

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

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

4 SECTION 2419. 230.45 (1) (b) of the statutes is repealed.

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

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

8 SECTION 2421. 230.45 (1) (g) of the statutes is repealed.

9 SECTION 2422. 230.45 (1) (gm) of the statutes is repealed.

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

11 230.45 (1) (h) Keep minutes of its own proceedings and other official actions.

12 All such records shall, subject to reasonable rules, be open to public inspection.

13 Records of the ~~secretary~~ director or the administrator which are confidential shall
14 be kept confidential by the division of equal rights or the commission.

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

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

19 SECTION 2423. 230.45 (1) (j) of the statutes is repealed.

20 SECTION 2424. 230.45 (1) (k) of the statutes is repealed.

21 SECTION 2425. 230.45 (1) (L) of the statutes is repealed.

22 SECTION 2426. 230.45 (1) (m) of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SECTION 2453m.** Subchapter VIII (title) of chapter 254 [precedes 254.89] of the
19 statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 8. One senator.

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

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

7 11. The secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (b) The cost effectiveness of the program.

12 (c) The administration of the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SECTION 2505.** 302.05 (3) of the statutes is created to read:

2 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
3 all of the following apply:

4 1. The inmate is incarcerated regarding a violation other than a crime specified
5 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
6 948.08, or 948.095.

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

10 (b) Except as provided in par. (d), if the department determines that an eligible
11 inmate serving a sentence other than one imposed under s. 973.01 has successfully
12 completed the treatment program described in sub. (1), the parole commission shall
13 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
14 has served. If the parole commission grants parole under this paragraph, it shall
15 require the parolee to participate in an intensive supervision program for drug
16 abusers as a condition of parole.

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

22 2. Upon being informed by the department under subd. 1. that an inmate whom
23 the court sentenced under s. 973.01 has successfully completed the treatment
24 program described in sub. (1), the court shall modify the inmate’s bifurcated sentence
25 as follows:

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

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

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

10 (e) If an inmate is serving the term of confinement portion of a bifurcated
11 sentence imposed under s. 973.01, the sentence was imposed before the effective date
12 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
13 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
14 court to determine whether he or she is eligible or ineligible to participate in the
15 earned release program under this subsection during the term of confinement. The
16 inmate shall serve a copy of the petition on the district attorney who prosecuted him
17 or her, and the district attorney may file a written response. The court shall exercise
18 its discretion in granting or denying the inmate's petition but must do so no later
19 than 90 days after the inmate files the petition. If the court determines under this
20 paragraph that the inmate is eligible to participate in the earned release program,
21 the court shall inform the inmate of the provisions of par. (c).

22 **SECTION 2506.** 302.113 (2) of the statutes is amended to read:

23 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
24 section is entitled to release to extended supervision after he or she has served the
25 term of confinement in prison portion of the sentence imposed under s. 973.01, as

1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
2 (c) 2. a., or 973.195 (1r), if applicable.

3 **SECTION 2507.** 303.066 of the statutes is repealed.

4 **SECTION 2508.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act
5 109, is amended to read:

6 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
7 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
8 an inmate of the Wisconsin state prisons or any felon or any person serving at least
9 one year or more in a county house of correction or a county reforestation camp
10 organized under s. 303.07, when he or she has served 25% of the sentence imposed
11 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
12 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
13 inmate serving a life term when he or she has served 20 years, as modified by the
14 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
15 applicable. The person serving the life term shall be given credit for time served prior
16 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
17 secretary may grant special action parole releases under s. 304.02. The department
18 or the parole commission shall not provide any convicted offender or other person
19 sentenced to the department's custody any parole eligibility or evaluation until the
20 person has been confined at least 60 days following sentencing.

21 **SECTION 2509.** 304.073 of the statutes is repealed.

22 **SECTION 2510.** 304.074 (1) of the statutes is repealed.

23 **SECTION 2511.** 304.074 (4) of the statutes is repealed.

24 **SECTION 2512.** 340.01 (7m) of the statutes is amended to read:

1 340.01 (7m) “Commercial driver license” means a license issued to a person by
2 this state or another jurisdiction which is in accordance with the requirements of the
3 ~~federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317~~ or by
4 Canada or Mexico, and which authorizes the licensee to operate certain commercial
5 motor vehicles.

6 **SECTION 2512m.** 340.01 (8) (d) of the statutes is amended to read:

7 340.01 (8) (d) The vehicle is transporting hazardous materials requiring
8 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
9 73.

10 **SECTION 2513.** 340.01 (13m) of the statutes is amended to read:

11 340.01 (13m) “Disqualification” means the loss or withdrawal of a person’s
12 privilege to operate a commercial motor vehicle relating to certain offenses
13 committed by the person while driving or operating a motor vehicle or while on duty
14 time with respect to a commercial motor vehicle.

15 **SECTION 2516.** 341.25 (1) (a) of the statutes is amended to read:

16 341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile
17 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
18 registered at such lesser fee plus an additional fee of \$2.

19 **SECTION 2518.** 342.14 (1) of the statutes is amended to read:

20 342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,
21 by the owner of the vehicle.

22 **SECTION 2519.** 342.14 (1r) of the statutes is amended to read:

23 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
24 impact fee of \$9, by the person filing the application. All moneys collected under this

1 subsection shall be credited to the environmental fund for environmental
2 management. This subsection does not apply after December 31, ~~2003~~ 2005.

3 **SECTION 2520.** 342.14 (3) of the statutes is amended to read:

4 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
5 of the vehicle.

6 **SECTION 2521m.** 343.025 (2) of the statutes is amended to read:

7 343.025 (2) Beginning in 1991, the department shall annually submit a report
8 to the chief clerk of each house of the legislature for distribution to the legislature
9 under s. 13.172 (2) concerning the numbers of individuals, by counties in this state,
10 to whom the department distributed explanatory materials under ss. 343.14 (8),
11 343.20 (2m) and 343.50 (4).

12 **SECTION 2521w.** 343.03 (1) (a) of the statutes is amended to read:

13 343.03 (1) (a) The department shall institute a classified driver license system
14 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and 384.

15 **SECTION 2522.** 343.03 (1) (a) of the statutes, as affected by 2003 Wisconsin Act
16 (this act), is amended to read:

17 343.03 (1) (a) The department shall institute a classified driver license system
18 meeting all federal standards under 49 USC 30304 (e) and 31301 to 31317 and 49
19 CFR 383 and 384.

20 **SECTION 2523.** 343.03 (3) (a) of the statutes is amended to read:

21 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
22 readily recognizable abbreviation thereof. The regular license, without any express
23 endorsements or restrictions as provided in this chapter, authorizes the licensee to
24 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
25 provided in this subsection. The license may be endorsed to permit operation of Type

1 1 motorcycles or school buses that are not commercial motor vehicles. A regular
2 license may be subject to restrictions, including the attachment of a special
3 restrictions card as provided in s. 343.17 (4).

4 **SECTION 2524.** 343.03 (3) (e) of the statutes is amended to read:

5 343.03 (3) (e) *Occupational license.* A license issued under s. 343.10
6 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
7 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses issued under s.~~
8 ~~343.10 authorizing the operation of “Class A”, “Class B” or “Class C” vehicles shall~~
9 ~~be labeled “CDL Occupational”.~~ An occupational license may authorize the operation
10 of “Class D” or “Class M” vehicles, or both, but may not be endorsed to permit
11 operation of the vehicle types described in s. 343.04 (2). The license may be subject
12 to restrictions in addition to those provided in s. 343.10, including the attachment
13 of a special restrictions card as provided in s. 343.17 (4).

14 **SECTION 2524r.** 343.03 (5) (title) of the statutes is amended to read:

15 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE or renewal.

16 **SECTION 2525.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and
17 amended to read:

18 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
19 department shall obtain driver record information from the national driver registry
20 and commercial driver license information system to determine whether the
21 applicant holds a commercial driver license, or a license that is revoked, suspended
22 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
23 another state, the department shall obtain information on the applicant’s license
24 status with the state of licensure before issuing a license.

25 **SECTION 2526.** 343.03 (5) (b) of the statutes is created to read:

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

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

12 **SECTION 2527.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

13 **SECTION 2528.** 343.03 (6) (b) of the statutes is created to read:

14 343.03 (6) (b) The department shall, upon request and within 30 days of the
15 request, provide to the driver licensing agencies of other jurisdictions the driving
16 record of any person currently or previously licensed by the department, as required
17 under 49 CFR 384.206 (a) (2) (iii).

18 **SECTION 2529.** 343.03 (6) (c) of the statutes is created to read:

19 343.03 (6) (c) The department shall, upon request and within the time period
20 specified in s. 343.23 (2) (am) 1. b. and c., provide the operating record file
21 information specified in s. 343.23 (2) (am) 1. b. and c. to any of the following
22 requesters:

- 23 1. The person holding the commercial driver license.
- 24 2. The U.S. secretary of transportation.

1 3. Any employer or prospective employer of the person holding the commercial
2 driver license, after notice to such person.

3 4. Any driver licensing agency of another jurisdiction or law enforcement
4 agency.

5 5. Any governmental entity having access to the commercial driver license
6 information system.

7 6. Any authorized agent of a requester specified in subds. 1. to 5.

8 **SECTION 2530.** 343.03 (7) (title) of the statutes is amended to read:

9 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
10 CERTAIN VIOLATIONS.

11 **SECTION 2531.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

12 **SECTION 2532.** 343.03 (7) (b) of the statutes is created to read:

13 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
14 commercial driver license from operating a commercial motor vehicle for at least 60
15 days, or after the revocation, suspension, or cancellation of a commercial driver
16 license for at least 60 days, the department shall notify the commercial driver license
17 information system and, if the license was not issued by the department, the
18 jurisdiction that issued the license of the disqualification, revocation, suspension, or
19 cancellation and the violation that resulted in the disqualification, revocation,
20 suspension, or cancellation.

21 **SECTION 2533.** 343.03 (7) (c) of the statutes is created to read:

22 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
23 driver license issued by another jurisdiction for violating any state law or local
24 ordinance of this state or any law of a federally recognized American Indian tribe or
25 band in this state in conformity with any state law relating to motor vehicle traffic

1 control, other than parking violations, or after a conviction of the holder of an
2 operator's license issued by another jurisdiction, other than a commercial driver
3 license, for operating a commercial motor vehicle without a commercial driver
4 license, the department shall notify the driver licensing agency of the jurisdiction
5 that issued the license of the conviction.

6 **SECTION 2534.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
7 (this act), is amended to read:

8 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
9 driver license issued by another jurisdiction for violating any state law or local
10 ordinance of this state or any law of a federally recognized American Indian tribe or
11 band in this state in conformity with any state law relating to motor vehicle traffic
12 control, other than parking violations, or after a conviction of the holder of an
13 operator's license issued by another jurisdiction, other than a commercial driver
14 license, for operating a commercial motor vehicle without a commercial driver
15 license, the department shall notify the driver licensing agency of the jurisdiction
16 that issued the license of the conviction.

17 **SECTION 2534g.** 343.04 (1) (c) 2. of the statutes is amended to read:

18 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring
19 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
20 73.

21 **SECTION 2534i.** 343.04 (2) (a) of the statutes is amended to read:

22 343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials
23 transporter vehicles are vehicles transporting hazardous materials requiring
24 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
25 73.