

1           **SECTION 2304m.** 195.60 (5) of the statutes is amended to read:

2           195.60 (5) No suit or proceeding shall be maintained in any court for the  
3 purpose of restraining or in any way delaying the collection or payment of any bill  
4 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall  
5 pay the amount thereof, and after such payment may in the manner herein provided,  
6 at any time within 2 years from the date the payment was made, sue the state in an  
7 action at law to recover the amount paid with legal interest thereon from the date  
8 of payment, upon the ground that the assessment was excessive, erroneous,  
9 unlawful, or invalid in whole or in part. If it is finally determined in such action that  
10 any part of the bill for which payment was made was excessive, erroneous, unlawful,  
11 or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the  
12 claimant as directed by the court, which shall be charged to the appropriations to the  
13 office.

14           **SECTION 2310.** 196.199 (3) (d) of the statutes is amended to read:

15           196.199 (3) (d) If, at any time during a proceeding under this subsection, the  
16 commission determines, after notice and reasonable opportunity to be heard, that a  
17 person has made a filing in violation of par. (c), the commission shall order the person  
18 to pay to any party to the proceeding the amount of reasonable expenses incurred by  
19 that party because of the filing, including reasonable attorney fees, and the  
20 commission may directly assess a forfeiture against the person of not less than \$25  
21 nor more than \$5,000. A person against whom the commission assesses a forfeiture  
22 under this paragraph shall pay the forfeiture to the commission within 10 days after  
23 receipt of notice of the assessment or, if the person petitions for judicial review under  
24 ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial  
25 review. The commission shall remit all forfeitures paid under this paragraph to the

1 state ~~treasurer~~ secretary of administration for deposit in the school fund. The  
2 attorney general may bring an action in the name of the state to collect any forfeiture  
3 assessed by the commission under this paragraph that has not been paid as provided  
4 in this paragraph. The only contestable issue in such an action is whether or not the  
5 forfeiture has been paid.

6 **SECTION 2311d.** 196.218 (3) (a) 3. b. of the statutes is amended to read:

7 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~  
8 ~~(1) (s), (t) and (tm)~~ and (qm), 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

9 **SECTION 2311e.** 196.218 (3) (a) 4. of the statutes is amended to read:

10 196.218 (3) (a) 4. In calculating contribution amounts that must be paid into  
11 the universal service fund by telecommunications utilities that provide local  
12 exchange service, the commission shall determine the portion of the contributions  
13 that are is used for the purposes specified in sub. (5) (a) 5. to ~~7.~~ 11.

14 **SECTION 2311m.** 196.218 (3) (e) of the statutes is amended to read:

15 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a  
16 telecommunications provider or other person may not establish a surcharge on  
17 customers' bills to collect from customers contributions required under this  
18 subsection.

19 **SECTION 2311s.** 196.218 (3) (f) of the statutes is amended to read:

20 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)  
21 and (6), 196.213 and 196.215, a telecommunications utility that provides local  
22 exchange service may make adjustments to local exchange service rates for the  
23 purpose of recovering the portion of its contributions to the universal service fund  
24 that is determined by the commission under par. (a) 4. A telecommunications utility  
25 that adjusts local exchange service rates for the purpose of recovering all or any

1 amount of that portion shall identify on customer bills a single amount that is the  
2 total amount of the adjustment.

3 **SECTION 2312d.** 196.218 (4t) of the statutes is amended to read:

4 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The  
5 commission, in consultation with the department of administration and the  
6 technology for educational achievement in Wisconsin board, shall promulgate rules  
7 specifying the telecommunications services eligible for funding through the  
8 educational telecommunications access program under s. ~~44.73~~ 16.997.

9 **SECTION 2313d.** 196.218 (5) (a) 5. of the statutes is amended to read:

10 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 to the  
11 extent that these costs are not paid under s. ~~44.73~~ 16.997 (2) (d), except that no  
12 moneys in the universal service fund may be used to pay installation costs that are  
13 necessary for a political subdivision to obtain access to bandwidth under a shared  
14 service agreement under s. ~~44.73~~ 16.997 (2r) (a).

15 **SECTION 2314d.** 196.218 (5) (a) 5. of the statutes, as affected by 2003 Wisconsin  
16 Act .... (this act), is amended to read:

17 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971  
18 (13) to (16) to the extent that these costs are not paid under s. 16.997 (2) (d), except  
19 that no moneys in the universal service fund may be used to pay installation costs  
20 that are necessary for a political subdivision to obtain access to bandwidth under a  
21 shared service agreement under s. 16.997 (2r) (a).

22 **SECTION 2315.** 196.218 (5) (a) 6. of the statutes is amended to read:

23 196.218 (5) (a) 6. To pay the department of electronic government  
24 administration for telecommunications services provided under s. ~~22.05~~ 16.972 (1)

1 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior  
2 and Whitewater.

3 **SECTION 2316d.** 196.218 (5) (a) 7. of the statutes is amended to read:

4 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~  
5 ~~achievement in Wisconsin board~~ department of administration to school districts  
6 and private schools under s. ~~44.73~~ 16.997 (6). This subdivision does not apply after  
7 ~~June 30, 2002~~ December 31, 2005.

8 **SECTION 2317.** 196.218 (5) (a) 10. of the statutes is repealed.

9 **SECTION 2317c.** 196.218 (5) (a) 11. of the statutes is created to read:

10 196.218 (5) (a) 11. To provide for state aid to public library systems under s.  
11 43.24.

12 **SECTION 2317m.** 196.374 (5) of the statutes is created to read:

13 196.374 (5) The commission may not require any public utility to operate or  
14 otherwise provide for, or impose any assessment on public utility customers for, any  
15 program established by the department of administration under s. 16.957 (2) (b) 1.  
16 This subsection does not apply to contributions that are required under sub. (3).

17 **SECTION 2318.** 196.491 (2) (e) of the statutes is amended to read:

18 196.491 (2) (e) Any state agency, as defined in s. ~~16.375~~ 560.9810 (1), county,  
19 municipality, town or person may submit written comments to the commission on a  
20 strategic energy assessment within 90 days after copies of the draft are issued under  
21 par. (b).

22 **SECTION 2321.** 196.85 (3) of the statutes is amended to read:

23 196.85 (3) If any public utility, sewerage system, joint local water authority, or  
24 power district is billed under sub. (1), (2), or (2e) and fails to pay the bill within 30  
25 days or fails to file objections to the bill with the commission, as provided in this

1 subsection, the commission shall transmit to the ~~state treasurer~~ secretary of  
2 administration a certified copy of the bill, together with notice of failure to pay the  
3 bill, and on the same day the commission shall mail by registered mail to the public  
4 utility, sewerage system, joint local water authority, or power district a copy of the  
5 notice that it has transmitted to the state treasurer. Within 10 days after receipt of  
6 the notice and certified copy of the bill, the ~~state treasurer~~ secretary of  
7 administration shall levy the amount stated on the bill to be due, with interest, by  
8 distress and sale of any property, including stocks, securities, bank accounts,  
9 evidences of debt, and accounts receivable belonging to the delinquent public utility,  
10 sewerage system, joint local water authority, or power district. The levy by distress  
11 and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the  
12 ~~state treasurer~~ secretary of administration and that goods and chattels anywhere  
13 within the state may be levied upon.

14 **SECTION 2322.** 196.85 (4) (d) of the statutes is amended to read:

15 196.85 (4) (d) If any bill against which objections have been filed is not paid  
16 within 10 days after notice of a finding that the objections have been overruled and  
17 disallowed by the commission has been mailed to the objector as provided in this  
18 subsection, the commission shall give notice of the delinquency to the ~~state treasurer~~  
19 secretary of administration and to the objector, in the manner provided in sub. (3).  
20 The ~~state treasurer~~ secretary of administration shall then proceed to collect the  
21 amount of the delinquent bill as provided in sub. (3). If an amended bill is not paid  
22 within 10 days after a copy of the amended bill is mailed to the objector by registered  
23 mail, the commission shall notify the ~~state treasurer~~ secretary of administration and  
24 the objector as in the case of delinquency in the payment of an original bill. The ~~state~~

1 ~~treasurer~~ secretary of administration shall then proceed to collect the amount of the  
2 amended bill as provided in the case of an original bill.

3 **SECTION 2323.** 196.85 (5) of the statutes is amended to read:

4 196.85 (5) No suit or proceeding may be maintained in any court to restrain or  
5 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e). Every  
6 public utility, sewerage system, joint local water authority, or power district that is  
7 billed shall pay the amount of the bill, and after payment may in the manner  
8 provided under this section, at any time within 2 years from the date the payment  
9 was made, sue the state to recover the amount paid plus interest from the date of  
10 payment, upon the ground that the assessment was excessive, erroneous, unlawful,  
11 or invalid in whole or in part. If the court finds that any part of the bill for which  
12 payment was made was excessive, erroneous, unlawful, or invalid, the state  
13 ~~treasurer~~ secretary of administration shall make a refund to the claimant as directed  
14 by the court. The refund shall be charged to the appropriations to the commission.

15 **SECTION 2324.** 196.858 (1) and (2) of the statutes are amended to read:

16 196.858 (1) The commission shall annually assess against local exchange and  
17 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the  
18 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

19 (2) The commission shall assess a sum equal to the annual total amount under  
20 sub. (1) to local exchange and interexchange telecommunications utilities in  
21 proportion to their gross operating revenues during the last calendar year. If total  
22 expenditures for telephone relay service exceeded the payment made under this  
23 section in the prior year, the commission shall charge the remainder to assessed  
24 telecommunications utilities in proportion to their gross operating revenues during  
25 the last calendar year. A telecommunications utility shall pay the assessment within

1 30 days after the bill has been mailed to the assessed telecommunication utility. The  
2 bill constitutes notice of the assessment and demand of payment. Payments shall  
3 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

4 **SECTION 2330.** 214.01 (1) (im) of the statutes is amended to read:

5 214.01 (1) (im) “Division” means the division of ~~savings institutions~~ banking.

6 **SECTION 2331.** 214.01 (1) (sr) of the statutes is amended to read:

7 214.01 (1) (sr) “Review board” means the savings ~~bank~~ institutions review  
8 board.

9 **SECTION 2332.** 214.592 of the statutes is amended to read:

10 **214.592 Financially related services tie-ins.** In any transaction conducted  
11 by a savings bank, a savings bank holding company, or a subsidiary of either with  
12 a customer who is also a customer of any other subsidiary of any of them, the  
13 customer shall be given a notice in 12-point boldface type in substantially the  
14 following form:

15 **NOTICE OF RELATIONSHIP**

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

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

1           **SECTION 2334.** 215.01 (6) of the statutes is amended to read:

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

3           **SECTION 2335.** 215.01 (22) of the statutes is amended to read:

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

6           **SECTION 2336.** 215.02 (title) of the statutes is repealed and recreated to read:

7           **215.02 (title) Powers of the division.**

8           **SECTION 2337.** 215.02 (10) (a) 3. of the statutes is amended to read:

9           215.02 (10) (a) 3. An order of removal takes effect on the date issued. A copy  
10 of the order shall be served upon the association and upon the officer, director, or  
11 employee in the manner provided by law for service of a summons in a court of record  
12 or by mailing a copy to the association and officer, director, or employee at their  
13 last-known, post-office addresses. Any removal under this subsection has the same  
14 effect as if made by the board of directors or the members or stockholders of the  
15 association. An officer, director, or employee removed from office or employment  
16 under this subsection may not be elected as an officer or director of, or be employed  
17 by, an association without the approval of the division and the review board. An  
18 order of removal under this subsection is a ~~final order or~~ determination of the review  
19 board under s. 215.04 (6) (5).

20           **SECTION 2338.** 215.04 of the statutes is repealed and recreated to read:

21           **215.04 Review board. (1) DUTIES.** The review board shall do all of the  
22 following:

23           (a) Advise the division on matters related to this chapter.

24           (b) Review the acts, orders, and determinations of the division.



1 (c) Act on any matters pertaining to this chapter that are submitted to it by the  
2 division.

3 (d) Perform other review functions relating to this chapter.

4 (e) Conduct hearings and take testimony, and subpoena and swear witnesses  
5 at such hearings. The review board shall have the subpoena powers under s. 885.01  
6 (4).

7 **(2) APPEARANCES.** An interested party may appear at a proceeding of the review  
8 board and may participate in the examination of witnesses and present evidence.

9 **(3) WITNESS FEES.** A person who causes a witness to be subpoenaed shall  
10 advance the fees and mileage expense of the witness. Witness fees shall be the same  
11 as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the  
12 review board in the interests of the state shall be paid by the state upon presentation  
13 of proper vouchers approved by the chairperson of the review board and charged to  
14 the appropriation under s. 20.144 (1) (g).

15 **(4) REVIEW OF ACTS, ORDERS, OR DETERMINATIONS.** Any interested person or a  
16 savings association aggrieved by any act, order, or determination of the division,  
17 which relates to savings and loan associations, may, within 20 days after receipt or  
18 service of a copy of the act, order, or determination, file a written notice requesting  
19 the review board's review of the division's act, order, or determination. The review  
20 of the division's decision shall be solely to determine if the division acted within the  
21 scope of the division's authority and did not act in an arbitrary or capricious manner  
22 and to determine if the act, order, or determination of the division is supported by  
23 substantial evidence in view of the entire record as submitted. The review of  
24 applications for new charters, branch offices, or relocation of offices shall be based  
25 exclusively on the record and new evidence may not be taken by the review board.

1 Requests for review under this subsection shall be considered and disposed of as  
2 speedily as possible.

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

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

10 SECTION 2339. 215.141 of the statutes is amended to read:

11 **215.141 Financially related services tie-ins.** In any transaction conducted  
12 by an association, a savings and loan holding company, or a subsidiary of either with  
13 a customer who is also a customer of any other subsidiary of any of them, the  
14 customer shall be given a notice in 12-point boldface type in substantially the  
15 following form:

16 NOTICE OF RELATIONSHIP

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

23 If you feel that you have been compelled to buy any product or service from  
24 either of the above companies or any other related company in order to participate  
25 in this transaction, you should contact the management of either of the above

1 companies at either of the above addresses or the division of savings institutions  
2 banking at .... (insert address).

3 **SECTION 2341.** 215.33 (3) (b) 2. of the statutes is amended to read:

4 215.33 (3) (b) 2. The accounts of the association are insured by the deposit  
5 insurance corporation or any other insurer acceptable to the division, or that  
6 adequate and sufficient securities have been deposited with the ~~state treasurer~~  
7 secretary of administration to assure that the association will meet its obligations  
8 to the residents of this state.

9 **SECTION 2342.** 215.40 (18) of the statutes is amended to read:

10 215.40 (18) APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY.  
11 If the division refuses to grant a certificate of authority to organize an association,  
12 and the applicants feel aggrieved thereby, they may appeal to the review board to  
13 review the division's determination under s. 215.04 (1) (d) (b) and (4).

14 **SECTION 2343.** 220.02 (2) (e) and (f) of the statutes are created to read:

15 220.02 (2) (e) Savings banks under ch. 214.

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

17 **SECTION 2344.** 220.02 (3) of the statutes is amended to read:

18 220.02 (3) It is the intent of sub. (2) to give the division jurisdiction to enforce  
19 and carry out all laws relating to banks or banking in this state, including those  
20 relating to state banks, savings banks, savings and loan associations, and trust  
21 company banks, and also all laws relating to small loan companies or other loan  
22 companies or agencies, finance companies, motor vehicle dealers, adjustment service  
23 companies, community currency exchanges, and collection agencies and those  
24 relating to sellers of checks under ch. 217, whether doing business as corporations,  
25 individuals, or otherwise, but to exclude laws relating to credit unions.

1           **SECTION 2346.** 221.0303 (2) of the statutes is amended to read:

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

19          **SECTION 2347.** 221.0320 (3) (a) of the statutes is amended to read:

20          221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning  
21          given in s. ~~22.01~~ 16.97 (7).

22          **SECTION 2348.** 221.0321 (5) of the statutes is amended to read:

23          221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by  
24          assignment or transfer of stock certificates or other evidence of the borrower’s  
25          ownership interest in a corporation formed for the cooperative ownership of real

1 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage  
2 involving a one-family residence, apply to a proceeding to enforce the lender's rights  
3 in security given for a loan under this subsection. The division shall promulgate joint  
4 rules with the office of credit unions and ~~the division of savings institutions~~ that  
5 establish procedures for enforcing a lender's rights in security given for a loan under  
6 this subsection.

7 **SECTION 2349.** 223.02 (1) (intro.) of the statutes is amended to read:

8 223.02 (1) INDEMNITY FUND DEPOSIT. (intro.) Deposit at least \$100,000 with the  
9 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent  
10 in accordance with the following provisions:

11 **SECTION 2350.** 223.02 (1) (b) of the statutes is amended to read:

12 223.02 (1) (b) The ~~state treasurer~~ secretary of administration or the ~~state~~  
13 ~~treasurer's~~ secretary's agent shall pay over to the bank trust company the interest,  
14 dividends, or other income on deposit or may authorize the bank trust company to  
15 collect the interest, dividends, or other income. The ~~state treasurer~~ secretary of  
16 administration shall issue a certificate stating that a deposit has been made with the  
17 ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent  
18 in the manner provided in this section.

19 **SECTION 2351.** 223.02 (1) (c) of the statutes is amended to read:

20 223.02 (1) (c) The ~~state treasurer~~ secretary of administration or the ~~state~~  
21 ~~treasurer's~~ secretary's agent shall hold the deposit as security for the faithful  
22 execution of any trust which may be lawfully imposed upon and accepted by the trust  
23 company bank. The cash or securities shall remain in the possession of the ~~state~~  
24 ~~treasurer~~ secretary of administration or the ~~state treasurer's~~ secretary's agent until

1 otherwise ordered by a court of competent jurisdiction, unless released pursuant to  
2 par. (d).

3 **SECTION 2352.** 223.02 (1) (d) of the statutes is amended to read:

4 223.02 (1) (d) The securities and cash deposited by a trust company bank may  
5 be released by the ~~state treasurer~~ secretary of administration or the ~~state treasurer's~~  
6 secretary's agent and returned to the bank, if the division certifies to the state  
7 ~~treasurer~~ secretary of administration that the bank no longer exercises trust powers  
8 and that the division is satisfied that there are no outstanding trust liabilities.

9 **SECTION 2353.** 223.02 (1) (e) of the statutes is amended to read:

10 223.02 (1) (e) The ~~state treasurer~~ secretary of administration may designate  
11 a banking corporation, having an authorized capital of \$1,000,000 or more, to act as  
12 an agent to hold the cash or securities in safekeeping. The agent shall furnish to the  
13 ~~state treasurer~~ secretary of administration a safekeeping receipt for all cash and  
14 securities received by it. The agent shall pay the cash and securities to the state  
15 ~~treasurer~~ secretary of administration on demand without conditions.

16 **SECTION 2354.** 223.105 (3) (a) of the statutes is amended to read:

17 223.105 (3) (a) To assure compliance with such rules as may be established  
18 under s. 220.04 (7), the division of banking, and the office of credit unions ~~and the~~  
19 ~~division of savings institutions~~ shall, at least once every 18 months, examine the  
20 fiduciary operations of each organization which is under its respective jurisdiction  
21 and is subject to examination under sub. (2). If a particular organization subject to  
22 examination under sub. (2) is not otherwise under the jurisdiction of one of the  
23 foregoing agencies, such examination shall be conducted by the division of banking.

24 **SECTION 2355.** 223.105 (4) of the statutes is amended to read:

1           223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations  
2 licensed under ch. 221 or this chapter, any organization engaged in fiduciary  
3 operations as defined in this section shall, as required by rule, notify the division of  
4 banking, or the office of credit unions ~~or the division of savings institutions~~ of that  
5 fact, directing the notice to the agency then exercising regulatory authority over the  
6 organization or, if there is none, to the division of banking. Any organization which  
7 intends to engage in fiduciary operations shall, prior to engaging in such operations,  
8 notify the appropriate agency of this intention. The notifications required under this  
9 subsection shall be on forms and contain information required by the rules  
10 promulgated by the division of banking.

11           **SECTION 2356.** 223.105 (5) of the statutes is amended to read:

12           223.105 (5) ENFORCEMENT REMEDY. The division of banking ~~or the division of~~  
13 ~~savings institutions~~ or office of credit unions shall, upon the failure of such  
14 organization to submit notifications or reports required under this section or  
15 otherwise to comply with the provisions of this section, or rules established by the  
16 division of banking under s. 220.04 (7), upon due notice, order such defaulting  
17 organization to cease and desist from engaging in fiduciary activities and may apply  
18 to the appropriate court for enforcement of such order.

19           **SECTION 2357.** 223.105 (6) of the statutes is amended to read:

20           223.105 (6) SUNSET. Except for an organization regulated by the office of credit  
21 unions ~~or the division of savings institutions~~, a savings bank or savings and loan  
22 association regulated by the division of banking, or an organization authorized by  
23 the division of banking to operate as a bank or trust company under ch. 221 or this  
24 chapter, an organization may not begin activity as a fiduciary operation under this  
25 section after May 12, 1992. An organization engaged in fiduciary operations under

1 this section on May 12, 1992, may continue to engage in fiduciary operations after  
2 that date.

3 **SECTION 2358.** 223.20 (3) of the statutes is amended to read:

4 223.20 (3) SURRENDER OF TRUST POWERS. If a converted trust company bank has  
5 been fully discharged of all trusts committed to it, it may, by amendment to its  
6 articles of incorporation, duly adopted by its stockholders and approved by the  
7 division, surrender its powers to act in a fiduciary capacity. A trust company bank  
8 that surrenders its trust powers under this subsection shall eliminate from its  
9 corporate name the word “~~trust;~~” “trust” and may thereupon withdraw from the state  
10 treasurer secretary of administration all securities and cash that it has deposited  
11 with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

12 **SECTION 2359.** 224.71 (3) (b) 1m. of the statutes is amended to read:

13 224.71 (3) (b) 1m. A community-based organization, as defined in s. 16-30  
14 560.9801 (1), or a housing authority, as defined in s. 16-30 560.9801 (2).

15 **SECTION 2360.** 224.71 (4) (b) 1m. of the statutes is amended to read:

16 224.71 (4) (b) 1m. A community-based organization, as defined in s. 16-30  
17 560.9801 (1), or a housing authority, as defined in s. 16-30 560.9801 (2).

18 **SECTION 2361.** 224.77 (1m) (c) of the statutes is amended to read:

19 224.77 (1m) (c) All forfeitures shall be paid to the division of banking within  
20 10 days after receipt of notice of assessment or, if the forfeiture is contested under  
21 par. (b), within 10 days after receipt of the final decision after exhaustion of  
22 administrative review. The division of banking shall remit all forfeitures paid to the  
23 ~~state treasurer~~ secretary of administration for deposit in the school fund.

24 **SECTION 2364.** 227.01 (13) (zk) of the statutes is repealed.

25 **SECTION 2367.** 227.03 (7) of the statutes is amended to read:



1           227.03 (7) Except as provided in s. 230.44 (4) (bm), this chapter does not apply  
2 to proceedings before the ~~personnel~~ employment relations commission in matters  
3 that are arbitrated in accordance with s. 230.44 (4) (bm).

4           **SECTION 2368.** 227.10 (3) (e) of the statutes is amended to read:

5           227.10 (3) (e) Nothing in this subsection prohibits the administrator of the  
6 division of merit recruitment and selection in the ~~department of employment~~  
7 relations office of state human resources management from promulgating rules  
8 relating to expanded certification under s. 230.25 (1n).

9           **SECTION 2369.** 227.115 (1) (a) and (b) of the statutes are amended to read:

10           227.115 (1) (a) “Department” means the department of ~~administration~~  
11 commerce.

12           (b) “State housing strategy plan” means the plan developed under s. ~~16.31~~  
13 560.9802.

14           **SECTION 2370.** 227.115 (3) (a) 5. of the statutes is amended to read:

15           227.115 (3) (a) 5. Housing costs, as defined in s. ~~16.30~~ 560.9801 (3) (a) and (b).

16           **SECTION 2373.** 227.44 (2s) of the statutes is repealed.

17           **SECTION 2376.** 227.47 (2) of the statutes is amended to read:

18           227.47 (2) Except as otherwise provided in this subsection, a proposed or final  
19 decision of the ~~personnel~~ employment relations commission, hearing examiner or  
20 arbitrator concerning an appeal of the decision of the secretary of employment  
21 relations made under s. 230.09 (2) (a) or (d) shall not be accompanied by findings of  
22 fact or conclusions of law. If within 30 days after the commission issues a decision  
23 in such an appeal either party files a petition for judicial review of the decision under  
24 s. 227.53 and files a written notice with the commission that the party has filed such  
25 a petition, the commission shall issue written findings of fact and conclusions of law

1 within 90 days after receipt of the notice. The court shall stay the proceedings  
2 pending receipt of the findings and conclusions.

3 **SECTION 2377.** 227.47 (2) of the statutes, as affected by 2003 Wisconsin Act ...  
4 (this act), is amended to read:

5 227.47 (2) Except as otherwise provided in this subsection, a proposed or final  
6 decision of the employment relations commission, hearing examiner or arbitrator  
7 concerning an appeal of the decision of the ~~secretary of employment relations~~  
8 director of the office of state human resources management made under s. 230.09 (2)  
9 (a) or (d) shall not be accompanied by findings of fact or conclusions of law. If within  
10 30 days after the commission issues a decision in such an appeal either party files  
11 a petition for judicial review of the decision under s. 227.53 and files a written notice  
12 with the commission that the party has filed such a petition, the commission shall  
13 issue written findings of fact and conclusions of law within 90 days after receipt of  
14 the notice. The court shall stay the proceedings pending receipt of the findings and  
15 conclusions.

16 **SECTION 2378.** 227.52 (3) of the statutes is amended to read:

17 227.52 (3) Those decisions of the division of banking that are subject to review,  
18 prior to any judicial review, by the banking review board, and decisions of the division  
19 of banking relating to savings banks or savings and loan associations, but no other  
20 institutions subject to the jurisdiction of the division of banking.

21 **SECTION 2379.** 227.52 (5) of the statutes is repealed.

22 **SECTION 2380.** 227.53 (1) (a) 1. of the statutes is amended to read:

23 227.53 (1) (a) 1. Proceedings for review shall be instituted by serving a petition  
24 therefor personally or by certified mail upon the agency or one of its officials, and  
25 filing the petition in the office of the clerk of the circuit court for the county where

1 the judicial review proceedings are to be held. If the agency whose decision is sought  
2 to be reviewed is the tax appeals commission, the banking review board, the credit  
3 union review board, or the savings and loan institutions review board ~~or the savings~~  
4 ~~bank review board~~, the petition shall be served upon both the agency whose decision  
5 is sought to be reviewed and the corresponding named respondent, as specified under  
6 par. (b) 1. to ~~5.~~ 4.

7 **SECTION 2382.** 227.53 (1) (b) 4. of the statutes is amended to read:

8 227.53 (1) (b) 4. The savings and loan institutions review board, the division  
9 of savings ~~institutions~~ banking, except if the petitioner is the division of savings  
10 institutions banking, the prevailing parties before the savings and loan institutions  
11 review board shall be the named respondents.

12 **SECTION 2383.** 227.53 (1) (b) 5. of the statutes is repealed.

13 **SECTION 2384.** 227.53 (1) (d) of the statutes is amended to read:

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

22 **SECTION 2384e.** 230.01 (2) of the statutes is amended to read:

23 230.01 (2) It is the policy of the state and the responsibility of the ~~secretary~~  
24 director and the administrator to maintain a system of personnel management  
25 which fills positions in the classified service through methods which apply the merit

1 principle, with adequate civil service safeguards. It is the policy of this state to  
2 provide for equal employment opportunity by ensuring that all personnel actions  
3 including hire, tenure or term, and condition or privilege of employment be based on  
4 the ability to perform the duties and responsibilities assigned to the particular  
5 position without regard to age, race, creed or religion, color, disability, sex, national  
6 origin, ancestry, sexual orientation or political affiliation. It is the policy of this state  
7 to take affirmative action which is not in conflict with other provisions of this chapter.  
8 It is the policy of the state to ensure its employees opportunities for satisfying careers  
9 and fair treatment based on the value of each employee's services. It is the policy of  
10 this state to encourage disclosure of information under subch. III and to ensure that  
11 any employee employed by a governmental unit is protected from retaliatory action  
12 for disclosing information under subch. III. It is the policy of this state to correct pay  
13 inequities based on gender or race in the state civil service system.

14 **SECTION 2384m.** 230.02 of the statutes is amended to read:

15 **230.02 Liberal construction of statutes.** Statutes applicable to the  
16 ~~department~~ office shall be construed liberally in aid of the purposes declared in s.  
17 230.01.

18 **SECTION 2385.** 230.03 (8) of the statutes is amended to read:

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

21 **SECTION 2386e.** 230.03 (9) of the statutes is repealed.

22 **SECTION 2386m.** 230.03 (9e) of the statutes is created to read:

23 230.03 (9e) "Director" means the director of the office.

24 **SECTION 2386s.** 230.03 (10) of the statutes is amended to read:

1           230.03 (10) “Division” means the division of merit recruitment and selection  
2 in the department office.

3           **SECTION 2387.** 230.03 (10e) of the statutes is created to read:

4           230.03 (10e) “Division of equal rights” means the division of equal rights in the  
5 department of workforce development.

6           **SECTION 2387e.** 230.03 (10r) of the statutes is amended to read:

7           230.03 (10r) “Job group” means a set of classifications combined by the  
8 department office on the basis of similarity in responsibility, pay range and nature  
9 of work.

10          **SECTION 2387m.** 230.03 (10w) of the statutes is created to read:

11          230.03 (10w) “Office” means the office of state human resources management.

12          **SECTION 2387s.** 230.03 (13) of the statutes is repealed.

13          **SECTION 2387w.** 230.04 (title) of the statutes is amended to read:

14          **230.04 (title) Powers and duties of the secretary director.**

15          **SECTION 2388.** 230.04 (1) of the statutes is amended to read:

16          230.04 (1) The secretary director is charged with the effective administration  
17 of this chapter. All powers and duties, necessary to that end, which are not  
18 exclusively vested by statute in the commission, the division of equal rights, the  
19 administrator or appointing authorities, are reserved to the secretary director.

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

21          230.04 (1m) The secretary director may delegate, in writing, any of his or her  
22 functions set forth in this chapter to an appointing authority, within prescribed  
23 standards if the secretary director finds that the agency has personnel management  
24 capabilities to perform such functions effectively and has indicated its approval and  
25 willingness to accept such responsibility by written agreement. If the secretary

1 director determines that any agency is not performing such delegated function  
2 within prescribed standards, the ~~secretary~~ director shall forthwith withdraw such  
3 delegated function. Subject to the approval of the joint committee on finance, the  
4 ~~secretary~~ director may order transferred to the ~~department~~ office from the agency to  
5 which delegation was made such agency staff and other resources as necessary to  
6 perform such functions if increased staff was authorized to that agency as a  
7 consequence of such delegation or if the ~~department~~ office reduced staff or shifted  
8 staff to new responsibilities as a result of such delegation. Any delegatory action  
9 taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be  
10 appealed to the personnel commission under s. 230.44 (1) (b). The ~~secretary~~ director  
11 shall be a party in such an appeal.

12 **SECTION 2389d.** 230.04 (2) of the statutes is amended to read:

13 230.04 (2) The ~~secretary~~ director may utilize the services of technical or  
14 specialized personnel to assist in implementing and maintaining a sound personnel  
15 management program. These services may be obtained from persons inside or  
16 outside of state service.

17 **SECTION 2389h.** 230.04 (3) of the statutes is amended to read:

18 230.04 (3) The ~~secretary~~ director may issue enforceable orders on all matters  
19 relating to the administration, enforcement and effect of this chapter and the rules  
20 prescribed thereunder except on matters relating to the provisions of subch. III or  
21 to those provisions of subch. II for which responsibility is specifically charged to the  
22 administrator.

23 **SECTION 2389p.** 230.04 (4) of the statutes is amended to read:

24 230.04 (4) The ~~secretary~~ director shall establish and maintain a collective  
25 bargaining capability under s. 111.815 (2).

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).