 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit  
11 and adjustments other than across-the-board pay adjustments is available for  
12 discretionary use by the board of regents.

13 **SECTION 2408u.** 230.12 (3) (e) 2. of the statutes is amended to read:

14 230.12 (3) (e) 2. The ~~secretary~~ director, after receiving recommendations from  
15 the board of the Technical College System, shall submit to the joint committee on  
16 employment relations a proposal for adjusting compensation and employee benefits  
17 for employees under s. 20.923 (7). The proposal shall include the salary ranges and  
18 adjustments to the salary ranges for the general senior executive salary groups  
19 established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the  
20 process for approval of all pay adjustments for such employees. The proposal as  
21 approved by the joint committee on employment relations and the governor shall be  
22 based upon a percentage of the budgeted salary base for such employees under s.  
23 20.923 (7).

24 **SECTION 2408v.** 230.12 (4) (a) of the statutes is amended to read:

1           230.12 (4) (a) When an approved compensation plan or an amendment thereto  
2 becomes effective, required individual pay adjustments shall be made in accordance  
3 with determinations made by the ~~secretary~~ director to implement the approved plan.

4           **SECTION 2408w.** 230.12 (4) (b) of the statutes is amended to read:

5           230.12 (4) (b) The ~~secretary~~ director may, without prior approval of the joint  
6 committee on employment relations, determine the circumstances under which it is  
7 appropriate for an appointing authority to grant, and authorize an appointing  
8 authority to grant, a general wage or parity adjustment, or appropriate portion  
9 thereof, previously approved by the committee under this section to employees who  
10 did not receive the adjustment on the effective date of the adjustment set forth in the  
11 plan. No general wage or parity adjustment may become effective for any employee  
12 prior to the effective date of the individual employee transaction, but the ~~secretary~~  
13 director may authorize an appointing authority to grant a lump sum payment to an  
14 employee to reflect any wage or parity adjustment that the employee did not receive  
15 during the period between the effective date of the adjustment set forth in the plan  
16 and the effective date of the individual employee transaction.

17           **SECTION 2408x.** 230.12 (5) (c) of the statutes is amended to read:

18           230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the  
19 total amount for all such within range increases shall not exceed the amount for such  
20 increases specified and approved by the joint committee on employment relations in  
21 its action on the ~~secretary's~~ director's proposal for such increases.

22           **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~~ director and in the compensation plan, pay increases shall be  
25 made only on the dates prescribed under sub. (8). Appointing authorities shall at

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

4 **SECTION 2409g.** 230.12 (9) of the statutes is amended to read:

5 230.12 (9) HEALTH INSURANCE PREMIUM CREDITS. The ~~secretary~~ director may  
6 recommend to the joint committee on employment relations a program,  
7 administered by the department of employee trust funds, that provides health  
8 insurance premium credits to employees whose compensation is established under  
9 this section or s. 20.923 (2) or (3). The health insurance premium credits shall be  
10 used for the purchase of health insurance for a retired employee, or the retired  
11 employee's surviving insured dependents, and for an eligible employee under s. 40.02  
12 (25) (b) 6e., or the eligible employee's surviving insured dependents, and shall be  
13 based on the employee's years of continuous service, accumulated unused sick leave  
14 and any other factor recommended by the ~~secretary~~ director. The approval process  
15 for the program is the same as that provided under sub. (3) (b) and the program shall  
16 be incorporated into the compensation plan under sub. (1).

17 **SECTION 2409h.** 230.13 (1) (intro.) of the statutes is amended to read:

18 230.13 (1) (intro.) Except as provided in sub. (3) and s. 103.13, the ~~secretary~~  
19 director and the administrator may keep records of the following personnel matters  
20 closed to the public:

21 **SECTION 2409p.** 230.13 (2) of the statutes is amended to read:

22 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the  
23 ~~secretary~~ director and the administrator shall keep records of the identity of an  
24 applicant for a position closed to the public, except as provided in sub. (3).

25 **SECTION 2409t.** 230.13 (3) of the statutes is amended to read:



1           230.13 (3) The ~~secretary~~ director and the administrator shall provide to the  
2 department of workforce development or a county child support agency under s.  
3 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed  
4 to the public under this section. Information provided under this subsection may  
5 only include an individual's name and address, an individual's employer and  
6 financial information related to an individual.

7           **SECTION 2410.** 230.14 (4) of the statutes is amended to read:

8           230.14 (4) The administrator may charge an agency a fee to announce any  
9 vacancy to be filled in a classified or unclassified position in that agency. Funds  
10 received under this subsection shall be credited to the appropriation account under  
11 s. ~~20.512~~ 20.545 (1) (ka).

12           **SECTION 2411.** 230.143 (3) of the statutes is repealed.

13           **SECTION 2412.** 230.147 (3) of the statutes is amended to read:

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

20           **SECTION 2412b.** 230.15 (1m) (b) (intro.) of the statutes is amended to read:

21           230.15 (1m) (b) (intro.) Whenever a position is included in the classified service  
22 under par. (a), the ~~secretary~~ director shall determine all of the following:

23           **SECTION 2412e.** 230.16 (7m) (b) (intro.) of the statutes is amended to read:

24           230.16 (7m) (b) (intro.) The ~~department~~ office shall accept an application after  
25 its due date from a veteran if all of the following apply:

1           **SECTION 2412m.** 230.16 (7m) (c) of the statutes is amended to read:

2           230.16 (7m) (c) Within 30 days after acceptance of an application under par.  
3 (b), the ~~department~~ office shall give the applicant an examination.

4           **SECTION 2412s.** 230.21 (1m) (b) of the statutes is amended to read:

5           230.21 (1m) (b) If the administrator uses the method of random certification  
6 to determine which applicants for an unskilled labor or service position will receive  
7 further consideration for the position and the appointing authority does not select  
8 a veteran or a person the hiring of whom would serve affirmative action purposes,  
9 the appointing authority shall make and retain a written record of the appointing  
10 authority's reasons for selecting the person who was appointed. The appointing  
11 authority shall make the written records available to the ~~department~~ office and  
12 annually submit a report to the ~~department~~ office summarizing the reasons  
13 contained in the written records.

14           **SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

15           230.215 (3) (a) An agency may, with the approval of the ~~secretary~~ director and  
16 with the approval of the secretary of administration under s. 16.50, restructure  
17 budgeted permanent positions as such positions become vacant or if an employee  
18 voluntarily requests a job-sharing or permanent part-time employment  
19 opportunity. No employee occupying a full-time permanent position may be  
20 involuntarily terminated, demoted, transferred or reassigned in order to restructure  
21 that position for permanent part-time employment and no such employee may be  
22 required to accept a permanent part-time position as a condition of continued  
23 employment.

24           **SECTION 2413b.** 230.215 (3) (b) of the statutes is amended to read:

1           230.215 (3) (b) If the secretary director, upon review of the report submitted  
2 under sub. (4), determines that an agency's past or proposed actions relating to  
3 permanent part-time employment opportunities do not adequately reflect the policy  
4 under sub. (1) (e), the secretary director may recommend procedures designed to  
5 enable the agency to effect such policy.

6           **SECTION 2413d.** 230.215 (4) of the statutes is amended to read:

7           230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall  
8 include a report on the progress or failure of the plans of such agency in achieving  
9 the policies stated under sub. (1) and shall submit a copy of such report to the  
10 secretary director.

11           **SECTION 2413f.** 230.22 (1) of the statutes is amended to read:

12           230.22 (1) The secretary director may establish by rule an entry professional  
13 class program for use in a wide range of entry professional positions.

14           **SECTION 2413h.** 230.22 (2) of the statutes is amended to read:

15           230.22 (2) In connection with this program the secretary director may establish  
16 separate classifications and corresponding pay provisions to provide agencies an  
17 entry professional program, through which they can compete on campuses and in the  
18 labor market for the best available applicants.

19           **SECTION 2413i.** 230.24 (1) of the statutes is amended to read:

20           230.24 (1) The secretary director may by rule develop a career executive  
21 program that emphasizes excellence in administrative skills in order to provide  
22 agencies with a pool of highly qualified executive candidates, to provide outstanding  
23 administrative employees a broad opportunity for career advancement and to  
24 provide for the mobility of such employees among the agencies and units of state  
25 government for the most advantageous use of their managerial and administrative

1 skills. To accomplish the purpose of this program, the administrator may provide  
2 policies and standards for recruitment, examination, probation, employment  
3 register control, certification, transfer, promotion and reemployment, and the  
4 secretary director may provide policies and standards for classification and salary  
5 administration, separate from procedures established for other employment. The  
6 secretary director shall determine the positions which may be filled from career  
7 executive employment registers.

8 **SECTION 2413k.** 230.25 (1p) of the statutes is amended to read:

9 230.25 (1p) If an appointing authority appoints a person certified under this  
10 section and the person is not a veteran, the spouse of a veteran or a person the hiring  
11 of whom would serve affirmative action purposes, the appointing authority shall  
12 make and retain a written record of the appointing authority's reasons for selecting  
13 the person who was appointed. The appointing authority shall make the written  
14 records available to the department office and annually submit a report to the  
15 department office summarizing the reasons contained in the written records. The  
16 department office shall annually prepare a report summarizing, for each agency, the  
17 reasons contained in the records prepared by appointing authorities under this  
18 subsection.

19 **SECTION 2413r.** 230.27 (2k) of the statutes is amended to read:

20 230.27 (2k) If an appointing authority selects, for a project position, a person  
21 who is not a veteran or is not a person the hiring of whom would serve affirmative  
22 action purposes, the appointing authority shall make and retain a written record of  
23 the appointing authority's reasons for selecting the person who was appointed. The  
24 appointing authority shall make the written records available to the department  
25 office and annually submit a report to the department office summarizing the

1 reasons contained in the written records. The department office shall annually  
2 prepare a report summarizing, for each agency, the information submitted by  
3 appointing authorities under this subsection.

4 **SECTION 2413s.** 230.32 (3) of the statutes is amended to read:

5 230.32 (3) (a) Any classified employee who leaves state service and enters the  
6 armed forces of the United States shall, under this section, be granted written  
7 military leave of absence by the appointing authority. Notice of such leave from state  
8 service and the terms of any such leave shall be given in writing by the appointing  
9 authority to the ~~secretary~~ director for purposes of record.

10 (b) Any classified employee who leaves state service for civilian employment  
11 in response to a specific request or order of the federal government or any of its  
12 agencies in connection with manpower redistribution and utilization shall, under  
13 this section, make written application to the appointing authority for civilian leave  
14 of absence presenting such specific request or order of the federal government as  
15 supporting evidence. Such civilian leave shall be allowed by the appointing  
16 authority and its terms, which shall conform to the rules of the ~~secretary~~ director,  
17 shall be in writing. Notice of such leave from state service shall be made in writing  
18 by the appointing authority to the ~~secretary~~ director for purposes of record.

19 (c) All such military or civilian leaves of absence as heretofore may have been  
20 granted are validated and shall be deemed to be sufficient and effective hereunder.  
21 Such leaves shall be recorded with the ~~secretary~~ director.

22 **SECTION 2413t.** 230.33 (2) of the statutes is amended to read:

23 230.33 (2) A person appointed to an unclassified position by an appointing  
24 authority other than an appointing authority described under sub. (1), to a  
25 department other than the one in which the person was a classified employee may

1 be granted a leave of absence without pay at the option of the person's former  
2 appointing authority in accordance with the leave of absence provisions in the rules  
3 of the secretary director. An employee granted a leave of absence shall have the same  
4 restoration rights and reinstatement privileges as under sub. (1m). If not granted  
5 a leave of absence, the employee shall be entitled only to the reinstatement privileges  
6 under sub. (1m).

7 **SECTION 2416b.** 230.34 (1) (c) of the statutes is amended to read:

8 230.34 (1) (c) The secretary director shall establish guidelines for uniform  
9 application of this authority among the various agencies.

10 **SECTION 2416d.** 230.34 (4) of the statutes is amended to read:

11 230.34 (4) Resignations shall be regulated by the rules of the secretary director.

12 **SECTION 2416f.** 230.35 (1) (d) of the statutes is amended to read:

13 230.35 (1) (d) Annual leaves of absence shall not be cumulative except under  
14 sub. (1p) and except that unused annual leave shall, subject to the rules of the  
15 secretary director, be used in the year following the one in which it was earned, but  
16 no employee shall lose any unused annual leave because the employee's work  
17 responsibilities prevented the usage of the unused annual leave during the first 6  
18 months of the year following the year in which it was earned.

19 **SECTION 2416h.** 230.35 (2) of the statutes is amended to read:

20 230.35 (2) Leave of absence with pay owing to sickness and leave of absence  
21 without pay, other than annual leave and leave under s. 103.10, shall be regulated  
22 by rules of the secretary director, except that unused sick leave shall accumulate  
23 from year to year. After July 1, 1973, employees appointed to career executive  
24 positions under the program established under s. 230.24 or positions designated in  
25 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall

1 have any unused sick leave credits restored if they are reemployed in a career  
2 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and  
3 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.  
4 Restoration of unused sick leave credits if reemployment is to a position other than  
5 those specified above shall be in accordance with rules of the secretary director.

6 **SECTION 2416j.** 230.35 (2r) (b) of the statutes is amended to read:

7 230.35 (2r) (b) The secretary director may establish, by rule, a catastrophic  
8 leave program that permits employees to donate certain types and amounts of leave  
9 credits to other employees who have been absent from pay status because of a  
10 catastrophic need for which there is no paid leave benefits or replacement income  
11 available. The secretary director shall determine the types and amounts of leave  
12 credits that may be donated.

13 **SECTION 2416L.** 230.35 (3) (d) of the statutes is amended to read:

14 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of  
15 absence to compete in promotional examinations and interviews. The secretary  
16 director shall promulgate rules governing the lengths of time allowable for such  
17 leaves, their frequency and the provisions for their use.

18 **SECTION 2416m.** 230.35 (3) (e) 2. e. of the statutes is amended to read:

19 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the secretary  
20 director regarding leaves of absence to provide specialized disaster relief services.

21 **SECTION 2416n.** 230.35 (3) (e) 5. of the statutes is amended to read:

22 230.35 (3) (e) 5. The secretary director may promulgate any rules necessary to  
23 implement this paragraph.

24 **SECTION 2416p.** 230.35 (5) (b) of the statutes is amended to read:

1           230.35 (5) (b) The standard basis of employment shall be divided into 5 work  
2 days of 8 hours each except as provided under s. 230.215 (5), and except that when  
3 the conditions of employment cannot be satisfied by adhering to this division or when  
4 the public would not be inconvenienced, deviations may be permitted upon  
5 recommendation of the appointing authority and subsequent approval by the  
6 secretary director.

7           **SECTION 2416r.** 230.37 (1) of the statutes is amended to read:

8           230.37 (1) In cooperation with appointing authorities the secretary director  
9 shall establish an employee performance evaluation program to provide a continuing  
10 record of employee development and, when applicable, to serve as a basis for  
11 pertinent personnel actions. Similar evaluations shall be conducted during the  
12 probationary period but may not infringe upon the authority of the appointing  
13 authority to retain or dismiss employees during the probationary period.

14           **SECTION 2416t.** 230.43 (5) of the statutes is amended to read:

15           230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to  
16 restrain the payment of compensation to any person appointed to or holding any  
17 office or place of employment in violation of this subchapter shall not be limited or  
18 denied by reason of the fact that the office or place of employment has been classified  
19 as, or determined to be, not subject to competitive examination; however, any  
20 judgment or injunction in any such action shall be prospective only, and shall not  
21 affect payments already made or due to such persons by the proper disbursing  
22 officers, in accordance with the rules of the secretary director in force at the time of  
23 such payments.

24           **SECTION 2416v.** 230.44 (1) (b) of the statutes is amended to read:



1           230.44 (1) (b) *Decision made or delegated by ~~secretary~~ director*. Appeal of a  
2 personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the ~~secretary~~  
3 director or by an appointing authority under authority delegated by the ~~secretary~~  
4 director under s. 230.04 (1m).

5           **SECTION 2417m.** 230.44 (1) (dm) of the statutes is amended to read:

6           230.44 (1) (dm) *Noncompetitive appointment of certain disabled veterans*. A  
7 personnel action under s. 230.275 by an appointing authority that is alleged to be  
8 illegal or an abuse of discretion. The administrator and the department office may  
9 not be a party to any such appeal.

10          **SECTION 2417s.** 230.44 (4) (bm) of the statutes is amended to read:

11          230.44 (4) (bm) Upon request of an employee who files an appeal of the decision  
12 of the ~~secretary~~ director made under s. 230.09 (2) (a) or (d), the appeal shall be heard  
13 by a commissioner or attorney employed by the commission serving as arbitrator  
14 under rules promulgated for this purpose by the commission. In such an arbitration,  
15 the arbitrator shall orally render a decision at the conclusion of the hearing  
16 affirming, modifying or rejecting the decision of the ~~secretary~~ director. The decision  
17 of the arbitrator is final and is not subject to review by the commission. An  
18 arbitrator's decision may not be cited as precedent in any other proceeding before the  
19 commission or before any court. The arbitrator shall promptly file his or her decision  
20 with the commission. The decision of the arbitrator shall stand as the decision of the  
21 commission. The decision of the commission is subject to review under ss. 227.53 to  
22 227.57 only on the ground that the decision was procured by corruption, fraud or  
23 undue means or that the arbitrator or the commission exceeded the arbitrator's or  
24 the commission's power. The record of a proceeding under this paragraph shall be  
25 transcribed as provided in s. 227.44 (8).

1           **SECTION 2418.** 230.45 (title) of the statutes is amended to read:

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

4           **SECTION 2419.** 230.45 (1) (b) of the statutes is repealed.

5           **SECTION 2420.** 230.45 (1) (e) of the statutes is amended to read:

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

8           **SECTION 2421.** 230.45 (1) (g) of the statutes is repealed.

9           **SECTION 2422.** 230.45 (1) (gm) of the statutes is repealed.

10          **SECTION 2422g.** 230.45 (1) (h) of the statutes is amended to read:

11          230.45 (1) (h) Keep minutes of its own proceedings and other official actions.  
12 All such records shall, subject to reasonable rules, be open to public inspection.  
13 Records of the secretary director or the administrator which are confidential shall  
14 be kept confidential by the division of equal rights or the commission.

15          **SECTION 2422r.** 230.45 (1) (i) of the statutes is amended to read:

16          230.45 (1) (i) Adopt rules necessary to carry out this section. Notice of the  
17 contents of such rules and amendments thereto shall be given promptly to the  
18 secretary director, the administrator and appointing authorities affected thereby.

19          **SECTION 2423.** 230.45 (1) (j) of the statutes is repealed.

20          **SECTION 2424.** 230.45 (1) (k) of the statutes is repealed.

21          **SECTION 2425.** 230.45 (1) (L) of the statutes is repealed.

22          **SECTION 2426.** 230.45 (1) (m) of the statutes is repealed.

23          **SECTION 2427.** 230.45 (1e) of the statutes is created to read:

24          230.45 (1e) The division of equal rights shall:

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

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

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

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

21 **SECTION 2427g.** 230.46 of the statutes is amended to read:

22 **230.46 Duties of council on affirmative action.** The council on affirmative  
23 action in the department office shall serve in a direct advisory capacity to the  
24 secretary director and as part of that relationship shall evaluate the progress of  
25 affirmative action programs throughout the civil service system, seek compliance

1 with state and federal regulations and recommend improvements in the state's  
2 affirmative action efforts as an employer. In carrying out its responsibilities, the  
3 council may recommend legislation, consult with agency personnel and other  
4 interested persons, conduct hearings and take other appropriate action to promote  
5 affirmative action. The council shall report at least once per year to the governor and  
6 the legislature.

7 **SECTION 2427r.** 230.48 (2) of the statutes is amended to read:

8 230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. The department office shall  
9 appoint, under the classified service, a secretary and such other employees as are  
10 necessary to carry out the duties of the state employees suggestion board, and shall  
11 provide such facilities and equipment as that board requires for the proper  
12 performance of its work. The state employees suggestion board may request and  
13 shall receive from any state department any assistance that it requires.

14 **SECTION 2428.** 230.81 (1) (b) of the statutes is amended to read:

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

23 **SECTION 2429.** 230.85 (1) of the statutes is amended to read:

24 230.85 (1) An employee who believes that a supervisor or appointing authority  
25 has initiated or administered, or threatened to initiate or administer, a retaliatory

1 action against that employee in violation of s. 230.83 may file a written complaint  
2 with the ~~commission~~ division of equal rights, specifying the nature of the retaliatory  
3 action or threat thereof and requesting relief, within 60 days after the retaliatory  
4 action allegedly occurred or was threatened or after the employee learned of the  
5 retaliatory action or threat thereof, whichever occurs last.

6 **SECTION 2430.** 230.85 (2) of the statutes is amended to read:

7 230.85 (2) The ~~commission~~ division of equal rights shall receive and, except as  
8 provided in s. 230.45 (1m), investigate any complaint under sub. (1). In the course  
9 of investigating or otherwise processing such a complaint, the ~~commission~~ division  
10 of equal rights may require that an interview with any employee described in s.  
11 230.80 (3), except a management or supervisory employee who is a party to or is  
12 immediately involved in the subject matter of the complaint, be conducted outside  
13 the presence of the appointing authority or any representative or agent thereof  
14 unless the employee voluntarily requests that presence. An appointing authority  
15 shall permit an employee to be interviewed without loss of pay and to have an  
16 employee representative present at the interview. An appointing authority of an  
17 employee to be interviewed may require the ~~commission~~ division of equal rights to  
18 give the appointing authority reasonable notice prior to the interview. If the  
19 ~~commission~~ division of equal rights finds probable cause to believe that a retaliatory  
20 action has occurred or was threatened, it may endeavor to remedy the problem  
21 through conference, conciliation or persuasion. If that endeavor is not successful, the  
22 ~~commission~~ division of equal rights shall issue and serve a written notice of hearing,  
23 specifying the nature of the retaliatory action which has occurred or was threatened,  
24 and requiring the person named, in this section called the “respondent”, to answer  
25 the complaint at a hearing. The notice shall specify the place of hearing and a time

1 of hearing not less than 30 days after service of the complaint upon the respondent  
2 nor less than 10 days after service of the notice of hearing. If, however, the  
3 ~~commission~~ division of equal rights determines that an emergency exists with  
4 respect to a complaint, the notice of hearing may specify a time of hearing within 30  
5 days after service of the complaint upon the respondent, but not less than 10 days  
6 after service of the notice of hearing. The testimony at the hearing shall be recorded  
7 or taken down by a reporter appointed by the ~~commission~~ division of equal rights.

8 **SECTION 2431.** 230.85 (3) (a) (intro.) of the statutes is amended to read:

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

17 **SECTION 2432.** 230.85 (3) (a) 4. of the statutes is amended to read:

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

22 **SECTION 2433.** 230.85 (3) (b) of the statutes is amended to read:

23 230.85 (3) (b) If, after hearing, the ~~commission~~ division of equal rights finds  
24 that the respondent did not engage in or threaten a retaliatory action it shall order  
25 the complaint dismissed. The ~~commission~~ division of equal rights shall order the

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

11 **SECTION 2434.** 230.85 (3) (c) of the statutes is amended to read:

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

15 **SECTION 2435.** 230.85 (4) of the statutes is amended to read:

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

19 **SECTION 2436.** 230.85 (5) (a) of the statutes is amended to read:

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

25 **SECTION 2437.** 230.85 (5) (b) of the statutes is amended to read:

1           230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal  
2 rights may enforce an order by a suit in equity.

3           **SECTION 2438.** 230.87 (1) of the statutes is amended to read:

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

12           **SECTION 2439.** 230.88 (2) of the statutes is amended to read:

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

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



1 complaint, on those matters determined in the arbitration which were at issue and  
2 upon which the determination necessarily depended.

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

14 **SECTION 2440.** 230.89 of the statutes is amended to read:

15 **230.89 Rule making and reporting.** (1) The ~~commission~~ division of equal  
16 rights shall promulgate rules to carry out its responsibilities under this subchapter.

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

23 **SECTION 2441.** 233.10 (3) (c) 4. of the statutes is amended to read:

24 233.10 (3) (c) 4. Grant to the carry-over employee military leave, treatment of  
25 military leave, jury service leave and voting leave in accordance with s. 230.35 (3)

1 and (4) (e) and, to the extent applicable, rules of the ~~department of employment~~  
2 ~~relations~~ office of state human resources management governing such leaves for  
3 employees in the classified service as of the last day of the employee's employment  
4 as a state employee if the employee was entitled to those benefits on that day.

5 **SECTION 2442.** 233.10 (4) of the statutes is amended to read:

6 233.10 (4) Notwithstanding the requirement that an employee be a state  
7 employee, a carry-over employee of the authority who was employed in a position in  
8 the classified service immediately prior to beginning employment with the authority  
9 shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s.  
10 230.29 and the rules of the ~~department of employment relations~~ office of state human  
11 resources management governing transfers as a person who holds a position in the  
12 classified service.

13 **SECTION 2444.** 234.034 of the statutes is amended to read:

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

18 **SECTION 2445.** 234.06 (1) of the statutes is amended to read:

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

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

3 **SECTION 2446.** 234.06 (3) of the statutes is amended to read:

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

14 **SECTION 2447.** 234.165 (2) (b) 2. of the statutes is amended to read:

15 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the  
16 governor a plan for expending or encumbering the actual surplus reported under  
17 subd. 1. The part of the plan related to housing shall be consistent with the state  
18 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this  
19 subdivision may be attached to and submitted as a part of the report filed under subd.  
20 1.

21 **SECTION 2448.** 234.25 (1) (e) of the statutes is amended to read:

22 234.25 (1) (e) An evaluation of its progress in implementing within its own  
23 housing programs the goals, policies and objectives of the state housing strategy plan  
24 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability  
25 to carry out its programs consistent with the state housing strategy plan.

SECTION # 5

1           **SECTION 2449.** 253.06 (4) (c) 2. of the statutes is amended to read:

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

7           **SECTION 2450.** 253.06 (5) (e) of the statutes is amended to read:

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

20           **SECTION 2451.** 254.45 (4) (b) of the statutes is amended to read:

21           254.45 (4) (b) The department shall remit all forfeitures paid to the state  
22 ~~treasurer~~ secretary of administration for deposit in the school fund.

23           **SECTION 2452.** 254.59 (2) of the statutes is amended to read:

24           254.59 (2) If a human health hazard is found on private property, the local  
25 health officer shall notify the owner and the occupant of the property, by registered

1 mail with return receipt requested, of the presence of the human health hazard and  
2 order its abatement or removal within 30 days of receipt of the notice. If the human  
3 health hazard is not abated or removed by that date, the local health officer shall  
4 immediately enter upon the property and abate or remove the human health hazard  
5 or may contract to have the work performed. The human health hazard shall be  
6 abated in a manner which is approved by the local health officer. The cost of the  
7 abatement or removal may be recovered from the person permitting the violation or  
8 may be paid by the municipal treasurer and the account, after being paid by the  
9 treasurer, shall be filed with the municipal clerk, who shall enter the amount  
10 chargeable to the property in the next tax roll in a column headed "For Abatement  
11 of a Nuisance" as a special tax on the lands upon which the human health hazard was  
12 abated, and the tax shall be collected as are other taxes. In case of railroads or other  
13 lands not taxed in the usual way, the amount chargeable shall be certified by the  
14 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount  
15 designated in the certificate to the sum due from the company owning, occupying, or  
16 controlling the land specified, and the ~~state treasurer~~ secretary of administration  
17 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount  
18 collected to the town, city, or village from which the certificate was received. Anyone  
19 maintaining such a human health hazard may also be fined not more than \$300 or  
20 imprisoned for not more than 90 days or both. The only defenses an owner may have  
21 against the collection of a tax under this subsection are that no human health hazard  
22 existed on the owner's property, that no human health hazard was corrected on the  
23 owner's property, that the procedure outlined in this subsection was not followed or  
24 any applicable defense under s. 74.33.

25 **SECTION 2453.** 254.59 (5) of the statutes is amended to read:

1           254.59 (5) The cost of abatement or removal of a human health hazard under  
2 this section may be at the expense of the municipality and may be collected from the  
3 owner or occupant, or person causing, permitting, or maintaining the human health  
4 hazard, or may be charged against the premises and, upon certification of the local  
5 health officer, assessed as are other special taxes. In cases of railroads or other lands  
6 not taxed in the usual way, the amount chargeable shall be certified by the clerk to  
7 the ~~state treasurer~~ secretary of administration who shall add the amount designated  
8 in the certificate to the sum due from the company owning, occupying, or controlling  
9 the land specified, and the ~~state treasurer~~ secretary of administration shall collect  
10 the amount as prescribed in subch. I of ch. 76 and return the amount collected to the  
11 town, city, or village from which the certificate was received. Anyone maintaining  
12 such a human health hazard may also be fined not more than \$300 or imprisoned for  
13 not more than 90 days or both. The only defenses an owner may have against the  
14 collection of a tax under this subsection are that no human health hazard existed on  
15 the owner's property, that no human health hazard was corrected on the owner's  
16 property, that the procedure outlined in this subsection was not followed, or any  
17 applicable defense under s. 74.33.

18           ~~SECTION 2453.~~ <sup>3 m</sup> Subchapter VIII (title) of chapter 254 [precedes 254.89] of the  
19 statutes is repealed.

20           **SECTION 2454.** 254.89 of the statutes is renumbered 97.24 (5) and amended to  
21 read:

22           97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall  
23 conduct evaluation surveys of grade A dairy operations in this state to the extent  
24 necessary to certify to the federal food and drug administration, out-of-state  
25 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal

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

6 **SECTION 2455r.** 255.06 (2) (i) of the statutes is created to read:

7 255.06 (2) (i) *Multiple sclerosis screening services.* Allocate and expend at least  
8 \$60,000 in each fiscal year as reimbursement for the provision of multiple sclerosis  
9 screening services to women.

10 **SECTION 2455q.** 255.10 (intro.) of the statutes is amended to read:

11 **255.10 Thomas T. Melvin youth tobacco prevention and education**  
12 **program.** (intro.) From the moneys distributed under s. 255.15 (3) (a)-2. (b), the  
13 department shall administer the Thomas T. Melvin youth tobacco prevention and  
14 education program, with the primary purpose of reducing the use of cigarettes and  
15 tobacco products by minors. The department shall award grants for the following  
16 purposes:

17 **SECTION 2455v.** 255.15 (title) of the statutes is amended to read:

18 **255.15 (title) Statewide tobacco use control program.**

19 **SECTION 2456.** 255.15 (1) of the statutes is repealed.

20 **SECTION 2457.** 255.15 (1m) (intro.) of the statutes is amended to read:

21 255.15 (1m) DUTIES. (intro.) The ~~board~~ department shall do all of the following:

22 **SECTION 2458.** 255.15 (1m) (a) of the statutes is repealed.

23 **SECTION 2459.** 255.15 (1m) (c) of the statutes is amended to read:

24 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants  
25 awarded under sub. (3), including performance-based standards for grant recipients

1 that propose to use the grant for media efforts. The ~~board~~ department shall ensure  
2 that programs or projects conducted under the grants are culturally sensitive.

3 **SECTION 2459d.** 255.15 (1m) (f) of the statutes is amended to read:

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

8 **SECTION 2459x.** 255.15 (2m) of the statutes is created to read:

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

- 13 1. At least one representative of a local tobacco prevention coalition.
- 14 2. At least one youth who represents youth involved in tobacco prevention and  
15 control efforts.
- 16 3. At least one representative of a population that is disproportionately  
17 impacted by tobacco use.
- 18 4. At least one representative of a statewide health care provider association  
19 or organization.
- 20 5. At least one representative of a statewide or regional hospital association or  
21 organization.
- 22 6. At least one representative of a statewide or regional insurance association  
23 or organization.
- 24 7. At least one representative of a state or local chamber of commerce or other  
25 business association or organization.



1           8. One senator.

2           9. One representative to the assembly who is of a different political party from  
3 the senator appointed under subd. 8.

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

7           11. The secretary.

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

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

10          14. One or more members of organizations or associations specified by the  
11 department.

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

13           1. Develop public–private partnerships on tobacco use control issues and  
14 initiatives.

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

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

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

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

22           6. Ensure that an external evaluator conducts regular outcome–based  
23 evaluations of tobacco use prevention and control projects and presents the  
24 evaluations to the joint legislative audit committee.

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

3           8. For members specified in par. (a) 1., 4., 5., 6., 7., 10., and 14., commit the  
4 human and material resources of the associations or organizations represented by  
5 those members to efforts toward tobacco use prevention and control to the greatest  
6 extent possible.

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

8           **SECTION 2460d.** 255.15 (3) (a) of the statutes is repealed.

9           **SECTION 2461d.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

10           255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1) (te)~~ 20.435 (5)  
11 ~~(fm)~~, the ~~board~~ department may distribute grants for any of the following:

12           **SECTION 2461r.** 255.15 (3) (b) 8. of the statutes is amended to read:

13           255.15 (3) (b) 8. Other tobacco use cessation or prevention programs, including  
14 tobacco research and intervention.

15           **SECTION 2462.** 255.15 (4) of the statutes is amended to read:

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

23           **SECTION 2463.** 255.15 (5) of the statutes is amended to read:

24           255.15 (5) FUNDS. The ~~board~~ department may accept for any of ~~its~~ the purposes  
25 under this section any donations and grants of money, equipment, supplies,

1 materials and services from any person. The ~~board~~ department shall include in the  
2 report under sub. (4) any donation or grant accepted by the ~~board~~ department under  
3 this subsection, including the nature, amount and conditions, if any, of the donation  
4 or grant and the identity of the donor.

5 **SECTION 2464d.** 255.15 (6) of the statutes is repealed.

6 **SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

7 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$55,100,000 during the ~~2001–03~~  
8 2003–05 biennium.

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

10 **SECTION 2467.** 281.59 (3m) (b) 1. and 2. of the statutes are 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 **SECTION 2468.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

15 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the ~~2001–03~~  
16 2003–05 biennium.

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

18 **SECTION 2469.** 281.59 (4) (f) of the statutes is amended to read:

19 281.59 (4) (f) Revenue obligations may be contracted by the building  
20 commission when it reasonably appears to the building commission that all  
21 obligations incurred under this subsection can be fully paid on a timely basis from  
22 moneys received or anticipated to be received. Revenue obligations issued under this  
23 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~  
24 \$1,615,955,000 in principal amount, excluding obligations issued to refund  
25 outstanding revenue obligation notes.

1           **SECTION 2470.** 281.65 (10) of the statutes is repealed.

2           **SECTION 2471.** 281.99 (4) of the statutes is amended to read:

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

10          **SECTION 2472.** 283.84 (1) (c) of the statutes is amended to read:

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

15          **SECTION 2473.** 285.69 (3) of the statutes is renumbered 285.69 (3) (a) and  
16 amended to read:

17          285.69 (3) (a) The department may promulgate rules for the payment and  
18 collection of fees for inspecting nonresidential asbestos demolition and renovation  
19 projects regulated by the department. The fees under this subsection for an  
20 inspection plus the fee under sub. (1) (c) may not exceed \$210 per \$400 if the  
21 combined square and linear footage of friable asbestos-containing material involved  
22 in the project is less than 5,000. The fees under this subsection for an inspection plus  
23 the fee under sub. (1) (c) may not exceed \$750 if the combined square and linear  
24 footage of friable asbestos-containing material involved in the project is 5,000 or  
25 more. The fees collected under this subsection shall be credited to the appropriation

1 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of  
2 nonresidential asbestos demolition and ~~inspection~~ renovation projects regulated by  
3 the department.

4 **SECTION 2474.** 285.69 (3) (b) and (c) of the statutes are created to read:

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

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

12 **SECTION 2474kd.** 287.03 (1) (d) of the statutes is repealed.

13 **SECTION 2474kf.** 287.19 (2) of the statutes is amended to read:

14 287.19 (2) POWERS. In providing assistance under sub. (1), the department may  
15 provide assistance relating to the marketing of materials recovered from solid waste,  
16 ~~if the provision of that assistance is a responsibility assigned to the department in~~  
17 ~~a memorandum of understanding, contract or other agreement with the recycling~~  
18 ~~market development board.~~

19 **SECTION 2474kq.** 287.22 (2) (c) of the statutes is amended to read:

20 287.22 (2) (c) Advise state agencies concerning the promulgation of rules under  
21 ss. 100.29, 100.295, and 101.126 ~~and 560.031.~~

22 **SECTION 2474L.** 287.26 of the statutes is created to read:

23 **287.26 Recycling market development grants.** (1) The department shall  
24 award a grant of \$50,000 in each fiscal year to a private, nonprofit,  
25 industry-supported organization that is described in section 501 (c) (3) of the

1 Internal Revenue Code and that provides waste reduction and recycling assistance  
2 through business-to-business peer exchange. An organization that is awarded a  
3 grant must be instrumental in assisting and encouraging companies and institutions  
4 to reduce their operating costs through improved production and solid waste  
5 management practices and must be in existence on October 29, 1999.

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

10 **SECTION 2475g.** 289.64 (6) of the statutes is amended to read:

11 289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected  
12 under sub. (2) shall be credited to the appropriation under s. 20.370 (2) (eg) for  
13 transfer to the appropriation under s. 20.505 (4) (k) (ei).

14 **SECTION 2475e.** 289.645 (4) (d) of the statutes is created to read:

15 289.645 (4) (d) The recycling fee does not apply to sediments that are  
16 contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from  
17 the bed of a navigable water of this state in connection with a phase of a project to  
18 remedy contamination of the bed of the navigable water if the quantity of the  
19 sediments removed, either in the phase or in combination with other planned phases  
20 of the project, will exceed 200,000 cubic yards.

21 **SECTION 2475r.** 292.11 (14) of the statutes is created to read:

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

1 to the amount expended. If the department proposes to take action authorized under  
2 s. 94.73 (2m), the department may request the joint committee on finance to  
3 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the  
4 amount that the department expects to expend to take that action. The joint  
5 committee on finance may, from the appropriation under s. 20.865 (4) (u),  
6 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the  
7 amount that the department expended or expects to expend to take action under s.  
8 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is not required to find  
9 that an emergency exists.

10 **SECTION 2479.** 292.77 of the statutes is repealed.

11 **SECTION 2481.** 292.94 of the statutes is created to read:

12 **292.94 Fees related to enforcement actions.** The department may assess  
13 and collect fees from a person who is subject to an order or other enforcement action  
14 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to  
15 review the planning and implementation of any environmental investigation or  
16 environmental cleanup that the person is required to conduct. The department shall  
17 promulgate rules for the assessment and collection of fees under this section. Fees  
18 collected under this section shall be credited to the appropriation account under s.  
19 20.370 (2) (dh).

20 **SECTION 2481s.** 299.41 of the statutes is renumbered 93.57 and amended to  
21 read:

22 **93.57 Household hazardous waste.** The department shall ~~establish and~~  
23 administer a grant program to assist municipalities and regional planning  
24 commissions in creating and operating local programs for the collection and disposal  
25 of household hazardous waste.

1           **SECTION 2482.** 299.93 (3) of the statutes is amended to read:

2           299.93 (3) If any deposit is made for an offense to which this section applies,  
3 the person making the deposit shall also deposit a sufficient amount to include the  
4 environmental assessment prescribed in this section. If the deposit is forfeited, the  
5 amount of the environmental assessment shall be transmitted to the ~~state treasurer~~  
6 secretary of administration under sub. (4). If the deposit is returned, the  
7 environmental assessment shall also be returned.

8           **SECTION 2483.** 299.93 (4) of the statutes is amended to read:

9           299.93 (4) The clerk of the court shall collect and transmit to the county  
10 treasurer the environmental assessment and other amounts required under s. 59.40  
11 (2) (m). The county treasurer shall then make payment to the ~~state treasurer~~  
12 secretary of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~  
13 secretary of administration shall deposit the amount of the assessment in the  
14 environmental fund.

15           **SECTION 2484.** 301.025 of the statutes is amended to read:

16           **301.025 Division of juvenile corrections.** The division of juvenile  
17 corrections shall exercise the powers and perform the duties of the department that  
18 relate to juvenile correctional services and institutions, juvenile offender review,  
19 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the  
20 serious juvenile offender program under s. 938.538, and youth aids.

21           **SECTION 2485g.** 301.0465 of the statutes is created to read:

22           **301.0465 Halfway houses for nonviolent offenders.** (1) ESTABLISHMENT  
23 AND COST. The department shall request proposals and may contract for the  
24 establishment of 2 25-bed halfway houses for nonviolent offenders, with one to be  
25 located in an urban area and one in a rural area. The department, however, may not



1 accept a proposal unless its daily cost per inmate under the proposal is less than or  
2 equal to its highest daily cost per inmate under contracts entered into under s.  
3 301.21.

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

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

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

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

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

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

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

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

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

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

6 (5) REPORT. The department shall submit a report to the legislature under s.  
7 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

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

11 (b) The cost effectiveness of the program.

12 (c) The administration of the program.

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

14 **SECTION 2485r.** 301.0465 of the statutes, as created by 2003 Wisconsin Act ...  
15 (this act), is repealed.

16 **SECTION 2486.** 301.105 (intro.) of the statutes is amended to read:

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

22 **SECTION 2489.** 301.16 (1o) (b) of the statutes is amended to read:

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

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

9 **SECTION 2490.** 301.16 (1r) of the statutes is amended to read:

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

19 **SECTION 2490d.** 301.16 (1v) of the statutes is amended to read:

20 301.16 (1v) In addition to the institutions under sub. (1), the department shall  
21 establish a ~~medium~~ minimum security correctional institution in Chippewa Falls.  
22 The department shall designate 50 beds at this correctional institution for  
23 programming for offenders in prison as an alternative to the revocation of probation,  
24 extended supervision, or parole.

25 **SECTION 2491g.** 301.215 of the statutes is created to read:

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

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

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

12           (2) If the department determines under sub. (1) (b) that prisoners may be  
13 placed in the county's jail, the department and county shall establish the daily cost  
14 to the department of placing the prisoner in the county's jail. Notwithstanding s.  
15 302.27, the daily cost established under this subsection may not exceed the highest  
16 daily cost paid by the department to a private person under an existing contract  
17 under s. 301.21 (2m).

18           (3) If the department and a county enter into a contract for the placement of  
19 prisoners who have been committed to the custody of the department in county jails,  
20 the department shall give priority to placing prisoners in the county jail before  
21 placing any prisoner with a private person outside the state under a contract under  
22 s. 301.21 (2m).

23           **SECTION 2492d.** 301.26 (4) (d) 2. of the statutes is amended to read:

24           301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~  
25 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$183 for care

1 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$183 for  
2 care for juveniles transferred from a juvenile correctional institution under s. 51.35  
3 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142  
4 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for  
5 care in a treatment foster home, ~~\$82.56~~ \$86 for departmental corrective sanctions  
6 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

7 **SECTION 2493d.** 301.26 (4) (d) 3. of the statutes is amended to read:

8 301.26 (4) (d) 3. Beginning on July 1, 2002 2004, and ending on June 30, 2003  
9 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$187 for care  
10 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$187 for  
11 care for juveniles transferred from a juvenile correctional institution under s. 51.35  
12 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149  
13 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for  
14 care in a treatment foster home, ~~\$84.50~~ \$87 for departmental corrective sanctions  
15 services, and ~~\$22.66~~ \$26 for departmental aftercare services.

16 **SECTION 2493m.** 301.26 (5) of the statutes is created to read:

17 301.26 (5) REVENUE SUFFICIENCY. (a) By September 15, December 15, March  
18 15, and June 15 of each fiscal year, the department of corrections shall submit a  
19 report to the joint committee on finance, and by March 15 of each odd-numbered  
20 year, the department of corrections shall submit a report to the department of  
21 administration, detailing year-to-date revenues and expenditures under the  
22 appropriation account under s. 20.410 (3) (hm) and projecting the balance that will  
23 remain in that appropriation account on June 30 of that fiscal year. If a report  
24 submitted under this paragraph projects a deficit in that appropriation account on  
25 June 30 of a fiscal year, the department of corrections shall include in the report a

1 description of the efforts that it is making to reduce operating costs so as to minimize  
2 or eliminate that projected deficit.

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

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

20 (c) If on June 30 of the odd-numbered year of the next fiscal biennium the  
21 moneys placed in unallotted reserve under par. (b) 2. exceed the amount of the actual  
22 deficit on June 30 of the odd-numbered year of the fiscal biennium in which that  
23 deficit was incurred, all moneys in excess of that actual deficit shall be remitted to  
24 the counties or transferred to the appropriation account under s. 20.410 (3) (kx) by  
25 September 30 of that odd-numbered year. Each county and the department shall

1 receive a proportionate share of the remittance and transfer depending on the total  
2 number of days of placement at Type 1 secured correctional facilities, as defined in  
3 s. 938.02 (19), for each county and the state. Counties shall use any amounts  
4 remitted under this paragraph for the purposes specified in this section. The  
5 department shall deposit in the general fund the amounts transferred under this  
6 paragraph to the appropriation account under s. 20.410 (3) (kx).

7 **SECTION 2494.** 301.26 (7) (intro.) of the statutes is amended to read:

8 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
9 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the  
10 department shall allocate funds for community youth and family aids for the period  
11 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in  
12 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

13 **SECTION 2495.** 301.26 (7) (a) of the statutes is amended to read:

14 301.26 (7) (a) For community youth and family aids under this section,  
15 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001,~~  
16 ~~\$87,760,300 for 2002~~ 2003, ~~\$88,290,200 for 2004,~~ and \$44,145,100 for the first 6  
17 months of ~~2003~~ 2005.

18 **SECTION 2496.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

19 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
20 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and  
21 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the  
22 following factors weighted equally:

23 **SECTION 2497d.** 301.26 (7) (c) of the statutes is amended to read:

24 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
25 ~~\$523,300~~ \$1,053,200 for the last 6 months of ~~2001,~~ ~~\$1,576,600 for 2002~~ 2003,

1     \$2,106,500 for 2004, and \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties  
2     based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that  
3     no county may receive an allocation under this paragraph that is less than 93% nor  
4     more than 115% of the amount that the county would have received under this  
5     paragraph if the allocation had been distributed only on the basis of the factor  
6     specified in par. (b) 3.

7             **SECTION 2498.** 301.26 (7) (e) of the statutes is amended to read:

8             301.26 (7) (e) For emergencies related to community youth and family aids  
9     under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~  
10    2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A  
11    county is eligible for payments under this paragraph only if it has a population of not  
12    more than 45,000.

13            **SECTION 2499.** 301.26 (7) (h) of the statutes is amended to read:

14            301.26 (7) (h) For counties that are participating in the corrective sanctions  
15    program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,  
16    \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the  
17    provision of corrective sanctions services for juveniles from that county. In  
18    distributing funds to counties under this paragraph, the department shall determine  
19    a county's distribution by dividing the amount allocated under this paragraph by the  
20    number of slots authorized for the program under s. 938.533 (2) and multiplying the  
21    quotient by the number of slots allocated to that county by agreement between the  
22    department and the county. The department may transfer funds among counties as  
23    necessary to distribute funds based on the number of slots allocated to each county.

24            **SECTION 2500.** 301.26 (8) of the statutes is amended to read:



1           301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
2 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
3 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months  
4 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

5           **SECTION 2501.** 302.01 (1) (d) of the statutes is amended to read:

6           302.01 (1) (d) The correctional institution at Prairie du Chien authorized under  
7 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u).~~

8           **SECTION 2502.** 302.045 (title) of the statutes is amended to read:

9           **302.045 (title) Challenge incarceration program for youthful offenders.**

10          **SECTION 2503.** 302.045 (1) of the statutes is amended to read:

11          302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
12 program for inmates selected to participate under sub. (2). The program shall  
13 provide participants with ~~strenuous physical exercise,~~ manual labor, personal  
14 development counseling, substance abuse treatment and education, military drill  
15 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~  
16 have not attained the age of 30 as of the date on which they begin participating in  
17 the program, or age-appropriate strenuous physical exercise, for all other  
18 participants, in preparation for release on parole or extended supervision. The  
19 department shall design the program to include not less than 50 participants at a  
20 time and so that a participant may complete the program in not more than 180 days.  
21 The department may restrict participant privileges as necessary to maintain  
22 discipline.

23          **SECTION 2504.** 302.045 (2) (b) of the statutes is amended to read:

24          302.045 (2) (b) The inmate has not attained the age of ~~30,~~ 40 as of the date the  
25 inmate will begin participating in the program.