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1 **SECTION 3822.** 938.357 (5m) (a) of the statutes is amended to read:

2 938.357 (5m) (a) If a proposed change in placement would change a juvenile's
3 placement from a placement in the juvenile's home to a placement outside the
4 juvenile's home, the court shall order the juvenile's parent to provide a statement of
5 the income, assets, debts, and living expenses of the juvenile and the juvenile's
6 parent to the court or the person or agency primarily responsible for implementing
7 the dispositional order by a date specified by the court. The clerk of court shall
8 provide, without charge, to any parent ordered to provide that statement a document
9 setting forth the percentage standard established by the department of workforce
10 development children and families under s. 49.22 (9) and listing the factors under
11 s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall
12 determine the liability of the parent in the manner provided in s. 301.12 (14).

13 **SECTION 3823.** 938.36 (1) (b) of the statutes is amended to read:

14 938.36 (1) (b) In determining the amount of support under par. (a), the court
15 may consider all relevant financial information or other information relevant to the
16 parent's earning capacity, including information reported under s. 49.22 (2m) to the
17 department of workforce development children and families, or the county child
18 support agency, under s. 59.53 (5). If the court has insufficient information with
19 which to determine the amount of support, the court shall order the juvenile's parent
20 to furnish a statement of the income, assets, debts, and living expenses of the juvenile
21 and the juvenile's parent, if the parent has not already done so, to the court within
22 10 days after the court's order transferring custody or designating an alternative
23 placement is entered or at such other time as ordered by the court.

24 **SECTION 3824.** 938.363 (1) (c) of the statutes is amended to read:

1 938.363 (1) (c) If the proposed revision is for a change in the amount of child
2 support to be paid by a parent, the court shall order the juvenile's parent to provide
3 a statement of the income, assets, debts, and living expenses of the juvenile and the
4 juvenile's parent to the court and the person or agency primarily responsible for
5 implementing the dispositional order by a date specified by the court. The clerk of
6 court shall provide, without charge, to any parent ordered to provide that statement
7 a document setting forth the percentage standard established by the department of
8 workforce development children and families under s. 49.22 (9) and listing the
9 factors that a court may consider under s. 301.12 (14) (c).

10 **SECTION 3825.** 938.38 (2) (intro.) of the statutes is amended to read:

11 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
12 for each juvenile living in a foster home, treatment foster home, group home,
13 residential care center for children and youth, juvenile detention facility, or shelter
14 care facility, the agency that placed the juvenile or arranged the placement or the
15 agency assigned primary responsibility for providing services to the juvenile under
16 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
17 conditions exists, and, for each juvenile living in the home of a relative other than
18 a parent, that agency shall prepare a written permanency plan, if any of the
19 conditions under pars. (a) to (e) exists:

20 **SECTION 3826.** 938.396 (2g) (b) of the statutes is amended to read:

21 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department
22 of health and family services, the department of corrections children and families,
23 or a federal agency to review court records for the purpose of monitoring and
24 conducting periodic evaluations of activities as required by and implemented under

1 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by
2 authorized representatives of that department or federal agency.

3 **SECTION 3827.** 938.396 (4) of the statutes is amended to read:

4 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
5 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
6 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
7 under this chapter, the department of transportation may not disclose information
8 concerning or relating to the revocation, suspension, or restriction to any person
9 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
10 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
11 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
12 driver licensing agency of another jurisdiction, the juvenile whose operating
13 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
14 Persons entitled to receive this information may not disclose the information to other
15 persons or agencies.

16 **SECTION 3828.** 938.538 (6) of the statutes is amended to read:

17 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract
18 with the department of health and family services, the department of children and
19 families, a county department, or any public or private agency for the purchase of
20 goods, care, and services for participants in the program under this section. The
21 department of ~~corrections~~ shall reimburse a person from whom it purchases goods,
22 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

23 **SECTION 3829.** 938.547 (2) of the statutes is amended to read:

24 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
25 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the

1 department of health and family services children and families shall select counties
2 to participate in the pilot program. Unless a county department of human services
3 has been established under s. 46.23 in the county that is seeking to implement a pilot
4 program, the application submitted to the department of health and family services
5 children and families shall be a joint application by the county department that
6 provides social services and the county department established under s. 51.42 or
7 51.437. The department of health and family services children and families shall
8 select counties in accordance with the request-for-proposal procedures established
9 by that department. The department of health and family services children and
10 families shall give a preference to county applications that include a plan for case
11 management.

12 **SECTION 3830.** 938.548 of the statutes is amended to read:

13 **938.548 Multidisciplinary screen and assessment criteria.** The
14 department of health and family services children and families shall make the
15 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria
16 developed under s. 938.547 (4) available to all counties.

17 **SECTION 3831.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

18 938.57 (3) (a) (intro.) From the reimbursement received under s. 46.495 48.569
19 (1) (d), counties may provide funding for the maintenance of any juvenile who meets
20 all of the following qualifications:

21 **SECTION 3832.** 938.57 (3) (a) 3. of the statutes is amended to read:

22 938.57 (3) (a) 3. Received funding under s. 46.495 48.569 (1) (d) immediately
23 prior to his or her 17th birthday.

24 **SECTION 3833.** 938.57 (3) (b) of the statutes is amended to read:

1 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
2 (a) shall be in an amount equal to that to which the juvenile would receive under s.
3 46.495 ~~48.569~~ (1) (d) if the juvenile were 16 years of age.

4 **SECTION 3834.** 938.78 (2) (h) of the statutes is amended to read:

5 938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~
6 ~~family services~~ children and families, a county department, or a licensed child
7 welfare agency from entering the content of any record kept or information received
8 by that department, county department, or licensed child welfare agency into the
9 statewide automated child welfare information system established under s. 46.03
10 48.47 (7g).

11 **SECTION 3835.** 948.22 (4) (b) of the statutes is amended to read:

12 948.22 (4) (b) For a person not subject to a court order requiring child,
13 grandchild or spousal support payments, when the person knows or reasonably
14 should have known that he or she has a dependent, failure to provide support equal
15 to at least the amount established by rule by the department of ~~workforce~~
16 ~~development~~ children and families under s. 49.22 (9) or causing a spouse, grandchild
17 or child to become a dependent person, or continue to be a dependent person, as
18 defined in s. 49.01 (2).

19 **SECTION 3836.** 948.31 (1) (a) 2. of the statutes is amended to read:

20 948.31 (1) (a) 2. The department of ~~health and family services~~ children and
21 families or the department of corrections or any person, county department under
22 s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision
23 of the child has been transferred under ch. 48 or 938 to that department, person, or
24 agency.

1 **SECTION 3837.** Subchapter I (title) of chapter 949 [precedes 949.001] of the
2 statutes is created to read:

3 **CHAPTER 949**

4 **SUBCHAPTER I**

5 **CRIME VICTIM COMPENSATION**

6 **SECTION 3838.** 949.01 (intro.) of the statutes is amended to read:

7 **949.01 Definitions.** (intro.) In this chapter subchapter:

8 **SECTION 3839.** 949.02 of the statutes is amended to read:

9 **949.02 Administration.** The department shall administer this chapter
10 subchapter. The department shall appoint a program director to assist in
11 administering this chapter subchapter. The department shall promulgate rules for
12 the implementation and operation of this chapter subchapter. The rules shall
13 include procedures to ensure that any limitation of an award is calculated in a fair
14 and equitable manner.

15 **SECTION 3840.** 949.035 (1) of the statutes is amended to read:

16 949.035 (1) If a Wisconsin resident suffers injury or death in a situation
17 described in s. 949.03 except that the act occurred outside this state, the resident has
18 the same rights under this chapter subchapter as if the act had occurred in this state
19 upon a showing that the state, territory, country or political subdivision of a country
20 in which the act occurred does not have a compensation of victims of crimes law which
21 covers the injury or death suffered by the person.

22 **SECTION 3841.** 949.04 (1) (intro.) of the statutes is amended to read:

23 949.04 (1) **ELIGIBILITY.** (intro.) Any person may apply for an award under this
24 chapter subchapter.

25 **SECTION 3842.** 949.04 (2) of the statutes is amended to read:

1 **949.04 (2) FORMS.** The department shall prescribe application forms for awards
2 under this chapter subchapter and shall furnish law enforcement agencies with the
3 forms. The law enforcement agency investigating a crime shall provide forms to each
4 person who may be eligible to file a claim under this subchapter.

5 **SECTION 3843.** 949.06 (1) (intro.) of the statutes is amended to read:

6 **949.06 (1) (intro.)** In accordance with this chapter subchapter, the department
7 shall make awards, as appropriate, for any of the following economic losses incurred
8 as a direct result of an injury:

9 **SECTION 3844.** 949.06 (1m) (b) of the statutes is amended to read:

10 **949.06 (1m) (b)** In accordance with this chapter subchapter, the department
11 shall make awards, as appropriate, to persons who, immediately prior to the crime,
12 lived in the same household with and to family members of a victim of s. 940.01,
13 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses
14 specified in sub. (1) as a result of the person's or family member's reaction to the
15 death. A dependent may recover both under sub. (1) and this subsection, subject to
16 the limitation under sub. (2).

17 **SECTION 3845.** 949.06 (3) (f) of the statutes is created to read:

18 **949.06 (3) (f)** From an award under s. 949.26.

19 **SECTION 3846.** 949.06 (4) (b) of the statutes is amended to read:

20 **949.06 (4) (b)** The department may suspend proceedings under this chapter
21 subchapter for a period it deems appropriate on the grounds that a prosecution for
22 an offense arising out of the act or omission has been commenced or is imminent.

23 **SECTION 3847.** 949.09 of the statutes is amended to read:

24 **949.09 Effect of conviction.** If any person has been convicted of any offense
25 with respect to an act or omission on which a claim under this chapter subchapter

1 is based, proof of that conviction shall be taken as conclusive evidence that the
2 offense has been committed, unless an appeal or any proceeding with regard thereto
3 is pending.

4 **SECTION 3848.** 949.11 (1) of the statutes is amended to read:

5 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings
6 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.
7 949.12 and 949.14.

8 **SECTION 3849.** 949.11 (2) of the statutes is amended to read:

9 949.11 (2) The division of hearings and appeals in the department of
10 administration shall appoint hearing examiners to make findings and orders under
11 s. 227.46 and this ~~chapter~~ subchapter.

12 **SECTION 3850.** 949.115 of the statutes is amended to read:

13 **949.115 Subpoenas.** The department or any of its authorized agents may
14 issue subpoenas for persons or records for any investigation or hearing conducted
15 under this ~~chapter~~ subchapter and may enforce compliance with such subpoenas as
16 provided in s. 885.12.

17 **SECTION 3851.** 949.12 of the statutes is amended to read:

18 **949.12 Condition of claimant.** There is no privilege, except privileges
19 arising from the attorney-client relationship, as to communications or records
20 relevant to an issue of the physical, mental or emotional condition of the claimant
21 or victim in a proceeding under this ~~chapter~~ subchapter in which that condition is
22 an element.

23 **SECTION 3852.** 949.13 of the statutes is amended to read:

24 **949.13 Agency cooperation.** Upon request by the department, any state or
25 local agency, including a district attorney or law enforcement agency, shall make

1 available all reports, files and other appropriate information which the department
2 requests in order to make a determination that a person is eligible for an award
3 under this chapter subchapter.

4 **SECTION 3853.** 949.15 (1) of the statutes is amended to read:

5 **949.15 (1)** Whenever the department orders the payment of an award under
6 this chapter subchapter as a result of the occurrence of an event that creates a cause
7 of action on the part of a claimant against any person, the department is subrogated
8 to the rights of the claimant and may bring an action against the person for the
9 amount of the damages sustained by the claimant. If an amount greater than that
10 paid under the award order is recovered and collected in any such action, the
11 department shall pay the balance to the claimant. If the person responsible for the
12 injury or death has previously made restitution payments to the general fund under
13 s. 973.20, any judgment obtained by the department under this section shall be
14 reduced by the amount of the restitution payments to the general fund.

15 **SECTION 3854.** 949.16 of the statutes is amended to read:

16 **949.16 Confidentiality of records.** The record of a proceeding before an
17 examiner or the department under this chapter subchapter is a public record. Any
18 record or report obtained by an examiner or the department, the confidentiality of
19 which is protected by any other law or rule, shall remain confidential.

20 **SECTION 3855.** 949.165 (12) of the statutes is amended to read:

21 **949.165 (12) PAYMENT IS NOT AN AWARD.** Any payment from an escrow account
22 under this section shall not be considered as an award by the department under this
23 chapter subchapter.

24 **SECTION 3856.** 949.18 (intro.) of the statutes is amended to read:

1 **949.18 Report by the department.** (intro.) The department's biennial
 2 report under s. 15.04 (1) (d) shall include a report of its activities under this chapter
 3 subchapter including:

4 **SECTION 3857.** 949.18 (1) of the statutes is amended to read:

5 **949.18 (1)** An explanation of the procedures for filing and processing claims
 6 under this chapter subchapter.

7 **SECTION 3858.** 949.18 (4) of the statutes is amended to read:

8 **949.18 (4)** A copy of the forms utilized under this chapter subchapter.

9 **SECTION 3859.** 949.18 (5) (intro.) of the statutes is amended to read:

10 **949.18 (5) (intro.)** A complete statistical analysis of the cases handled under
 11 this chapter subchapter, including:

12 **SECTION 3860.** 949.18 (5) (e) of the statutes is amended to read:

13 **949.18 (5) (e)** A summary of cases handled under this chapter subchapter.

14 **SECTION 3861.** Subchapter II of chapter 949 [precedes 949.20] of the statutes
 15 is created to read:

16 **CHAPTER 949**

17 **SUBCHAPTER II**

18 **SEXUAL ASSAULT FORENSIC**

19 **EXAMINATION COMPENSATION**

20 **949.20 Definitions.** In this subchapter:

21 (1) "Cooperate with a law enforcement agency" means to report a sex offense
 22 to a law enforcement agency or to aid a law enforcement agency in the investigation
 23 of a sex offense.

24 (2) "Department" means the department of justice.

1 (3) "Examination costs" means the costs of an examination that is done to
2 gather evidence regarding a sex offense, any procedure during that examination
3 process that tests for or prevents a sexually transmitted disease, and any medication
4 provided or prescribed, during that examination process, that prevents or treats a
5 sexually transmitted disease that the person performing the examination or
6 procedure believes could be a consequence of the sex offense. "Examination costs"
7 does not include any processing or administrative costs, attorney fees, or other
8 expenses.

9 (4) "Guardian of the victim" means one of the following:

10 1. If the victim is under 18 years of age, the parent, guardian, or legal custodian
11 of the victim.

12 2. If the victim has been determined to be incompetent under ch. 54, the
13 guardian of the victim.

14 (5) "Health care provider" means any person providing health care services.

15 (6) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

16 (7) "Sex offense" means an act committed in the state that, if committed by a
17 competent adult, would be a violation, or an attempted violation, of s. 940.225,
18 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

19 (8) "Sexually transmitted disease" has the meaning given in s. 252.11 (1).

20 (9) "Victim" means a person against whom a sex offense has been committed.

21 **949.22 Administration.** The department shall administer this subchapter.
22 The department shall appoint a program director to assist in administering this
23 subchapter. The department shall promulgate rules for the implementation and
24 operation of this subchapter. The rules shall include procedures to ensure that any
25 limitation of an award is calculated in a fair and equitable manner.

1 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who
2 conducts an examination to gather evidence regarding a sex offense may apply for
3 an award under this subchapter.

4 **(2) FORMS.** The department shall prescribe application forms for awards under
5 this subchapter and shall furnish health care providers with the forms.

6 **(3) MEDICAL RECORDS.** An applicant shall submit to the department reports
7 from any physician, physician's assistant, or nurse who treated or examined the
8 victim to gather evidence regarding a sex offense, performed any procedure during
9 that treatment or examination that tests for or prevents a sexually transmitted
10 disease, or provided or prescribed any medication to prevent or treat a sexually
11 transmitted disease. The applicant may not submit to the department any other
12 records than those pertaining to the examination, treatment, procedure, or
13 medication for which the applicant is seeking an award.

14 **949.26 Computation of awards. (1)** Except as provided in sub. (1m), the
15 department shall make an award under this section to a health care provider who
16 conducts an examination to gather evidence regarding a sex offense to reimburse the
17 health care provider only for the examination costs, as follows:

18 (a) If, under sub. (2) (b), the health care provider is not authorized to seek
19 payment from insurance or another available source of payment, the award shall be
20 the examination costs, regardless of whether the victim, or any guardian of the
21 victim, cooperates with a law enforcement agency regarding the sex offense.

22 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment
23 from insurance or another available source of payment and the victim, or any
24 guardian of the victim, does not cooperate with a law enforcement agency regarding

1 the sex offense, the award shall be the examination costs, reduced by any payment
2 to be received as a result of the authorization under sub. (2) (b).

3 **(1m)** The department may not make an award under this section if, under sub.
4 (2) (b), the health care provider is authorized to seek payment and the victim, or any
5 guardian of the victim, cooperates with a law enforcement agency.

6 **(2)** (a) A health care provider seeking an award under this section may not seek
7 payment for any examination costs from the victim or any guardian of the victim.

8 (b) A health care provider seeking an award under this section may not seek
9 payment for any examination costs from insurance or another available source of
10 payment unless the victim or any guardian of the victim authorizes the health care
11 provider to seek payment.

12 **(3)** The department may not refuse to make an award under this section
13 because the victim or the guardian of the victim does not cooperate with a law
14 enforcement agency regarding the sex offense, or due to lack of an investigation or
15 prosecution of the sex offense.

16 **949.28 Limitations on awards.** (1) No order for the payment of an award
17 under this subchapter may be made unless the application was made within one year
18 after the date of the examination. The department may waive the one-year
19 requirement under this subsection in the interest of justice.

20 **(2)** The department may not make an award under this subchapter that
21 exceeds the examination costs of the victim.

22 **(3)** The department may not make an award under this subchapter for any part
23 of the examination costs of the victim for which the health care provider seeking the
24 award has received compensation from any other source.

1 (4) The department may not make an award under this subchapter if the total
2 dollar amount awarded under this section in that year is greater than \$50,000.

3 **949.31 Hearings.** (1) The procedure of ch. 227 for contested cases applies to
4 hearings under this subchapter except as otherwise provided in this section and s.
5 949.32.

6 (2) The division of hearings and appeals in the department of administration
7 shall appoint hearing examiners to make findings and orders under s. 227.46 and
8 this subchapter.

9 (3) All hearings shall be open to the public unless in a particular case the
10 examiner determines that the hearing, or a portion of the hearing, shall be held in
11 private having regard to the fact that the offender has not been convicted or to the
12 interest of the victim.

13 **949.315 Subpoenas.** The department or any of its authorized agents may
14 issue subpoenas for persons or records for any investigation or hearing conducted
15 under this subchapter and may enforce compliance with such subpoenas as provided
16 in s. 885.12.

17 **949.32 Condition of victim.** There is no privilege, except privileges arising
18 from the attorney-client relationship, as to communications or records relevant to
19 an issue of the physical condition of the victim in a proceeding under this subchapter
20 in which that condition is an element.

21 **949.33 Agency cooperation.** Upon request by the department, any state or
22 local agency, including a district attorney or law enforcement agency, shall make
23 available all reports, files, and other appropriate information which the department
24 requests in order to make a determination that a health care provider is eligible for
25 an award under this subchapter.

1 **949.36 Confidentiality.** If a health care provider seeks an award under this
2 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the
3 victim who received the examination shall remain confidential unless written
4 consent for the release of any personally identifiable information is provided by one
5 of the following:

6 (1) Except as provided under sub. (2), the victim.

7 (2) If there is a guardian of the victim, the guardian of the victim.

8 **949.37 Offenses.** (1) **PROHIBITION.** In connection with an award under this
9 subchapter, no person may do any of the following:

10 (a) Submit a fraudulent application or claim for an award.

11 (b) Intentionally make or cause to be made any false statement or
12 representation of a material fact.

13 (c) Intentionally conceal or fail to disclose information affecting the amount of
14 or the initial or continued right to any such award when reasonably requested to
15 provide such information by the department.

16 (2) **PENALTIES.** Any person who violates this section shall be fined not more than
17 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any
18 benefit received and shall reimburse the state for payments received.

19 (3) **DAMAGES.** The state has a civil cause of action for relief against any person
20 who violates this section for the amount of damages that the state sustained by
21 reason of the violation and, in addition, for punitive damages not more than double
22 the amount of damages that the state may have sustained, together with interest,
23 and the cost of the suit.

24 (4) **ACTION.** The attorney general may bring any action and has such powers
25 as may be necessary to enforce this section.

SECTION 3861

1 **949.38 Report by the department.** The department's biennial report under
2 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including
3 all of the following:

4 (1) An explanation of the procedures for filing and processing claims under this
5 subchapter.

6 (2) A description of the programs and policies instituted to promote awareness
7 about the awards under this subchapter.

8 (3) An analysis of future needs and suggested program improvements.

9 (4) A copy of the forms used under this subchapter.

10 (5) A complete statistical analysis of the cases handled under this subchapter,
11 including all of the following:

12 (a) The number of claims filed.

13 (b) The number of claims approved and the amount of each award.

14 (c) The number of claims denied and the reasons for rejection.

15 (d) A breakdown of claims by geographic area and month.

16 **SECTION 3862.** 950.04 (1v) (f) of the statutes is amended to read:

17 950.04 (1v) (f) To have the parole earned release review commission make a
18 reasonable attempt to notify the victim of applications for parole, release to extended
19 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

20 **SECTION 3863.** 950.04 (1v) (rm) of the statutes is amended to read:

21 950.04 (1v) (rm) To compensation, as provided under subch. I of ch. 949.

22 **SECTION 3864.** 950.08 (2g) (b) of the statutes is amended to read:

23 950.08 (2g) (b) The availability of compensation under subch. I of ch. 949 and
24 the address and telephone number at which to contact the department for
25 information concerning compensation under subch. I of ch. 949.

1 **SECTION 3865.** 950.08 (2r) (d) of the statutes is amended to read:

2 950.08 (2r) (d) The availability of compensation under subch. I of ch. 949,
3 including information concerning eligibility for compensation and the procedure for
4 applying for compensation.

5 **SECTION 3866.** 961.41 (5) (c) of the statutes, as affected by 2005 Wisconsin Act
6 25, is amended to read:

7 961.41 (5) (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys
8 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this
9 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

10 2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus
11 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
12 surcharges under this subsection shall be credited to the appropriation account
13 under s. 20.505 (6) (ku).

14 **SECTION 3867.** 961.50 (1) (intro.) of the statutes is amended to read:

15 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
16 court shall, in addition to any other penalties that may apply to the crime, suspend
17 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
18 months nor more than 5 years. The court shall immediately ~~may~~ take possession of
19 any suspended license and forward it. If the court takes possession of a license, it
20 shall destroy the license. The court shall forward to the department of
21 transportation ~~together with~~ the record of conviction and notice of the suspension.

22 The person is eligible for an occupational license under s. 343.10 as follows:

23 **SECTION 3868.** 961.50 (2) of the statutes is amended to read:

24 961.50 (2) For purposes of counting the number of convictions under sub. (1),
25 convictions under the law of a federally recognized American Indian tribe or band in

1 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 (1m)
2 (a) 340.01 (41m), for any offense therein which, if the person had committed the
3 offense in this state and been convicted of the offense under the laws of this state,
4 would have required suspension or revocation of such person's operating privilege
5 under this section, shall be counted and given the effect specified under sub. (1). The
6 5-year period under this section shall be measured from the dates of the violations
7 which resulted in the convictions.

8 **SECTION 3869.** 967.06 of the statutes is renumbered 967.06 (1) and amended
9 to read:

10 967.06 (1) As soon as practicable after a person has been detained or arrested
11 in connection with any offense which that is punishable by incarceration, or in
12 connection with any civil commitment proceeding, or in any other situation in which
13 a person is entitled to counsel regardless of ability to pay under the constitution or
14 laws of the United States or this state, the person shall be informed of his or her right
15 to counsel. ~~Persons~~

16 (2) (a) Except as provided in par. (b), a person entitled to counsel under sub.
17 (1) who indicate indicates at any time that they wish he or she wants to be
18 represented by a lawyer, and who claim that they are claims that he or she is not able
19 to pay in full for a lawyer's services, shall immediately be permitted to contact the
20 authority for indigency determinations specified under s. 977.07 (1). The authority
21 for indigency determination in each county shall have daily telephone access to the
22 county jail in order to identify all persons who are being held in the jail. The jail
23 personnel shall provide by phone information requested by the authority.

24 (3) In any case in which the state public defender provides representation to
25 an indigent person, the public defender may request that the applicable court

1 reporter or clerk of circuit court prepare and transmit any transcript or court record.
2 The request shall be complied with. The state public defender shall, from the
3 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit
4 court for the cost of preparing, handling, duplicating, and mailing the documents.

5 **SECTION 3870.** 967.06 (2) (b) of the statutes is created to read:

6 967.06 (2) (b) If the person indicating that he or she wants to be represented
7 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for
8 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),
9 whichever is applicable.

10 **SECTION 3871.** 971.14 (3) (d) of the statutes is amended to read:

11 971.14 (3) (d) If the examiner reports that the defendant lacks competency, the
12 examiner's opinion regarding the likelihood that the defendant, if provided
13 treatment, may be restored to competency within the time period permitted under
14 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's
15 treatment should occur in an inpatient facility designated by the department of
16 health and family services, or should be conducted in a jail or locked unit of a facility,
17 as a condition of bail or bond.

18 **SECTION 3872.** 971.14 (5) (a) of the statutes is amended to read:

19 971.14 (5) (a) If the court determines that the defendant is not competent but
20 is likely to become competent within the period specified in this paragraph if
21 provided with appropriate treatment, the court shall suspend the proceedings and
22 commit the defendant to the custody of the department of health and family services
23 for placement in an appropriate institution. The department of health and family
24 services shall determine whether treatment shall occur in an institution, or in a
25 community-based treatment conducted in a jail or a locked unit of a facility, as a

1 condition of bail or bond, and the defendant shall be placed as appropriate for a
2 period of time not to exceed 12 months, or the maximum sentence specified for the
3 most serious offense with which the defendant is charged, whichever is less. Days
4 spent in commitment under this paragraph are considered days spent in custody
5 under s. 973.155.

6 **SECTION 3873.** 971.14 (5) (b) of the statutes is amended to read:

7 971.14 (5) (b) The defendant shall be periodically reexamined by the treatment
8 facility department of health and family services examiners. Written reports of
9 examination shall be furnished to the court 3 months after commitment, 6 months
10 after commitment, 9 months after commitment and within 30 days prior to the
11 expiration of commitment. Each report shall indicate either that the defendant has
12 become competent, that the defendant remains incompetent but that attainment of
13 competency is likely within the remaining commitment period, or that the defendant
14 has not made such progress that attainment of competency is likely within the
15 remaining commitment period. Any report indicating such a lack of sufficient
16 progress shall include the examiner's opinion regarding whether the defendant is
17 mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because
18 of aging or other like incapacities.

19 **SECTION 3874.** 971.14 (5) (c) of the statutes is amended to read:

20 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant
21 has regained competency or is not competent and unlikely to become competent in
22 the remaining commitment period, the court shall hold a hearing within 14 days of
23 receipt of the report and the court shall proceed under sub. (4). If the court
24 determines that the defendant has become competent, the defendant shall be
25 discharged from commitment and the criminal proceeding shall be resumed. If the

1 court determines that the defendant is making sufficient progress toward becoming
2 competent, the commitment shall continue.

3 **SECTION 3875.** 971.17 (3) (e) of the statutes is amended to read:

4 **971.17 (3) (e)** An order for conditional release places the person in the custody
5 and control of the department of health and family services. A conditionally released
6 person is subject to the conditions set by the court and to the rules of the department
7 of health and family services. Before a person is conditionally released by the court
8 under this subsection, the court shall so notify the municipal police department and
9 county sheriff for the area where the person will be residing. The notification
10 requirement under this paragraph does not apply if a municipal department or
11 county sheriff submits to the court a written statement waiving the right to be
12 notified. If the department of health and family services alleges that a released
13 person has violated any condition or rule, or that the safety of the person or others
14 requires that conditional release be revoked, he or she may be taken into custody
15 under the rules of the department. The department of health and family services
16 shall submit a statement showing probable cause of the detention and a petition to
17 revoke the order for conditional release to the committing court and the regional
18 office of the state public defender responsible for handling cases in the county where
19 the committing court is located within 48 72 hours after the detention, excluding
20 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30
21 days, unless the hearing or time deadline is waived by the detained person. Pending
22 the revocation hearing, the department of health and family services may detain the
23 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state
24 has the burden of proving by clear and convincing evidence that any rule or condition
25 of release has been violated, or that the safety of the person or others requires that

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1 conditional release be revoked. If the court determines after hearing that any rule
2 or condition of release has been violated, or that the safety of the person or others
3 requires that conditional release be revoked, it may revoke the order for conditional
4 release and order that the released person be placed in an appropriate institution
5 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
6 released under this section.

7 **SECTION 3876.** 971.23 (10) of the statutes is amended to read:

8 **971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT**
9 **DEFENDANTS.** When the state public defender or a private attorney appointed under
10 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable
11 under this section, the state public defender shall pay any fee charged for the
12 photocopies copies from the appropriation under s. 20.550 (1) (f). If the person
13 providing photocopies copies under this section charges the state public defender a
14 fee for the photocopies copies, the fee may not exceed the actual, necessary, and direct
15 cost of photocopying providing the copies.

16 **SECTION 3877.** 973.01 (4) of the statutes is amended to read:

17 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
18 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
19 confinement in prison portion of the sentence without reduction for good behavior.
20 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
21 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
22 304.06 (1) (b), or 973.195 (1r).

23 **SECTION 3878.** 973.01 (7) of the statutes is amended to read:

24 **973.01 (7) NO DISCHARGE.** The department of corrections may not discharge a
25 person who is serving a bifurcated sentence from custody, control and supervision

1 until the person has served the entire bifurcated sentence, except as provided in s.
2 304.06 (1) (b).

3 **SECTION 3879.** 973.017 (2) (a) and (10) of the statutes are amended to read:

4 973.017 (2) (a) If the offense is a felony, the sentencing guidelines adopted
5 submitted in the report by the sentencing commission truth-in-sentencing phase II
6 council under s. 973.30 16.015 or, if the sentencing commission truth-in-sentencing
7 phase II council has not adopted submitted a guideline for the offense, any applicable
8 temporary sentencing guideline adopted by the sentencing commission created
9 under 2001 Wisconsin Act 109, or if the sentencing commission did not adopt a
10 guideline for the offense, any applicable temporary sentencing guideline adopted by
11 the criminal penalties study committee created under 1997 Wisconsin Act 283.

12 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement
13 under sub. (2) (a) that a court consider sentencing guidelines submitted in the report
14 by the truth-in-sentencing phase II council or adopted by the sentencing
15 commission or the criminal penalties study committee does not require a court to
16 make a sentencing decision that is within any range or consistent with a
17 recommendation specified in the guidelines, and there is no right to appeal a court's
18 sentencing decision based on the court's decision to depart in any way from any
19 guideline.

20 **SECTION 3880.** 973.045 (1) (intro.) of the statutes is amended to read:

21 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
22 sentence or places a person on probation, the court shall impose a crime victim and
23 witness assistance surcharge calculated as follows:

24 **SECTION 3881.** 973.045 (1m) of the statutes is repealed and recreated to read:

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1 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable
2 by a forfeiture.

3 (b) If all of the following apply, the court shall impose a crime victim and witness
4 assistance surcharge in addition to any forfeiture that it imposes:

5 1. The person is charged with one or more crimes in a complaint.

6 2. As a result of the complaint being amended, the person is charged with a civil
7 offense in lieu of one of those crimes.

8 3. The court finds that the person committed that civil offense on or after the
9 effective date of this subdivision [revisor inserts date].

10 (c) The amount of the surcharge imposed under par. (b) shall be the amount
11 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
12 of the amendment under par. (b) 2. was a misdemeanor or a felony.

13 SECTION 3882. 973.045 (1r) (b) of the statutes is created to read:

14 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
15 shall be allocated to part A.

16 SECTION 3883. 973.045 (2m) of the statutes is created to read:

17 973.045 (2m) The secretary of administration shall credit part A of the crime
18 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
19 part B to the appropriation account under s. 20.455 (5) (gc).

20 SECTION 3884. 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a),
21 and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

22 973.045 (1r) (a) (intro.) The clerk shall record the any crime victim and witness
23 surcharge imposed under sub. (1) in 2 parts. Part A is the portion that the secretary
24 of administration shall credit to the appropriation account under s. 20.455 (5) (g) and

1 ~~part B is the portion that the secretary of administration shall credit to the~~
2 ~~appropriation account under s. 20.455 (5) (ge), as follows:~~

3 **SECTION 3885.** 973.05 (2m) (r) of the statutes is amended to read:

4 973.05 (2m) (r) To payment of the enforcement surcharge under s. ~~253.06~~ 49.17
5 (4) (c) until paid in full.

6 **SECTION 3886.** 973.055 (3) of the statutes is amended to read:

7 973.055 (3) All moneys collected from domestic abuse surcharges shall be
8 deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and
9 utilized in accordance with s. ~~46.95~~ 49.165.

10 **SECTION 3887.** 973.09 (1) (b) of the statutes is amended to read:

11 973.09 (1) (b) If the court places the person on probation, the court shall order
12 the person to pay restitution under s. 973.20, unless the court finds there is
13 substantial reason not to order restitution as a condition of probation. If the court
14 does not require restitution to be paid to a victim, the court shall state its reason on
15 the record. If the court does require restitution, it shall notify the department of
16 justice of its decision if the victim may be eligible for compensation under subch. I
17 of ch. 949.

18 **SECTION 3888.** 973.195 (1g) of the statutes is repealed.

19 **SECTION 3889.** 973.195 (1r) (a) of the statutes is amended to read:

20 973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01
21 for a crime other than a Class B Class C to Class E felony may petition the sentencing
22 court to adjust the sentence if the inmate has served at least the applicable
23 percentage 85 percent of the term of confinement in prison portion of the sentence.
24 If an inmate is subject to more than one sentence imposed under this section, the

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1 sentences shall be treated individually for purposes of sentence adjustment under
2 this subsection.

3 **SECTION 3890.** 973.195 (1r) (d) of the statutes is amended to read:

4 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for
5 an offense under s. 940.225 (2) or (3), 948.02 (2), 948.08, or 948.085, and the district
6 attorney does not object to the petition within 10 days of receiving notice under par.
7 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the
8 inmate's petition. The notice to the victim shall include information on the sentence
9 adjustment petition process under this subsection, including information on how to
10 object to the inmate's petition. If the victim objects to adjustment of the inmate's
11 sentence within 45 days of the date on which the district attorney received notice
12 under par. (c), the court shall deny the inmate's petition.

13 **SECTION 3891.** 973.20 (9) (a) of the statutes is amended to read:

14 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for
15 any loss arising out of a criminal act, the state is subrogated to the rights of the victim
16 to any restitution required by the court. The rights of the state are subordinate to
17 the claims of victims who have suffered a loss arising out of the offenses or any
18 transaction which is part of the same continuous scheme of criminal activity.

19 **SECTION 3892.** 973.20 (9) (b) of the statutes is amended to read:

20 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an
21 award has been made under subch. I of ch. 949 and if the department of justice is
22 subrogated to the cause of action under s. 949.15. If the restitution ordered is less
23 than or equal to the award under subch. I of ch. 949, the restitution shall be paid only
24 to the general fund credited to the appropriation account under s. 20.455 (5) (hh).
25 If the restitution ordered is greater than the award under subch. I of ch. 949, the

1 ~~the~~ ~~general fund shall receive~~ an amount equal to the award under subch. I of ch. 949
2 shall be credited to the appropriation account under s. 20.455 (5) (hh) and the balance
3 shall be paid to the victim.

4 **SECTION 3893.** 973.30 (title) of the statutes is repealed.

5 **SECTION 3894.** 973.30 (1) (intro.) of the statutes is repealed.

6 **SECTION 3895.** 973.30 (1) (a) of the statutes is repealed.

7 **SECTION 3896.** 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

8 **SECTION 3897.** 973.30 (1) (c) of the statutes is repealed.

9 **SECTION 3898.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

10 **SECTION 3899.** 973.30 (1) (e) of the statutes is repealed.

11 **SECTION 3900.** 973.30 (1) (f) of the statutes is repealed.

12 **SECTION 3901.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

13 **SECTION 3902.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

14 **SECTION 3903.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

15 **SECTION 3904.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

16 **SECTION 3905.** 973.30 (2) of the statutes is repealed.

17 **SECTION 3906.** 973.30 (3) of the statutes is repealed.

18 **SECTION 3907.** 974.07 (4) (b) of the statutes is amended to read:

19 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing
20 addresses from completed information cards submitted by victims under ss. 51.37
21 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
22 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,
23 the parole earned release review commission, and the department of health and
24 family services shall, upon request, assist clerks of court in obtaining information

1 regarding the mailing address of victims for the purpose of sending copies of motions
2 and notices of hearings under par. (a).

3 **SECTION 3908.** 976.03 (23) (c) of the statutes is amended to read:

4 976.03 (23) (c) The application shall be verified by affidavit, shall be executed
5 in duplicate and shall be accompanied by 2 certified copies of the indictment
6 returned, or information and affidavit filed, or of the complaint made to a judge,
7 stating the offense with which the accused is charged, or of the judgment of
8 conviction or of the sentence. The prosecuting officer, parole earned release review
9 commission, warden or sheriff may also attach such further affidavits and other
10 documents in duplicate as he, she or it deems proper to be submitted with the
11 application. One copy of the application, with the action of the governor indicated
12 by endorsement thereon, and one of the certified copies of the indictment, complaint,
13 information and affidavits, or of the judgment of conviction or of the sentence shall
14 be filed in the office of the governor to remain of record in that office. The other copies
15 of all papers shall be forwarded with the governor's requisition.

16 **SECTION 3909.** 977.02 (2m) of the statutes is amended to read:

17 977.02 (2m) Promulgate rules regarding eligibility for legal services under this
18 chapter, including legal services for children persons who are entitled to be
19 represented by counsel without a determination of indigency, as provided in s. 48.23
20 (4), 51.60, 55.105, or 938.23 (4).

21 **SECTION 3910.** 977.02 (3) of the statutes is amended to read:

22 977.02 (3) Promulgate rules regarding the determination of indigency of
23 persons entitled to be represented by counsel, other than children persons who are
24 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23,

1 including the time period in which the determination must be made and the criteria
2 to be used to determine indigency and partial indigency.

3 **SECTION 3911.** 977.05 (4) (gm) of the statutes is amended to read:

4 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
5 referrals from judges and courts for the provision of legal services without a
6 determination of indigency of children persons who are entitled to be represented by
7 counsel under s. 48.23, 51.60, 55.105, or 938.23, appoint counsel in accordance with
8 contracts and policies of the board, and inform the referring judge or court of the
9 name and address of the specific attorney who has been assigned to the case.

10 **SECTION 3912.** 977.05 (4) (h) of the statutes is amended to read:

11 977.05 (4) (h) Accept requests for legal services from children persons who are
12 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23 and
13 from indigent persons who are entitled to be represented by counsel under s. 967.06
14 or who are otherwise so entitled under the constitution or laws of the United States
15 or this state and provide such persons with legal services when, in the discretion of
16 the state public defender, such provision of legal services is appropriate.

17 **SECTION 3913.** 977.05 (4) (i) 8. of the statutes is amended to read:

18 977.05 (4) (i) 8. Cases involving individuals who are subject to petitions for
19 protective placement or involuntary administration of psychotropic medication
20 under ch. 55.

21 **SECTION 3914.** 977.06 (2) (a) of the statutes is amended to read:

22 977.06 (2) (a) A person seeking to have counsel assigned for him or her under
23 s. 977.08, other than a child person who is entitled to be represented by counsel under
24 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has
25 not disposed of any assets for the purpose of qualifying for that assignment of

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1 counsel. If the representative or authority making the indigency determination
2 finds that any asset was disposed of for less than its fair market value for the purpose
3 of obtaining that assignment of counsel, the asset shall be counted under s. 977.07
4 (2) at its fair market value at the time it was disposed of, minus the amount of
5 compensation received for the asset.

6 **SECTION 3915.** 977.06 (2) (am) of the statutes is amended to read:

7 977.06 (2) (am) A person seeking to have counsel assigned for him or her under
8 s. 977.08, other than a child person who is entitled to be represented by counsel under
9 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that the
10 information that he or she has given to determine eligibility for assignment of
11 counsel he or she believes to be true and that he or she is informed that he or she is
12 subject to the penalty under par. (b).

13 **SECTION 3916.** 977.06 (4) (bm) of the statutes is amended to read:

14 977.06 (4) (bm) In response to a request for information under s. 49.22 (2m)
15 made by the department of workforce development children and families or a county
16 child support agency under s. 59.53 (5), the state public defender shall provide the
17 name and address of an individual, the name and address of the individual's
18 employer and financial information related to the individual, if the name, address
19 or financial information is included in any statement, affidavit or other information
20 provided by the individual regarding financial eligibility under s. 977.07 and if, at
21 the time the request for information is made, the individual is represented by the
22 state public defender or by counsel assigned under s. 977.08.

23 **SECTION 3917.** 977.07 (1) (a) of the statutes is amended to read:

24 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
25 be made as soon as possible and shall be in accordance with the rules promulgated

1 by the board under s. 977.02 (3) and the system established under s. 977.06. No
2 determination of indigency is required for a child person who is entitled to be
3 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23.

4 **SECTION 3918.** 977.07 (1) (c) of the statutes is amended to read:

5 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)
6 and 974.07 (11), except a referral of a child person who is entitled to be represented
7 by counsel under s. 48.23, 51.60, 55.105, or 938.23, a representative of the state
8 public defender shall determine indigency. For referrals made under ss. 809.107,
9 809.30 and 974.06 (3) (b), except a referral of a child person who is entitled to be
10 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, the representative
11 of the state public defender may, unless a request for redetermination has been filed
12 under s. 809.30 (2) (d) or the person's request for representation states that his or her
13 financial circumstances have materially improved, rely upon a determination of
14 indigency made for purposes of trial representation under this section.

15 **SECTION 3919.** 977.075 (1g) of the statutes is created to read:

16 977.075 (1g) In this section, "client responsible for payment" means a client of
17 the state public defender other than a client entitled to legal representation without
18 a determination of indigency.

19 **SECTION 3920.** 977.075 (3) of the statutes is amended to read:

20 977.075 (3) The board shall establish by rule a fee schedule that sets the
21 amount that a person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2)
22 (b), who is client responsible for payment for legal representation shall pay for the
23 cost of the legal representation if the person client does not pay the applicable
24 discount fee under sub. (3m). The schedule shall establish a fee for a given type of

1 case, and the fee for a given type of case shall be based on the average cost, as
2 determined by the board, for representation for that type of case.

3 **SECTION 3921.** 977.075 (3m) of the statutes is amended to read:

4 977.075 (3m) The board shall establish by rule a fee schedule that sets the
5 discount amount that a ~~person, other than a parent~~ subject to s. 48.275 (2) (b) or
6 938.275 (2) (b), who is client responsible for payment for legal representation, may
7 pay during a time period established by rule instead of paying the applicable fee
8 under sub. (3). The fee schedule shall establish a discount fee for each type of case
9 included in the schedule under sub. (3). If a ~~person~~ client responsible for payment
10 pays the applicable discount fee within the time period established under this
11 section, the ~~person~~ client may not be held liable for any additional payment for
12 counsel.

13 **SECTION 3922.** 977.075 (4) of the statutes is created to read:

14 977.075 (4) The board shall establish by rule a fee schedule that sets the
15 maximum amount that a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b) shall pay
16 as reimbursement for legal services and sets the maximum amount that a person
17 subject to s. 51.605 or 55.107 shall pay as reimbursement for legal services. The
18 maximum amounts under this subsection shall be based on the average cost, as
19 determined by the board, for each applicable type of case.

20 **SECTION 3923.** 977.08 (1) of the statutes is amended to read:

21 977.08 (1) If the representative or the authority for indigency determinations
22 specified under s. 977.07 (1) refers a case to or within the office of the state public
23 defender or if a case is referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4), the
24 state public defender shall assign counsel according to subs. (3) and (4). If a

1 defendant makes a request for change of attorney assignment, the change of attorney
2 must be approved by the circuit court.

3 **SECTION 3924.** 977.08 (2) (intro.) of the statutes is amended to read:

4 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the
5 state public defender that a set of lists is being prepared of attorneys willing to
6 represent children persons referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4)
7 and indigent clients in the following:

8 **SECTION 3925.** 977.08 (2) (d) of the statutes is repealed.

9 **SECTION 3926.** 977.085 (3) of the statutes is amended to read:

10 977.085 (3) The board shall provide quarterly reports to the joint committee
11 on finance on the status of reimbursement for or recoupment of payments under ss.
12 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076,
13 including the amount of revenue generated by reimbursement and recoupment. The
14 quarterly reports shall include any alternative means suggested by the board to
15 improve reimbursement and recoupment procedures and to increase the amount of
16 revenue generated. The department of justice, district attorneys, circuit courts and
17 applicable county agencies shall cooperate by providing any necessary information
18 to the state public defender.

19 **SECTION 3927.** 978.05 (4m) of the statutes is amended to read:

20 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments
21 of ~~workforce development~~ children and families and health and family services
22 regarding the fraud investigation programs under ss. 49.197 (1m) and 49.845 (1).

23 **SECTION 3928.** 980.036 (10) of the statutes is amended to read:

24 980.036 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT
25 RESPONDENTS. When the state public defender or a private attorney appointed under

1 s. 977.08 requests photocopies copies, in any format, of any item that is discoverable
2 under this section, the state public defender shall pay any fee charged for the
3 photocopies copies from the appropriation under s. 20.550 (1) (a). If the person
4 providing photocopies copies under this section charges the state public defender a
5 fee for the photocopies copies, the fee may not exceed the actual, necessary, and,
6 direct cost of photocopying providing the copies.

7 **SECTION 3929.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,
8 is renumbered 980.08 (9) (a).

9 **SECTION 3930.** 980.08 (9) (b) of the statutes is created to read:

10 980.08 (9) (b) The department of corrections may contract for the escort
11 services under par. (a).

12 **SECTION 3931.** 985.01 (1g) of the statutes is amended to read:

13 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
14 includes a family long-term care district board under s. 46.2895.

15 **SECTION 3932.** 985.01 (3) of the statutes is amended to read:

16 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a
17 family long-term care district under s. 46.2895.

18 **SECTION 3933.** 995.12 (5) (a) of the statutes is amended to read:

19 995.12 (5) (a) *License revocation and civil penalty.* Upon a determination that
20 a distributor has violated sub. (2) (c), the department may revoke ~~or suspend~~ the
21 license of the distributor in the manner provided under s. 139.44 (4) and (7). Each
22 stamp affixed and each sale of cigarettes or offer or possession to sell cigarettes in
23 violation of sub. (2) (c) shall constitute a separate violation. For each violation the
24 department may also impose a forfeiture in an amount not to exceed the greater of
25 500% of the retail value of the cigarettes or \$5,000.

1 **SECTION 3934.** 995.67 (1) (a) of the statutes is amended to read:

2 995.67 (1) (a) "Domestic abuse" has the meaning given in s. ~~46.95~~ 49.165 (1)
3 (a).

4 **SECTION 3935.** 2003 Wisconsin Act 33, section 9159 (4f) is repealed.

5 **SECTION 3936.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c) is amended
6 to read:

7 [2005 Wisconsin Act 25] Section 9101 (4) (b) ~~the secretary~~ The department of
8 administration ~~shall submit a report to the secretary of the building commission~~
9 ~~containing an inventory of his or her recommendations to offer specified state~~
10 ~~properties may offer any parcel of state-owned real property for sale under in~~
11 accordance with section 16.848 of the statutes, as created by this act, if the property
12 is eligible for sale under that section and this subsection. If the department of
13 administration receives an offer to purchase the property, the secretary of
14 administration may submit a report to the secretary of the building commission
15 recommending acceptance of the offer. The report shall contain a description of the
16 property and the reasons therefor. A property may be included in the inventory for
17 the recommendation. The secretary of administration may recommend the sale of
18 a property with or without approval of the state agency having jurisdiction of the
19 property. If, during the period on or before June 30, 2007, or the period beginning
20 on the effective date of this paragraph and ending on June 30, 2009, the building
21 commission votes to approve the sale of any offer to purchase the property included
22 in the inventory, the department of administration may offer sell the property for sale
23 under section 16.848 of the statutes, as created by this act.

1 (c) This subsection does not apply during the period beginning after June 30,
2 2007 and ending the day before the effective date of this paragraph, nor during the
3 period after June 30, 2009.

4 **SECTION 3937.** 2005 Wisconsin Act 25, section 9152 (5) is amended to read:

5 [2005 Wisconsin Act 25] Section 9152 (5) SALE OF REAL PROPERTY. If the Board
6 of Regents of the University of Wisconsin System sells any real property under its
7 jurisdiction during the period prior to July 1, 2007, and the period beginning on the
8 effective date of this subsection and ending on June 30, 2009, the board shall credit
9 the net proceeds of the sale to the appropriation account under section 20.285 (1) (iz)
10 of the statutes, as affected by this act, except that if there is any outstanding public
11 debt used to finance the acquisition, construction, or improvement of any property
12 that is sold, the board shall deposit a sufficient amount of the net proceeds from the
13 sale of the property in the bond security and redemption fund under section 18.09
14 of the statutes to repay the principal and pay the interest on the debt, and any
15 premium due upon refunding any of the debt. If the property was acquired,
16 constructed, or improved with federal financial assistance, the board shall pay to the
17 federal government any of the net proceeds required by federal law. If the property
18 was acquired by gift or grant or acquired with gift or grant funds, the board shall
19 adhere to any restriction governing use of the proceeds.

20 **SECTION 9101. Nonstatutory provisions; Administration.**

21 (1) HEALTH CARE QUALITY AND PATIENT SAFETY COUNCIL MEMBERSHIP.
22 Notwithstanding the length of terms specified in section 15.197 (6) (intro.) of the
23 statutes, as created by this act, the initial terms of the members specified in section
24 15.197 (6) (d) to (f) of the statutes, as created by this act, shall expire on July 1, 2009,

1 and the initial terms of the members specified in section 15.197 (6) (g) to (i) of the
2 statutes, as created by this act, shall expire on July 1, 2011.

3 (2) EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION. On the effective date
4 of this subsection, all incumbent employees holding positions having responsibility
5 for administering energy conservation and efficiency and renewable resource
6 programs under section 16.957 of the statutes, as determined by the secretary of
7 administration, are transferred to the public service commission. The employees
8 transferred under this subsection have all the rights and the same status under
9 subchapter V of chapter 111 and chapter 230 of the statutes in the public service
10 commission that they enjoyed in the department of administration immediately
11 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
12 so transferred who has attained permanent status in class is required to serve a
13 probationary period.

14 (3) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the
15 county that has the highest violent crime rate, as reported by the office of justice
16 assistance, shall submit an application to the office of justice assistance for a grant
17 under section 16.964 (2) (b) of the statutes. Upon approval of the county's grant
18 application, the office of justice assistance shall from the appropriation under section
19 20.505 (6) (b) of the statutes, as affected by this act, award \$250,000 to the county
20 for the calendar year beginning January 1, 2008, and \$500,000 for the the calendar
21 year beginning January 1, 2009.

22 (4) ASSESS, INFORM, AND MEASURE GRANT.

23 (a) By December 1, 2007, the county that has the highest violent crime rate, as
24 reported by the office of justice assistance, shall submit a plan to the office of justice
25 assistance for conducting presentencing assessments for the purpose of providing

1 courts information for sentencing decisions. The plan shall include all of the
2 following components:

3 1. Identification of a target group of offenders from among persons who are
4 convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall
5 assess.

6 2. Assessment of persons in the target group to determine the risk that they
7 will commit further crimes, their needs that are directly related to criminal behavior,
8 the likelihood that they will respond positively to community-based treatment for
9 the assessed needs, as well as an assessment of the availability of community-based
10 treatment programs to serve the offenders.

11 3. Collection and dissemination of information relating to the accuracy of
12 assessments performed, the value and usefulness of information contained in the
13 assessment reports for purposes of making sentencing decisions, the effectiveness of
14 community-based treatment programs in addressing the assessed needs of
15 offenders, and the effect of the treatment programs with respect to recidivism.

16 4. Annual evaluation of the plan.

17 (b) Upon approval of a county plan submitted under paragraph (a), the office
18 of justice assistance shall from the appropriation under section 20.505 (6) (b) of the
19 statutes, as affected by this act, award the county \$250,000 for the calendar year
20 beginning January 1, 2008, and \$500,000 for the calendar year beginning January
21 1, 2009, to perform presentencing assessments of offenders. At least 50 percent of
22 the assessments performed by a county with funding provided under this subsection
23 shall be of persons subject to sentencing in connection with a felony.

24 (5) YOUTH DIVERSION GRANT REDUCTIONS.

1 (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the
2 statutes, as affected by this act, the office of justice assistance in the department of
3 administration shall reduce the amount of money allocated under section 16.964 (8)
4 (a) of the statutes, as affected by this act, by \$6,000 in fiscal year 2007-08.

5 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the
6 statutes, as affected by this act, the office of justice assistance in the department of
7 administration shall reduce the amount of money allocated for each of the 4 contracts
8 that are funded with moneys from the appropriation accounts under section 20.505
9 (6) (d) of the statutes, as affected by this act, by \$7,500 in fiscal year 2007-08 and
10 shall reduce the amount of money allocated for the contract that is funded only with
11 moneys from the appropriation account under section 20.505 (6) (kj) of the statutes,
12 as affected by this act, by \$5,000 in fiscal year 2007-08.

13 (6) DISTRICT ATTORNEY CASE MANAGEMENT PROCESSES. From the appropriation
14 under section 20.505 (6) (a) of the statutes, the office of justice assistance shall
15 provide \$25,000 during the 2007-08 fiscal year to the Milwaukee County District
16 Attorney office to assist in the development of case management processes.

17 **SECTION 9102. Nonstatutory provisions; Aging and Long-Term Care**
18 **Board.**

19 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
20 **Consumer Protection.**

21 **SECTION 9104. Nonstatutory provisions; Arts Board.**

22 **SECTION 9105. Nonstatutory provisions; Building Commission.**

23 **SECTION 9106. Nonstatutory provisions; Child Abuse and Neglect**
24 **Prevention Board.**

25 **SECTION 9107. Nonstatutory provisions; Circuit Courts.**

1 **SECTION 9108. Nonstatutory provisions; Commerce.**

2 (1) BUDGET INFORMATION; SURPLUS TRANSFER. Notwithstanding section 16.42 (1)
3 (e) of the statutes, in submitting information under section 16.42 of the statutes for
4 the purposes of the 2009-11 biennial budget bill, the department of commerce shall
5 submit a dollar amount for the appropriation under section 20.143 (2) (b) of the
6 statutes as though the amount appropriated to the department of commerce in fiscal
7 year 2008-09 under section 20.143 (2) (b) of the statutes is \$2,000,000.

8 (2) GRANT FOR CELLULOSIC ETHANOL PLANT. Notwithstanding section 560.126 of
9 the statutes, as created by this act, the department of commerce shall award grants
10 totaling not more than \$5,000,000 from the appropriation under section 20.143 (1)
11 (tm) of the statutes, as created by this act, to a person who plans to construct a
12 cellulosic ethanol plant in this state, if all of the following apply:

13 (a) The person submits a plan to the department specifying the proposed use
14 of the grant and the secretary of commerce approves the plan.

15 (b) The department enters into a written agreement with the person that
16 specifies the conditions for the use of the grant, including reporting and auditing
17 requirements.

18 (c) The person agrees in writing to submit to the department, within 6 months
19 after spending the grant proceeds, a report detailing how the grant proceeds were
20 spent.

21 **SECTION 9109. Nonstatutory provisions; Corrections.**

22 (1) YOUTH DIVERSION PROGRAM TRANSFER.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of corrections that are primarily related to the youth
25 diversion from gang activities program under section 301.265, 2005 stats., as

1 determined by the secretary of administration, shall become the assets and liabilities
2 of the department of administration.

3 (b) *Positions and employees.* On the effective date of this paragraph, all
4 positions and all incumbent employees holding those positions in the department of
5 corrections performing duties that are primarily related to the youth division from
6 gang activities program under section 301.265, 2005 stats., as determined by the
7 secretary of administration, are transferred to the department of administration.

8 (c) *Employee status.* Employees transferred under paragraph (b) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of administration that they enjoyed in the department
11 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
12 of the statutes, no employee so transferred who has attained permanent status in
13 class is required to serve a probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of corrections that
16 is primarily related to the youth diversion from gang activities program under
17 section 301.265, 2005 stats., as determined by the secretary of administration, is
18 transferred to the department of administration.

19 (e) *Pending matters.* Any matter pending with the department of corrections
20 on the effective date of this paragraph that is primarily related to the youth diversion
21 from gang activities program under section 301.265, 2005 stats., as determined by
22 the secretary of administration, is transferred to the department of administration.
23 All materials submitted to or actions taken by the department of corrections with
24 respect to the pending matter are considered as having been submitted to or taken
25 by the department of administration.

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1 (f) *Contracts.* All contracts entered into by the department of corrections in
2 effect on the effective date of this paragraph that are primarily related to the youth
3 diversion from gang activities program under section 301.265, 2005 stats., as
4 determined by the secretary of administration, remain in effect and are transferred
5 to the department of administration. The department of administration shall carry
6 out any obligations under those contracts unless modified or rescinded by the
7 department of administration to the extent allowed under the contract.

8 (g) *Rules and orders.* All rules promulgated by the department of corrections
9 in effect on the effective date of this paragraph that are primarily related to the youth
10 diversion from gang activities program under section 301.265, 2005 stats., remain
11 in effect until their specified expiration dates or until amended or repealed by the
12 department of administration. All orders issued by the department of corrections in
13 effect on the effective date of this paragraph that are primarily related to the youth
14 diversion from gang activities program under section 301.265, 2005 stats., remain
15 in effect until their specified expiration dates or until modified or rescinded by the
16 department of administration.

17 (1) **FUNDING FOR CERTAIN COMMUNITY REINTEGRATION SERVICES.** From the
18 appropriation under section 20.410 (1) (d) of the statutes, the department of
19 corrections shall provide \$500,000 during the 2007-08 fiscal year and \$500,000
20 during the 2008-09 fiscal year to New Hope Project, Inc., for transitional
21 employment services.

SECTION 9110. Nonstatutory provisions; Court of Appeals.**SECTION 9111. Nonstatutory provisions; District Attorneys.**

24 (1) **PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY.** From the appropriation
25 account under section 20.505 (6) (p) of the statutes the department of administration

1 shall expend a dollar amount determined by the department of administration and
2 and from the appropriation account under section 20.455 (2) (kp) of the statutes the
3 department of justice shall expend a dollar amount determined by the department
4 of administration in each year of the 2007-09 fiscal biennium to provide the
5 multijurisdictional enforcement group serving Milwaukee County funding for 2.0
6 district attorney PR positions to prosecute criminal violations of chapter 961 of the
7 statutes.

8 (2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From the appropriation account
9 under section 20.505 (6) (p) of the statutes the department of administration shall
10 expend a dollar amount determined by the department of administration and from
11 the appropriation account under section 20.455 (2) (kp) of the statutes the
12 department of justice shall expend a dollar amount determined by the department
13 of administration in each year of the 2007-09 fiscal biennium to provide the
14 multijurisdictional enforcement group serving Dane County funding for 0.75 district
15 attorney PR position to prosecute criminal violations of chapter 961 of the statutes.

16 (3) PROSECUTION OF DRUG CRIMES; ST. CROIX COUNTY. From the appropriation
17 account under section 20.455 (2) (kp) of the statutes the department of justice shall
18 expend a dollar amount determined by the department of administration in each
19 year of the 2007-09 fiscal biennium to provide the multijurisdictional enforcement
20 group serving St. Croix County funding for 1.0 district attorney PR position to
21 prosecute criminal violations of chapter 961 of the statutes.

22 **SECTION 9112. Nonstatutory provisions; Educational Communications**
23 **Board.**

24 **SECTION 9113. Nonstatutory provisions; Elections Board.**

25 **SECTION 9114. Nonstatutory provisions; Employee Trust Funds.**

1 **SECTION 9115. Nonstatutory provisions; Employment Relations**
2 **Commission.**

3 **SECTION 9116. Nonstatutory provisions; Ethics Board.**

4 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

5 **SECTION 9118. Nonstatutory provisions; Fox River Navigational**
6 **System Authority.**

7 **SECTION 9119. Nonstatutory provisions; Governor.**

8 **SECTION 9120. Nonstatutory provisions; Health and Educational**
9 **Facilities Authority.**

10 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

11 (1) **BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY**
12 **RETARDED.** Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
13 the department of health and family services is not required to calculate the amount
14 of the bed assessment for intermediate care facilities for the mentally retarded under
15 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year
16 2007-08 until October 1, 2007, or the first day of the 3rd month beginning after the
17 effective date of this subsection, whichever is later.

18 (2) **TRANSFER OF COUNCIL ON DEVELOPMENTAL DISABILITIES.**

19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the department of health and family services primarily related to the
21 council on developmental disabilities, as determined by the secretary of
22 administration, shall become the assets and liabilities of the department of
23 administration.

24 (b) *Employee transfers.* All incumbent employees holding positions in the
25 department of health and family services performing duties primarily related to the

1 functions of the council on developmental disabilities, as determined by the secretary
2 of administration, are transferred on the effective date of this paragraph to the
3 department of administration.

4 (c) *Employee status.* Employees transferred under paragraph (b) have all the
5 rights and the same status under subchapter V of chapter 111 and under chapter 230
6 of the statutes in the department of administration that they enjoyed in the
7 department of health and family services immediately before the transfer.
8 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
9 has attained permanent status in class is required to serve a probationary period.

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of health and family
12 services that is primarily related to the functions of the council on developmental
13 disabilities, as determined by the secretary of administration, is transferred to the
14 department of administration.

15 (e) *Contracts.*

16 1. All contracts entered into by the council on developmental disabilities in
17 effect on the effective date of this paragraph remain in effect and are transferred to
18 the council on developmental disabilities in the department of administration. The
19 council on developmental disabilities shall carry out any obligations under such a
20 contract until the contract expires or is modified or rescinded by the council on
21 developmental disabilities to the extent allowed under the contract.

22 2. All contracts entered into by the department of health and family services
23 in effect on the effective date of this paragraph that are primarily related to the
24 functions of the council on developmental disabilities, as determined by the secretary
25 of administration, remain in effect and are transferred to the department of

1 administration. The department of administration shall carry out any obligations
2 under such a contract until the contract is modified or rescinded by the department
3 of administration to the extent allowed under the contract.

4 (3) LICENSED ADULT FAMILY HOME FEES; RULES. The department of health and
5 family services shall submit in proper form the rules required under section 50.033
6 (2) of the statutes, as affected by this act, to the legislative council staff under section
7 227.15 (1) of the statutes no later than November 1, 2007.

8 (4) COMMUNITY-BASED RESIDENTIAL FACILITY FEES; RULES. The department of
9 health and family services shall submit in proper form the rules required under
10 section 50.037 (2) (a) of the statutes, as affected by this act, to the legislative council
11 staff under section 227.15 (1) of the statutes no later than November 1, 2007.

12 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
13 Notwithstanding section 16.54 (12) (a) of the statutes, as affected by this act, and
14 section 46.46 (1) and (2) of the statutes, in fiscal year 2007-08 the department of
15 health and family services may expend not more than \$500,000 in moneys received
16 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, in fiscal
17 year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care
18 placements of Indian children by tribal courts. The department of health and family
19 services may expend moneys under this subsection only if that department
20 determines in light of overall child welfare needs and after paying federal
21 disallowances under section 20.435 (8) (mm) of the statutes, as affected by this act,
22 that there are sufficient moneys in the appropriation accounts under section 20.435
23 (8) (mb) and (mm) of the statutes, as affected by this act, to expend for that purpose.

24 (5) TRANSFER TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of health and family services that are primarily related
3 to the functions of the division of children and family services in that department,
4 to the child abuse and neglect prevention program under section 46.515, 2005 stats.,
5 to the food distribution and hunger prevention programs under section 46.75, 2005
6 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
7 supplemental food program under section 253.06, 2005 stats., as determined by the
8 secretary of administration, shall become the assets and liabilities of the department
9 of children and families.

10 (b) *Employee transfers.*

11 1. The classified positions, and incumbent employees holding positions, in the
12 department of health and family services relating primarily to the functions of the
13 division of children and family services in that department, to the child abuse and
14 neglect prevention program under section 46.515, 2005 stats., to the food
15 distribution and hunger prevention programs under section 46.75, 2005 stats.,
16 section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
17 supplemental food program under section 253.06, 2005 stats., as determined by the
18 secretary of administration, are transferred to the department of children and
19 families.

20 2. The classified positions, and incumbent employees holding positions, in the
21 department of health and family services relating primarily to general
22 administration and program support that the secretary of administration
23 determines should be transferred to the department of children and families are
24 transferred to that department. Upon determination of these employees, the
25 secretary of health and family services shall, by October 1, 2007, and in conjunction

1 with the secretary of workforce development, submit a plan to the secretary of
2 administration requesting the transfer of moneys between the general purpose
3 revenue appropriations for the departments of health and family services and
4 workforce development and the department of children and families, between the
5 program revenue appropriations for the departments of health and family services
6 and workforce development and the department of children and families, between
7 the program revenue-service appropriations for the departments of health and
8 family services and workforce development and the department of children and
9 families, between the appropriations of given segregated funds for the departments
10 of health and family services and workforce development and the department of
11 children and families, and between the federal revenue appropriations for the
12 departments of health and family services and workforce development and the
13 department of children and families, if necessary to adjust previously allocated costs
14 in accordance with the transfer of personnel.

15 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
16 same rights and status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of children and families that they enjoyed in the
18 department of health and family services immediately before the transfer.
19 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the department of health and family
23 services that is primarily related to the functions of the division of children and
24 family services in that department, to the child abuse and neglect prevention
25 program under section 46.515, 2005 stats., to the food distribution and hunger

1 prevention programs under section 46.75, 2005 stats., section 46.76, 2005 stats., and
2 section 46.77, 2005 stats., and to the state supplemental food program under section
3 253.06, 2005 stats., as determined by the secretary of administration, shall be
4 transferred to the department of children and families.

5 (e) *Contracts.* All contracts entered into by the department of health and family
6 services in effect on the effective date of this paragraph that are primarily related
7 to the functions of the division of children and family services in that department,
8 to the child abuse and neglect prevention program under section 46.515, 2005 stats.,
9 to the food distribution and hunger prevention programs under section 46.75, 2005
10 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
11 supplemental food program under section 253.06, 2005 stats., as determined by the
12 secretary of administration, remain in effect and are transferred to the department
13 of children and families. The department of children and families shall carry out any
14 such contractual obligations unless modified or rescinded by the department of
15 children and families to the extent allowed under the contract.

16 (f) *Rules and orders.* All rules promulgated by the department of health and
17 family services that are primarily related to the functions of the division of children
18 and family services in that department, to the child abuse and neglect prevention
19 program under section 46.515, 2005 stats., to the food distribution and hunger
20 prevention programs under section 46.75, 2005 stats., section 46.76, 2005 stats., and
21 section 46.77, 2005 stats., and to the state supplemental food program under section
22 253.06, 2005 stats., as determined by the secretary of administration, and that are
23 in effect on the effective date of this paragraph remain in effect until their specified
24 expiration dates or until amended or repealed by the department of children and
25 families. All orders issued by the department of health and family services that are

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1 primarily related to the functions of the division of children and family services in
2 that department, to the child abuse and neglect prevention program under section
3 46.515, 2005 stats., to the food distribution and hunger prevention programs under
4 section 46.75, 2005 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats.,
5 and to the state supplemental food program under section 253.06, 2005 stats., as
6 determined by the secretary of administration, and that are in effect on the effective
7 date of this paragraph remain in effect until their specified expiration dates or until
8 modified or rescinded by the department of children and families.

9 (6) **AGENCY NAME CHANGE.**

10 (a) Wherever the term "health and family services" appears in the statutes, as
11 affected by the acts of 2007, the term "health services" is substituted.

12 (b) Beginning on July 1, 2008, the department of health services has the powers
13 and duties granted or assigned the department of health and family services by
14 SECTIONS 9101 to 9155 of this act that do not terminate before paragraph (a) takes
15 effect. Beginning on July 1, 2008, the secretary of health services has the powers and
16 duties granted or assigned the secretary of health and family services by SECTIONS
17 9101 to 9155 of this act that do not terminate before paragraph (a) takes effect.

18 **SECTION 9122. Nonstatutory provisions; Higher Educational Aids**
19 **Board.**

20 (1) **WISCONSIN COVENANT SCHOLARS PROGRAM.**

21 (a) *Rules.* The higher educational aids board shall submit in proposed form the
22 rules required under section 39.437 (5) of the statutes, as created by this act, to the
23 legislative council staff under section 227.15 (1) of the statutes no later than the first
24 day of the 18th month beginning after the effective date of this paragraph.