



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4446/P2 /
ALL:ALL:ch

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steps

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Turn off
atty. numbers.

Now

Gen. Cont.

1 AN ACT to repeal 16.54 (11m), 100.207 (6) (em), 118.43 (2) (br) 3., 118.43 (2) (f),
2 165.25 (4) (ar), 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),
3 939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,
4 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.195
5 (6), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23
6 (1m), 943.23 (1r), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5),
7 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6.,
8 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41
9 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41 (3g) (a)
10 2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48
11 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3.; to
12 **renumber** 100.207 (title) and (1) to (5), 351.07 (2) (a) and 961.49 (1); to
13 **renumber and amend** 49.95 (1), 100.171, 100.173, 100.174, 100.175, 100.177,
14 100.205, 100.206, 100.207 (6) (b), (c), (e) and (f), 100.209, 100.28, 100.50, 100.51,
15 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm)

1 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 971.17 (1),
2 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); *to amend* 6.18, 11.61 (1) (a),
3 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 15.01 (2), 15.13, 20.115 (1)
4 (hm), 20.255 (2) (cu), 20.370 (5) (bx), 20.370 (6) (bu), 20.455 (1) (hm), 20.455 (2)
5 (r), 20.566 (2) (r), 20.566 (8) (b), 20.566 (8) (c), 20.566 (8) (q), 20.566 (8) (r), 20.566
6 (8) (v), 20.625 (1) (d), 20.835 (2) (dn), 20.835 (2) (q), 20.835 (5) (a), 20.866 (1) (u),
7 20.866 (2) (s), 20.866 (2) (ta), 20.866 (2) (zd), 23.0917 (3) (dm) 1., 23.0917 (3) (dm)
8 2., 23.0917 (4) (d) 1., 23.0917 (4) (d) 2., 23.0917 (4) (d) 3., 23.33 (13) (cg), 26.14
9 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g)
10 (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 40.51 (8), 40.51 (8m),
11 46.034 (3), 46.215 (2) (c) 1., 46.215 (2) (c) 3., 46.22 (1) (am), 46.22 (1) (e) 3. a.,
12 46.22 (1) (e) 3. c., 46.27 (11) (c) 3., 46.283 (5), 46.284 (5) (a), 46.40 (1) (a), 46.40
13 (2), 46.40 (3), 46.40 (7m), 46.45 (2) (a), 46.45 (3) (a), 46.45 (6), 46.495 (1) (am),
14 46.495 (1) (d), 46.495 (1) (dc), 47.03 (3) (d), 48.355 (2d) (b) 3., 48.415 (9m) (b) 2.,
15 48.417 (1) (d), 48.57 (3p) (g) 2., 48.685 (5) (bm) 2., 48.685 (5) (bm) 3., 48.685 (5)
16 (bm) 4., 49.127 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141
17 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a),
18 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 51.15 (12), 51.423 (1), 51.423
19 (2), 51.423 (4), 51.423 (9), 55.06 (11) (am), 60.23 (24), 60.23 (25), 66.184, 66.4025
20 (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.07 (9) (b) 4., 71.83 (2)
21 (b), 79.01 (1), 79.03 (3c) (f), 79.03 (4), 79.058 (3) (c), 79.13 (2) (a), 79.13 (2) (b),
22 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.178 (1) (c), 100.178 (4),
23 100.178 (7), 100.18 (8), 100.18 (11) (d), 100.182 (5) (a), 100.182 (5) (b), 100.2095
24 (6) (b), 100.2095 (6) (c), 100.2095 (6) (d), 100.21 (3) (a), 100.26 (1), 100.26 (2),
25 100.26 (5), 100.26 (6), 100.26 (7), 100.264 (2) (intro.), 100.264 (3), 101.143 (10)

1 (b), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225
2 (18), 110.07 (5) (a), 111.91 (2) (n), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a),
3 118.43 (2) (a), 118.43 (3) (intro.), 118.43 (5) (b), 118.43 (6) (b) 7., 118.43 (6) (b)
4 8., 120.13 (2) (g), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b),
5 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1)
6 (intro.), 134.205 (4), 134.58, 134.71 (12), 134.95 (2), 134.95 (3), 134.99 (1),
7 136.03 (title), 136.03 (1) (intro.), 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8)
8 (c), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a),
9 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2),
10 181.0129 (2), 185.825, 185.981 (4t), 185.983 (1) (intro.), 196.219 (3) (n), 200.09
11 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625
12 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b),
13 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.03 (3), 301.035
14 (2), 301.035 (4), 301.26 (3) (c), 301.26 (4) (a), 301.26 (4) (cm) 1., 301.26 (6) (a),
15 301.26 (7) (a) (intro.), 301.26 (8), 301.46 (5) (a) (intro.), 302.095 (2), 302.11 (1g)
16 (a) 2., 302.11 (1p), 302.113 (2), 302.113 (3) (a) (intro.), 302.113 (7), 302.113 (9),
17 302.114 (3) (a) (intro.), 302.114 (5) (f), 302.114 (6) (b), 302.114 (6) (c), 302.114 (9),
18 302.33 (1), 302.43, 303.065 (1) (b) 1., 303.08 (1) (intro.), 303.08 (2), 303.08 (5)
19 (intro.), 303.08 (6), 303.08 (12), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06
20 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3),
21 343.31 (1) (i), 343.31 (3) (d) (intro.), 343.44 (2) (b) (intro.), 344.48 (2), 344.576
22 (3) (a) 5., 344.576 (3) (c), 344.579 (2) (intro.), 346.17 (3) (a), 346.17 (3) (b), 346.17
23 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4)
24 (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5),
25 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11

1 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13
2 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 618.41 (6m), 631.01 (1) (b),
3 631.01 (4m), 632.18, 641.19 (4) (a), 641.19 (4) (b), 704.90 (11) (title), 704.90 (11)
4 (a), 704.90 (11) (b), 707.49 (4), 707.55 (10), 707.57 (2), 707.57 (3), 753.061 (2m),
5 758.19 (5) (b) (intro.), 758.19 (5) (b) 1., 765.30 (1) (intro.), 765.30 (2) (intro.),
6 768.07, 779.93 (title), 779.93 (1), 779.93 (2) (intro.), 783.07, 801.50 (5), 814.04
7 (intro.), 814.245 (2) (d), 911.01 (4) (c), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m)
8 (b) 1., 938.355 (2d) (b) 3., 938.355 (4) (b), 938.78 (3), 939.22 (21) (d), 939.30 (1),
9 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50
10 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1)
11 (c), 939.62 (2m) (a) 2m. a., 939.62 (2m) (a) 2m. b., 939.632 (1) (e) 1., 939.632 (2),
12 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04
13 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2),
14 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15
15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.),
16 940.195 (2), 940.195 (4), 940.195 (5), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20
17 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20 (6) (b) (intro.), 940.20 (7)
18 (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2)
19 (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23
20 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.),
21 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2.,
22 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3)
23 (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.),
24 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.), 940.32 (2m), 940.32 (3) (intro.),
25 940.32 (3m) (intro.), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1),

1 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a),
2 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26
3 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298
4 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32,
5 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b)
6 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 943.01 (2)
7 (intro.), 943.01 (2) (d), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.),
8 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2) (d), 943.017
9 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07
10 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (a), 943.20 (3) (b),
11 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3)
12 (d) 4., 943.201 (2), 943.205 (3), 943.21 (3) (a), 943.21 (3) (b), 943.23 (1g), 943.23
13 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (1), 943.24 (2), 943.25 (1), 943.25
14 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1),
15 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.),
16 943.32 (2), 943.34 (1) (a), 943.34 (1) (b), 943.34 (1) (c), 943.38 (1) (intro.), 943.38
17 (2), 943.39 (intro.), 943.395 (2) (a), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b),
18 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46
19 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.50 (4) (a), 943.50 (4) (b),
20 943.50 (4) (c), 943.60 (1), 943.61 (5) (b), 943.61 (5) (c), 943.62 (4) (b), 943.62 (4)
21 (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3., 943.70 (2) (b) 4., 943.70 (3) (b) 2., 943.70
22 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 944.05 (1) (intro.), 944.06, 944.16 (intro.),
23 944.205 (2) (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34
24 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.),
25 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.),

1 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1)
2 (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3)
3 (intro.), 946.425 (1), 946.425 (1m) (b), 946.425 (1r) (b), 946.43 (intro.), 946.44 (1)
4 (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b),
5 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68
6 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1),
7 946.74 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t), 947.013 (1v),
8 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b),
9 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03
10 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055
11 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.08, 948.095 (2)
12 (intro.), 948.11 (2) (a), 948.11 (2) (am), 948.12 (intro.), 948.13 (2), 948.20, 948.21
13 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.),
14 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51
15 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b),
16 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 950.04 (1v) (g), 951.18
17 (1), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b),
18 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4.,
19 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41
20 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e)
21 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41
22 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g)
23 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3.,
24 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m) (b),
25 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m)

1 (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m)
2 (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m)
3 (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m)
4 (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m)
5 (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m)
6 (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j),
7 961.41 (1n) (c), 961.41 (1q), 961.41 (1r), 961.41 (2) (intro.), 961.41 (2) (a), 961.41
8 (2) (b), 961.41 (2) (d), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g)
9 (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (1), 961.455 (3), 961.472
10 (2), 961.48 (2m) (a), 961.48 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3),
11 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 971.365 (1) (c), 971.365 (2), 973.01 (1),
12 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01
13 (2) (b) 4., 973.01 (2) (b) 5., 973.01 (4), 973.01 (5), 973.0135 (1) (b) 2., 973.03 (3)
14 (e) 1. and 2., 973.032 (4) (c) 2., 973.075 (1) (b) 1m. e., 973.075 (2) (d), 973.09 (2)
15 (b) 1., 977.06 (2) (b) and 978.13 (1) (c); **to repeal and recreate** 20.866 (1) (u),
16 46.45 (2) (a) and 944.15 (title); **to create** 13.48 (31), 13.525, 15.105 (26), 18.13
17 (4g), 19.42 (10) (o), 19.42 (13) (n), 20.410 (3) (ce), 20.410 (3) (cf), 20.435 (3) (fp),
18 20.435 (4) (bv), 20.435 (4) (j), 20.435 (7) (ba), 20.435 (7) (bb), 20.505 (4) (dr),
19 20.505 (4) (mr), 20.866 (2) (zbL), 20.867 (3) (bm), 20.923 (4) (b) 7., 20.923 (6) (hr),
20 46.40 (2g), 46.766, 49.688, 49.95 (1) (e) and (f), 59.25 (3) (rm), 79.058 (3) (d),
21 79.13 (2) (c), 100.18 (11) (b) 1., 118.43 (2) (bt), 118.43 (2) (g), 118.43 (3) (at),
22 118.43 (6) (b) 7m., 118.43 (6) (b) 8m., 118.43 (6) (b) 9., 125.075 (2) (b), 165.07,
23 165.075, 165.076, 230.08 (2) (L) 6., 230.08 (2) (of), 301.03 (3a), 301.26 (7) (k),
24 301.26 (7m), 301.46 (2s), 302.113 (7m), 302.113 (8m), 302.113 (9) (am), 302.113
25 (9) (d), 302.113 (9g), 302.114 (8m), 302.114 (9) (d), 346.04 (2t), 346.04 (4), 346.17

1 (2t), 609.88, 632.895 (14), 758.19 (8), 801.50 (5c), 895.10, 939.32 (1) (bm), 939.32
2 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g),
3 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50
4 (3) (i), 940.09 (1c), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm), 943.50 (4) (bm),
5 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a),
6 948.51 (3) (c), 948.62 (1) (bm), 950.04 (1v) (nt), 961.41 (1) (cm) 1g., 961.41 (1) (h)
7 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5.,
8 961.41 (3g) (b) (title), 961.48 (1) (a) and (b), 971.17 (1) (b), 971.17 (1) (d), 973.01
9 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (c) 2.,
10 973.01 (2) (d) 1. to 6., 973.01 (7m), 973.017, 973.031, 973.09 (6), 973.15 (2) (am),
11 973.30 and 977.05 (4) (jm) of the statutes; and *to affect* 1997 Wisconsin Act 283,
12 section 454 (1) (f), 1997 Wisconsin Act 283, section 454 (2) and 1999 Wisconsin
13 Act 9, section 9443 (24e); **relating to:** an agreement between the state and
14 tobacco product manufacturers; classification and elements of felony offenses
15 and certain misdemeanor offenses; modification of a bifurcated sentence in
16 certain cases; revocation of extended supervision; the creation of a sentencing
17 commission and temporary sentencing guidelines; legislative procedure for
18 criminal penalties bills; assistant district attorney positions for certain
19 counties; releasing information from the sex offender registry to school district
20 administrators and parents, guardians and legal custodians of children;
21 achievement guarantee contracts; authorizing digital television conversion
22 projects; funding for gaming law enforcement operations, general program
23 operations of the state lottery, lottery retailer compensation, lottery vendor
24 fees, the farmland tax relief credit, costs of administration, administration of
25 the lottery and gaming credit; prescription drug assistance for elderly persons;

1 funding for the badger care health care program; funding for food pantries;
2 requiring insurance coverage of certain immunizations for children; creating
3 an office of public intervenor in the department of justice; bonding authority
4 under the Warren Knowles-Gaylord Nelson stewardship 2000 program;
5 shared revenue payments to counties and municipalities, circuit court support
6 payments, financial assistance for local recycling programs, community aids,
7 youth aids; transferring certain consumer protection functions performed by
8 the department of agriculture, trade and consumer protection to the
9 department of justice; the composition of the board of agriculture, trade and
10 consumer protection; distribution of national forest income payments from the
11 federal government; restoring the school property tax rent credit, granting
12 bonding authority; granting rule-making authority; ~~making an appropriation~~
13 making appropriations; and providing penalties.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM 4424/2 ***

CORRECTIONAL SYSTEM AND CRIME

PROBATION, EXTENDED SUPERVISION AND PAROLE

The bill requires the department of corrections (DOC) to take steps to promote the increased effectiveness of probation, extended supervision and parole in Brown, Dane, Kenosha, Milwaukee, Racine and Rock counties. In each of these counties, DOC must, beginning on January 1, 2001, develop a partnership with the community, have strategies for local crime prevention, supervise offenders actively, commit additional resources to enhance supervision and purchase services for offenders, establish day reporting centers and ensure that probation, extended supervision and parole agents, on average, supervise no more than 20 persons on probation, extended supervision or parole.

PENALTIES AND SENTENCING

Effective December 31, 1999, 1997 Wisconsin Act 283 (often called the "truth in sentencing" act) changed felony penalties and created a new structure for sentences for felony offenses. Also created in 1997 Wisconsin Act 283, was a criminal penalties study committee, which was directed to study various issues related to the implementation of the act, make recommendations based on its study and submit a

report concerning its study and recommendations. The report was to include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

This bill incorporates virtually all of the statutory changes proposed by the committee. It also includes certain other provisions that were not part of the legislation proposed by the committee. The rest of this analysis contains a general description of sentencing provisions in effect for crimes committed before December 31, 1999, the changes made by 1997 Wisconsin Act 283 and some of the most significant changes contained in this bill.

Felony penalties

Current law provides various penalties for felonies, which are crimes punishable by imprisonment of more than one year. Before December 31, 1999, virtually every felony created in the criminal code was put in one of six classes (Class A, B, BC, C, D or E), with each class having a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For other classified felonies committed before December 31, 1999, the maximum terms of imprisonment are as follows:

Class B	40 years
Class BC	20 years
Class C	10 years
Class D	5 years
Class E	2 years

1997 Wisconsin Act 283 increased these maximum terms of imprisonment for felonies committed on or after December 31, 1999. The maximum terms of imprisonment for the classes of felonies under 1997 Wisconsin Act 283 are as follows:

Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000. 1997 Wisconsin Act 283 did not change the maximum fines for any of the classified felonies.

1997 Wisconsin Act 283 also increased the maximum terms of imprisonment for all unclassified felony offenses committed on or after December 31, 1999, in part to provide additional time to be used for the imposition of extended supervision under the new bifurcated sentencing law (see below, ***The structure of felony sentences***, item 2). The terms of imprisonment were increased by 50% or one year, whichever was greater. Thus, under 1997 Wisconsin Act 283, a maximum term of imprisonment of one year was increased to two years of imprisonment, while a maximum term of imprisonment of five years was increased to seven years and six months. 1997

Wisconsin Act 283 did not change any maximum fine provided for any unclassified felony.

This bill makes the following changes to penalties for offenses committed on or after the effective date:

1. *New felony classes.* The bill expands the number of felony classes from six to nine and, except for Class A and Class B felonies, creates new maximum terms of imprisonment and new maximum fines. The felony classes under the bill and their respective maximum terms of imprisonment and maximum fines are as follows:

<u>Class of Felony</u>	<u>Maximum Imprisonment</u>	<u>Maximum Fine</u>
Class A	Life imprisonment	Not applicable
Class B	60 years	Not applicable
Class C	40 years	\$100,000
Class D	25 years	\$100,000
Class E	15 years	\$50,000
Class F	12 years, 6 months	\$25,000
Class G	10 years	\$25,000
Class H	6 years	\$10,000
Class I	3 years, 6 months	\$10,000

2. *Classification of felonies.* The bill places felony offenses that are classified under current law into the new felony classes, with the exception of a few classified felony offenses that are reduced to misdemeanor offenses. In addition, the bill places unclassified felony offenses into the new felony classes, with the exception of certain unclassified felony offenses that are reduced to misdemeanor offenses and offenses that are felonies only because of the application of a penalty enhancer.

As a general rule, the bill places a felony offense into a felony class based on the amount of time that a person who is given a maximum sentence for the offense under current law would serve in prison before being released on parole under the mandatory release law (see below, *The structure of felony sentences*, item 1). However, in some cases a felony is placed in a higher or lower felony class than the one based on the current mandatory release date for a maximum sentence under current law. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

3. *Changes in property offenses.* This bill changes penalties for certain crimes against property. Under current law, the penalties for certain crimes against property (such as theft, criminal damage to property, receiving stolen property, issuing worthless checks and various kinds of fraud) are based on the value of the property stolen, damaged or otherwise involved in the offense. Generally, the current threshold between misdemeanor and felony penalties for these crimes is \$1,000. Thus, if the value of the property involved is \$1,000 or less, the crime is a misdemeanor. If the value of the property involved is more than \$1,000, the crime is a felony. This bill increases the threshold between misdemeanor and felony

penalties to \$2,000 for property crimes cases in which the penalty depends on the value of the property involved in the offense.

4. *Felony murder.* Under current law, a person commits felony murder if he or she causes the death of another while committing or attempting to commit certain felonies (such as sexual assault, arson or armed robbery). If a person commits felony murder, the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 20 years. This bill provides that the maximum period of imprisonment for the felony the person committed or attempted to commit is increased by not more 15 years.

5. *Changes to the crime of carjacking.* Under current law, a person is guilty of carjacking if he or she intentionally takes any vehicle without the consent of the owner while possessing a dangerous weapon and by using or threatening the use of force or the weapon against another. This bill classifies every carjacking offense as a Class C felony, including an offense resulting in a person's death (currently a Class A felony), and adds carjacking to the list of offenses subject to the felony murder statute (see item 4 above, *Felony murder*).

6. *Increase in certain misdemeanor penalties.* The bill increases penalties for a few misdemeanor offenses by classifying them as felony offenses. The misdemeanor offenses that are changed to felony offenses by the bill (and the classification into which the offense is placed) are as follows:

- a) Stalking (Class I felony).
- b) Criminal damage to railroad property (Class I felony).
- c) Possession of a firearm in a school zone (Class I felony).
- d) Discharge of a firearm in a school zone (Class G felony).

7. *Elimination of certain minimum penalty provisions.* Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all. This bill eliminates both mandatory and presumptive minimum prison sentences for felony offenses, except for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, *Sentences of life imprisonment*), and the persistent repeater penalty enhancers (often called the "three strikes, you're out" and "two strikes, you're out" laws), which require a sentence of life imprisonment without possibility of release. In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

8. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and armor-piercing bullet while committing another crime or violating conditions of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also

imposes new requirements relating to bifurcated sentences and sentences imposed for crimes committed before December 31, 1999, that are ordered to run consecutively to each other (see below, *The structure of felony sentences*, item 3-C).

Penalty enhancers

Current law contains various penalty enhancers that allow the penalties for a crime to be increased if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon, committing a crime while wearing a bulletproof garment, committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin or ancestry (the “hate crime” enhancer), committing certain violent crimes against an elder person and committing certain sex crimes while infected with a sexually transmitted disease. Current law also provides for penalty enhancers that may be triggered by the defendant’s status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals (persons who commit a crime after having been previously convicted of a crime) and for persons responsible for the welfare of a child who commit certain crimes against the child.

The bill retains the current penalty enhancers for: 1) habitual criminals; 2) using a dangerous weapon in the commission of a crime; 3) committing a violent crime in a school zone; 4) committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; 5) committing a “hate crime”; 6) distributing a controlled substance to a person under the age of 17; and 7) distributing a controlled substance within 1,000 feet of a school, park, correctional institution or certain other facilities. The remaining penalty enhancers contained in current law are eliminated and are instead included in a list of aggravating factors that must be considered by a court when sentencing a person.

In addition, under current law, if a person violates certain prohibitions relating to operating a motor vehicle while intoxicated and, at the time of the offense, a child under the age of 16 is in the vehicle, the penalties for the offense double. This bill retains this penalty enhancer for most of the offenses involving operating a motor vehicle while intoxicated, but the bill eliminates the enhancer for the crimes of homicide by intoxicated use of a vehicle and injury by intoxicated use of a vehicle.

The structure of felony sentences (other than life sentences)

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person committed a felony before December 31, 1999, and is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding). However, the person could be subject to more restrictive discretionary parole eligibility provisions or to restrictions on mandatory release under certain

circumstances (for example, if the person has one or more prior convictions for certain serious felonies).

2. *The structure of prison sentences for felony offenses committed on or after December 31, 1999.* Under 1997 Wisconsin Act 283, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision (called “extended supervision”). The offender is not eligible for parole. A bifurcated sentence imposed under 1997 Wisconsin Act 283 must be structured as follows:

A) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

B) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, ten years for a Class C felony, five years for a Class D felony, or two years for a Class E felony. If the person is being sentenced to prison for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

C) The term of extended supervision must equal at least 25% of the length of the term of confinement in prison. For example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentences the person to the maximum allowable 40-year term of confinement in prison, the term of extended supervision would have to be at least ten years. There is no limit on the length of the term of extended supervision, other than the limit that results from the requirements that the term of confinement in prison portion of a bifurcated sentence be at least one year and that the total bifurcated sentence not exceed the maximum term of imprisonment specified by law for the crime.

During the term of extended supervision, the person is subject to supervision by DOC and is subject to conditions set by both the court and DOC. If a person violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision, the person’s extended supervision may be revoked in an administrative proceeding and the person may be returned to serve a period of time in prison. The length of time for which the person is returned to prison is determined by an administrative law judge or, if the person waives a revocation hearing, by DOC.

3. *The changes made by this bill.* This bill makes the following changes relating to the imposition of bifurcated sentences:

A) Like 1997 Wisconsin Act 283 did for the current law felony classes, the bill establishes maximum terms of confinement in prison for the new felony classes. Unlike 1997 Wisconsin Act 283, the bill also establishes a maximum amount of extended supervision that a court can impose for classified felonies. The maximum term of confinement in prison and the maximum term of extended supervision for each classified felony is as follows:

<u>Class of Felony</u>	<u>Maximum Term of Confinement in Prison</u>	<u>Maximum Term of Extended Supervision</u>
Class B	40 years	20 years
Class C	25 years	15 years
Class D	15 years	10 years
Class E	10 years	5 years
Class F	7 years, 6 months	5 years
Class G	5 years	5 years
Class H	3 years	3 years
Class I	1 year, 6 months	2 years

B) Under the bill, when a court is imposing a bifurcated sentence it must consider any advisory sentencing guidelines for the offense adopted by the sentencing commission (see below, *Sentencing commission*) or, if the sentencing commission has not adopted guidelines for the offense, the temporary advisory guidelines adopted by the criminal penalties study committee in its report under 1997 Wisconsin Act 283. In addition, the bill requires the sentencing court to consider any applicable mitigating and aggravating circumstances. The bill includes a partial list of aggravating circumstances that a court must consider. The list incorporates the provisions of current penalty enhancers that are being eliminated by the bill (see above, *Penalty enhancers*).

C) Under the bill, when a court imposes a bifurcated sentence on a person who is also subject to a prison sentence for a crime committed before December 31, 1999 (an indeterminate sentence), the court must specify all of the following: 1) whether the confinement in prison portion of the bifurcated sentence is to run concurrently with or consecutively to the imprisonment portion of the indeterminate sentence; and 2) whether the period of parole under the indeterminate sentence is to run concurrently with or consecutively to the term of extended supervision portion of the bifurcated sentence. The court must also make the same specifications when imposing an indeterminate sentence on a person who is also subject to a bifurcated sentence.

D) The bill allows DOC to take custody of a person who is on extended supervision in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that the or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail.

E) The bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to

prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison.

F) The bill creates a procedure by which DOC or a person on extended supervision may petition a court to modify the conditions of extended supervision set by the court. The court may hold a hearing on a petition to modify extended supervision and may grant the petition if it determines that the requested modification would meet the needs of DOC and the public and would be consistent with the objectives of the person's bifurcated sentence.

G) The bill creates a procedure by which certain older prisoners who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence. The procedure is available to prisoners who are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence and to prisoners who are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence.

Under the procedure, the prisoner files a petition with the prison's program review committee, which may then refer the petition to the sentencing court if it finds that the public interest would be served by a modification of the prisoner's bifurcated sentence. If a petition is referred to a sentencing court, the court must determine whether the public interest would be served by a modification of the prisoner's bifurcated sentence. The victim of the prisoner's crime has a right to provide a statement concerning the modification of the sentence.

If the court decides that the public interest would be served by such a modification, the court must modify the sentence by: 1) reducing the term of confinement in prison portion of the sentence to a number that provides for the release of the prisoner to extended supervision; and 2) increasing the term of extended supervision of the prisoner by the same number, so that the total length of the bifurcated sentence does not change.

H) The bill clarifies that, if a misdemeanor offender may be sentenced to prison because of the application of a sentence enhancer and the court decides to sentence the person to prison, the court must impose a bifurcated sentence. In sentencing a person to prison in such a case, the term of confinement in prison portion of the sentence may not constitute more than 75% of the total bifurcated sentence.

Sentences of life imprisonment

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a court may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. No person serving a life sentence of any kind is entitled to mandatory release on parole.

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the court sentencing

the person to life imprisonment must do one of the following: 1) provide that the person is eligible for release to extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (see above, *The structure of felony sentences*, item 2-C), may have his or her extended supervision revoked in an administrative proceeding and be returned to prison if he or she violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill allows DOC to take custody of a person who is on extended supervision under a life sentence in order to investigate an alleged violation of a condition of extended supervision. The bill also provides that, if a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may, as a sanction for the violation, confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail. In addition, the bill changes the procedure for revoking extended supervision by requiring that a court determine how long to send a person back to prison after his or her extended supervision is revoked. Under the bill, DOC or the administrative law judge who made the revocation decision must make a recommendation to the court concerning the amount of time for which the person should be returned to prison. The court then reviews the recommendation and makes the final decision as to the amount of time for which the person is returned to prison. Both the recommendation and the court's final decision must provide for the person to be returned to prison for at least five years.

Court-ordered drug treatment

The bill provides a new sentencing option of court-ordered drug treatment. Under this new option, if a court imposes a sentence or places a person on probation for any offense committed on or after July 1, 2000, the court may order the person to participate in a drug treatment program as a condition of probation or, in the case of a person given a bifurcated sentence, while the person is in prison or as a condition of extended supervision or both. The court may also require DOC to pay for the cost of the court-ordered drug treatment.

Basis for sentencing decisions; modification and review of sentencing decisions

The bill requires a sentencing court to make explicit findings of fact on the record to support each element of its sentencing decision, including its decision as to whether to impose a bifurcated sentence or to place a person on probation and its

decision as to the length of a bifurcated sentence, including the length of each component of the bifurcated sentence, the amount of a fine and the length of a term of probation.

In addition, the bill requires the director of state courts (director) to promulgate rules that establish a procedure by which a sentencing court may modify a bifurcated sentence and that specify the factors that a court may consider when deciding whether to modify a bifurcated sentence. The rules must provide that a court may modify a bifurcated sentence on its own motion, on a motion of DOC or on a motion of the person serving the sentence. The rules must also provide that a court and DOC may make a motion to modify a bifurcated sentence at any time and that a person serving a bifurcated sentence may make a motion to modify the bifurcated sentence that he or she is serving if at least 12 months have elapsed since the bifurcated sentence was imposed or since the most recent motion to modify the person's bifurcated sentence was made. If a court modifies a bifurcated sentence under the procedure established by the director, the court may do so only by reducing the term of confinement in prison portion of the sentence and lengthening the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

Finally, the bill provides that in an appeal from a court's sentencing decision, the appellate court that is reviewing the sentencing decision must reverse the sentencing decision if it determines that there is not substantial evidence in the record to support the sentencing decision.

Sentencing commission

The bill creates a sentencing commission (commission) consisting of 17 voting members and three nonvoting members, all of whom serve three year terms. (The membership of the commission under the bill differs slightly from the membership proposed by the criminal penalties study committee.) Under the bill, the commission is responsible for studying sentencing practices throughout the state. Using the information it obtains, the commission must adopt advisory sentencing guidelines for use by judges when imposing sentences for felonies committed on or after December 31, 1999. The commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, the legislature. In addition, the commission must study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, the legislature and the supreme court. The duties of the commission end on December 31, 2004.

JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES

The Wisconsin Constitution permits each house of the legislature to establish the rules of its own proceedings. Under the current rules, each house generally refers a bill that relates primarily to criminal law to a standing committee responsible for considering legislation in that area before the bill is considered by the full body.

This bill creates a joint review committee on criminal penalties (joint committee). Under the bill, if a bill that is introduced creates a new crime or revises a penalty for an existing crime and is referred to a standing committee in the house

in which it is introduced, the chairperson of the standing committee may request that the joint committee prepare a report regarding the following: 1) the costs or savings that will result from the bill; 2) the consistency of the bill with existing criminal penalties; 3) alternative language needed to conform the penalties in the bill to existing criminal penalties; and 4) whether acts prohibited under the bill are prohibited under existing criminal statutes. The standing committee may not vote on whether to recommend the bill for passage nor may the bill be passed by the house in which it is introduced before the joint committee submits its report or before 30 days after the report is requested, whichever is earlier.

The joint committee consists of one majority party and one minority party member from each house, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges and two gubernatorial appointees, one of whom shall have law enforcement experience and one of whom shall be an elected county official. The joint committee may hold hearings to assist it in preparing its reports.

(The bill's provisions regarding the joint committee were not part of the legislation proposed by the criminal penalties study committee.)

DISTRICT ATTORNEYS

Assistant district attorney positions

Under current law, the state pays for the salaries and various benefits for district attorneys, deputy district attorneys, assistant district attorneys and other state employees of the district attorney's office. This bill adds the following assistant district attorney positions to the following counties, effective July 1, 2000: 0.25 position for Adams County; 1.0 position for Burnett County; 0.25 position for Chippewa County; 0.5 position for Columbia County; 2.5 positions for Dane County; 0.25 position for Jefferson County; 0.5 position for Kenosha County; 0.5 position for LaCrosse County; 1.0 position for Manitowoc County; 1.0 position for Marathon County; 7.0 positions for Milwaukee County; 0.5 position for Oneida County; 0.5 position for Outagamie County; 1.0 position for Polk County; 0.5 position for Portage County; 0.75 position for Rock County; 1.0 position for Sauk County, to serve Marquette and Sauk counties; 0.5 position for Sheboygan County; and 1.25 positions for Winnebago County. (The bill's provisions regarding assistant district attorney positions were not part of the legislation proposed by the criminal penalties study committee.)

***** ANALYSIS FROM 4428/1 *****

SEX OFFENDER REGISTRY

Under current law, with certain exceptions, a person must register as a sex offender if he or she has been convicted of certain sex offenses, found not guilty of certain sex offenses by reason of mental disease or defect or adjudicated delinquent on the basis of certain sex offenses. The sex offender registry is maintained by DOC and contains specific information about persons required to register, including information concerning the person's offense, the person's address and place of employment and the name and location of any school in which the person is enrolled.

A person registered as a sex offender must also provide updated information to DOC if the information originally provided to the registry changes.

Generally, the information in the sex offender registry is confidential. However, when a person first registers as a sex offender or when a registered sex offender updates information in the registry, DOC must make the information available to local law enforcement agencies. If the person registering as a sex offender is being released into the community from custody in prison or some other secure institution and the person has been convicted of a sex offense on two or more separate occasions or has been found to be a sexually violent person, the agency releasing the person (either DOC or the department of health and family services (DHFS), depending on the reason the person was in custody) must provide a special written bulletin to law enforcement agencies in the communities in which the person will be living, working or going to school. The special bulletin must notify the law enforcement agencies that the person is being released and must provide them with the information in the sex offender registry concerning the person and with any other information that DOC or DHFS determines is necessary to assist law enforcement officers or to protect the public.

A local law enforcement agency may in turn release information from the registry that it has received from DOC or DHFS (other than information concerning children who are required to register and information concerning juvenile adjudications for sex offenses) if the local law enforcement agency believes that release of the information is necessary to protect to the public. In addition, DOC may release certain information from the registry to specified community organizations, including public and private elementary and secondary schools, and to members of the general public if an organization or a member of the general public requests the information.

This bill creates a new method by which a parent, guardian or legal custodian of a child may request information from the sex offender registry concerning registered sex offenders who are subject to special bulletin notification because they have been convicted of a sex offense on two or more separate occasions or have been found to be a sexually violent person. Under the bill, a parent, guardian or legal custodian of a child may request the information under any of the following situations:

1. If the child is enrolled in a public school, the parent, guardian or legal custodian may ask the school district administrator for the information.

2. If the child is enrolled in a private school, the parent, guardian or legal custodian may ask for the information from the school district administrator of the school district in which the child resides or the school district administrator of the school district in which the private school is located.

3. If a parent, guardian or legal custodian of a child intends to move to a new residence that is located in a different school district or intends to enroll his or her child in a private school, the parent, guardian or legal custodian may ask for the information from the school district administrator of the school district in which the new residence is located or the school district administrator of the school district in which the private school is located.

When a school district administrator receives a request from a parent, guardian or legal custodian for information concerning registered sex offenders who are subject to special bulletin notification, the school district administrator must in turn request information concerning the persons from the police chief of the community in which the school district is located or the sheriff of the county in which the school district is located. Upon receiving a request from a school district administrator, the police chief or sheriff must immediately provide in writing to the school district administrator information concerning each person who is residing, employed or attending school in the community or county and about whom the police chief or sheriff has received a special bulletin notification. The information that the police chief or sheriff must provide includes the name and address of the person who is registered as a sex offender, the offense the person committed, the person's place of employment and the location of any school the person is attending. The information provided will include information about children who are required to register as sex offenders and information concerning juvenile adjudications for sex offenses. Upon receiving the information from the police chief or sheriff, the school district administrator must provide the information to the parent, guardian or legal custodian who asked the school district administrator for the information.

~~*** ANALYSIS FROM 4442/1 ***~~

COURTS AND PROCEDURE

TOBACCO PRODUCT MANUFACTURERS

On November 23, 1998, Wisconsin and other states agreed to a settlement of lawsuits brought against the major U.S. tobacco product manufacturers, the "master settlement agreement". As part of that agreement, each state may enact model legislation that would affect tobacco product manufacturers that did not originally join in the master settlement agreement. This bill enacts the model legislation in Wisconsin. Under this bill, a tobacco product manufacturer that sells cigarettes in this state is given the choice of joining in the master settlement agreement and performing the obligations under that agreement or placing money into an escrow fund, based on the number of cigarettes sold each year. The amount of money to be placed into escrow per cigarette increases each year until the year 2007, when the amount is \$.0188482. The amount paid into escrow, under the bill, is intended to ensure that tobacco product manufacturers that do not participate in the master settlement agreement have funds available to satisfy judgments on the types of claims that were asserted in the state's tobacco lawsuit. Under the bill, any interest in money in the escrow account accrues to the tobacco product manufacturer that put the money into escrow and any money remaining in the escrow account after 25 years is returned to the tobacco product manufacturer that put the money into escrow.

The bill permits the attorney general to bring a civil action against a tobacco product manufacturer that fails to put money into escrow as required. If a court finds that a tobacco product manufacturer failed to place the money into escrow, the bill permits the court to impose a penalty of up to 5% of the amount improperly withheld from escrow for each day of the violation, up to 100% of the amount improperly withheld. If the court finds that a tobacco product manufacturer knowingly failed to place the money into escrow, the bill permits the court to impose a penalty of up

to 15% of the amount improperly withheld from escrow for each day of the violation, up to 300% of the amount improperly withheld. The bill also provides that if a tobacco product manufacturer failed to place the money into escrow on two or more occasions, the court is required to prohibit the manufacturer from selling cigarettes in this state for up to two years. The bill requires the court to award the attorney general costs and reasonable attorney fees if he or she prevails in the lawsuit.

The bill requires the department of administration (DOA) to provide a copy of the master settlement agreement to each public library system in the state and requires the revisor of statutes to publish the master settlement agreement in the Wisconsin Administrative Register.

~~*** ANALYSIS FROM -4429/1 ***~~

EDUCATION

PRIMARY AND SECONDARY EDUCATION

In the 1996-97 and 1998-99 school years, school boards with a certain percentage of low-income pupils could enter into five-year student achievement guarantee contracts (SAGE contracts) with the department of public instruction (DPI) to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving state aid. Beginning in the 2000-01 school year, a school board may enter into a SAGE contract regardless of the school board's percentage of low-income pupils, but the school board must satisfy other eligibility requirements that also pertain to SAGE contracts entered into in 1996-97 and 1998-99 school years. One of these requirements is that a school board that was eligible to participate in the SAGE program in the 1996-97 and 1998-99 school years must have participated in the SAGE program in either school year.

This bill repeals this eligibility requirement. The bill also permits DPI to renew an existing SAGE contract for five years and to enter into new SAGE contracts after the 2000-01 school year if funding for contract renewals and the new contracts is available. In making payments for contract renewals and the new contracts, DPI must give priority to schools that have the highest percentage of low-income pupil enrollment.

~~*** ANALYSIS FROM -4426/1 ***~~

PUBLIC BROADCASTING

Under current law, the following are responsible for providing certain types of public broadcasting in this state: the educational communications board (ECB), the board of regents of the University of Wisconsin (UW) System and the Milwaukee Area Technical College. This bill increases the general fund supported bonding authority of the building commission by the following amounts: \$13,220,800 for a digital television conversion project for the ECB; \$1,700,000 for a digital television conversion project for the UW System; and \$3,500,000 for a digital conversion project for the Milwaukee Area Technical College. The bill enumerates the authorization of these projects in the 1999-2001 authorized state building program.

~~*** ANALYSIS FROM -4423/1 ***~~

GAMBLING

Under current law, the general program operations of the state lottery, lottery retailer compensation, fees that are paid to lottery vendors for on-line and instant ticket services and supplies, the farmland tax relief credit, costs of the administration of the lottery and gaming credit and a portion of the department of justice's (DOJ's) gaming law enforcement activities are funded with general purpose revenue in fiscal year 1999-2000. There is currently no funding for these programs in fiscal year 2001-02.

This bill appropriates general purpose revenue to fund the general program operations of the state lottery, lottery retailer compensation, fees that are paid to lottery vendors for on-line and instant ticket services and supplies, the farmland tax relief credit, costs of the administration of the lottery and gaming credit and to partially fund DOJ's gaming law enforcement activities in fiscal year 2001-02.

~~*** ANALYSIS FROM 4422/2 ***~~

HEALTH AND HUMAN SERVICES

PRESCRIPTION DRUG ASSISTANCE

This bill creates an entitlement program for prescription drug assistance for elderly persons in DHFS and a sum sufficient appropriation of general purpose revenues for the program. Under the program, beginning April 1, 2001, state residents who are aged at least 65 years, who are ineligible for medical assistance and whose gross incomes, if single, are not more than \$50,000 or, if married, are not more than \$75,000 per couple, as annually indexed for inflation, may apply for assistance of up to \$10,000 per year in paying for prescription drugs. Prescription drugs for which a program participant may receive coverage are those prescription drugs that are covered under the medical assistance program. Participants in the prescription drug assistance program must pay 25% of the cost of the prescription drug, at the rate under which pharmacists are reimbursed under the medical assistance program, plus copayments of \$5 for each generic prescription drug and \$10 for each brand-name drug. Under the program, DHFS is the payer of last resort for coverage for prescription drugs and must reimburse pharmacist providers at the rate under which pharmacists are reimbursed under the medical assistance program. DHFS must also maintain or contract for the maintenance of a toll-free telephone number to provide application information about the prescription drug assistance program. In order for drugs manufactured by a manufacturer doing business in this state to be included in the program, the manufacturer must enter with DHFS into a rebate agreement that is modeled on rebate agreements under federal medicaid law. The rebate agreement must provide that the manufacturer make payments to DHFS each calendar quarter or as scheduled by DHFS and that the rebate payment amounts be determined by the method specified in federal medicaid law. The bill appropriates \$1,000,000 in general purpose revenues in fiscal year 1999-2000 to the general program supplementation appropriation account of the joint committee on finance (JCF) and requires DHFS to submit to JCF a plan for expenditure of these funds for administration of the prescription drug assistance program. If the cochairpersons of JCF do not notify the secretary of health and family services of the committee's intent to schedule a meeting to review the plan, JCF must

supplement the DHFS general program operations appropriation account as provided in the DHFS plan. If the cochairpersons of JCF notify the secretary of health and family services that JCF intends to schedule a meeting to review the plan, the DHFS appropriation account may be supplemented only as approved by JCF.

~~*** ANALYSIS FROM -4420/2 ***~~

BADGER CARE HEALTH CARE PROGRAM

Under current law, DHFS administers the badger care health care program. This program provides health care coverage to certain low-income families and certain low-income children who do not reside at home. Low-income is generally defined as having an income at or below 185% of the federal poverty line.

This bill increases funding for the badger care health care program for the 1999–2001 fiscal biennium.

~~*** ANALYSIS FROM -4436/1 ***~~

GRANTS TO FOOD PANTRIES

This bill requires DHFS to award annual grants to food pantries that meet certain conditions. Twenty-five percent of the total amount appropriated for the grants is to be distributed to qualified rural food pantries in proportion to the number of persons served by each of those food pantries. The remainder is to be distributed among qualified food pantries statewide, also in proportion to the number of persons served by each food pantry. No grant, however, may exceed \$15,000. Each food pantry may use the grant to purchase, store and distribute food to needy households, to purchase equipment, for various hunger prevention programs and for the general operations of the food pantry. The bill also directs DHFS to convene an advisory committee composed of representatives of various hunger prevention organizations and fields prior to promulgating any rules needed to implement the grant program.

~~*** ANALYSIS FROM -4445/1 ***~~

INSURANCE

This bill requires every health insurance policy (called “disability insurance policy” in the statutes), including managed care plans, health care plans offered by the state, and every self-insured health plan of the state or a county, city, town, village or school district, to provide coverage of appropriate and necessary immunizations, specified in the bill, from birth to age six, for a dependent child of the insured if the policy or plan covers a dependent of the insured. (Under current law, health insurance policies are required to cover a newly born child of the insured, even if the policy did not provide coverage for dependents at the time of the birth.) Generally, coverage of the specified immunizations may not be subject to any deductibles, coinsurance or copayments under the policy or plan. Specifically excluded from this coverage requirement are health insurance policies that cover only hospital and surgical charges or only certain specified diseases, health care plans offered by limited service health organizations or by preferred provider plans that are not managed care plans, medicare replacement or supplement policies and long-term care insurance policies.

~~*** ANALYSIS FROM -4439/1 ***~~

NATURAL RESOURCES

Current law grants the state the authority to bond for various conservation purposes under the Warren Knowles–Gaylord Nelson stewardship 2000 program (stewardship program). The bill establishes the overall bonding authority of the stewardship program at \$460,000,000 and limits the annual bonding authority to \$46,000,000. The stewardship program begins on July 1, 2000, and is administered by the department of natural resources (DNR). The stewardship program consists of four subprograms: one for land acquisition, one for property development and local assistance, one for bluff protection and one for the Baraboo Hills. Under the stewardship program, there are specific maximum and minimum amounts that are imposed, with limited exceptions, on the amount that may be bonded in each fiscal year under each subprogram. Purposes for which bonding under the land acquisition subprogram may be used include land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Bonding under the property development and local acquisition programs may be used for nature-based outdoor recreation, as defined in rules promulgated by DNR.

This bill changes these bonding amounts. It raises the overall bonding authority to \$600,000,000 and the annual bonding authority to \$60,000,000 for each fiscal year. It also increases the amounts that may or must be bonded in each fiscal year under the land acquisition subprogram and the property development and local assistance subprogram.

*** ANALYSIS FROM -4187/3 ***

PAYMENTS TO LOCAL GOVERNMENTS

SHARED REVENUE AND PROPERTY TAX CREDITS

Under current law, the state administers a shared revenue program that distributes state tax revenues to counties and municipalities for the counties and municipalities to use at their discretion. Under this bill, the amounts of the shared revenue payments to counties and municipalities are annually adjusted to reflect changes in the consumer price index.

Under current law, the state makes payments to municipalities for services that the municipalities provide to certain state facilities that are located in the municipality and that are exempt from local property taxes. Under the bill, these payments are annually adjusted to reflect changes in the consumer price index.

COURTS

Under current law, the director of state courts administers a program that provides payments to counties to support the operation of circuit courts. Under the bill, the amounts of those payments are annually adjusted to reflect changes in the consumer price index.

RECYCLING

Under current law, DNR administers a program that provides grants to local governmental units that are responsible for solid waste management (responsible units) to pay a portion of the costs of operating recycling programs. This bill changes the amount of funding for the responsible unit recycling grant program each year to reflect changes in the consumer price index.

HEALTH AND HUMAN SERVICES

Under current law, DHFS distributes general purpose revenues and federal revenues, as community aids, to counties to provide social, mental health, developmental disabilities and alcohol and other drug abuse services. This bill changes the amount of general purpose revenues that are appropriated for community aids in each fiscal year to reflect changes in the consumer price index and any loss of federal revenues for community aids since the previous fiscal year.

JUVENILE CORRECTIONAL SYSTEM

Under current law, DOC distributes general purpose revenues and federal revenues, as community, youth and family aids (commonly referred to as "youth aids"), to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill changes the amount of general purpose revenues that are appropriated for youth aids in each fiscal year to reflect changes in the consumer price index and any loss of federal revenues for youth aids since the previous fiscal year.

~~*** ANALYSIS FROM 4497/1 ***~~

STATE GOVERNMENT

OFFICE OF PUBLIC INTERVENOR

This bill recreates an office of public intervenor attached to DOJ, with the same duties and authority that existed prior to 1995 Wisconsin Act 27 (the 1995-97 biennial budget act). That act transferred the office of public intervenor from DOJ to DNR, eliminated the public intervenor's authority to formally commence or intervene in lawsuits, and substituted an eight-member board (consisting of four members nominated by the governor and approved by the senate and four members each appointed by the majority and minority leaders of the senate and assembly) for the seven-member to nine-member advisory committee (consisting of members appointed by the attorney general). The office of public intervenor and its board were eliminated by 1997 Wisconsin Act 27 (the 1997-99 biennial budget act).

The bill requires the attorney general to appoint an assistant attorney general to serve as the public intervenor. The bill authorizes the public intervenor to do all of the following:

1. Formally commence or intervene in proceedings before any court whenever such intervention is necessary to protect the public rights in water and other natural resources of this state, and requires the public intervenor to intervene in such matters when requested to do so by a division administrator in DNR.
2. Act as an interested party in actions in which he or she intervenes, with full power to present evidence, subpoena witnesses, cross-examine witnesses, file briefs and do any other acts appropriate for a party to the proceedings.
3. Appeal administrative rulings to the courts.

The bill requires DNR personnel to notify the public intervenor of all administrative proceedings under the environmental protection chapters and to make such investigations, studies and reports to assist the public intervenor either before or during such formal intervention.

The bill also requires the attorney general to appoint a public intervenor advisory council consisting of seven to nine members who have a background in or demonstrated experience or records relating to environmental protection or natural resource conservation. In addition, at least one member must have working knowledge of business and at least one member must have knowledge of agriculture. The advisory committee must hold open, publicized meetings and must advise the public intervenor consistent with his or her duties.

The bill requires DNR to transfer to DOJ all assets, liabilities and tangible personal property, including records, of the public intervenor that were transferred from DOJ to DNR by 1995 Wisconsin Act 27.

The bill authorizes two attorney positions in DOJ and appropriates \$241,400 to DOJ for fiscal year 2000-01 for the purposes of the public intervenor.

***** ANALYSIS FROM -4441/1 *****

CONSUMER PROTECTION

Under current law, the department of agriculture, trade and consumer protection (DATCP) administers and enforces certain consumer protection and trade practice laws. In administering and enforcing these laws, DATCP either has exclusive authority or joint authority, with DOJ having a secondary role. These laws include laws relating to fraudulent drug advertising, methods of competition and trade practices, motor vehicle rustproofing warranties, telecommunications services, sale of cleaning agents and water conditioners containing phosphorus, sale of products containing or made with ozone-depleting substances, ticket refunds, dating service contracts, fitness center and weight reduction center contracts, pawnbrokers and secondhand article and jewelry dealers, prize notices, mail-order sales, time-share ownerships, motor fuel dealerships, prepaid maintenance liens, self-service storage facilities, rental of private passenger vehicles, future service plans, and cable television subscriber rights.

This bill transfers either all of or part of the administrative and enforcement authority for these laws that DATCP has under current law to DOJ. For those laws for which DATCP and DOJ have joint authority under the bill, DATCP has a secondary role in their enforcement and administration.

***** ANALYSIS FROM -4438/1 *****

BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Under current law, there are nine members on the board of agriculture, trade and consumer protection, seven of whom have backgrounds in agriculture and two of whom are consumer representatives. This bill eliminates the two consumer representative members.

***** ANALYSIS FROM -4421/1 *****

STATE FINANCE

Under current law, all money received by the state from receipts on national forest lands must be distributed to school districts in accordance with the number of acres of national forest land located within the school district boundaries. This requirement was imposed by 1999 Wisconsin Act 9 (the biennial budget bill). Before the enactment of 1999 Wisconsin Act 9, all money received by the state from receipts on national forest lands was required to be distributed to towns in accordance with

the number of acres of national forest land located within the town boundaries. Any town that received any of these moneys was required to expend at least 50% of the moneys on public roads in the town. This bill restores the law to the way it was before the enactment of 1999 Wisconsin Act 9.

~~*** ANALYSIS FROM 4430/1 ***~~

TAXATION

INCOME TAXATION

Under current law, an individual may not receive the individual income tax school property tax rent credit for taxable years beginning after December 31, 1998. This bill allows an individual to claim and receive the credit for property taxes paid, or rent constituting property taxes paid, on the individual's principal dwelling during the taxable year to which the claim relates. The credit may be claimed for taxable years beginning after December 31, 1999.

Under the bill, the credit that may be claimed by an individual is 10% of the first \$2,000 of property taxes accrued or rent constituting property taxes, or 10% of the first \$1,000 of property taxes accrued or rent constituting property taxes for a married person filing separately. The credit is nonrefundable, meaning that it may be claimed only up to the amount of a claimant's tax liability.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

***-4424/2.1* *-3266/P1.1* SECTION 1.** 6.18 of the statutes is amended to read:

6.18 Former residents. If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot. The application form shall require the following information and be in substantially the following form:

10

1 NAME

2 ADDRESS

3 CITY STATE ZIP CODE

4 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
5 under this section may be fined not more than \$1,000 or imprisoned for not more than
6 6 months, or both. Whoever intentionally votes more than once in an election may
7 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
8 or both.

9(Municipal Clerk)

10(Municipality)

11 *~~4424/2.2~~* *~~3266/P1.2~~* **SECTION 2.** 11.61 (1) (a) of the statutes, as affected
12 by 1997 Wisconsin Act 283, is amended to read:

13 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
14 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
15 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
16 felony.

17 *~~4424/2.3~~* *~~3266/P1.3~~* **SECTION 3.** 11.61 (1) (b) of the statutes, as affected
18 by 1997 Wisconsin Act 283, is amended to read:

19 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
20 or 11.38 ~~where~~ is guilty of a Class I felony if the intentional violation does not involve
21 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds
22 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
23 ~~more than 4 years and 6 months or both.~~

24 *~~4424/2.4~~* *~~3266/P1.4~~* **SECTION 4.** 12.60 (1) (a) of the statutes, as affected
25 by 1997 Wisconsin Act 283, is amended to read:

1 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
2 (j), (k), (L), (M), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not~~
3 ~~more than 4 years and 6 months or both~~ is guilty of a Class I felony.

4 *~~4424/2.5~~* *~~3266/P1.5~~* **SECTION 5.** 13.05 of the statutes, as affected by 1997
5 Wisconsin Act 283, is amended to read:

6 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
7 offers or promises to give his or her vote or influence in favor of or against any
8 measure or proposition pending or proposed to be introduced, in the legislature in
9 consideration or upon condition that any other person elected to the same legislature
10 will give or will promise or agree to give his or her vote or influence in favor of or
11 against any other measure or proposition pending or proposed to be introduced in
12 such legislature, or who gives, offers or promises to give his or her vote or influence
13 for or against any measure on condition that any other member will give his or her
14 vote or influence in favor of any change in any other bill pending or proposed to be
15 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~
16 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~
17 is guilty of a Class I felony.

18 *~~4424/2.6~~* *~~3266/P1.6~~* **SECTION 6.** 13.06 of the statutes, as affected by 1997
19 Wisconsin Act 283, is amended to read:

20 **13.06 Executive favor.** Any member of the legislature who gives, offers or
21 promises to give his or her vote or influence in favor of or against any measure or
22 proposition pending or proposed to be introduced in the legislature, or that has
23 already been passed by either house of the legislature, in consideration of or on
24 condition that the governor approve, disapprove, veto or sign, or agree to approve,
25 disapprove, veto or sign, any other measure or proposition pending or proposed to be

1 introduced in the legislature or that has already been passed by the legislature, or
2 either house thereof, or in consideration or upon condition that the governor
3 nominate for appointment or appoint or remove any person to or from any office or
4 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
5 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both is guilty~~
6 of a Class I felony.

7 *~~4426/1.1~~* SECTION 7. 13.48 (31) of the statutes is created to read:

8 13.48 (31) DIGITAL TELEVISION CONVERSION FOR MILWAUKEE AREA TECHNICAL
9 COLLEGE. The building commission may authorize up to \$3,500,000 in general fund
10 supported borrowing to aid in the acquisition, construction, development,
11 enlargement or improvement of facilities and equipment related to the conversion
12 to digital television for the Milwaukee Area Technical College. The state funding
13 commitment under this subsection shall be in the form of a grant to the Milwaukee
14 Area Technical College. If the building commission authorizes a grant to the
15 Milwaukee Area Technical College under this subsection and if, for any reason, the
16 facility or equipment that is acquired, constructed, developed, enlarged or improved
17 with funds from the grant is not used for the purpose of public broadcasting, an
18 ownership interest in the facility or equipment equal to the amount of the state's
19 grant reverts to the state.

20 *~~4424/2.7~~* SECTION 8. 13.525 of the statutes is created to read:

21 **13.525 Joint review committee on criminal penalties. (1) CREATION.**
22 There is created a joint review committee on criminal penalties composed of the
23 following members:

1 (a) One majority party member and one minority party member from each
2 house of the legislature, appointed as are the members of standing committees in
3 their respective houses.

4 (b) The attorney general or his or her designee.

5 (c) The secretary of corrections or his or her designee.

6 (d) The state public defender or his or her designee.

7 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th or 5th judicial
8 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th or
9 10th judicial administrative district, appointed by the supreme court.

10 (f) Two members of the public appointed by the governor, one of whom shall
11 have law enforcement experience in this state and one of whom shall be an elected
12 county official.

13 (2) OFFICERS. The majority party senator and the majority party representative
14 to the assembly shall be cochairpersons of the committee. The committee shall elect
15 a secretary from among its nonlegislator members.

16 (3) JUDICIAL AND GUBERNATORIAL APPOINTEES. Members appointed under sub. (1)
17 (e) or (f) shall serve at the pleasure of the authority appointing them.

18 (4) ELIGIBILITY. A member shall cease to be a member upon losing the status
19 upon which the appointment is based. Membership on the committee shall not be
20 incompatible with any other public office.

21 (5) REVIEW OF LEGISLATION RELATING TO CRIMES. (a) If any bill that is introduced
22 in either house of the legislature proposes to create a new crime or revise a penalty
23 for an existing crime and the bill is referred to a standing committee of the house in
24 which it is introduced, the chairperson may request the joint review committee to
25 prepare a report on the bill under par. (b). If the bill is not referred to a standing

1 committee, the speaker of the assembly, if the bill is introduced in the assembly, or
2 the presiding officer of the senate, if the bill is introduced in the senate, may request
3 the joint review committee to prepare a report on the bill under par. (b).

4 (b) If the joint review committee receives a request under par. (a) for a report
5 on a bill that proposes to create a new crime or revise a penalty for an existing crime,
6 the committee shall prepare a report concerning all of the following:

7 1. The costs that are likely to be incurred or saved by the department of
8 corrections, the department of justice, the state public defender, the courts, district
9 attorneys and other state and local government agencies if the bill is enacted.

10 2. The consistency of penalties proposed in the bill with existing criminal
11 penalties.

12 3. Alternative language needed, if any, to conform penalties proposed in the bill
13 to penalties in existing criminal statutes.

14 4. Whether acts prohibited under the bill are prohibited under existing
15 criminal statutes.

16 (c) The chief clerk shall print a report prepared by the committee under par.
17 (b) as an appendix to the bill and attach it thereto as are amendments. The
18 reproduction shall be in lieu of inclusion in the daily journal of the house in which
19 the proposal is introduced.

20 (d) If a bill that is introduced in either house of the legislature proposes to create
21 a new crime or revise a penalty for an existing crime, a standing committee to which
22 the bill is referred may not vote on whether to recommend the bill for passage and
23 the bill may not be passed by the house in which it is introduced before the joint
24 review committee submits a report under par. (b) or before the 30th day after a report
25 is requested under par. (a), whichever is earlier.

1 **(6) COMMITTEE POWERS AND PROCEDURES.** The committee may hold hearings as
2 needed to elicit information for making a report. The committee shall meet at the
3 call of its cochairpersons. All actions of the committee require the approval of a
4 majority of all of its members.

5 *~~4424/2.8~~* *~~3266/P1.7~~* **SECTION 9.** 13.69 (6m) of the statutes, as affected by
6 1997 Wisconsin Act 283, is amended to read:

7 13.69 **(6m)** Any principal, lobbyist or other individual acting on behalf of a
8 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which
9 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~
10 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
11 felony.

12 *~~4424/2.9~~* *~~3361/P2.1~~* **SECTION 10.** 15.01 (2) of the statutes is amended to
13 read:

14 15.01 **(2)** “Commission” means a 3-member governing body in charge of a
15 department or independent agency or of a division or other subunit within a
16 department, except for the Wisconsin waterways commission which shall consist of
17 5 members, the parole commission which shall consist of 6 members and the Fox
18 river management commission which shall consist of 7 members. A Wisconsin group
19 created for participation in a continuing interstate body, or the interstate body itself,
20 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
21 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
22 but is not a commission for purposes of s. 15.06. The sentencing commission created
23 under s. 15.105 (26) shall be known as a “commission” but is not a commission for
24 purposes of s. 15.06 (1) to (4m), (7) and (9).

1 *~~4424/2.10~~* *~~3361/P2.2~~* SECTION 11. 15.105 (26) of the statutes is created
2 to read:

3 15.105 (26) SENTENCING COMMISSION. (a) *Creation; membership.* There is
4 created a sentencing commission which is attached to the department of
5 administration under s. 15.03 and which shall consist of the following members:

- 6 1. The attorney general or his or her designee.
- 7 2. The state public defender or his or her designee.
- 8 3. Six members, at least 2 of whom are not employed by any unit of federal, state
9 or local government, appointed by the governor.
- 10 4. One majority party member and one minority party member from each house
11 of the legislature, appointed as are the members of standing committees in their
12 respective houses.
- 13 5. Two circuit judges, appointed by the supreme court.
- 14 6. One representative of crime victims and one district attorney, each appointed
15 by the attorney general.

16 7. One attorney in private practice engaged primarily in the practice of criminal
17 defense, appointed by the criminal law section of the State Bar of Wisconsin.

18 (b) *Nonvoting members.* The secretary of corrections or his or her designee, the
19 chairperson of the parole commission or his or her designee and the director of state
20 courts or his or her designee shall be nonvoting members of the commission.

21 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
22 3. and 5. to 7. shall serve 3-year terms and are eligible for reappointment.

23 2. The term of a circuit judge appointed under par. (a) 5. shall end when such
24 person ceases to be a circuit judge. The term of a district attorney appointed under
25 par. (a) 6. shall end when such person ceases to be a district attorney.

1 (d) *Officers.* The governor shall designate annually one of the members of the
2 commission as chairperson. The commission may elect officers other than a
3 chairperson from among its members as its work requires.

4 (e) *Reimbursement and compensation.* Members of the commission shall be
5 reimbursed for their actual and necessary expenses incurred in the performance of
6 their duties. An officer or employe of the state shall be reimbursed by the agency that
7 pays the member's salary. Members who are full-time state officers or employes
8 shall receive no compensation for their services. Other members shall be paid \$25
9 per day, in addition to their actual and necessary expenses, for each day on which
10 they are actually and necessarily engaged in the performance of their duties.

11 (f) *Sunset.* This subsection does not apply after December 31, 2004.

12 *~~4438/1.1~~* SECTION 12. 15.13 of the statutes is amended to read:

13 **15.13 Department of agriculture, trade and consumer protection;**
14 **creation.** There is created a department of agriculture, trade and consumer
15 protection under the direction and supervision of the board of agriculture, trade and
16 consumer protection. The board shall consist of 7 members with ~~an agricultural~~
17 ~~background and 2 members who are consumer representatives~~ backgrounds in
18 agriculture, appointed for staggered 6-year terms. Appointments to the board shall
19 be made without regard to party affiliation, residence or interest in any special
20 organized group.

21 *~~4421/1.1~~* SECTION 13. 16.54 (11m) of the statutes, as created by 1999
22 Wisconsin Act 9, is repealed.

23 *~~4437/1.1~~* SECTION 14. 18.13 (4g) of the statutes is created to read:

1 18.13 (4g) PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public
2 intervenor does not have authority to initiate any action or proceeding concerning
3 the issuance of obligations by the building commission under this chapter.

4 *~~4424/2.11~~* *~~3361/P2.3~~* SECTION 15. 19.42 (10) (o) of the statutes is created
5 to read:

6 19.42 (10) (o) A member, the executive director or the deputy director of the
7 sentencing commission.

8 *~~4424/2.12~~* *~~3361/P2.4~~* SECTION 16. 19.42 (13) (n) of the statutes is created
9 to read:

10 19.42 (13) (n) The position of member, executive director or deputy director of
11 the sentencing commission.

12 *~~4424/2.13~~* *~~3361/P2.5~~* SECTION 17. 20.005 (3) (schedule) of the statutes:
13 at the appropriate place, insert the following amounts for the purposes indicated:

14 1999-00 2000-01

*MOVE
to *
p. 39*

15 **20.505 Administration, department of**

16 (4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND
17 COMMISSIONS

18 (dr) Sentencing commission	GPR	A	415,000	380,000
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19 *~~4436/1.1~~* SECTION 18. 20.005 (3) (schedule) of the statutes: at the
20 appropriate place, insert the following amounts for the purposes indicated.

~~1999-00 2000-01~~

2 **20.435 Health and family services, department**

3 **of**

4 (3) CHILDREN AND FAMILY SERVICES

5 (fp) Food pantry grants GPR A 1,500,000 1,500,000

INSERT
* FROM
P. 38

6 ~~*-4441/1.1*~~ SECTION 19. 20.115 (1) (hm) of the statutes is amended to read:

7 20.115 (1) (hm) *Ozone-depleting refrigerants and products regulation.* The
8 amounts in the schedule for administration of the mobile air conditioner servicing
9 and refrigerant recycling programs and for responsibilities under ~~ss. s.~~ 100.45 and
10 100.50 relating to sales and labeling of products containing or made with
11 ozone-depleting substances. All moneys received from fees under s. 100.45 (5) (a) 3.
12 and (5m) shall be credited to this appropriation.

13 ~~*-4429/1.1*~~ SECTION 20. 20.255 (2) (cu) of the statutes, as affected by 1999
14 Wisconsin Act 9, is amended to read:

15 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
16 for aid to school districts and the program evaluation under s. 118.43. ~~No funds may~~
17 ~~be encumbered from this appropriation after June 30, 2005.~~

18 ~~*-4421/1.2*~~ SECTION 21. 20.370 (5) (bx) of the statutes, as affected by 1999
19 Wisconsin Act 9, is amended to read:

20 20.370 (5) (bx) *Resource aids — national forest income aids.* All moneys
21 received from the U.S. government for allotments to ~~school districts~~ counties
22 containing national forest lands, and designated for the benefit of public roads in
23 such counties, shall be distributed in proportion to the national forest acreage in each
24 ~~school district~~ county as certified by the U.S. forest service. Such distribution shall

1 be made annually within 60 days after receipt of the money from the federal
2 government.

3 *~~4187/4.1~~* SECTION 22. 20.370 (6) (bu) of the statutes, as created by 1999
4 Wisconsin Act 9, is amended to read:

5 20.370 (6) (bu) *Financial assistance for responsible units.* From the recycling
6 fund, ~~the amounts in the schedule a sum sufficient equal to \$24,500,000 in fiscal year~~
7 1999–2000, and in fiscal year 2000–01 and each subsequent fiscal year a sum
8 sufficient equal to the amount available under this paragraph in the previous fiscal
9 year adjusted by a percentage that is equal to the percentage change between the
10 U.S. consumer price index for all urban consumers, U.S. city average, for the
11 12–month period ending on June 30 of the previous fiscal year and the U.S. consumer
12 price index for all urban consumers, U.S. city average, for the 12–month period
13 ending on June 30 of the fiscal year before the previous fiscal year, as determined by
14 the federal department of labor, rounded to the nearest multiple of \$100, for grants
15 to responsible units under s. 287.23.

16 *~~4187/4.2~~* SECTION 23. 20.410 (3) (ce) of the statutes is created to read:

17 20.410 (3) (ce) *Community youth and family aids; consumer price index*
18 *adjustment.* A sum sufficient in each fiscal year equal to 50% of the amounts
19 allocated under s. 301.26 (7) (k) for the 2 calendar years relating to that fiscal year
20 for the improvement and provision of juvenile delinquency–related services under
21 s. 301.26 and for reimbursement to counties having a population of less than 500,000
22 for the cost of court attached intake services as provided in s. 938.06 (4).
23 Disbursements may be made from this appropriation account under s. 301.085.
24 Refunds received relating to payments made under s. 301.085 shall be credited to the
25 appropriation account under par. (cd).

1 *~~4187/4.3~~* SECTION 24. 20.410 (3) (cf) of the statutes is created to read:

2 20.410 (3) (cf) *Community youth and family aids; federal funding loss*
3 *adjustment.* A sum sufficient in each fiscal year equal to the difference between
4 \$2,449,200 and the sum of the moneys received from the federal government in the
5 current fiscal year and transferred to the appropriation account under par. (ko), if
6 that sum is less than \$2,449,200, rounded to the nearest \$100, for the improvement
7 and provision of juvenile delinquency-related services under s. 301.26 and for
8 reimbursement to counties having a population of less than 500,000 for the cost of
9 court attached intake services as provided in s. 938.06 (4). Disbursements may be
10 made from this appropriation account under s. 301.085. Refunds received relating
11 to payments made under s. 301.085 shall be credited to the appropriation account
12 under par. (cd).

13 *~~4436/1.2~~* SECTION 25. 20.435 (3) (fp) of the statutes is created to read:

14 20.435 (3) (fp) *Food pantry grants.* The amounts in the schedule for grants
15 awarded under s. 46.766.

16 *~~4422/2.1~~* SECTION 26. 20.435 (4) (bv) of the statutes is created to read:

17 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* A sum sufficient
18 for the program for prescription drug assistance for elderly persons under s. 49.688.

19 *~~4422/2.2~~* SECTION 27. 20.435 (4) (j) of the statutes is created to read:

20 20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*
21 All moneys received from rebate payments by manufacturers under s. 49.688 (5), to
22 be used for prescription drug assistance for elderly persons under s. 49.688.

23 *~~4187/4.4~~* SECTION 28. 20.435 (7) (ba) of the statutes is created to read:

24 20.435 (7) (ba) *Community aids; consumer price index adjustment.* A sum
25 sufficient in each fiscal year equal to 50% of the amounts allocated under s. 46.40 (2g)

1 for the 2 calendar years relating to that fiscal year for human services under s. 46.40,
2 for services provided by resource centers under s. 46.283 (5), for services under the
3 family care benefit under s. 46.284 (5), for reimbursement to counties having a
4 population of less than 500,000 for the cost of court attached intake services under
5 s. 48.06 (4), for shelter care under ss. 48.58 and 938.22 and for foster care and
6 treatment foster care under s. 49.19 (10). Social services disbursements under s.
7 46.03 (20) (b) may be made from this appropriation. Refunds received relating to
8 payments made under s. 46.03 (20) (b) for the provision of services for which moneys
9 are appropriated under this paragraph shall be credited to the appropriation under
10 par. (b).

11 *~~4187/4.5~~* **SECTION 29.** 20.435 (7) (bb) of the statutes is created to read:

12 20.435 (7) (bb) *Community aids; federal funding loss adjustment.* A sum
13 sufficient in each fiscal year equal to the difference between \$105,351,400 and the
14 sum of the moneys received from the federal government in the current fiscal year
15 and transferred or credited to the appropriation accounts under pars. (kw) and (o)
16 and sub. (3) (o), if that sum is less than \$105,351,400, rounded to the nearest \$100,
17 for human services under s. 46.40, for services provided by resource centers under
18 s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for
19 reimbursement to counties having a population of less than 500,000 for the cost of
20 court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and
21 938.22 and for foster care and treatment foster care under s. 49.19 (10). Social
22 services disbursements under s. 46.03 (20) (b) may be made from this appropriation.
23 Refunds received relating to payments made under s. 46.03 (20) (b) for the provision
24 of services for which moneys are appropriated under this paragraph shall be credited
25 to the appropriation under par. (b).

1 *~~4441/1.2~~* **SECTION 30.** 20.455 (1) (hm) of the statutes is amended to read:

2 20.455 (1) (hmm) *Restitution.* All moneys received by the department to provide
3 restitution to victims when ordered by the court as the result of prosecutions under
4 s. 49.49 and chs. 100, 133, 134, 281 to 285 and 289 to 299 and under a federal
5 antitrust law for the purpose of providing restitution to victims of the violation when
6 ordered by the court.

7 *~~4423/2.1~~* **SECTION 31.** 20.455 (2) (r) of the statutes is amended to read:

8 20.455 (2) (r) *Gaming law enforcement; lottery revenues.* From the lottery fund,
9 the amounts in the schedule for the performance of the department's gaming law
10 enforcement responsibilities as specified in s. 165.70 (3m). No moneys may be
11 encumbered or expended from this appropriation account during the 1999–2001
12 fiscal biennium.

13 *~~4424/2.14~~* *~~3361/P2.6~~* **SECTION 32.** 20.505 (4) (dr) of the statutes is
14 created to read:

15 20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the
16 general program operations of the sentencing commission. No money may be
17 encumbered from the appropriation under this paragraph after December 31, 2004.

18 *~~4424/2.15~~* *~~3361/P2.7~~* **SECTION 33.** 20.505 (4) (mr) of the statutes is
19 created to read:

20 20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as
21 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
22 which the aid is provided. No money may be encumbered from the appropriation
23 under this paragraph after December 31, 2004.

24 *~~4423/2.2~~* **SECTION 34.** 20.566 (2) (r) of the statutes, as affected by 1999
25 Wisconsin Act 5, is amended to read:

1 20.566 (2) (r) *Lottery and gaming credit administration*. From the lottery fund,
2 the amounts in the schedule for the administration of the lottery and gaming credit.
3 No moneys may be encumbered or expended from this appropriation account during
4 the 1999–2001 fiscal year biennium.

5 *~~4423/2.3~~* SECTION 35. 20.566 (8) (b) of the statutes, as affected by 1999
6 Wisconsin Act 9, is amended to read:

7 20.566 (8) (b) *Retailer compensation*. A sum sufficient to pay compensation to
8 retailers under s. 565.10 (14) (b). No moneys may be encumbered or expended from
9 this appropriation account after the day of publication of the 2000 2001–03 biennial
10 budget act.

11 *~~4423/2.4~~* SECTION 36. 20.566 (8) (c) of the statutes, as affected by 1999
12 Wisconsin Act 9, is amended to read:

13 20.566 (8) (c) *Vendor fees*. A sum sufficient to pay vendors for on–line and
14 instant ticket services and supplies provided by the vendors under contract under
15 s. 565.25 (2) (a). No moneys may be encumbered or expended from this appropriation
16 account after the day of publication of the 2000 2001–03 biennial budget act.

17 *~~4423/2.5~~* SECTION 37. 20.566 (8) (q) of the statutes, as affected by 1999
18 Wisconsin Act 5, is amended to read:

19 20.566 (8) (q) *General program operations*. From the lottery fund, the amounts
20 in the schedule for general program operations under ch. 565. No moneys may be
21 encumbered or expended from this appropriation account during the 1999–2001
22 fiscal biennium.

23 *~~4423/2.6~~* SECTION 38. 20.566 (8) (r) of the statutes, as affected by 1999
24 Wisconsin Act 9, is amended to read:

1 20.566 (8) (r) *Retailer compensation*. From the lottery fund, a sum sufficient
2 to pay compensation to retailers under s. 565.10 (14) (b). No moneys may be
3 encumbered or expended from this appropriation account during ~~1999-00~~ the
4 1999-2001 fiscal biennium.

5 *~~4423/2.7~~* SECTION 39. 20.566 (8) (v) of the statutes, as affected by 1999
6 Wisconsin Act 9, is amended to read:

7 20.566 (8) (v) *Vendor fees*. From the lottery fund, a sum sufficient to pay
8 vendors for on-line and instant ticket services and supplies provided by the vendors
9 under contract under s. 565.25 (2) (a). No moneys may be encumbered or expended
10 from this appropriation account during ~~1999-00~~ the 1999-2001 fiscal biennium.

11 *~~4187/4.6~~* SECTION 40. 20.625 (1) (d) of the statutes is amended to read:

12 20.625 (1) (d) *Circuit court support payments*. ~~Biennially, the amounts in the~~
13 ~~schedule A sum sufficient~~ to make a payment payments to each county under s.
14 758.19 (5).

15 *~~4423/2.8~~* SECTION 41. 20.835 (2) (dn) of the statutes, as affected by 1999
16 Wisconsin Act 9, is amended to read:

17 20.835 (2) (dn) *Farmland tax relief credit*. A sum sufficient to pay the aggregate
18 claims approved under ss. 71.07 (3m) (c), 71.28 (2m) (c) and 71.47 (2m) (c), to the
19 extent that these claims are not paid under par. (ka). No moneys may be encumbered
20 or expended from this appropriation after the ~~2000~~ day of publication of the 2001-03
21 biennial budget.

22 *~~4423/2.9~~* SECTION 42. 20.835 (2) (q) of the statutes, as affected by 1999
23 Wisconsin Act 9, is amended to read:

24 20.835 (2) (q) *Farmland tax relief credit*. From the lottery fund, a sum
25 sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c), 71.28 (2m)

1 (c) and 71.47 (2m) (c), to the extent that these claims are not paid under par. (ka).
2 No moneys may be encumbered or expended from this appropriation account during
3 ~~1999-00~~ the 1999-2001 fiscal biennium.

4 *~~4187/4.7~~* **SECTION 43.** 20.835 (5) (a) of the statutes is amended to read:

5 20.835 (5) (a) *Payments for municipal services.* ~~The amounts in the schedule~~
6 A sum sufficient equal to \$18,065,300 in fiscal year 1999-2000, \$21,565,300 in fiscal
7 year 2000-01, and in fiscal year 2001-02 and each subsequent fiscal year a sum
8 sufficient equal to the amount available under this paragraph in the previous fiscal
9 year, adjusted by a percentage that is equal to the percentage change between the
10 U.S. consumer price index for all urban consumers, U. S. city average, for the
11 12-month period ending on June 30 of the previous year and the U.S. consumer price
12 index for all urban consumers, U.S. city average, for the 12-month period ending on
13 June 30 of the year before the previous fiscal year, as determined by the federal
14 department of labor, rounded to the nearest multiple of \$100, to make payments for
15 municipal services provided by municipalities to state facilities, as determined
16 under s. 70.119 (7).

17 *~~4426/1.2~~* **SECTION 44.** 20.866 (1) (u) of the statutes, as affected by 1999
18 Wisconsin Act 9, section 628, is amended to read:

19 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
20 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
21 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
22 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih)
23 and, (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac),
24 (ag), (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395
25 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e),

1 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),
2 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), ~~(bm)~~, (bp), (br), (g), (h), (i) and
3 (q) for the payment of principal and interest on public debt contracted under subchs.
4 I and IV of ch. 18.

5 *~~4426/1.3~~* SECTION 45. 20.866 (1) (u) of the statutes, as affected by 1999
6 Wisconsin Act ... (this act), is repealed and recreated to read:

7 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
8 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
9 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250
10 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),
11 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
12 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq) and
13 (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d),
14 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc), 20.855 (8) (a)
15 and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (g), (h), (i) and (q) for the
16 payment of principal and interest on public debt contracted under subchs. I and IV
17 of ch. 18.

18 *~~4426/1.4~~* SECTION 46. 20.866 (2) (s) of the statutes, as affected by 1999
19 Wisconsin Act 9, is amended to read:

20 20.866 (2) (s) *University of Wisconsin; academic facilities.* From the capital
21 improvement fund, a sum sufficient for the board of regents of the University of
22 Wisconsin System to acquire, construct, develop, enlarge or improve university
23 academic educational facilities and facilities to support such facilities. The state may
24 contract public debt in an amount not to exceed ~~\$856,708,700~~ \$858,408,700 for this
25 purpose.

1 *~~4439/1.1~~* SECTION 47. 20.866 (2) (ta) of the statutes, as created by 1999
2 Wisconsin Act 9, is amended to read:

3 20.866 (2) (ta) *Natural resources; Warren Knowles-Gaylord Nelson*
4 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for
5 the Warren Knowles-Gaylord Nelson stewardship 2000 program under s. 23.0917.
6 The state may contract public debt in an amount not to exceed ~~\$460,000,000~~
7 \$600,000,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k), (5)
8 and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this
9 paragraph may not exceed ~~\$46,000,000~~ \$60,000,000 in each fiscal year.

10 *~~4426/1.5~~* SECTION 48. 20.866 (2) (zbL) of the statutes is created to read:

11 20.866 (2) (zbL) *Milwaukee Area Technical College; digital television*
12 *conversion.* From the capital improvement fund, a sum sufficient for the building
13 commission to provide grants to the Milwaukee Area Technical College to aid in the
14 acquisition, construction, development, enlargement or improvement of facilities
15 and equipment related to the conversion to digital television. The state may contract
16 public debt in an amount not to exceed \$3,500,000 for this purpose.

17 *~~4426/1.6~~* SECTION 49. 20.866 (2) (zd) of the statutes, as affected by 1999
18 Wisconsin Act 9, is amended to read:

19 20.866 (2) (zd) *Educational communications board; educational*
20 *communications facilities.* From the capital improvement fund, a sum sufficient for
21 the educational communications board to acquire, construct, develop, enlarge or
22 improve educational communications facilities. The state may contract public debt
23 in an amount not to exceed ~~\$8,658,100~~ \$21,878,900 for this purpose.

24 *~~4426/1.7~~* SECTION 50. 20.867 (3) (bm) of the statutes is created to read:

1 20.867 (3) (bm) *Principal repayment, interest and rebates.* A sum sufficient to
2 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
3 in financing the acquisition, construction, development, enlargement or
4 improvement of facilities and equipment related to the conversion to digital
5 television at Milwaukee Area Technical College, and to make the payments
6 determined by the building commission under s. 13.488 (1) (m) that are attributable
7 to the proceeds of obligations incurred in financing the acquisition, construction,
8 development, enlargement or improvement of facilities and equipment related to the
9 conversion to digital television at Milwaukee Area Technical College.

10 *~~4424/2.16~~* *~~3361/P2.8~~* **SECTION 51.** 20.923 (4) (b) 7. of the statutes is
11 created to read:

12 20.923 (4) (b) 7. Sentencing commission: executive director.

13 *~~4424/2.17~~* *~~3361/P2.9~~* **SECTION 52.** 20.923 (6) (hr) of the statutes is
14 created to read:

15 20.923 (6) (hr) Sentencing commission: deputy director.

16 *~~4439/1.2~~* **SECTION 53.** 23.0917 (3) (dm) 1. of the statutes, as created by 1999
17 Wisconsin Act 9, is amended to read:

18 23.0917 (3) (dm) 1. For fiscal year 2000–01, ~~\$28,500,000~~ \$40,000,000.

19 *~~4439/1.3~~* **SECTION 54.** 23.0917 (3) (dm) 2. of the statutes, as created by 1999
20 Wisconsin Act 9, is amended to read:

21 23.0917 (3) (dm) 2. For each fiscal year beginning with 2001–02 and ending
22 with fiscal year 2009–10, ~~\$34,500,000~~ \$46,000,000.

23 *~~4439/1.4~~* **SECTION 55.** 23.0917 (4) (d) 1. of the statutes, as created by 1999
24 Wisconsin Act 9, is amended to read:

1 23.0917 (4) (d) 1. The department may obligate not more than \$11,500,000
2 \$14,000,000 in each fiscal year under the subprogram except as provided in sub. (5).

3 *~~4439/1.5~~* SECTION 56. 23.0917 (4) (d) 2. of the statutes, as created by 1999
4 Wisconsin Act 9, is amended to read:

5 23.0917 (4) (d) 2. The department may obligate not more than \$8,000,000
6 \$9,000,000 in each fiscal year for local assistance.

7 *~~4439/1.6~~* SECTION 57. 23.0917 (4) (d) 3. of the statutes, as created by 1999
8 Wisconsin Act 9, is amended to read:

9 23.0917 (4) (d) 3. The department shall obligate at least ~~\$3,500,000~~ \$5,000,000
10 in each fiscal year for property development.

11 *~~4424/2.18~~* *~~3266/P1.8~~* SECTION 58. 23.33 (13) (cg) of the statutes, as
12 affected by 1997 Wisconsin Act 283, is amended to read:

13 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
14 *signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than~~
15 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
16 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
17 person.

18 *~~4424/2.19~~* *~~3266/P1.9~~* SECTION 59. 26.14 (8) of the statutes, as affected
19 by 1997 Wisconsin Act 283, is amended to read:

20 26.14 (8) Any person who intentionally sets fire to the land of another or to a
21 marsh ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years~~
22 ~~and 6 months or both~~ is guilty of a Class H felony.

23 *~~4424/2.20~~* *~~3266/P1.10~~* SECTION 60. 29.971 (1) (c) of the statutes, as
24 affected by 1997 Wisconsin Act 283, is amended to read:

1 29.971 (1) (c) ~~For A person having fish in his or her possession in violation of~~
2 ~~this chapter and is guilty of a Class I felony if the value of the fish under par. (d)~~
3 ~~exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than~~
4 ~~3 years or both.~~

5 *~~4424/2.21~~* *~~3266/P1.11~~* SECTION 61. 29.971 (1m) (c) of the statutes, as
6 affected by 1997 Wisconsin Act 283, is amended to read:

7 29.971 (1m) (c) ~~For A person possessing clams in violation of s. 29.537, is guilty~~
8 ~~of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, by a fine~~
9 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

10 *~~4424/2.22~~* *~~3266/P1.12~~* SECTION 62. 29.971 (11m) (a) of the statutes, as
11 affected by 1997 Wisconsin Act 283, is amended to read:

12 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
13 possessing a bear without a valid Class A bear license, or for possessing a bear which
14 does not have a carcass tag attached or possessing a bear during the closed season,
15 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
16 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~
17 ~~\$10,000~~ or imprisonment for not more than ~~2 years~~ 9 months or both for any
18 subsequent violation, and, in addition, the court shall revoke all hunting approvals
19 issued to the person under this chapter and shall prohibit the issuance of any new
20 hunting approval under this chapter to the person for 3 years.

21 *~~4424/2.23~~* *~~3266/P1.13~~* SECTION 63. 29.971 (11p) (a) of the statutes, as
22 affected by 1997 Wisconsin Act 283, is amended to read:

23 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
24 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~
25 ~~years~~ 9 months or both.

1 *~~4424/2.24~~* *~~3266/P1.14~~* **SECTION 64.** 30.80 (2g) (b) of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

3 30.80 (2g) (b) Shall be fined not ~~less than \$300 nor more than \$5,000~~ \$10,000
4 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
5 injury to a person but the person did not suffer great bodily harm.

6 *~~4424/2.25~~* *~~3266/P1.15~~* **SECTION 65.** 30.80 (2g) (c) of the statutes, as
7 affected by 1997 Wisconsin Act 283, is amended to read:

8 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
9 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
10 person and the person suffered great bodily harm.

11 *~~4424/2.26~~* *~~3266/P1.16~~* **SECTION 66.** 30.80 (2g) (d) of the statutes, as
12 affected by 1997 Wisconsin Act 283, is amended to read:

13 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
14 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
15 death to a person.

16 *~~4424/2.27~~* *~~3266/P1.17~~* **SECTION 67.** 30.80 (3m) of the statutes, as
17 affected by 1997 Wisconsin Act 283, is amended to read:

18 30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~
19 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of
20 a Class H felony.

21 *~~4424/2.28~~* *~~3266/P1.18~~* **SECTION 68.** 36.25 (6) (d) of the statutes, as
22 affected by 1997 Wisconsin Act 283, is amended to read:

23 36.25 (6) (d) Any officer, agent, clerk or employe of the survey or department
24 of revenue who makes known to any person except the officers of the survey or
25 department of revenue, in any manner, any information given to such person in the

1 discharge of such person's duties under par. (c), which information was given to such
2 person with the request that it not be made known, ~~upon conviction thereof, shall be~~
3 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~
4 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent
5 the use for assessment purposes of any information obtained under this subsection.

6 ***-4445/1.1* SECTION 69.** 40.51 (8) of the statutes is amended to read:

7 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
8 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
9 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to
10 ~~(13)~~ (14) and 632.896.

11 ***-4445/1.2* SECTION 70.** 40.51 (8m) of the statutes is amended to read:

12 40.51 (8m) Every health care coverage plan offered by the group insurance
13 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
14 632.748, 632.85, 632.853, 632.855 and 632.895 (11) to ~~(13)~~ (14).

15 ***-4187/4.8* SECTION 71.** 46.034 (3) of the statutes is amended to read:

16 46.034 (3) With the agreement of the affected county board of supervisors in
17 a county with a single-county department or boards of supervisors in counties with
18 a multicounty department, effective for the contract period beginning January 1,
19 1980, the department may approve a county with a single-county department or
20 counties participating in a multicounty department to administer a single
21 consolidated aid consisting of the state and federal financial aid available to that
22 county or those counties from appropriations under s. 20.435 (3) (o) and (7) (b), (ba),
23 (bb), (kw) and (o) for services provided and purchased by county departments under
24 ss. 46.215, 46.22, 46.23, 51.42 and 51.437. Under such an agreement, in the interest
25 of improved service coordination and effectiveness, the county board of supervisors

1 in a county with a single-county department or county boards of supervisors in
2 counties with a multicounty department may reallocate among county departments
3 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 funds that otherwise would be
4 specified for use by a single county department. The budget under s. 46.031 (1) shall
5 be the vehicle for expressing the proposed use of the single consolidated fund by the
6 county board of supervisors in a county with a single-county department or county
7 boards of supervisors in counties with a multicounty department. Approval by the
8 department of this use of the fund shall be in the contract under s. 46.031 (2g).
9 Counties that were selected by the department to pilot test consolidated aids for
10 contract periods beginning January 1, 1978, may continue or terminate
11 consolidation with the agreement of the affected county board of supervisors in a
12 county with a single-county department or county boards of supervisors in counties
13 with a multicounty department.

14 *~~4187/4.9~~* SECTION 72. 46.215 (2) (c) 1. of the statutes, as affected by 1999
15 Wisconsin Act 9, is amended to read:

16 46.215 (2) (c) 1. A county department of social services shall develop, under the
17 requirements of s. 46.036, plans and contracts for care and services to be purchased,
18 except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department
19 of health and family services may review the contracts and approve them if they are
20 consistent with s. 46.036 and if state or federal funds are available for such purposes.
21 The joint committee on finance may require the department of health and family
22 services to submit the contracts to the committee for review and approval. The
23 department of health and family services may not make any payments to a county
24 for programs included in a contract under review by the committee. The department
25 of health and family services shall reimburse each county for the contracts from the

1 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o), as
2 appropriate, under s. 46.495.

3 ***-4187/4.10* SECTION 73.** 46.215 (2) (c) 3. of the statutes is amended to read:

4 46.215 (2) (c) 3. A county department of social services shall develop, under the
5 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
6 care and services to be purchased. The department of corrections may review the
7 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
8 federal funds are available for such purposes. The joint committee on finance may
9 require the department of corrections to submit the contracts to the committee for
10 review and approval. The department of corrections may not make any payments
11 to a county for programs included in a contract under review by the committee. The
12 department of corrections shall reimburse each county for the contracts from the
13 appropriations under s. 20.410 (3) (cd), (ce), (cf) and (ko) as appropriate.

14 ***-4187/4.11* SECTION 74.** 46.22 (1) (am) of the statutes is amended to read:

15 46.22 (1) (am) *Funding for multicounties.* State social services funding under
16 s. 20.435 (7) (b), (ba) and (bb) is not available to counties which establish a
17 multicounty department of social services until the counties have drafted a
18 contractual agreement, approved by the secretary, setting forth the plans for direct
19 sponsorship and have drafted a budget under par. (b) 1. d.

20 ***-4187/4.12* SECTION 75.** 46.22 (1) (e) 3. a. of the statutes, as affected by 1999
21 Wisconsin Act 9, is amended to read:

22 46.22 (1) (e) 3. a. A county department of social services shall develop, under
23 the requirements of s. 46.036, plans and contracts for care and services, except under
24 subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and
25 family services may review the contracts and approve them if they are consistent

1 with s. 46.036 and to the extent that state or federal funds are available for such
2 purposes. The joint committee on finance may require the department of health and
3 family services to submit the contracts to the committee for review and approval.
4 The department of health and family services may not make any payments to a
5 county for programs included in the contract that is under review by the committee.
6 The department of health and family services shall reimburse each county for the
7 contracts from the appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw)
8 and (o) according to s. 46.495.

9 ***-4187/4.13* SECTION 76.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

10 46.22 (1) (e) 3. c. A county department of social services shall develop, under
11 the requirements of s. 301.08 (2), plans and contracts for juvenile
12 delinquency-related care and services to be purchased. The department of
13 corrections may review the contracts and approve them if they are consistent with
14 s. 301.08 (2) and to the extent that state or federal funds are available for such
15 purposes. The joint committee on finance may require the department of corrections
16 to submit the contracts to the committee for review and approval. The department
17 of corrections may not make any payments to a county for programs included in the
18 contract that is under review by the committee. The department of corrections shall
19 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
20 (cd), (ce), (cf) and (ko) as appropriate.

21 ***-4187/4.14* SECTION 77.** 46.27 (11) (c) 3. of the statutes, as affected by 1999

22 Wisconsin Act 9, is amended to read:

23 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
24 private nonprofit agency or an aging unit with which the department contracts

1 provides under this subsection shall be made from the appropriations under s. 20.435
2 (4) (o) and (7) (b), (ba), (bb) and (bd).

3 ***-4187/4.15*** SECTION 78. 46.283 (5) of the statutes, as created by 1999
4 Wisconsin Act 9, is amended to read:

5 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
6 (bm) and (pa) and (7) (b), (ba), (bb), (bd) and (md), the department may contract with
7 organizations that meet standards under sub. (3) for performance of the duties under
8 sub. (4) and shall distribute funds for services provided by resource centers.

9 ***-4187/4.16*** SECTION 79. 46.284 (5) (a) of the statutes, as created by 1999
10 Wisconsin Act 9, is amended to read:

11 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and
12 (o) and (7) (b), (ba), (bb) and (bd), the department shall provide funding on a capitated
13 payment basis for the provision of services under this section. Notwithstanding s.
14 46.036 (3) and (5m), a care management organization that is under contract with the
15 department may expend the funds, consistent with this section, including providing
16 payment, on a capitated basis, to providers of services under the family care benefit.

17 ***-4187/4.17*** SECTION 80. 46.40 (1) (a) of the statutes, as affected by 1999
18 Wisconsin Act 9, is amended to read:

19 46.40 (1) (a) Within the limits of available federal funds and of the
20 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o), the
21 department shall distribute funds for community social, mental health,
22 developmental disabilities and alcohol and other drug abuse services and for services
23 under ss. 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215,
24 46.22, 46.23, 51.42 and 51.437 and to county aging units, as provided in subs. (2), to
25 (2m) and (7) to (9).

1 *~~4187/4.18~~* SECTION 81. 46.40 (2) of the statutes, as affected by 1999
2 Wisconsin Act 9, is amended to read:

3 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
4 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
5 more than \$284,978,800 for fiscal year 1999–2000 and \$285,511,800 for fiscal year
6 2000–01. In addition to distributing the amounts specified in this subsection, the
7 department shall also distribute in each fiscal year, subject to sub. (9), the amount
8 appropriated under s. 20.435 (7) (bb) for social services under s. 46.495 (1) (d) and
9 services under s. 51.423 (2).

10 *~~4187/4.19~~* SECTION 82. 46.40 (2g) of the statutes is created to read:

11 46.40 (2g) BASIC COUNTY ALLOCATION; CONSUMER PRICE INDEX ADJUSTMENT. In
12 2000, subject to sub. (9), for social services under s. 46.495 (1) (d) and services under
13 s. 51.423 (2), the department shall allocate \$0 from the appropriation under s. 20.435
14 (7) (ba). Beginning in 2001, subject to sub. (9), for social services under s. 46.495 (1)
15 (d) and services under s. 51.423 (2), the department shall allocate from the
16 appropriation under s. 20.435 (7) (ba) in each year an amount equal to \$286,330,700
17 multiplied by a percentage that is equal to the percentage change between the U.S.
18 consumer price index for all urban consumers, U.S. city average, for the 12-month
19 period ending on June 30 of the previous year and the U.S. consumer price index for
20 all urban consumers, U.S. city average, for the 12-month period ending on June 30,
21 1999, as determined by the federal department of labor, rounded to the nearest
22 multiple of \$100.

23 *~~4187/4.20~~* SECTION 83. 46.40 (3) of the statutes is amended to read:

24 46.40 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the
25 department shall distribute not more than \$412,800 in each fiscal year from the

1 appropriation ~~account~~ accounts under s. 20.435 (7) (b), (ba) and (bb) to federally
2 recognized American Indian tribes or bands. A tribe or band that receives funding
3 under this subsection shall use that funding to provide child care for an eligible child,
4 as defined in 42 USC 9858n (4).

5 *~~4187/4.21~~* **SECTION 84.** 46.40 (7m) of the statutes is amended to read:

6 46.40 (7m) USE BY COUNTY OF COMMUNITY AIDS FUNDS TO PAY PRIVATE ATTORNEYS
7 FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon application by a county
8 department under s. 46.215, 46.22 or 46.23 to the department for permission to use
9 funds allocated to that county department under ~~sub-~~ subs. (2) and (2g) to employ
10 private counsel for the purposes specified in this subsection and a determination by
11 the department that use of funds for those purposes does not affect any federal grants
12 or federal funding allocated under this section, the department and the county
13 department shall execute a contract authorizing the county department to expend,
14 as agreed upon in the contract, funds allocated to that county department under sub.
15 (2) to permit the county department to employ private counsel to represent the
16 interests of the state or county in proceedings under ch. 48 relating to child abuse or
17 neglect cases, unborn child abuse cases, proceedings to terminate parental rights
18 and any ch. 48 cases or proceedings involving the Indian child welfare act, 25 USC
19 1901 to 1963.

20 *~~4187/4.22~~* **SECTION 85.** 46.45 (2) (a) of the statutes is amended to read:

21 46.45 (2) (a) If on December 31 of any year there remains unspent or
22 unencumbered in the ~~allocation~~ allocations under s. 46.40 (2) and (2g) an amount
23 that exceeds the amount received under 42 USC 670 to 679a and allocated under s.
24 46.40 (2) and (2g) in that year, the department shall carry forward the excess moneys
25 and distribute not less than 50% of the excess moneys to counties having a population

1 of less than 500,000 for services and projects to assist children and families,
2 notwithstanding the percentage limit specified in sub. (3)(a). A county shall use not
3 less than 50% of the moneys distributed to the county under this subsection for
4 services for children who are at risk of abuse or neglect to prevent the need for child
5 abuse and neglect intervention services.

6 ***-4187/4.23* SECTION 86.** 46.45 (2) (a) of the statutes, as affected by 1999
7 Wisconsin Acts 9 and (this act), is repealed and recreated to read:

8 46.45 (2) (a) If on December 31 of any year there remains unspent or
9 unencumbered in the allocations under s. 46.40 (2) and (2g) an amount that exceeds
10 the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) and
11 (2g) in that year, the department shall carry forward the excess moneys and
12 distribute not less than 50% of the excess moneys to counties having a population of
13 less than 500,000 that are making a good faith effort, as determined by the
14 department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist
15 children and families, notwithstanding the percentage limit specified in sub. (3) (a).
16 A county shall use not less than 50% of the moneys distributed to the county under
17 this subsection for services for children who are at risk of abuse or neglect to prevent
18 the need for child abuse and neglect intervention services. If a county does not
19 comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the department may recover any
20 amounts distributed to that county under this paragraph after June 30, 2001, by
21 billing the county or deducting from that county's allocation under s. 46.40 (2).

22 ***-4187/4.24* SECTION 87.** 46.45 (3) (a) of the statutes is amended to read:

23 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
24 governing body or private nonprofit organization, the department shall carry
25 forward up to 3% of the total amount allocated to the county, tribal governing body

1 or nonprofit organization for a calendar year. All funds carried forward for a tribal
2 governing body or nonprofit organization, all federal child welfare funds under 42
3 USC 620 to 626 and all funds allocated under s. 46.40 (2m) carried forward for a
4 county shall be used for the purpose for which the funds were originally allocated.
5 Except as provided under par. (am), other funds carried forward may be used for any
6 purpose under s. 20.435 (7) (b). All funds allocated under s. 46.40 (2g) that are carried
7 forward for a county under this subsection shall be expended by the county in the
8 state fiscal year in which those funds were appropriated.

9 *~~4187/4.25~~* **SECTION 88.** 46.45 (6) of the statutes is amended to read:

10 46.45 (6) The department may carry forward 10% of any funds not carried
11 forward under sub. (3) for emergencies, for justifiable unit services costs above
12 planned levels and to provide compensation for increased costs due to population
13 shifts. All funds allocated under s. 46.40 (2g) that are carried forward for a county
14 under this subsection shall be expended by the county in the state fiscal year in which
15 those funds were appropriated.

16 *~~4187/4.26~~* **SECTION 89.** 46.495 (1) (am) of the statutes is amended to read:

17 46.495 (1) (am) The department shall reimburse each county from the
18 appropriations under s. 20.435 (3) (o) and (7) (b), (ba), (bb), (kw) and (o) for social
19 services as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and
20 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the
21 administration of or aid granted under s. 49.02.

22 *~~4187/4.27~~* **SECTION 90.** 46.495 (1) (d) of the statutes, as affected by 1999
23 Wisconsin Act 9, is amended to read:

24 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (ba),
25 (bb), (kw) and (o), the department shall distribute the funding for social services,

1 including funding for foster care or treatment foster care of a child on whose behalf
2 aid is received under s. 46.261, to county departments under ss. 46.215, 46.22 and
3 46.23 as provided under s. 46.40. County matching funds are required for the
4 distributions under s. 46.40 (2), (2g), (8) and (9) (b). Each county's required match
5 for the distributions under s. 46.40 (2), (2g) and (8) for a year equals 9.89% of the total
6 of the county's distributions under s. 46.40 (2), (2g) and (8) for that year for which
7 matching funds are required plus the amount the county was required by s. 46.26 (2)
8 (c), 1985 stats., to spend for juvenile delinquency-related services from its
9 distribution for 1987. Each county's required match for the distribution under s.
10 46.40 (9) (b) for a year equals 9.89% of that county's amounts described in s. 46.40
11 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal
12 and state revenue sharing funds or private donations to the county that meet the
13 requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the
14 total county match. If the county match is less than the amount required to generate
15 the full amount of state and federal funds distributed for this period, the decrease
16 in the amount of state and federal funds equals the difference between the required
17 and the actual amount of county matching funds.

18 *~~4187/4.28~~* SECTION 91. 46.495 (1) (dc) of the statutes is amended to read:

19 46.495 (1) (dc) The department shall prorate the amount allocated to any
20 county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal
21 funds available and the amount from the appropriation under s. 20.435 (7) (bb)
22 available.

23 *~~4436/1.3~~* SECTION 92. 46.766 of the statutes is created to read:

24 **46.766 Food pantry grants.** (1) In this section:

1 (a) 1. “Nonprofit organization” means an organization described in section 501
2 (c) of the Internal Revenue Code.

3 2. “Rural” means outside a metropolitan statistical area specified under 42
4 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an
5 urban center.

6 (b) From the appropriation under s. 20.435 (3) (fp), the department shall
7 provide annual grants, not to exceed \$15,000 per year per grant, to food pantries that
8 apply and qualify for the grants. Grants awarded under this section may be used for
9 any of the following purposes:

10 1. The purchase, storage, transportation, coordination or distribution of food
11 to needy households.

12 2. The administration of emergency food distribution.

13 3. The purchase of capital equipment.

14 4. Programs designed to increase food availability to needy households or
15 enhance food security.

16 5. Nutrition education and outreach.

17 6. Technical assistance related to food pantry management.

18 (c) No grant received under this section may be used to foster or advance
19 religious or political views.

20 (2) A food pantry qualifies for a grant under this section if the food pantry meets
21 all of the following conditions:

22 (a) The food pantry applies on an application developed by the department. The
23 application may not exceed one page.

24 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit
25 organization.

1 (c) The food pantry distributes food packages directly, without charge, to needy
2 households.

3 (d) The food pantry is open to the general public in its service area.

4 (e) The food pantry does not base food distribution on any criteria other than
5 need of the recipient, except to the extent necessary for the orderly and fair
6 distribution of food.

7 (f) The food pantry has a permanent address, regular hours of operation and
8 is open at least one day per month.

9 (g) The food pantry adheres to the United States department of agriculture food
10 safety and food storage standards.

11 **(3)** (a) The department shall allocate 25% of the total funds available for grants
12 under this section to be distributed, except as provided in sub. (1) (b), among rural
13 food pantries that apply and are eligible in proportion to the number of persons
14 served by each of those food pantries. Except as provided in sub. (2) (b), the
15 department shall distribute the remainder of the grants to all food pantries that
16 apply and are qualified in proportion to the number of persons served by each food
17 pantry.

18 (b) If any funds remain unallocated, the department shall distribute the
19 remaining funds to food pantries that have not received the maximum amount, in
20 proportion to the number of persons served by each of those food pantries, but not
21 to exceed \$15,000.

22 (c) The department may not use more than 5% of the total amount available
23 under the appropriation under s. 20.435 (3) (fp) for administration of the grant
24 program under this section.

1 (4) A food pantry that receives a grant under this section shall, not later than
2 60 days after the end of the grant period, submit a report, not longer than 3 pages,
3 to the department in the manner prescribed by the department by rule, that
4 describes how the grant money was used by the food pantry. The department shall
5 compile the reports and submit the compiled reports to the legislature under s.
6 13.172 (2).

7 *~~4424/2.29~~* *~~3266/P1.19~~* SECTION 93. 47.03 (3) (d) of the statutes, as
8 affected by 1997 Wisconsin Act 283, is amended to read:

9 47.03 (3) (d) Any person who violates this subsection shall be fined not more
10 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2-years~~ 9 months or both.

11 *~~4424/2.30~~* *~~0590/P5.1~~* SECTION 94. 48.355 (2d) (b) 3. of the statutes is
12 amended to read:

13 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
14 1997 stats., a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
15 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
16 federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225
17 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
18 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
19 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
20 of the parent.

21 *~~4424/2.31~~* *~~0590/P5.2~~* SECTION 95. 48.415 (9m) (b) 2. of the statutes is
22 amended to read:

23 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1997 stats.,
24 a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
25 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other

1 state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or
2 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
3 or 948.08 if committed in this state.

4 *~~4424/2.32~~* *~~0590/P5.3~~* SECTION 96. 48.417 (1) (d) of the statutes is
5 amended to read:

6 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
7 committed a violation of s. 940.19 (3), 1997 stats., a violation of s. 940.19 (2), (3), (4)
8 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
9 violation of the law of any other state or federal law, if that violation would be a
10 violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
11 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
12 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
13 defined in s. 939.22 (38), to the child or another child of the parent.

14 *~~4424/2.33~~* *~~0590/P5.4~~* SECTION 97. 48.57 (3p) (g) 2. of the statutes is
15 amended to read:

16 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
17 in s. 939.64, 1997 stats., or s. 939.641, 1997 stats., or s. 939.62, 939.621, 939.63,
18 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
19 state or federal law under circumstances under which the person would be subject
20 to a penalty specified in any of those sections if convicted in this state.

21 *~~4424/2.34~~* *~~0590/P5.5~~* SECTION 98. 48.685 (5) (bm) 2. of the statutes is
22 amended to read:

23 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1997 stats., or of s. 940.19 (2), (3),
24 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

1 *~~4424/2.35~~* *~~0590/P5.6~~* **SECTION 99.** 48.685 (5) (bm) 3. of the statutes is
2 amended to read:

3 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1997 stats., or of s. 940.01,
4 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
5 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

6 *~~4424/2.36~~* *~~0590/P5.7~~* **SECTION 100.** 48.685 (5) (bm) 4. of the statutes is
7 amended to read:

8 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1997 stats., or of s. 940.19 (2), (3),
9 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
10 is a felony, if committed not more than 5 years before the date of the investigation
11 under sub. (2) (am).

12 *~~4424/2.37~~* *~~3266/P1.20~~* **SECTION 101.** 49.127 (8) (a) 2. of the statutes, as
13 affected by 1997 Wisconsin Act 283, is amended to read:

14 49.127 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
15 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
16 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

17 *~~4424/2.38~~* *~~3266/P1.21~~* **SECTION 102.** 49.127 (8) (b) 2. of the statutes, as
18 affected by 1997 Wisconsin Act 283, is amended to read:

19 49.127 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than
20 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
21 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H
22 felony.

23 *~~4424/2.39~~* *~~3266/P1.22~~* **SECTION 103.** 49.127 (8) (c) of the statutes, as
24 affected by 1997 Wisconsin Act 283, is amended to read:

1 49.127 (8) (c) For any offense under this section, if the value of the food coupons
2 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
3 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

4 *~~4424/2.40~~* *~~3266/P1.23~~* SECTION 104. 49.141 (7) (a) of the statutes, as
5 affected by 1997 Wisconsin Act 283, is amended to read:

6 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
7 the furnishing by that person of items or services for which payment is or may be
8 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
9 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

10 *~~4424/2.41~~* *~~3266/P1.24~~* SECTION 105. 49.141 (7) (b) of the statutes, as
11 affected by 1997 Wisconsin Act 283, is amended to read:

12 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
13 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
14 ~~2 years~~ 9 months or both.

15 *~~4424/2.42~~* *~~3266/P1.25~~* SECTION 106. 49.141 (9) (a) of the statutes, as
16 affected by 1997 Wisconsin Act 283, is amended to read:

17 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
18 in return for referring an individual to a person for the furnishing or arranging for
19 the furnishing of any item or service for which payment may be made in whole or in
20 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
21 arranging for or recommending purchasing, leasing, or ordering any good, facility,
22 service, or item for which payment may be made in whole or in part under Wisconsin
23 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
24 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or~~
25 ~~imprisoned for not more than 7 years and 6 months or both.~~

1 *~~4424/2.43~~* *~~3266/P1.26~~* SECTION 107. 49.141 (9) (b) of the statutes, as
2 affected by 1997 Wisconsin Act 283, is amended to read:

3 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
4 any person to induce the person to refer an individual to a person for the furnishing
5 or arranging for the furnishing of any item or service for which payment may be made
6 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
7 for or recommend purchasing, leasing, or ordering any good, facility, service or item
8 for which payment may be made in whole or in part under any provision of Wisconsin
9 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
10 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or
11 imprisoned for not more than 7 years and 6 months or both.

12 *~~4424/2.44~~* *~~3266/P1.27~~* SECTION 108. 49.141 (10) (b) of the statutes, as
13 affected by 1997 Wisconsin Act 283, is amended to read:

14 49.141 (10) (b) A person who violates this subsection is guilty of a Class H
15 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
16 the person may be fined not more than \$25,000 or ~~imprisoned for not more than 7~~
17 ~~years and 6 months or both.~~

18 *~~4424/2.45~~* *~~3266/P1.28~~* SECTION 109. 49.49 (1) (b) 1. of the statutes, as
19 affected by 1997 Wisconsin Act 283, is amended to read:

20 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
21 failure, or conversion by any person in connection with the furnishing by that person
22 of items or services for which medical assistance is or may be made, a person
23 ~~convicted of violating this subsection~~ is guilty of a Class H felony, except that,
24 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be

1 fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months~~
2 ~~or both.~~

3 ~~*-4424/2.46*~~ ~~*-3266/P1.29*~~ **SECTION 110.** 49.49 (2) (a) of the statutes, as
4 affected by 1997 Wisconsin Act 283, is amended to read:

5 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
6 or receives any remuneration, including any kickback, bribe, or rebate, directly or
7 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual
8 to a person for the furnishing or arranging for the furnishing of any item or service
9 for which payment may be made in whole or in part under a medical assistance
10 program, or in return for purchasing, leasing, ordering, or arranging for or
11 recommending purchasing, leasing, or ordering any good, facility, service, or item for
12 which payment may be made in whole or in part under a medical assistance program,
13 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
14 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~
15 ~~not more than 7 years and 6 months or both.~~

16 ~~*-4424/2.47*~~ ~~*-3266/P1.30*~~ **SECTION 111.** 49.49 (2) (b) of the statutes, as
17 affected by 1997 Wisconsin Act 283, is amended to read:

18 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
19 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
20 or covertly, in cash or in kind to any person to induce such person to refer an
21 individual to a person for the furnishing or arranging for the furnishing of any item
22 or service for which payment may be made in whole or in part under a medical
23 assistance program, or to purchase, lease, order, or arrange for or recommend
24 purchasing, leasing, or ordering any good, facility, service or item for which payment
25 may be made in whole or in part under a medical assistance program, is guilty of a