



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 ***b0155/3.111* 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 ***b0155/3.111* SECTION 2408f.** 230.12 (1) (a) 3. of the statutes is amended to
11 read:

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

15 ***b0155/3.111* SECTION 2408i.** 230.12 (1) (c) 2. of the statutes is amended to
16 read:

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

21 ***b0155/3.111* SECTION 2408j.** 230.12 (1) (d) of the statutes is amended to read:

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

1 ***b0155/3.111* SECTION 2408L.** 230.12 (3) (a) of the statutes is amended to
2 read:

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

16 ***b0155/3.111* SECTION 2408n.** 230.12 (3) (ad) of the statutes is amended to
17 read:

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

24 ***b0155/3.111* SECTION 2408p.** 230.12 (3) (b) of the statutes is amended to
25 read:

1 230.12 (3) (b) *Public hearing on the proposal; adoption of plan.* The ~~secretary~~
2 director shall submit the proposal for any required changes in the compensation plan
3 to the joint committee on employment relations. The committee shall hold a public
4 hearing on the proposal. The proposal, as may be modified by the joint committee
5 on employment relations together with the unchanged provisions of the current
6 compensation plan, shall, for the ensuing fiscal year or until a new or modified plan
7 is adopted under this subsection, constitute the state's compensation plan for
8 positions in the classified service. Any modification of the ~~secretary's~~ director's
9 proposed changes in the compensation plan by the joint committee on employment
10 relations may be disapproved by the governor within 10 calendar days. A vote of 6
11 members of the joint committee on employment relations is required to set aside any
12 such disapproval of the governor.

13 ***b0155/3.111* SECTION 2408r.** 230.12 (3) (c) of the statutes is amended to read:

14 230.12 (3) (c) *Interim adjustments.* Subject to pars. (a) and (b), the ~~secretary~~
15 director may propose amendments to one or more parts of the compensation plan at
16 such times as the needs of the service require.

17 ***b0155/3.111* SECTION 2408t.** 230.12 (3) (e) 1. of the statutes is amended to
18 read:

19 230.12 (3) (e) 1. The ~~secretary~~ director, after receiving recommendations from
20 the board of regents, shall submit to the joint committee on employment relations a
21 proposal for adjusting compensation and employee benefits for employees under ss.
22 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective
23 bargaining unit under subch. V of ch. 111 for which a representative is certified. The
24 proposal shall include the salary ranges and adjustments to the salary ranges for the
25 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).

1 The proposal shall be based upon the competitive ability of the board of regents to
2 recruit and retain qualified faculty and academic staff, data collected as to rates of
3 pay for comparable work in other public services, universities and commercial and
4 industrial establishments, recommendations of the board of regents and any special
5 studies carried on as to the need for any changes in compensation and employee
6 benefits to cover each year of the biennium. The proposal shall also take proper
7 account of prevailing pay rates, costs and standards of living and the state's
8 employment policies. The proposal for such pay adjustments may contain
9 recommendations for across-the-board pay adjustments, merit or other
10 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
11 shall apply to the process for approval of all pay adjustments for such employees
12 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
13 by the joint committee on employment relations and the governor shall be based
14 upon a percentage of the budgeted salary base for such employees under ss. 20.923
15 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
16 and adjustments other than across-the-board pay adjustments is available for
17 discretionary use by the board of regents.

18 *b0155/3.111* SECTION 2408u. 230.12 (3) (e) 2. of the statutes is amended to
19 read:

20 230.12 (3) (e) 2. The ~~secretary~~ director, after receiving recommendations from
21 the board of the Technical College System, shall submit to the joint committee on
22 employment relations a proposal for adjusting compensation and employee benefits
23 for employees under s. 20.923 (7). The proposal shall include the salary ranges and
24 adjustments to the salary ranges for the general senior executive salary groups
25 established under s. 20.923 (7). Paragraph (b) and sub. (1) (bf) shall apply to the

1 process for approval of all pay adjustments for such employees. The proposal as
2 approved by the joint committee on employment relations and the governor shall be
3 based upon a percentage of the budgeted salary base for such employees under s.
4 20.923 (7).

5 *b0155/3.111* SECTION 2408v. 230.12 (4) (a) of the statutes is amended to read:

6 230.12 (4) (a) When an approved compensation plan or an amendment thereto
7 becomes effective, required individual pay adjustments shall be made in accordance
8 with determinations made by the ~~secretary~~ director to implement the approved plan.

9 *b0155/3.111* SECTION 2408w. 230.12 (4) (b) of the statutes is amended to
10 read:

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

23 *b0155/3.111* SECTION 2408x. 230.12 (5) (c) of the statutes is amended to read:

24 230.12 (5) (c) *Increase limits.* Unless otherwise defined in the pay schedule the
25 total amount for all such within range increases shall not exceed the amount for such

1 increases specified and approved by the joint committee on employment relations in
2 its action on the secretary's director's proposal for such increases.

3 ***-0576/8.85*** SECTION 2409. 230.12 (7m) of the statutes is amended to read:

4 230.12 (7m) PAY ADJUSTMENT FILING REQUIREMENTS. Except as provided in the
5 rules of the secretary director and in the compensation plan, pay increases shall be
6 made only on the dates prescribed under sub. (8). Appointing authorities shall at
7 such times each year as specified by the secretary file with the secretary director and
8 with the department secretary of administration a list of employees showing their
9 then existing pay rates and their proposed new pay rates.

10 ***b0390/1.3*** SECTION 2409g. 230.12 (9) of the statutes is amended to read:

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

23 ***b0155/3.114*** SECTION 2409h. 230.13 (1) (intro.) of the statutes is amended
24 to read:

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

4 ***b0155/3.114* SECTION 2409p.** 230.13 (2) of the statutes is amended to read:

5 230.13 (2) Unless the name of an applicant is certified under s. 230.25, the
6 secretary director and the administrator shall keep records of the identity of an
7 applicant for a position closed to the public, except as provided in sub. (3).

8 ***b0155/3.114* SECTION 2409t.** 230.13 (3) of the statutes is amended to read:

9 230.13 (3) The secretary director and the administrator shall provide to the
10 department of workforce development or a county child support agency under s.
11 59.53 (5) information requested under s. 49.22 (2m) that would otherwise be closed
12 to the public under this section. Information provided under this subsection may
13 only include an individual's name and address, an individual's employer and
14 financial information related to an individual.

15 ***-0576/8.86* SECTION 2410.** 230.14 (4) of the statutes is amended to read:

16 230.14 (4) The administrator may charge an agency a fee to announce any
17 vacancy to be filled in a classified or unclassified position in that agency. Funds
18 received under this subsection shall be credited to the appropriation account under
19 s. ~~20.512~~ 20.545 (1) (ka).

20 ***-1712/5.78* SECTION 2411.** 230.143 (3) of the statutes is repealed.

21 ***-0576/8.87* SECTION 2412.** 230.147 (3) of the statutes is amended to read:

22 230.147 (3) Notwithstanding subs. (1) and (2), the state fair park board shall
23 make every reasonable effort to employ in permanent full-time equivalent positions
24 persons who, at the time determined under sub. (4), receive aid under s. 49.19 or
25 benefits under s. 49.147 (3) to (5). The state fair park board shall consult with the

1 ~~department of employment relations~~ office to assure that its efforts under this
2 subsection comply with ch. 230.

3 *b0155/3.117* SECTION 2412b. 230.15 (1m) (b) (intro.) of the statutes is
4 amended to read:

5 230.15 (1m) (b) (intro.) Whenever a position is included in the classified service
6 under par. (a), the ~~secretary~~ director shall determine all of the following:

7 *b0155/3.117* SECTION 2412e. 230.16 (7m) (b) (intro.) of the statutes is
8 amended to read:

9 230.16 (7m) (b) (intro.) The ~~department~~ office shall accept an application after
10 its due date from a veteran if all of the following apply:

11 *b0155/3.117* SECTION 2412m. 230.16 (7m) (c) of the statutes is amended to
12 read:

13 230.16 (7m) (c) Within 30 days after acceptance of an application under par.
14 (b), the ~~department~~ office shall give the applicant an examination.

15 *b0155/3.117* SECTION 2412s. 230.21 (1m) (b) of the statutes is amended to
16 read:

17 230.21 (1m) (b) If the administrator uses the method of random certification
18 to determine which applicants for an unskilled labor or service position will receive
19 further consideration for the position and the appointing authority does not select
20 a veteran or a person the hiring of whom would serve affirmative action purposes,
21 the appointing authority shall make and retain a written record of the appointing
22 authority's reasons for selecting the person who was appointed. The appointing
23 authority shall make the written records available to the ~~department~~ office and
24 annually submit a report to the ~~department~~ office summarizing the reasons
25 contained in the written records.

1 ***-0576/8.88* SECTION 2413.** 230.215 (3) (a) of the statutes is amended to read:

2 230.215 (3) (a) An agency may, with the approval of the ~~secretary~~ director and
3 with the approval of the secretary of administration under s. 16.50, restructure
4 budgeted permanent positions as such positions become vacant or if an employee
5 voluntarily requests a job-sharing or permanent part-time employment
6 opportunity. No employee occupying a full-time permanent position may be
7 involuntarily terminated, demoted, transferred or reassigned in order to restructure
8 that position for permanent part-time employment and no such employee may be
9 required to accept a permanent part-time position as a condition of continued
10 employment.

11 ***b0155/3.119* SECTION 2413b.** 230.215 (3) (b) of the statutes is amended to
12 read:

13 230.215 (3) (b) If the ~~secretary~~ director, upon review of the report submitted
14 under sub. (4), determines that an agency's past or proposed actions relating to
15 permanent part-time employment opportunities do not adequately reflect the policy
16 under sub. (1) (e), the ~~secretary~~ director may recommend procedures designed to
17 enable the agency to effect such policy.

18 ***b0155/3.119* SECTION 2413d.** 230.215 (4) of the statutes is amended to read:

19 230.215 (4) REPORTS. Each agency, in complying with s. 15.04 (1) (d), shall
20 include a report on the progress or failure of the plans of such agency in achieving
21 the policies stated under sub. (1) and shall submit a copy of such report to the
22 ~~secretary~~ director.

23 ***b0155/3.119* SECTION 2413f.** 230.22 (1) of the statutes is amended to read:

24 230.22 (1) The ~~secretary~~ director may establish by rule an entry professional
25 class program for use in a wide range of entry professional positions.

1 ***b0155/3.119* SECTION 2413h.** 230.22 (2) of the statutes is amended to read:

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

6 ***b0155/3.119* SECTION 2413i.** 230.24 (1) of the statutes is amended to read:

7 230.24 (1) The ~~secretary~~ director may by rule develop a career executive
8 program that emphasizes excellence in administrative skills in order to provide
9 agencies with a pool of highly qualified executive candidates, to provide outstanding
10 administrative employees a broad opportunity for career advancement and to
11 provide for the mobility of such employees among the agencies and units of state
12 government for the most advantageous use of their managerial and administrative
13 skills. To accomplish the purpose of this program, the administrator may provide
14 policies and standards for recruitment, examination, probation, employment
15 register control, certification, transfer, promotion and reemployment, and the
16 ~~secretary~~ director may provide policies and standards for classification and salary
17 administration, separate from procedures established for other employment. The
18 ~~secretary~~ director shall determine the positions which may be filled from career
19 executive employment registers.

20 ***b0155/3.119* SECTION 2413k.** 230.25 (1p) of the statutes is amended to read:

21 230.25 (1p) If an appointing authority appoints a person certified under this
22 section and the person is not a veteran, the spouse of a veteran or a person the hiring
23 of whom would serve affirmative action purposes, the appointing authority shall
24 make and retain a written record of the appointing authority's reasons for selecting
25 the person who was appointed. The appointing authority shall make the written

1 records available to the ~~department~~ office and annually submit a report to the
2 ~~department~~ office summarizing the reasons contained in the written records. The
3 ~~department~~ office shall annually prepare a report summarizing, for each agency, the
4 reasons contained in the records prepared by appointing authorities under this
5 subsection.

6 *b0155/3.119* SECTION 2413r. 230.27 (2k) of the statutes is amended to read:

7 230.27 (2k) If an appointing authority selects, for a project position, a person
8 who is not a veteran or is not a person the hiring of whom would serve affirmative
9 action purposes, the appointing authority shall make and retain a written record of
10 the appointing authority's reasons for selecting the person who was appointed. The
11 appointing authority shall make the written records available to the ~~department~~
12 office and annually submit a report to the ~~department~~ office summarizing the
13 reasons contained in the written records. The ~~department~~ office shall annually
14 prepare a report summarizing, for each agency, the information submitted by
15 appointing authorities under this subsection.

16 *b0155/3.119* SECTION 2413s. 230.32 (3) of the statutes is amended to read:

17 230.32 (3) (a) Any classified employee who leaves state service and enters the
18 armed forces of the United States shall, under this section, be granted written
19 military leave of absence by the appointing authority. Notice of such leave from state
20 service and the terms of any such leave shall be given in writing by the appointing
21 authority to the ~~secretary~~ director for purposes of record.

22 (b) Any classified employee who leaves state service for civilian employment
23 in response to a specific request or order of the federal government or any of its
24 agencies in connection with manpower redistribution and utilization shall, under
25 this section, make written application to the appointing authority for civilian leave

1 of absence presenting such specific request or order of the federal government as
2 supporting evidence. Such civilian leave shall be allowed by the appointing
3 authority and its terms, which shall conform to the rules of the ~~secretary~~ director,
4 shall be in writing. Notice of such leave from state service shall be made in writing
5 by the appointing authority to the ~~secretary~~ director for purposes of record.

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

9 ***b0155/3.119* SECTION 2413t.** 230.33 (2) of the statutes is amended to read:

10 230.33 (2) A person appointed to an unclassified position by an appointing
11 authority other than an appointing authority described under sub. (1), to a
12 department other than the one in which the person was a classified employee may
13 be granted a leave of absence without pay at the option of the person's former
14 appointing authority in accordance with the leave of absence provisions in the rules
15 of the ~~secretary~~ director. An employee granted a leave of absence shall have the same
16 restoration rights and reinstatement privileges as under sub. (1m). If not granted
17 a leave of absence, the employee shall be entitled only to the reinstatement privileges
18 under sub. (1m).

19 ***b0155/3.120* SECTION 2416b.** 230.34 (1) (c) of the statutes is amended to
20 read:

21 230.34 (1) (c) The ~~secretary~~ director shall establish guidelines for uniform
22 application of this authority among the various agencies.

23 ***b0155/3.120* SECTION 2416d.** 230.34 (4) of the statutes is amended to read:

24 230.34 (4) Resignations shall be regulated by the rules of the ~~secretary~~ director.

25 ***b0155/3.120* SECTION 2416f.** 230.35 (1) (d) of the statutes is amended to read:

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

7 ***b0155/3.120* SECTION 2416h.** 230.35 (2) of the statutes is amended to read:

8 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
9 without pay, other than annual leave and leave under s. 103.10, shall be regulated
10 by rules of the ~~secretary~~ director, except that unused sick leave shall accumulate
11 from year to year. After July 1, 1973, employees appointed to career executive
12 positions under the program established under s. 230.24 or positions designated in
13 s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall
14 have any unused sick leave credits restored if they are reemployed in a career
15 executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and
16 (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence.
17 Restoration of unused sick leave credits if reemployment is to a position other than
18 those specified above shall be in accordance with rules of the ~~secretary~~ director.

19 ***b0155/3.120* SECTION 2416j.** 230.35 (2r) (b) of the statutes is amended to
20 read:

21 230.35 (2r) (b) The ~~secretary~~ director may establish, by rule, a catastrophic
22 leave program that permits employees to donate certain types and amounts of leave
23 credits to other employees who have been absent from pay status because of a
24 catastrophic need for which there is no paid leave benefits or replacement income

1 available. The ~~secretary~~ director shall determine the types and amounts of leave
2 credits that may be donated.

3 *b0155/3.120* SECTION 2416L. 230.35 (3) (d) of the statutes is amended to
4 read:

5 230.35 (3) (d) Employees of the state are entitled to reasonable paid leaves of
6 absence to compete in promotional examinations and interviews. The ~~secretary~~
7 director shall promulgate rules governing the lengths of time allowable for such
8 leaves, their frequency and the provisions for their use.

9 *b0155/3.120* SECTION 2416m. 230.35 (3) (e) 2. e. of the statutes is amended
10 to read:

11 230.35 (3) (e) 2. e. The leave of absence conforms with any rules of the ~~secretary~~
12 director regarding leaves of absence to provide specialized disaster relief services.

13 *b0155/3.120* SECTION 2416n. 230.35 (3) (e) 5. of the statutes is amended to
14 read:

15 230.35 (3) (e) 5. The ~~secretary~~ director may promulgate any rules necessary to
16 implement this paragraph.

17 *b0155/3.120* SECTION 2416p. 230.35 (5) (b) of the statutes is amended to
18 read:

19 230.35 (5) (b) The standard basis of employment shall be divided into 5 work
20 days of 8 hours each except as provided under s. 230.215 (5), and except that when
21 the conditions of employment cannot be satisfied by adhering to this division or when
22 the public would not be inconvenienced, deviations may be permitted upon
23 recommendation of the appointing authority and subsequent approval by the
24 ~~secretary~~ director.

25 *b0155/3.120* SECTION 2416r. 230.37 (1) of the statutes is amended to read:

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

7 ***b0155/3.120* SECTION 2416t.** 230.43 (5) of the statutes is amended to read:

8 230.43 (5) TAXPAYERS' SUITS. The right of any taxpayer to bring any action to
9 restrain the payment of compensation to any person appointed to or holding any
10 office or place of employment in violation of this subchapter shall not be limited or
11 denied by reason of the fact that the office or place of employment has been classified
12 as, or determined to be, not subject to competitive examination; however, any
13 judgment or injunction in any such action shall be prospective only, and shall not
14 affect payments already made or due to such persons by the proper disbursing
15 officers, in accordance with the rules of the secretary director in force at the time of
16 such payments.

17 ***b0155/3.120* SECTION 2416v.** 230.44 (1) (b) of the statutes is amended to
18 read:

19 230.44 (1) (b) *Decision made or delegated by secretary director.* Appeal of a
20 personnel decision under s. 230.09 (2) (a) or (d) or 230.13 (1) made by the secretary
21 director or by an appointing authority under authority delegated by the secretary
22 director under s. 230.04 (1m).

23 ***b0155/3.121* SECTION 2417m.** 230.44 (1) (dm) of the statutes is amended to
24 read:

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

5 ***b0155/3.121* SECTION 2417s.** 230.44 (4) (bm) of the statutes is amended to
6 read:

7 230.44 (4) (bm) Upon request of an employee who files an appeal of the decision
8 of the ~~secretary~~ director made under s. 230.09 (2) (a) or (d), the appeal shall be heard
9 by a commissioner or attorney employed by the commission serving as arbitrator
10 under rules promulgated for this purpose by the commission. In such an arbitration,
11 the arbitrator shall orally render a decision at the conclusion of the hearing
12 affirming, modifying or rejecting the decision of the ~~secretary~~ director. The decision
13 of the arbitrator is final and is not subject to review by the commission. An
14 arbitrator's decision may not be cited as precedent in any other proceeding before the
15 commission or before any court. The arbitrator shall promptly file his or her decision
16 with the commission. The decision of the arbitrator shall stand as the decision of the
17 commission. The decision of the commission is subject to review under ss. 227.53 to
18 227.57 only on the ground that the decision was procured by corruption, fraud or
19 undue means or that the arbitrator or the commission exceeded the arbitrator's or
20 the commission's power. The record of a proceeding under this paragraph shall be
21 transcribed as provided in s. 227.44 (8).

22 ***-1295/2.38* SECTION 2418.** 230.45 (title) of the statutes is amended to read:

23 **230.45 (title) Powers and duties of personnel commission and division**
24 **of equal rights.**

25 ***-1295/2.39* SECTION 2419.** 230.45 (1) (b) of the statutes is repealed.

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

2 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
3 under s. 49.33 ~~49.78~~ (4), from any interested party.

4 *~~1295/2.40~~* SECTION 2421. 230.45 (1) (g) of the statutes is repealed.

5 *~~1295/2.41~~* SECTION 2422. 230.45 (1) (gm) of the statutes is repealed.

6 *~~b0155/3.122~~* SECTION 2422g. 230.45 (1) (h) of the statutes is amended to
7 read:

8 230.45 (1) (h) Keep minutes of its own proceedings and other official actions.

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

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

12 *~~b0155/3.122~~* SECTION 2422r. 230.45 (1) (i) of the statutes is amended to read:

13 230.45 (1) (i) Adopt rules necessary to carry out this section. Notice of the
14 contents of such rules and amendments thereto shall be given promptly to the
15 ~~secretary~~ director, the administrator and appointing authorities affected thereby.

16 *~~1295/2.42~~* SECTION 2423. 230.45 (1) (j) of the statutes is repealed.

17 *~~1295/2.43~~* SECTION 2424. 230.45 (1) (k) of the statutes is repealed.

18 *~~1295/2.44~~* SECTION 2425. 230.45 (1) (L) of the statutes is repealed.

19 *~~1295/2.45~~* SECTION 2426. 230.45 (1) (m) of the statutes is repealed.

20 *~~1295/2.46~~* SECTION 2427. 230.45 (1e) of the statutes is created to read:

21 230.45 (1e) The division of equal rights shall:

22 (a) Receive and process complaints of discrimination of state employees under
23 s. 111.375. In the course of investigating or otherwise processing such a complaint,
24 the division of equal rights may require that an interview with any state employee,
25 except a management or supervisory employee who is a party to or immediately

1 involved in the subject matter of the complaint, be conducted outside the presence
2 of the appointing authority or any representative or agent thereof unless the
3 employee voluntarily requests that presence. An appointing authority shall permit
4 an employee to be interviewed without loss of pay and to have an employee
5 representative present at the interview. An appointing authority of an employee to
6 be interviewed may require the division of equal rights to give the appointing
7 authority reasonable notice prior to the interview.

8 (b) Receive and process complaints of retaliatory disciplinary action under s.
9 230.85.

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

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

17 *b0155/3.125* SECTION 2427g. 230.46 of the statutes is amended to read:

18 **230.46 Duties of council on affirmative action.** The council on affirmative
19 action in the ~~department~~ office shall serve in a direct advisory capacity to the
20 ~~secretary~~ director and as part of that relationship shall evaluate the progress of
21 affirmative action programs throughout the civil service system, seek compliance
22 with state and federal regulations and recommend improvements in the state's
23 affirmative action efforts as an employer. In carrying out its responsibilities, the
24 council may recommend legislation, consult with agency personnel and other
25 interested persons, conduct hearings and take other appropriate action to promote

1 affirmative action. The council shall report at least once per year to the governor and
2 the legislature.

3 ***b0155/3.125* SECTION 2427r.** 230.48 (2) of the statutes is amended to read:

4 230.48 (2) PERSONNEL, FACILITIES AND EQUIPMENT. The ~~department~~ office shall
5 appoint, under the classified service, a secretary and such other employees as are
6 necessary to carry out the duties of the state employees suggestion board, and shall
7 provide such facilities and equipment as that board requires for the proper
8 performance of its work. The state employees suggestion board may request and
9 shall receive from any state department any assistance that it requires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ***-1295/2.53*** SECTION 2434. 230.85 (3) (c) of the statutes is amended to read:
10 230.85 (3) (c) Pending final determination by the ~~commission~~ division of equal
11 rights of any complaint under this section, the ~~commission~~ division of equal rights
12 may make interlocutory orders.

13 ***-1295/2.54*** SECTION 2435. 230.85 (4) of the statutes is amended to read:
14 230.85 (4) The ~~commission~~ division of equal rights shall serve a certified copy
15 of the findings and order on the respondent and, if the respondent is a natural person,
16 upon the respondent's appointing authority.

17 ***-1295/2.55*** SECTION 2436. 230.85 (5) (a) of the statutes is amended to read:
18 230.85 (5) (a) If a respondent does not comply with any lawful order by the
19 ~~commission~~ division of equal rights, for each such failure the respondent shall forfeit
20 a sum of not less than \$10 nor more than \$100. Every day during which a respondent
21 fails to comply with any order of the ~~commission~~ division of equal rights constitutes
22 a separate violation of that order.

23 ***-1295/2.56*** SECTION 2437. 230.85 (5) (b) of the statutes is amended to read:
24 230.85 (5) (b) As an alternative to par. (a), the ~~commission~~ division of equal
25 rights may enforce an order by a suit in equity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ***-1634/7.58* SECTION 2444.** 234.034 of the statutes is amended to read:

12 **234.034 Consistency with state housing strategy plan.** Subject to
13 agreements with bondholders or noteholders, the authority shall exercise its powers
14 and perform its duties related to housing consistent with the state housing strategy
15 plan under s. ~~16.31~~ 560.9802.

16 ***-1634/7.59* SECTION 2445.** 234.06 (1) of the statutes is amended to read:

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

1 *~~1634/7.60~~* SECTION 2446. 234.06 (3) of the statutes is amended to read:

2 234.06 (3) The authority may, as authorized in the state housing strategy plan
3 under s. ~~16.31~~ 560.9802, use the moneys held in the housing development fund to
4 establish and administer programs of grants to counties, municipalities and eligible
5 sponsors of housing projects for persons of low and moderate income, to pay
6 organizational expenses, administrative costs, social services, technical services,
7 training expenses or costs incurred or expected to be incurred by counties,
8 municipalities or sponsors for land and building acquisition, construction,
9 improvements, renewal, rehabilitation, relocation or conservation under a plan to
10 provide housing or related facilities, if the costs are not reimbursable from other
11 private or public loan, grant or mortgage sources.

12 *~~1634/7.61~~* SECTION 2447. 234.165 (2) (b) 2. of the statutes is amended to
13 read:

14 234.165 (2) (b) 2. Annually before August 31 the authority shall submit to the
15 governor a plan for expending or encumbering the actual surplus reported under
16 subd. 1. The part of the plan related to housing shall be consistent with the state
17 housing strategy plan under s. ~~16.31~~ 560.9802. The plan submitted under this
18 subdivision may be attached to and submitted as a part of the report filed under subd.
19 1.

20 *~~1634/7.62~~* SECTION 2448. 234.25 (1) (e) of the statutes is amended to read:

21 234.25 (1) (e) An evaluation of its progress in implementing within its own
22 housing programs the goals, policies and objectives of the state housing strategy plan
23 under s. ~~16.31~~ 560.9802, and recommendations for legislation to improve its ability
24 to carry out its programs consistent with the state housing strategy plan.

1 ***-0529/4.216* SECTION 2449.** 253.06 (4) (c) 2. of the statutes is amended to
2 read:

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

8 ***-0529/4.217* SECTION 2450.** 253.06 (5) (e) of the statutes is amended to read:

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

21 ***-0529/4.218* SECTION 2451.** 254.45 (4) (b) of the statutes is amended to read:

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

24 ***-0529/4.219* SECTION 2452.** 254.59 (2) of the statutes is amended to read:

1 254.59 (2) If a human health hazard is found on private property, the local
2 health officer shall notify the owner and the occupant of the property, by registered
3 mail with return receipt requested, of the presence of the human health hazard and
4 order its abatement or removal within 30 days of receipt of the notice. If the human
5 health hazard is not abated or removed by that date, the local health officer shall
6 immediately enter upon the property and abate or remove the human health hazard
7 or may contract to have the work performed. The human health hazard shall be
8 abated in a manner which is approved by the local health officer. The cost of the
9 abatement or removal may be recovered from the person permitting the violation or
10 may be paid by the municipal treasurer and the account, after being paid by the
11 treasurer, shall be filed with the municipal clerk, who shall enter the amount
12 chargeable to the property in the next tax roll in a column headed "For Abatement
13 of a Nuisance" as a special tax on the lands upon which the human health hazard was
14 abated, and the tax shall be collected as are other taxes. In case of railroads or other
15 lands not taxed in the usual way, the amount chargeable shall be certified by the
16 clerk to the ~~state treasurer~~ secretary of administration who shall add the amount
17 designated in the certificate to the sum due from the company owning, occupying, or
18 controlling the land specified, and the ~~state treasurer~~ secretary of administration
19 shall collect the amount as prescribed in subch. I of ch. 76 and return the amount
20 collected to the town, city, or village from which the certificate was received. Anyone
21 maintaining such a human health hazard may also be fined not more than \$300 or
22 imprisoned for not more than 90 days or both. The only defenses an owner may have
23 against the collection of a tax under this subsection are that no human health hazard
24 existed on the owner's property, that no human health hazard was corrected on the

1 owner's property, that the procedure outlined in this subsection was not followed or
2 any applicable defense under s. 74.33.

3 ***-0529/4.220* SECTION 2453.** 254.59 (5) of the statutes is amended to read:

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

21 ***-1506/2.3* SECTION 2453m.** Subchapter VIII (title) of chapter 254 [precedes
22 254.89] of the statutes is repealed.

23 ***-1506/2.4* SECTION 2454.** 254.89 of the statutes is renumbered 97.24 (5) and
24 amended to read:

1 97.24 (5) CERTIFICATION OF GRADE A DAIRY OPERATIONS. The department shall
2 conduct evaluation surveys of grade A dairy operations in this state to the extent
3 necessary to certify to the federal food and drug administration, out-of-state
4 markets, ~~the department of agriculture, trade and consumer protection,~~ the federal
5 public health service, and local health departments, the compliance rating of the
6 grade A dairy operations based upon the sanitation and enforcement requirements
7 of the grade A pasteurized milk ordinance of the federal public health service and its
8 related documents. The department may promulgate rules establishing fees which
9 may be charged to dairy plants to fund these activities.

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

11 255.06 (2) (i) *Multiple sclerosis screening services.* Allocate and expend at least
12 \$60,000 in each fiscal year as reimbursement for the provision of multiple sclerosis
13 screening services to women.

14 ***b0145/1.12*** SECTION 2455t. 255.10 (intro.) of the statutes is amended to read:

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

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

22 **255.15 (title) Statewide tobacco use control program.**

23 ***-1504/1.12*** SECTION 2456. 255.15 (1) of the statutes is repealed.

24 ***-1504/1.13*** SECTION 2457. 255.15 (1m) (intro.) of the statutes is amended to
25 read:

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

2 *~~1504/1.14~~* SECTION 2458. 255.15 (1m) (a) of the statutes is repealed.

3 *~~1504/1.15~~* SECTION 2459. 255.15 (1m) (c) of the statutes is amended to read:

4 255.15 (1m) (c) Promulgate rules establishing criteria for recipients of grants
5 awarded under sub. (3), including performance-based standards for grant recipients
6 that propose to use the grant for media efforts. The ~~board~~ department shall ensure
7 that programs or projects conducted under the grants are culturally sensitive.

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

10 255.15 (1m) (f) ~~Develop and prepare an annual plan regarding~~ Continue
11 implementation of a strategic plan for a statewide tobacco use control program,
12 including the allocation of funding for a statewide tobacco control program, and
13 update the plan annually.

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

15 255.15 (2m) TOBACCO CONTROL ADVISORY COMMITTEE. (a) The secretary shall,
16 under s. 15.04 (1) (c), create a tobacco control advisory committee. The committee
17 shall consist of not more than 17 members, appointed by the secretary for 3-year
18 terms, and shall include all of the following:

19 1. At least one representative of a local tobacco prevention coalition.

20 2. At least one youth who represents youth involved in tobacco prevention and
21 control efforts.

22 3. At least one representative of a population that is disproportionately
23 impacted by tobacco use.

24 4. At least one representative of a statewide health care provider association
25 or organization.

1 5. At least one representative of a statewide or regional hospital association or
2 organization.

3 6. At least one representative of a statewide or regional insurance association
4 or organization.

5 7. At least one representative of a state or local chamber of commerce or other
6 business association or organization.

7 8. One senator.

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

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

13 11. The secretary.

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

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

16 14. One or more members of organizations or associations specified by the
17 department.

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

19 1. Develop public-private partnerships on tobacco use control issues and
20 initiatives.

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

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

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

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

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

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

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

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

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

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

16 255.15 (3) (b) (intro.) From the appropriation under s. ~~20.436 (1) (te)~~ 20.435 (5)
17 ~~(fm)~~, the ~~board~~ department may distribute grants for any of the following:

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

20 255.15 (3) (b) 8. Other tobacco use cessation or prevention programs, including
21 tobacco research and intervention.

22 ***-1504/1.18* SECTION 2462.** 255.15 (4) of the statutes is amended to read:

23 255.15 (4) REPORTS. Not later than April 15, 2002, and annually thereafter, the
24 ~~board~~ department shall submit to the governor and to the chief clerk of each house
25 of the legislature for distribution under s. 13.172 (2) a report that evaluates the

1 success of the grant program under sub. (3). The report shall specify the number of
2 grants awarded during the immediately preceding fiscal year and the purpose for
3 which each grant was made. The report shall also specify donations and grants
4 accepted by the ~~board~~ department under sub. (5).

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

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

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

13 ***-0421/3.1* SECTION 2466.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
14 to read:

15 281.59 (3e) (b) 1. Equal to \$90,000,000 \$55,100,000 during the 2001–03
16 2003–05 biennium.

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

18 ***-0421/3.2* SECTION 2467.** 281.59 (3m) (b) 1. and 2. of the statutes are
19 amended to read:

20 281.59 (3m) (b) 1. Equal to ~~\$9,110,000~~ \$4,000,000 during the 2001–03 2003–05
21 biennium.

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

23 ***-0421/3.3* SECTION 2468.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
24 to read:

1 281.59 (3s) (b) 1. Equal to ~~\$10,900,000~~ \$12,800,000 during the 2001–03
2 2003–05 biennium.

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

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

5 281.59 (4) (f) Revenue obligations may be contracted by the building
6 commission when it reasonably appears to the building commission that all
7 obligations incurred under this subsection can be fully paid on a timely basis from
8 moneys received or anticipated to be received. Revenue obligations issued under this
9 subsection for the clean water fund program shall not exceed ~~\$1,398,355,000~~
10 \$1,615,955,000 in principal amount, excluding obligations issued to refund
11 outstanding revenue obligation notes.

12 *~~1712/5.79~~* SECTION 2470. 281.65 (10) of the statutes is repealed.

13 *~~0529/4.221~~* SECTION 2471. 281.99 (4) of the statutes is amended to read:

14 281.99 (4) All forfeitures shall be paid to the department within 60 days after
15 receipt of the order or according to a schedule agreed to by the department and the
16 water system owner or operator or, if the forfeiture is contested under sub. (3), within
17 10 days after receipt of the final decision after exhaustion of administrative review,
18 unless the final decision is appealed and the order is stayed by court order. The
19 department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of
20 administration for deposit in the school fund.

21 *~~1289/7.116~~* SECTION 2472. 283.84 (1) (c) of the statutes is amended to read:

22 283.84 (1) (c) Reaches an agreement with the department or a local
23 governmental unit, as defined in s. ~~22.01~~ 16.97 (7), under which the person pays
24 money to the department or local governmental unit and the department or local
25 governmental unit uses the money to reduce water pollution in the project area.

1 *~~0415/2.2~~* SECTION 2473. 285.69 (3) of the statutes is renumbered 285.69 (3)

2 (a) and amended to read:

3 285.69 (3) (a) The department may promulgate rules for the payment and
4 collection of fees for inspecting nonresidential asbestos demolition and renovation
5 projects regulated by the department. The fees under this subsection for an
6 inspection plus the fee under sub. (1) (c) may not exceed \$210 per \$400 if the
7 combined square and linear footage of friable asbestos-containing material involved
8 in the project is less than 5,000. The fees under this subsection for an inspection plus
9 the fee under sub. (1) (c) may not exceed \$750 if the combined square and linear
10 footage of friable asbestos-containing material involved in the project is 5,000 or
11 more. The fees collected under this subsection shall be credited to the appropriation
12 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
13 nonresidential asbestos demolition and ~~inspection~~ renovation projects regulated by
14 the department.

15 *~~0415/2.3~~* SECTION 2474. 285.69 (3) (b) and (c) of the statutes are created to
16 read:

17 285.69 (3) (b) In addition to the fees under par. (a), the department may charge
18 the costs it incurs for laboratory testing for a nonresidential asbestos demolition and
19 renovation project.

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

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

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

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

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

7 287.22 (2) (c) Advise state agencies concerning the promulgation of rules under
8 ss. 100.29, 100.295, and 101.126 and ~~560.031~~.

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

10 **287.26 Recycling market development grants.** (1) The department shall
11 award a grant of \$50,000 in each fiscal year to a private, nonprofit,
12 industry-supported organization that is described in section 501 (c) (3) of the
13 Internal Revenue Code and that provides waste reduction and recycling assistance
14 through business-to-business peer exchange. An organization that is awarded a
15 grant must be instrumental in assisting and encouraging companies and institutions
16 to reduce their operating costs through improved production and solid waste
17 management practices and must be in existence on October 29, 1999.

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

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

23 289.64 (6) USE OF SOLID WASTE FACILITY SITING BOARD FEES. The fees collected
24 under sub. (2) shall be credited to the appropriation under s. 20.370 (2) ~~(eg)~~ for
25 ~~transfer to the appropriation under s. 20.505 (4) (k) (ei).~~

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

2 289.645 (4) (d) The recycling fee does not apply to sediments that are
3 contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from
4 the bed of a navigable water of this state in connection with a phase of a project to
5 remedy contamination of the bed of the navigable water if the quantity of the
6 sediments removed, either in the phase or in combination with other planned phases
7 of the project, will exceed 200,000 cubic yards.

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

9 292.11 (14) FUNDING FROM AGRICHEMICAL MANAGEMENT FUND. If the department
10 expends funds from the appropriation under s. 20.370 (2) (dv) to take action
11 authorized under s. 94.73 (2m), the department may request the joint committee on
12 finance to supplement the appropriation under s. 20.370 (2) (dx) in an amount equal
13 to the amount expended. If the department proposes to take action authorized under
14 s. 94.73 (2m), the department may request the joint committee on finance to
15 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the
16 amount that the department expects to expend to take that action. The joint
17 committee on finance may, from the appropriation under s. 20.865 (4) (u),
18 supplement the appropriation under s. 20.370 (2) (dx) in an amount equal to the
19 amount that the department expended or expects to expend to take action under s.
20 94.73 (2m). Notwithstanding s. 13.101 (3) (a), the committee is not required to find
21 that an emergency exists.

22 ***-1546/2.13* SECTION 2479.** 292.77 of the statutes is repealed.

23 ***-0448/1.2* SECTION 2481.** 292.94 of the statutes is created to read:

24 **292.94 Fees related to enforcement actions.** The department may assess
25 and collect fees from a person who is subject to an order or other enforcement action

1 for a violation of s. 292.11 or 292.31 to cover the costs incurred by the department to
2 review the planning and implementation of any environmental investigation or
3 environmental cleanup that the person is required to conduct. The department shall
4 promulgate rules for the assessment and collection of fees under this section. Fees
5 collected under this section shall be credited to the appropriation account under s.
6 20.370 (2) (dh).

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

9 **93.57 Household hazardous waste.** The department shall establish and
10 administer a grant program to assist municipalities and regional planning
11 commissions in creating and operating local programs for the collection and disposal
12 of household hazardous waste.

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

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

1 secretary of administration shall deposit the amount of the assessment in the
2 environmental fund.

3 ***-0358/1.1*** SECTION 2484. 301.025 of the statutes is amended to read:

4 **301.025 Division of juvenile corrections.** The division of juvenile
5 corrections shall exercise the powers and perform the duties of the department that
6 relate to juvenile correctional services and institutions, juvenile offender review,
7 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the
8 serious juvenile offender program under s. 938.538, and youth aids.

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

10 **301.0465 Halfway houses for nonviolent offenders.** (1) ESTABLISHMENT
11 AND COST. The department shall request proposals and may contract for the
12 establishment of 2 25–bed halfway houses for nonviolent offenders, with one to be
13 located in an urban area and one in a rural area. The department, however, may not
14 accept a proposal unless its daily cost per inmate under the proposal is less than or
15 equal to its highest daily cost per inmate under contracts entered into under s.
16 301.21.

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

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

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

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

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

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

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

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

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

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

18 (5) REPORT. The department shall submit a report to the legislature under s.
19 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

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

23 (b) The cost effectiveness of the program.

24 (c) The administration of the program.

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

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

3 ***-0529/4.224* SECTION 2486.** 301.105 (intro.) of the statutes is amended to
4 read:

5 **301.105 Telephone company commissions.** (intro.) The department shall
6 collect moneys for commissions from telephone companies for contracts to provide
7 telephone services to inmates. The department shall transmit those moneys to the
8 ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of
9 administration shall do all of the following:

10 ***-0576/8.91* SECTION 2489.** 301.16 (1o) (b) of the statutes is amended to read:

11 301.16 (1o) (b) In the selection of classified service employees of the institution
12 specified in par. (a), the appointing authority shall, whenever possible, use the
13 expanded certification program under rules of the administrator of the division of
14 merit recruitment and selection in the ~~department of employment relations~~ office of
15 state human resources management to ensure that employees of the institution
16 reflect the general population of either the county in which the institution is located
17 or the most populous county contiguous to the county in which the institution is
18 located, whichever population is greater. The administrator of the division of merit
19 recruitment and selection in the department of ~~employment relations~~
20 administration shall provide guidelines for the administration of this selection
21 procedure.

22 ***-1791/2.1* SECTION 2490.** 301.16 (1r) of the statutes is amended to read:

23 301.16 (1r) In addition to the institutions under sub. (1), the department shall
24 establish a medium security correctional institution for persons 15 years of age or
25 over, but not more than ~~21~~ 24 years of age, who have been placed in a state prison

1 under s. 302.01. The medium security correctional institution under this subsection
2 shall be known as the Racine Youthful Offender Correctional Facility and shall be
3 located at the intersection of Albert Street and North Memorial Drive in the city of
4 Racine. The department shall limit the number of prisoners who may be placed at
5 the Racine Youthful Offender Correctional Facility to no more than 400 450 at any
6 one time.

7 *b0212/2.1* SECTION 2490d. 301.16 (1v) of the statutes is amended to read:
8 301.16 (1v) In addition to the institutions under sub. (1), the department shall
9 establish a ~~medium~~ minimum security correctional institution in Chippewa Falls.
10 The department shall designate 50 beds at this correctional institution for
11 programming for offenders in prison as an alternative to the revocation of probation,
12 extended supervision, or parole.

13 *b0211/3.1* SECTION 2491g. 301.215 of the statutes is created to read:
14 **301.215 Contracts with counties.** (1) During any period that the
15 department contracts with a private person under s. 301.21 (2m) for the transfer and
16 confinement in another state of prisoners who have been committed to the custody
17 of the department, the department shall do all of the following:

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

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

1 (2) If the department determines under sub. (1) (b) that prisoners may be
2 placed in the county's jail, the department and county shall establish the daily cost
3 to the department of placing the prisoner in the county's jail. Notwithstanding s.
4 302.27, the daily cost established under this subsection may not exceed the highest
5 daily cost paid by the department to a private person under an existing contract
6 under s. 301.21 (2m).

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

12 ***b0201/3.1* SECTION 2492d.** 301.26 (4) (d) 2. of the statutes is amended to
13 read:

14 301.26 (4) (d) 2. Beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2002~~
15 2004, the per person daily cost assessment to counties shall be ~~\$167.57~~ \$183 for care
16 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$167.57~~ \$183 for
17 care for juveniles transferred from a juvenile correctional institution under s. 51.35
18 (3), ~~\$213~~ \$225 for care in a residential care center for children and youth, ~~\$129~~ \$142
19 for care in a group home for children, ~~\$41~~ \$47 for care in a foster home, ~~\$81~~ \$88 for
20 care in a treatment foster home, ~~\$82.56~~ \$86 for departmental corrective sanctions
21 services, and ~~\$21.96~~ \$25 for departmental aftercare services.

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

24 301.26 (4) (d) 3. Beginning on July 1, ~~2002~~ 2004, and ending on June 30, ~~2003~~
25 2005, the per person daily cost assessment to counties shall be ~~\$172.51~~ \$187 for care

1 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$187 for
2 care for juveniles transferred from a juvenile correctional institution under s. 51.35
3 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
4 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
5 care in a treatment foster home, ~~\$84.50~~ \$87 for departmental corrective sanctions
6 services, and ~~\$22.66~~ \$26 for departmental aftercare services.

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

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

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

1 used to determine the per person daily cost assessment under sub. (4) (d) 2. for care
2 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the first year
3 of the next fiscal biennium and by adding 50% of that projected deficit to the cost
4 basis used to determine the per person daily cost assessment under sub. (4) (d) 3. for
5 care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), for the 2nd
6 year of the next fiscal biennium.

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

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

23 ***-0357/1.1* SECTION 2494.** 301.26 (7) (intro.) of the statutes is amended to
24 read:

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

6 *~~0357/1.2~~* SECTION 2495. 301.26 (7) (a) of the statutes is amended to read:

7 301.26 (7) (a) For community youth and family aids under this section,
8 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001~~,
9 ~~\$87,760,300 for 2002~~ 2003, ~~\$88,290,200 for 2004~~, and \$44,145,100 for the first 6
10 months of ~~2003~~ 2005.

11 *~~0357/1.3~~* SECTION 2496. 301.26 (7) (b) (intro.) of the statutes is amended to
12 read:

13 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
14 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
15 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
16 following factors weighted equally:

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

18 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
19 ~~\$523,300~~ \$1,053,200 for the last 6 months of ~~2001~~, ~~\$1,576,600 for 2002~~ 2003,
20 \$2,106,500 for 2004, and \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties
21 based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that
22 no county may receive an allocation under this paragraph that is less than 93% nor
23 more than 115% of the amount that the county would have received under this
24 paragraph if the allocation had been distributed only on the basis of the factor
25 specified in par. (b) 3.

1 *~~0357/1.5~~* **SECTION 2498.** 301.26 (7) (e) of the statutes is amended to read:

2 301.26 (7) (e) For emergencies related to community youth and family aids
3 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
4 ~~2003~~, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
5 county is eligible for payments under this paragraph only if it has a population of not
6 more than 45,000.

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

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

18 *~~0357/1.7~~* **SECTION 2500.** 301.26 (8) of the statutes is amended to read:

19 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
20 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
21 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
22 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

23 *~~0332/1.2~~* **SECTION 2501.** 302.01 (1) (d) of the statutes is amended to read:

24 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
25 ~~1997 Wisconsin Act 4, section 4 (1) (a)~~ s. 301.16 (1u).

1 ***-1769/2.1*** SECTION 2502. 302.045 (title) of the statutes is amended to read:

2 **302.045** (title) **Challenge incarceration program for youthful**
3 **offenders.**

4 ***-1769/2.2*** SECTION 2503. 302.045 (1) of the statutes is amended to read:

5 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
6 program for inmates selected to participate under sub. (2). The program shall
7 provide participants with ~~strenuous physical exercise~~, manual labor, personal
8 development counseling, substance abuse treatment and education, military drill
9 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~
10 have not attained the age of 30 as of the date on which they begin participating in
11 the program, or age-appropriate strenuous physical exercise, for all other
12 participants, in preparation for release on parole or extended supervision. The
13 department shall design the program to include not less than 50 participants at a
14 time and so that a participant may complete the program in not more than 180 days.
15 The department may restrict participant privileges as necessary to maintain
16 discipline.

17 ***-1769/2.3*** SECTION 2504. 302.045 (2) (b) of the statutes is amended to read:

18 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
19 inmate will begin participating in the program.

20 ***-1769/2.4*** SECTION 2505. 302.05 (3) of the statutes is created to read:

21 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
22 all of the following apply:

23 1. The inmate is incarcerated regarding a violation other than a crime specified
24 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
25 948.08, or 948.095.

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

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

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

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

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

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