

January 2002 Special Session  
Assembly Bill 1

Date of enactment: **July 26, 2002**  
Date of publication\*: **July 29, 2002**

# 2001 WISCONSIN ACT 109

(Vetoed in Part)

**AN ACT relating to:** state finances and appropriations, correcting the imbalance between projected revenues and authorized expenditures, and diverse other matters.

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

**SECTION 1bc.** 5.02 (13) of the statutes is amended to read:

5.02 (13) "Political party" or "party" means a state committee registered under s. 11.05 and organized exclusively for political purposes under whose name candidates appear on a ballot at any election, and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name. For purposes of ch. 11, the term does not include ~~a legislative campaign committee or a committee filing an oath under s. 11.06 (7).~~

**SECTION 1bf.** 5.05 (2) of the statutes is amended to read:

5.05 (2) AUDITING. In addition to the facial examination of reports and statements required under s. 11.21 (13), the board shall conduct an audit of reports and statements which are required to be filed with it to determine whether violations of ch. 11 have occurred. The board may examine records relating to matters required to be treated in such reports and statements. The board shall make official note in the file of a candidate, committee, group or individual under ch. 11 of any error or other discrepancy which the board discovers and shall inform the

person submitting the report or statement. The board may also examine all documentation that is required to be maintained by political parties that receive grants from the Wisconsin election campaign fund under s. 11.50 (2s).

**SECTION 1bg.** 5.86 of the statutes is amended to read:

**5.86 Proceedings at central counting location locations.** (1) All proceedings at the each central counting location shall be under the direction of the municipal clerk or an election official designated by the clerk unless the central counting location is at the county seat and the municipal clerk delegates the responsibility to supervise the location to the county clerk, in which case the proceedings shall be under the direction of the county clerk or an election official designated by the county clerk. Unless election officials are selected under s. 7.30 (4) (c) without regard to party affiliation, the employees at the each central counting location, other than any specially trained technicians who are required for the operation of the automatic tabulating equipment, shall be equally divided between members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed by the employees shall be by teams consisting of an equal number of members of each political party whenever sufficient persons from each party are available.

(2) At the each central counting location, a team of election officials designated by the clerk or other election

\* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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official having charge of the location under sub. (1) shall check the container returned containing the ballots to determine that all seals are intact, and thereupon shall open the container, check the inspectors' slip and compare the number of ballots so delivered against the total number of electors of each ward served by the polling place who voted, remove the ballots or record of the votes cast and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of electors shall be noted on a sheet furnished for that purpose and signed by the election officials.

**SECTION 1bh.** 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:

This blank shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

APPLICATION FOR PRESIDENTIAL  
ELECTOR'S ABSENT BALLOT.

(To be voted at the Presidential Election  
on November ....., .... (year)

I, .... hereby swear or affirm that I am a citizen of the United States, formerly residing at .... in the .... ward .... aldermanic district (city, town, village) of ....., County of .... for 10 days prior to leaving the State of Wisconsin. I, .... do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of ....(State you now reside in) where I am presently residing. A citizen must be a resident of: State ....(Insert time) County ....(Insert time) City, Town or Village ....(Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of ....(the State where you now reside) on .... Month .... Day .... Year.

Signed ....  
Address ....(Present address)  
.....(City) ....(State)

Subscribed and sworn to before me this .... day of ....  
.... (year)

....(Notary Public, or other officer authorized to  
administer oaths.)  
....(County)

My Commission expires  
MAIL BALLOT TO:  
NAME ....  
ADDRESS ....  
CITY .... STATE .... ZIP CODE ....

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

....(Municipal Clerk)

....(Municipality)

**SECTION 1pc.** 6.87 (2) (form) of the statutes is amended to read:

6.87 (2) (form)  
[STATE OF ...  
County of ....]  
or

[(name of foreign country and city or other jurisdictional unit)]

I, ....., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ....., or of the .... aldermanic district in the city of ....., residing at ....\* in said city, the county of ....., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ....; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election. ~~An elector who provides an identification serial number issued under s. 6.47 (3) need not provide a street address.~~ I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name)  
....(Address)\*\*

\* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

\*\* — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

**SECTION 1pe.** 6.875 (1) (at) of the statutes is amended to read:

6.875 (1) (at) “Qualified retirement home” means a retirement home that qualifies under sub. (2) ~~(b)~~ (c) to utilize the procedures under this section.

**SECTION 1pg.** 6.875 (2) (a) of the statutes is amended to read:

6.875 (2) (a) The procedures prescribed in this section are the exclusive means of absentee voting for electors who are occupants of nursing homes ~~or~~ qualified community-based residential facilities or qualified retirement homes.

**SECTION 1pj.** 6.875 (6) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

6.875 (6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home ~~or~~ qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the ~~nursing home or qualified retirement home or qualified community-based residential facility.~~ The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified and the application is proper. The deputies shall ~~administer each witness the oath certification and~~ may, upon request of the elector, assist the elector in

marking the elector’s ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector’s ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may ~~administer witness the oath certification~~ and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector’s residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the ~~nursing home or qualified retirement home facility,~~ they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

**SECTION 1pl.** 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words “This envelope contains the ballot of an absent elector and must be opened at the polls during polling hours on election day”. If the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk’s office until delivered, as required in sub. (2).

**SECTION 1pn.** 6.92 of the statutes is renumbered 6.92 (1) and amended to read:

6.92 (1) ~~Each~~ Except as provided in sub. (2), each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: “You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election”; and shall then ask questions which are appropriate as determined by the board, by rule, to test the person’s qualifications.

**SECTION 1po.** 6.92 (2) of the statutes is created to read:

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6.92 (2) An inspector appointed under s. 7.30 (2) (am) may not challenge any person offering to vote.

**SECTION 1pp.** 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

7.03 (1) (a) ~~Except as authorized under this paragraph,~~ a reasonable daily compensation shall be paid to each inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger, and tabulator who is employed and performing duties under chs. 5 to 12. Daily compensation shall also be provided to officials and trainees for attendance at training sessions and examinations required by the board under s. 7.31. Alternatively, such election officials and trainees may be paid by the hour at a proportionate rate for each hour actually worked. Any election official or trainee may choose to volunteer his or her services by filing with the municipal clerk of the municipality in which he or she serves a written declination to accept compensation. The volunteer status of the election official or trainee remains effective until the official or trainee files a written revocation with the municipal clerk.

**SECTION 1pr.** 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

7.03 (1) (b) Except as provided in par. (bm), payment any compensation owed shall be ~~made paid~~ by the municipality in which the election is held, except that any compensation payable to a technician, messenger, tabulator, or member of the board of canvassers who is employed to perform services for the county shall be paid by the county and compensation payable to any messenger or tabulator who is employed to perform services for the state shall be paid by the board.

(bm) Whenever a special election is called by a county or by a school district, a technical college district, a sewerage district, a sanitary district, or a public inland lake protection and rehabilitation district, the county or district shall pay the compensation of all election officials performing duties in those municipalities, as determined under sub. (2).

(c) If a central counting location serving more than one municipality is utilized under s. 7.51 (1), the cost of compensation of election officials at the location shall be proportionately divided between the municipalities utilizing the location, except that if all municipalities within a county utilize the location, the compensation shall be paid by the county.

(d) ~~Special~~ Except as otherwise provided in par. (a), special registration deputies appointed under s. 6.55 (6), special voting deputies appointed under s. 6.875 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25 (5) may also be compensated by the municipality where they serve at the option of the municipality.

**SECTION 1psb.** 7.08 (2) (c) of the statutes is amended to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund, together with a list of eligible political parties that are authorized to use grants from the Wisconsin election campaign fund to make contributions under s. 11.50 (2s) (f) to those candidates. The board shall also electronically transmit a similar list of candidates who the board determines are eligible to receive a grant under s. 11.50 (4) (bg) or (br) within 24 hours after any candidate qualifies to receive such a grant. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any, or the name of the eligible political party and the mailing address indicated on the party's registration form.

**SECTION 1psc.** 7.08 (2) (cm) of the statutes is amended to read:

7.08 (2) (cm) As soon as possible after the canvass of a special primary, or the date that the primary would be held, if required, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant from the Wisconsin election campaign fund prior to the election. The board shall also transmit a similar list of candidates, if any, who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive a grant under s. 11.50 (1) (a) ~~2.~~ 1. b. after the special election. In addition, the board shall transmit at the same time a list of eligible political parties that are authorized to use grants from the Wisconsin election campaign fund to make contributions under s. 11.50 (2s) (f) to candidates of those parties whose names are certified under this paragraph. The board shall electronically transmit a similar list of candidates who the board determines are eligible to receive a grant under s. 11.50 (4) (bg) or (br) within 24 hours after any candidate qualifies to receive such a grant. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any, or the name of the eligible political party and the mailing address indicated on the party's registration form.

**SECTION 1pt.** 7.08 (3) (intro.) and (4) of the statutes are amended to read:

7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public



explaining the duties of the election officials, together with notes and references to the statutes as the board considers advisable. ~~The manual shall be furnished by the board free to each county and municipal clerk or board of election commissioners and others in such manner as it deems most likely to promote the public welfare.~~ The election manual shall:

(4) ELECTION LAWS. Publish the election laws. ~~The board shall furnish the election laws free to each county and municipal clerk and board of election commissioners in sufficient supply to provide one copy for reference at each office and at each polling place.~~ The board shall sell or distribute or arrange for the sale or distribution of copies of the election laws to county and municipal clerks and boards of election commissioners and members of the public.

**SECTION 1pv.** 7.08 (5) of the statutes is created to read:

7.08 (5) DISTRICT MAPS. Distribute, upon request and free of charge, to any candidate for representative in Congress, state senator, or representative to the assembly a copy of the map or maps received under s. 16.96 (3) (b) showing district boundaries.

**SECTION 1px.** 7.30 (2) (a) of the statutes is amended to read:

7.30 (2) (a) Only election officials appointed under this section may conduct an election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified elector ~~in~~ of the ward or wards, or the election district, for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials ~~servng more than one ward or when necessary who are appointed~~ to fill a vacancy under par. (b) need not be a resident of ~~that the ward or wards, or the election district~~, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

**SECTION 1rc.** 7.30 (2) (am) of the statutes is created to read:

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average or the equivalent may serve as an inspector at the polling place serving the pupil's residence, with the approval of the pupil's parent or guardian and of the principal of the school in which the pupil is enrolled. A pupil may serve as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian and from the principal of the school where the pupil is enrolled for the pupil to serve for the entire term for which he or she is appointed. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is enrolled of the date of expiration of the pupil's term of office.

**SECTION 1re.** 7.30 (4) (b) 1. of the statutes is amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic district committeemen or committeewomen under s. 8.17 of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least as many electors nominees as there are inspectors from that party for each of the voting wards in the aldermanic district. The chairperson may designate any individual whose name is submitted as a first choice nominee. The board of election commissioners shall appoint, no later than December 31 of even-numbered years, at least 5 inspectors for each ward. The board of election commissioners shall appoint all first choice nominees for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

**SECTION 1rg.** 7.30 (6) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the ~~inspectors at each polling place~~ municipal clerk shall ~~elect~~ appoint one of ~~their number~~ the inspectors at each polling place to ~~aet~~ serve as chief inspector. No person may serve as chief inspector at any election who is not certified by the board under s. 7.31 at the time of the election. The chief inspector shall hold the position for the remainder of the term unless the inspector is removed by the clerk or the inspec-

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~~tor ceases to be certified under s. 7.31, except that whenever wards are combined or separated under s. 5.15 (6) (b), the inspectors municipal clerk shall elect a new chief appoint another inspector who is certified under s. 7.31 to serve as chief inspector at each polling place designated under s. 5.15 (6) (b).~~ If a vacancy occurs in the position of chief inspector at any polling place, the municipal clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

**SECTION 1rj.** 7.33 (2) of the statutes is amended to read:

7.33 (2) Service as an election official under this chapter shall be mandatory upon all ~~qualified electors~~ individuals appointed, during the full 2-year term, after which they shall be exempt from further service as an election official, under this chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant exemptions from service at any time.

**SECTION 1rL.** 7.41 (4) of the statutes, as affected by 2001 Wisconsin Act 39, is amended to read:

7.41 (4) No individual exercising the right under sub. (1) may view the confidential portion of a registration list maintained under s. 6.36 (4) or a poll list maintained under s. 6.79 (6). However, the inspectors shall disclose to such an individual, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point in the proceedings. ~~No observer~~ such individual may view the ~~certificate-affidavit form~~ certificate of an absent elector who obtains a confidential listing under s. 6.47 (2).

**SECTION 1rn.** 7.51 (1) of the statutes is amended to read:

7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors shall proceed to canvass publicly all votes received at the polling place. In any municipality where an electronic voting system is used, the municipal governing body or board of election commissioners may provide or authorize the municipal clerk or executive director of the board of election commissioners to provide for the adjournment of the canvass to one or more central counting locations for specified polling places in the manner prescribed in subch. III of ch. 5. No central counting location may be used to count votes at a polling place where an electronic voting system is not employed. The canvass, whether conducted at the polling place or at ~~the a~~ central counting location, shall continue without adjournment until the canvass is completed and the return statements are made. The inspectors shall not permit access to the name of any elector who has obtained a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

**SECTION 1rp.** 7.60 (2) of the statutes is amended to read:

7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors of the county appointed by

the clerk constitute the county board of canvassers. The members of the board of canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. One member of the board of canvassers shall belong to a political party other than the clerk's. ~~If~~ The county clerk shall designate a deputy clerk who shall perform the clerk's duties as a member of the board of canvassers in the event that the county clerk's office is vacant, if the clerk cannot perform his or her duties, or if the clerk is a candidate at an election being canvassed, ~~the county clerk shall designate a deputy clerk to perform the clerk's duties.~~ If the county clerk and designated deputy clerk are both unable to perform their duties, the county executive or, if there is no county executive, the chairperson of the county board of supervisors shall designate another qualified elector of the county to perform the clerk's duties. If a member other than the clerk cannot perform his or her duties, the clerk shall appoint another member to serve. No person may serve on the county board of canvassers if the person is a candidate for an office to be canvassed by that board. If lists of candidates for the county board of canvassers are submitted to the county clerk by political party county committees, the lists shall consist of at least 3 names and the clerk shall choose the board members from the lists. Where there is a county board of election commissioners, it shall serve as the board of canvassers. If the county board of election commissioners serves as the board of canvassers, the executive director of the county board of election commissioners shall serve as a member of the board of canvassers to fill a temporary vacancy on that board.

**SECTION 1rr.** 8.15 (4) (a) of the statutes is amended to read:

8.15 (4) (a) The certification of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the circulator, resides within the district which the candidate named therein will represent, if elected; that he or she intends to support the candidate; and that he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes the certification next to his or her signature. The certification may be made by the candidate or any qualified elector.

**SECTION 1rt.** 8.15 (9) of the statutes is repealed.

**SECTION 1rv.** 8.20 (10) of the statutes is repealed.

**SECTION 1rx.** 8.21 of the statutes is amended to read:

**8.21 Declaration of candidacy.** Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office which the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office. The declaration shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office, and shall state that the signer is a candidate for a named office, that he or she meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. The declaration shall include the candidate's name in the form in which it will appear on the ballot. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any infamous crime misdemeanor designated under state or federal law as a violation of the public trust or any felony for which he or she has not been pardoned and a list of all felony convictions for which he or she has not been pardoned. In addition, each candidate for state or local office shall include in the declaration a statement that discloses his or her municipality of residence for voting purposes, and the street and number, if any, on which the candidate resides. The declaration is valid with or without the seal of the officer who administers the oath. A candidate for state or local office shall file an amended declaration under oath with the same officer or agency if any information contained in the declaration changes at any time after the original declaration is filed and before the candidate assumes office or is defeated for election or nomination.

**SECTION 1sb.** 8.30 (2) of the statutes is amended to read:

**8.30 (2)** If no registration statement has been filed by or on behalf of a candidate for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable deadline for filing nomination papers by such the candidate, or the deadline for filing a declaration of candidacy for an office for which nomination papers are not filed, the name of the candidate may not appear on the ballot. This subsection may not be construed to exempt a candidate from applicable penalties if he or she files a registra-

tion statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

**SECTION 1st.** 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

**8.35 (4)** (a) 1. a. ~~Donated to the former candidate's local or state political party if~~ If the former candidate was a partisan candidate ~~or, donated to the former candidate's local or state political party,~~ donated to the a charitable organization of the former candidate's choice or the charitable organization chosen or transferred to the board for deposit in the Wisconsin election campaign fund, as instructed by the former candidate or, if the candidate left no instruction, by the former candidate's next of kin ~~if the former candidate is deceased, or if no choice is made returned to the donors on a proportional basis;~~ or

b. If the former candidate was a nonpartisan candidate, ~~donated to the a charitable organization of the former candidate's choice or the charitable organization chosen or transferred to the board for deposit in the Wisconsin election campaign fund, as instructed by the former candidate or, if the candidate left no instruction,~~ by the former candidate's next of kin ~~if the former candidate is deceased;~~ or

**SECTION 1sw.** 8.35 (4) (c) and (d) of the statutes are amended to read:

**8.35 (4)** (c) The transfer to the replacement candidate under par. (b) shall be made and reported to the appropriate filing officer ~~in a special report submitted by the former candidate's campaign treasurer.~~ If the former candidate is deceased and was serving as his or her own campaign treasurer, the former candidate's petitioner or personal representative shall ~~file the report and make the transfer required by par. (b), if any and file the report.~~ The report shall be made at the appropriate interval under s. 11.20 (2) or (4) and shall include a complete statement of all contributions, disbursements and incurred obligations pursuant to s. 11.06 (1) covering the period from the day after the last date covered on the former candidate's most recent report to the date of disposition.

(d) The newly appointed candidate shall file his or her report at the next appropriate interval under s. 11.20 (2) or (4) after his or her appointment. The appointed candidate shall include any transferred ~~funds~~ moneys in his or her first report.

**SECTION 1tc.** 8.40 (2) of the statutes is amended to read:

**8.40 (2)** The certification of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that he or she personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the

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circulator knows that each signer signed on the date stated opposite his or her name; that the circulator resides within the jurisdiction or district in which the petition is circulated; and that the circulator is aware that falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.

**SECTION 1te.** 9.10 (2) (e) 3. of the statutes is amended to read:

9.10 (2) (e) 3. The signature is dated after the date of the ~~notarization~~ certification contained on the petition sheet.

**SECTION 1tg.** 9.10 (2) (em) 4. and 5. of the statutes are repealed.

**SECTION 1tj.** 9.10 (2) (o) of the statutes is repealed.

**SECTION 1tL.** 9.10 (2) (r) 1. to 3. of the statutes are repealed.

**SECTION 1tn.** 9.10 (4) (d) of the statutes is amended to read:

9.10 (4) (d) ~~The Promptly upon receipt of a certificate under par. (a), the governing body, school board, or board of election commissioners upon receiving the certificate shall call an a recall election. The recall election shall be held on the Tuesday of the 6th week commencing after the date of on which the certificate. If is filed, except that if Tuesday is a legal holiday; the recall election shall be held on the first day after Tuesday which is not a legal holiday.~~

**SECTION 1tp.** 10.06 (3) (am) of the statutes is amended to read:

10.06 (3) (am) As soon as possible following the deadline for filing nomination papers for any municipal election when there is to be an election for a county or state office or a county or statewide referendum, but no later than ~~2~~ 3 days after such deadline, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office to the county clerk if a primary is required, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

**SECTION 1tr.** 10.06 (3) (bm) of the statutes is amended to read:

10.06 (3) (bm) As soon as possible following the municipal canvass of the primary vote or the qualification of the candidates under s. 8.05 (1) (j) when a municipal caucus when is held, if there is to be an election for a county or state office or a county or statewide referendum, but no later than ~~2~~ 3 days after such date, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office and municipal referenda appearing on the ballot to the county clerk, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

**SECTION 1tu.** 11.001 (2m) of the statutes is created to read:

11.001 (2m) The legislature finds a compelling justification for minimal disclosure of all communications that are to be made near the time of an election and that include a reference to or depiction of a clearly identified candidate at that election in order to permit increased funding for candidates who are affected by those communications. This minimal disclosure burden is outweighed by the need to establish an effective funding mechanism for affected candidates to effectively respond to communications that may impact an election.

**SECTION 1tv.** 11.01 (4m) of the statutes is created to read:

11.01 (4m) “Communication” means a message, other than a communication that is exempt from reporting under s. 11.29, that is transmitted by means of a printed advertisement, billboard, handbill, marked sample ballot, radio or television advertisement, mass electronic communication, mass telephoning, or mass mailing, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

**SECTION 1tw.** 11.01 (12s) of the statutes is repealed.

**SECTION 1tx.** 11.01 (12w), (13) and (14) of the statutes are created to read:

11.01 (12w) “Mass electronic communication” means the transmission of 50 or more pieces of substantially identical material by means of electronic mail or facsimile transmission.

(13) “Mass mailing” means the distribution of 50 or more pieces of substantially identical material.

(14) “Mass telephoning” means the making of 50 or more telephone calls conveying a substantially identical message.

**SECTION 1ty.** 11.01 (16) (a) 3. of the statutes is created to read:

11.01 (16) (a) 3. A communication, other than a communication that is exempt from reporting under s. 11.29, that is made during the period beginning on the 60th day preceding a general, special, or spring election and ending on the date of that election and that includes a reference to or depiction of a clearly identified candidate whose name is certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot for election or nomination to an office to be filled at that election.

**SECTION 1tz.** 11.01 (17g) and (17r) of the statutes are created to read:

11.01 (17g) “Public access channel” means a channel that is required under a franchise granted under s. 66.0419 (3) (b) by a city, village, or town to a cable operator, as defined in s. 66.0419 (2) (b), and that is used for public access purposes, but does not include a channel that is used for governmental or educational purposes.



(17r) “Public access channel operator” means a person designated by a city, village, or town as responsible for the operation of a public access channel.

**SECTION 1uba.** 11.05 (1) of the statutes is renumbered 11.05 (1) (a) and amended to read:

11.05 (1) (a) Except as provided in s. 9.10 (2) (d), every committee, other than a personal campaign committee, ~~and every political group subject to registration under s. 11.23 which~~ that makes or accepts contributions, incurs obligations or makes disbursements in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). In the case of any committee other than a personal campaign committee, the statement shall be filed by the treasurer. A personal campaign committee shall register under sub. (2g) ~~or (2r)~~.

**SECTION 1ubb.** 11.05 (1) (b) of the statutes is created to read:

11.05 (1) (b) Every political group subject to registration under s. 11.23 which makes or accepts contributions, incurs obligations, or makes disbursements in a calendar year in an aggregate amount in excess of \$100 shall file a statement with the appropriate filing officer giving the information required by sub. (3).

**SECTION 1ubc.** 11.05 (2) of the statutes is renumbered 11.05 (2) (a) and amended to read:

11.05 (2) (a) Except as provided in s. 9.10 (2) (d), every individual, other than a candidate or agent of a candidate, who accepts contributions, incurs obligations, or makes disbursements with respect to one or more elections for state or local office in a calendar year in an aggregate amount in excess of \$25 shall file a statement with the appropriate filing officer giving the information required by sub. (3). An individual who guarantees a loan on which an individual, committee or group subject to a registration requirement defaults is not subject to registration under this subsection solely as a result of such default.

**SECTION 1ubd.** 11.05 (2) (b) of the statutes is created to read:

11.05 (2) (b) Every individual who accepts contributions, incurs obligations, or makes disbursements with respect to one or more referenda in a calendar year in an aggregate amount in excess of \$100 shall file a statement with the appropriate filing officer giving the information required by sub. (3).

**SECTION 1ube.** 11.05 (2r) (title) of the statutes is renumbered 11.06 (2m) (title).

**SECTION 1ubf.** 11.05 (2r) of the statutes is renumbered 11.06 (2m) (a) and amended to read:

11.06 (2m) (a) Any person, committee or group, other than ~~a committee or~~ an individual or committee required to file an oath under s. ~~11.06 sub.~~ (7), who or which does not anticipate accepting contributions, making disbursements or incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year and

does not anticipate accepting any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in that year may indicate on its registration statement that the person, committee or group will not accept contributions, incur obligations or make disbursements in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in such any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disbursements or obligations for the calendar year exceed \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source, other than contributions made by a candidate to his or her own campaign, during that any calendar year, whichever is earlier. ~~If the revocation is not timely, the registrant violates s. 11.27 (1).~~

**SECTION 1ubg.** 11.05 (3) (c) of the statutes is amended to read:

11.05 (3) (c) In the case of a committee, a statement as to whether the committee is a personal campaign committee, a political party committee, ~~a legislative campaign committee,~~ a support committee or a special interest committee.

**SECTION 1ubh.** 11.05 (3) (m) of the statutes is created to read:

11.05 (3) (m) In the case of a personal campaign committee, the name of the candidate on whose behalf the committee was formed or intends to operate and the office or offices that the candidate seeks.

**SECTION 1ubi.** 11.05 (3) (o) of the statutes is repealed.

**SECTION 1ubj.** 11.05 (3) (r) of the statutes is created to read:

11.05 (3) (r) In the case of a candidate or personal campaign committee of a candidate, the telephone number or numbers and a facsimile transmission number or electronic mail address, if any, at which the candidate may be contacted.

**SECTION 1ubk.** 11.05 (5) of the statutes is amended to read:

11.05 (5) CHANGE OF INFORMATION. Any change in information previously submitted in a statement of registration shall be reported by the registrant to the appropriate filing officer within 10 days following the change. This period does not apply in case of change of an indication made under ~~sub. (2r) s. 11.06 (2m)~~, which shall be reported no later than the date that a registrant is subject

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to a filing requirement under ~~sub. (2r)~~ s. 11.06 (2m). Any such change may be reported only by the individual or by the officer who has succeeded to the position of an individual who signed the original statement; but in the case of a personal campaign committee, a candidate or campaign treasurer may report a change in the statement except as provided in s. 11.10 (2), and in the case of any other committee or group, the chief executive officer or treasurer indicated on the statement may report a change. If a preexisting support committee is adopted by a candidate as his or her personal campaign committee, the candidate shall file an amendment to the committee's statement under this subsection indicating that all information contained in the statement is true, correct and complete.

**SECTION 1ubL.** 11.05 (9) (title) of the statutes is repealed and recreated to read:

11.05 (9) (title) DEPOSIT OF CONTRIBUTIONS; CONDUITS.

**SECTION 1ubm.** 11.05 (9) (b) of the statutes is amended to read:

11.05 (9) (b) An individual who or a committee or group which receives a contribution of money and transfers the contribution to another individual, committee, or group while acting as a conduit is not subject to registration under this section unless the individual, committee, or group transfers the contribution to a candidate or a personal campaign, ~~legislative campaign~~, political party, or support committee.

**SECTION 1ubn.** 11.05 (12) (b) of the statutes is amended to read:

11.05 (12) (b) Except as authorized under sub. (13), a committee, group or individual other than a candidate or agent of a candidate shall comply with sub. (1) or (2) no later than the 5th business day commencing after receipt of the first contribution by such committee, group or individual, and before making any disbursement. No committee, group or individual, other than a candidate or agent of a candidate, may accept any contribution or contributions exceeding \$25 in the aggregate the amount specified in sub. (1) or (2) during a calendar year at any time when the committee, group or individual is not registered under this section except within the initial 5-day period authorized by this paragraph.

**SECTION 1ubo.** 11.05 (13) of the statutes is amended to read:

11.05 (13) BANK ACCOUNT AND POSTAL BOX; EXEMPTION. An individual, committee or group does not violate this section by accepting a contribution and making a disbursement in the amount required to rent a postal box, or in the minimum amount required by a bank or trust company to open a checking account, prior to the time of registration, if the disbursement is properly reported on the first report submitted under s. 11.20 or 11.21 (16) after the date that the individual, committee or group is registered, whenever a reporting requirement applies to the registrant.

**SECTION 1ubp.** 11.06 (1) (intro.) of the statutes is amended to read:

11.06 (1) CONTENTS OF REPORT. (intro.) Except as provided in subs. (2), ~~(3)~~ (2m), and (3m) and ~~ss. 11.05 (2r) and s. 11.19 (2)~~, each registrant under s. 11.05 shall make full reports, upon a form prescribed by the board and signed by the appropriate individual under sub. (5), of all contributions received, contributions or disbursements made, and obligations incurred. Each report shall contain the following information, covering the period since the last date covered on the previous report, unless otherwise provided:

**SECTION 1ubq.** 11.06 (1) (cm) and (dm) of the statutes are created to read:

11.06 (1) (cm) If a candidate wishes to make disbursements using contributions that are not subject to the restriction under s. 11.24 (1w) and that are exempt from the limitations under s. 11.26 (9), as provided under s. 11.26 (9m), a separate schedule itemizing those contributions that the candidate intends to use to make disbursements that are exempt from those limitations. The separate schedule may include contributions previously reported by the candidate and, if so, shall indicate the amounts and dates on which those contributions were reported as received.

(dm) A separate schedule itemizing those contributions that were transferred to the registrant by a conduit, together with the name and address of the conduit, the date and amount of each transfer, and the cumulative total amount transferred to the registrant by the conduit for the calendar year.

**SECTION 1ubr.** 11.06 (1) (e) of the statutes is amended to read:

11.06 (1) (e) An itemized statement of contributions over \$20 from a single source donated to a charitable organization or to the common school fund, with the full name and mailing address of the donee, and a statement of contributions over \$20 transferred to the board for deposit in the Wisconsin election campaign fund.

**SECTION 1ubs.** 11.06 (2) of the statutes is amended to read:

11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate, or by a committee or group which is not primarily organized for political purposes, for a purpose other than to make a communication described in s. 11.01 (16) (a) 3., and the disbursement does not constitute a contribution to any candidate or other individual, committee or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party, ~~legislative campaign~~, personal campaign or support committee.

**SECTION 1ubt.** 11.06 (2m) (b) to (d) of the statutes are created to read:

11.06 (2m) (b) Any individual or committee who or which is required to file an oath under sub. (7), who or which accepts contributions, makes disbursements, or incurs obligations for the purpose of supporting or opposing one or more candidates for state office, and who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount in excess of \$1,000 in a calendar year and does not anticipate accepting any contribution or contributions from a single source exceeding \$100 in that year may indicate on its registration statement that the individual or committee will not accept contributions, incur obligations, or make disbursements in the aggregate in excess of \$1,000 in any calendar year and will not accept any contribution or contributions from a single source exceeding \$100 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date on which aggregate contributions, disbursements, or obligations for the calendar year exceed \$1,000, or the date on which the registrant accepts any contribution or contributions exceeding \$100 from a single source during any calendar year, whichever is earlier.

(c) Any individual or committee who or which is required to file an oath under sub. (7), who or which accepts contributions, makes disbursements, or incurs obligations for the purpose of supporting or opposing one or more candidates for local office but not for the purpose of supporting or opposing any candidate for state office, and who or which does not anticipate accepting contributions, making disbursements, or incurring obligations in an aggregate amount in excess of \$100 in a calendar year may indicate on its registration statement that the individual or committee will not accept contributions, incur obligations, or make disbursements in the aggregate in excess of \$100 in any calendar year and will not accept any contribution or contributions from a single source, other than contributions made by a candidate to his or her own campaign, exceeding \$100 in any calendar year. Any registrant making such an indication is not subject to any filing requirement if the statement is true. The registrant need not file a termination report. A registrant not making such an indication on a registration statement is subject to a filing requirement. The indication may be revoked and the registrant is then subject to a filing requirement as of the date of revocation, or the date that aggregate contributions, disbursements, or obligations for the calendar year exceed \$100, whichever is earlier.

(d) If a revocation by a registrant under this subsection is not timely, the registrant violates s. 11.27 (1).

**SECTION 1ubu.** 11.06 (3) (b) (intro.) of the statutes is amended to read:

11.06 (3) (b) (intro.) ~~Notwithstanding sub. (1), a~~ A nonresident registrant shall report on a form prescribed by the board the applicable information that makes a report under sub. (1) shall ensure that the report separately states information under sub. (1) concerning all of the following, in a manner prescribed by the board:

**SECTION 1ubv.** 11.06 (4) (b) of the statutes is amended to read:

11.06 (4) (b) Unless it is returned or donated within 15 days of receipt, a contribution must be reported as received and accepted on the date received. This ~~subsection~~ paragraph applies notwithstanding the fact that the contribution is not deposited in ~~the a~~ a campaign depository account by the closing date for ~~the a~~ a reporting period as provided in s. 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

**SECTION 1ubw.** 11.06 (5) of the statutes is amended to read:

11.06 (5) **REPORT MUST BE COMPLETE.** A registered individual or treasurer of a group or committee shall make a good faith effort to obtain all required information. The first report shall commence no later than the date that the first contribution is received and accepted or the first disbursement is made. Each report shall be filed with the appropriate filing officer on the dates designated in s. 11.20 and, if the registrant files reports under s. 11.21 (16), at the times specified in s. 11.21 (16). The individual or the treasurer of the group or committee shall certify to the correctness of each report. In the case of a candidate, the candidate or treasurer shall certify to the correctness of each report. If a treasurer is unavailable, any person designated as a custodian under s. 11.05 (3) (e) may certify to the correctness of a report.

**SECTION 1ubx.** 11.06 (7m) (a) of the statutes is amended to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee ~~or legislative campaign committee~~ supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposi-

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tion to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any such candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) and (2m), except as authorized in par. (c).

**SECTION 1uby.** 11.06 (7m) (b) of the statutes is amended to read:

11.06 (7m) (b) If the committee has already made contributions in excess of the applicable amounts specified in s. 11.26 (2) or (2m) at the time it files an oath under sub. (7), each candidate to whom contributions are made shall promptly return a sufficient amount of contributions to bring the committee in compliance with this subsection and the committee may not make any additional contributions in violation of this subsection.

**SECTION 1ubz.** 11.06 (7m) (c) of the statutes is amended to read:

11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change its status to a political party committee ~~or legislative campaign committee~~ may do so as of December 31 of any even-numbered year. Section 11.26 does not apply to contributions received by such a committee prior to the date of the change. Such a committee may change its status at other times only by filing a termination statement under s. 11.19 (1) and reregistering as a newly organized committee under s. 11.05.

**SECTION 1uca.** 11.06 (11) (bm) of the statutes is created to read:

11.06 (11) (bm) The board shall prescribe a separate schedule for reporting under sub. (1) by transferees of contributions transferred by conduits.

**SECTION 1ucb.** 11.07 (1) of the statutes is amended to read:

11.07 (1) Every nonresident committee or group making contributions and every nonresident individual, committee or group making disbursements exceeding ~~\$25 cumulatively~~ the amount specified in s. 11.05 (1) or (2) in a calendar year within this state shall file the name, mailing and street address and the name and the mailing and street address of a designated agent within the state with the office of the secretary of state. An agent may be any adult individual who is a resident of this state. After any change in the name or address of such agent the new address or name of the successor agent shall be filed within 30 days. Service of process in any proceeding under this chapter or ch. 12, or service of any other notice or demand may be made upon such agent.

**SECTION 1ucc.** 11.07 (5) of the statutes is amended to read:

11.07 (5) Any campaign treasurer or individual who knowingly receives a contribution made by an unregistered nonresident in violation of this section may not use or expend such contribution but shall immediately return it to the source or at the option of the campaign treasurer or individual, donate the contribution to a charitable

organization or to the common school fund or transfer the contribution to the board for deposit in the Wisconsin election campaign fund.

**SECTION 1ucd.** 11.09 (3) of the statutes is amended to read:

11.09 (3) Each registrant whose filing officer is the board, who or which makes disbursements in connection with elections for offices which serve or referenda which affect only one county or portion thereof, except a candidate, personal campaign committee, political party committee or other committee making disbursements in support of or in opposition to a candidate for state senator, representative to the assembly, court of appeals judge or circuit judge, shall file a duplicate original of each financial report filed with the board with the county clerk or board of election commissioners of the county in which the elections in which the registrant participates are held. Such reports shall be filed no later than the dates specified under s. 11.20 (2) and (4) for the filing of each report with the board. This subsection does not apply to a registrant who or which files reports under s. 11.21 (16).

**SECTION 1uce.** 11.10 (1) of the statutes is amended to read:

11.10 (1) Each candidate in an election shall appoint one campaign treasurer. Except as provided in s. 11.14 (3), each candidate shall designate one campaign depository account within 5 business days after the candidate receives his or her first contribution and before the candidate makes or authorizes any disbursement in behalf of his or her candidacy. If a candidate adopts a preexisting support committee as his or her personal campaign committee, the candidate shall make such designation within 5 business days of adoption. The person designated as campaign treasurer shall be the treasurer of the candidate's personal campaign committee, if any. The candidate may appoint himself or herself or any other elector as campaign treasurer. A registration statement under s. 11.05 (2g) ~~or (2r)~~ must be filed jointly by every candidate and his or her campaign treasurer. The candidate does not qualify for ballot placement until this requirement is met. Except as authorized under s. 11.06 (5), the campaign treasurer or candidate shall certify as to the correctness of each report required to be filed, and the candidate bears the responsibility for the accuracy of each report for purposes of civil liability under this chapter, whether or not the candidate certifies it personally.

**SECTION 1ucf.** 11.12 (2) of the statutes is amended to read:

11.12 (2) Any anonymous contribution exceeding \$10 received by a campaign or committee treasurer or by an individual under s. 11.06 (7) may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization or transferred to the board for deposit in the Wisconsin election campaign fund. at the option of the treasurer.



**SECTION 1ucg.** 11.12 (4) of the statutes is amended to read:

11.12 (4) Each registrant shall report contributions, disbursements and incurred obligations in accordance with s. 11.20 and, if the registrant files reports under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s. 11.06 (2), ~~(3)~~ and (3m), each report shall contain the information which is required under s. 11.06 (1).

**SECTION 1uch.** 11.12 (5) of the statutes is amended to read:

11.12 (5) If any contribution or contributions of \$500 or more cumulatively are received by a candidate for state office or by a committee or individual from a single contributor later than 15 days prior to a primary or election such that it is not included in the preprimary or pre-election report submitted under s. 11.20 (3), the treasurer of the committee or the individual receiving the contribution shall within 24 hours of receipt inform the appropriate filing officer of the information required under s. 11.06 (1) in such manner as the board may prescribe. The information shall also be included in the treasurer's or individual's next regular report. For purposes of the reporting requirement under this subsection, only contributions received during the period beginning with the day after the last date covered on the preprimary or pre-election report, and ending with the day before the primary or election need be reported. This subsection does not apply to a registrant who or which is required to file daily reports under s. 11.21 (16).

**SECTION 1uci.** 11.12 (6) of the statutes is renumbered 11.12 (6) (a) and amended to read:

11.12 (6) (a) If Except as otherwise provided in this paragraph, if any disbursement of more than \$20 individual or committee incurs one or more obligations or makes one or more disbursements in an amount exceeding \$250 cumulatively is made to advocate the election or defeat of a clearly identified candidate by an individual or committee later than 15 days prior to a primary or election in which the candidate's name appears on the ballot without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or opposed, and not in concert with or at the request or suggestion of such a candidate, agent or committee, the individual or treasurer of the committee shall, within 24 hours of after incurring the obligation or making the disbursement, inform the appropriate filing officer of. The report shall include the information required under s. 11.06 (1) and shall be made in such manner as the board may prescribe. The information shall also be included in the next regular report of the individual or committee under s. 11.20. For purposes of this subsection, paragraph, obligations and disbursements cumulate beginning with the day after the last date covered on the preprimary or preelection report and ending with the day before the primary or election and disbursements made for the

purpose of payment of obligations that were previously reported are not included in determining the cumulative amount of obligations and disbursements. Upon receipt of a report identifying any obligation or disbursement under this subsection paragraph, the filing officer shall, within 24 hours of receipt, mail a copy of the report to all candidates for any office in support of or opposition to one of whom an obligation is incurred or a disbursement identified in the report is made. This paragraph does not apply to disbursements or obligations required to be reported under par. (am) or to an individual or committee that is required to file daily reports under s. 11.21 (16).

**SECTION 1ucj.** 11.12 (6) (am) of the statutes is created to read:

11.12 (6) (am) If any committee identified under s. 11.05 (3) (c) as a special interest committee, other than a conduit, incurs one or more obligations or makes one or more disbursements in an amount exceeding \$250 cumulatively for the purpose of making a communication advocating the election or defeat of a clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) at a general, special, or spring election, or any such candidate who seeks a nomination for such an office at a primary election, or for the purpose of making a communication described in s. 11.01 (16) (a) 3., during the period beginning on the 60th day preceding the applicable general, special, or spring election and ending on the date of that election, without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or whose opponent is opposed, and not in concert with or at the request or suggestion of such a candidate, agent, or committee, the committee shall, within 24 hours after incurring the obligation or making the disbursement, file a report with the board, with each candidate whose name is certified to appear on the ballot for the office in connection with which the obligation is incurred or disbursement is made, and the political party under whose name each such candidate appears on the ballot, if any, on a form prescribed by the board for this purpose. The form shall provide a place for reporting obligations separately from disbursements. The report shall be filed by electronic mail or facsimile transmission. The report shall include the information required under s. 11.06 (1) and shall be made in such manner as the board may prescribe. For purposes of this paragraph, obligations and disbursements cumulate beginning with the 60th day preceding the applicable general, special, or spring election and ending with the day before that election and disbursements made for the purpose of payment of obligations that were previously reported are not included in determining the cumulative amount of disbursements. Within 24 hours after receiving a report under this paragraph, the board shall notify each candidate whose name is certified to appear on the ballot for the office in connection with which the reported disbursement is made. The board shall provide this noti-

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fication by electronic mail, facsimile transmission, telephone, or posting on the Internet.

**SECTION Iucl.** 11.12 (6) (c) and (d) of the statutes are created to read:

11.12 (6) (c) No committee identified under s. 11.05 (3) (c) as a special interest committee, other than a conduit, may make any disbursement or incur any obligation to which this paragraph applies unless the committee has filed a report under this paragraph concerning that disbursement or obligation. This paragraph applies only to disbursements made or obligations incurred for the purpose of making a communication during the period beginning on the 30th day preceding a general, special, or spring election and ending on the date of that election advocating the election or defeat of a clearly identified candidate for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) at that election, or any such candidate who seeks a nomination for such an office at a primary election, or for the purpose of making a communication described in s. 11.01 (16) (a) 3., without cooperation or consultation with a candidate or agent or authorized committee of a candidate who is supported or whose opponent is opposed, and not in concert with or at the request or suggestion of such a candidate, agent, or committee. Each report required under this paragraph shall be filed with the board, with each candidate whose name is certified to appear on the ballot for the office in connection with which the communication is to be made, and the political party under whose name each such candidate appears on the ballot, if any, on a form prescribed by the board for this purpose. The report shall be filed by electronic mail or facsimile transmission no later than the 31st day preceding the general, special, or spring election to which the report relates. Each report shall indicate the name of each candidate who will be supported or whose opponent will be opposed and the total disbursements to be made and obligations incurred for such a purpose with regard to that candidate during the period covered by the report. Within 24 hours after receiving a report, the board shall notify each candidate whose name is certified to appear on the ballot for the office in connection with which the communication is to be made of the report. The board shall provide this notification by electronic mail, facsimile transmission, telephone, or posting on the Internet.

(d) All information reported by a registrant under this subsection shall also be included in the next regular report of the registrant under s. 11.20.

**SECTION Iucl.** 11.12 (8) and (9) of the statutes are created to read:

11.12 (8) If a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) who does not accept a grant under s. 11.50 incurs any obligation or makes any disbursement after that candidate has accumulated cash in his or her campaign depository account or has incurred obligations or made disbursements during his or her cam-

paign, as defined in s. 11.31 (7), exceeding a combined total of 75% of the amount specified in s. 11.31 (1) (a) to (de), (e), or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks, that candidate or the candidate's personal campaign committee shall file special weekly or daily reports with the board, with each candidate whose name is certified to appear on the ballot for the office in connection with which the disbursement is made or incurred, and with the political party under whose name each such candidate appears on the ballot, if any, by electronic mail or facsimile transmission. The reports shall cover the period beginning with that date or the day after the primary election or the date that a primary would be held, if required, whichever is later, and ending on the date of the election at which the candidate seeks office. The candidate or committee shall file weekly reports for each week, if any, beginning on the day after the primary or, if no primary is held, the day that the primary would be held if a primary were required to be held, and shall file daily reports for each day beginning on the 30th day before the election through the day before the election at which the candidate seeks office. Each report shall contain information pertaining to each disbursement made and obligation incurred by the candidate or committee. Each report shall include the same information concerning each disbursement and obligation that is required to be reported for other disbursements and obligations under s. 11.06 (1). Each report shall list obligations separately from disbursements. The information shall be included also in the next regular report of the candidate or committee under s. 11.20. Within 24 hours after receiving a report under this subsection, the board shall notify each candidate whose name is certified to appear on the ballot for the office in connection with which the reported disbursement is made or obligation is incurred of the report. The board shall provide this notification by telephone, electronic mail, facsimile transmission, or posting on the Internet.

(9) Whenever a report or notice is required to be filed with a political party or candidate by electronic mail or facsimile transmission under this section, the report shall be filed at the address or number of the political party committee or candidate or personal campaign committee, respectively, as shown on the registration statement of the political party committee, candidate, or committee. If no electronic mail address or facsimile transmission number is shown, the report shall be filed at the mailing address shown on the statement.

**SECTION Iuclm.** 11.14 (3) of the statutes is amended to read:

11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own campaign treasurer and who is authorized to make and makes an indication on his or her registration statement under s. ~~11.05 (2r)~~ 11.06 (2m) that he or she will not accept contributions, make disbursements or incur obligations in an aggregate amount

exceeding \$1,000 in a calendar year, and will not accept any contribution or contributions from a single source, other than contributions made by the candidate to his or her own campaign, exceeding \$100 in a calendar year, may designate a single personal account as his or her campaign depository account, and may intermingle personal and other funds with campaign funds. If a separate depository account is later established by the candidate, the candidate shall transfer all campaign funds in the personal account to the new depository account. Disbursements made from such personal account need not be identified in accordance with s. 11.16 (3).

**SECTION 1ucn.** 11.16 (2) of the statutes is amended to read:

11.16 (2) **LIMITATION ON CASH CONTRIBUTIONS.** Every contribution of money exceeding \$50 shall be made by negotiable instrument or evidenced by an itemized credit card receipt bearing on the face the name of the remitter. No treasurer may accept a contribution made in violation of this subsection. The treasurer shall promptly return the contribution, ~~or donate it~~ to the contribution to the common school fund or to a charitable organization, or transfer the contribution to the board for deposit in the Wisconsin election campaign fund in the event that the donor cannot be identified.

**SECTION 1uco.** 11.16 (5) of the statutes is amended to read:

11.16 (5) **ESCROW AGREEMENTS.** Any personal campaign committee, or political party committee or legislative campaign committee may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy of the schedule to each candidate who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

**SECTION 1ucp.** 11.19 (title) of the statutes is amended to read:

**11.19 (title) Dissolution Carry-over of surplus funds; dissolution of registrants; termination reports.**

**SECTION 1ucq.** 11.19 (1) of the statutes is amended to read:

11.19 (1) Whenever any registrant disbands or determines that obligations will no longer be incurred, and contributions will no longer be received nor disbursements made during a calendar year, and the registrant has no outstanding incurred obligations, the registrant shall file a termination report with the appropriate filing officer. Such report shall indicate a cash balance on hand of zero at the end of the reporting period and shall indicate the disposition of residual funds. Residual funds may be used for any political purpose not prohibited by law, returned to the donors in an amount not exceeding the original contribution, transferred to the board for deposit in the Wisconsin election campaign fund or donated to a charitable organization or the common school fund. The report shall be filed and certified as were previous reports, and shall contain the information required by s. 11.06 (1). A registrant to which s. 11.055 (1) applies shall pay the fee imposed under that subsection with a termination report filed under this subsection. If a termination report or suspension report under sub. (2) is not filed, the registrant shall continue to file periodic reports with the appropriate filing officer, no later than the dates specified in s. 11.20 and, if the registrant files reports under s. 11.21 (16), no later than the times specified in s. 11.21 (16). This subsection does not apply to any registrant making an indication under s. ~~11.05 (2r)~~ 11.06 (2m).

**SECTION 1ucr.** 11.20 (1) of the statutes is amended to read:

11.20 (1) All reports required by s. 11.06 which relate to activities which promote or oppose candidates for state office or statewide referenda and all reports under s. 11.08 shall be filed with the board. All reports required by s. 11.06 which relate to activities which promote or oppose candidates for local office or local referenda shall be filed with the appropriate filing officer under s. 11.02, except reports filed under s. 11.08. Each registrant shall file the reports required by this section. If the registrant is subject to a requirement under s. 11.21 (16) to report electronically the same information that is reportable under this section, the registrant shall, in addition, file the reports required by this section recorded on a medium specified by the board.

**SECTION 1ucs.** 11.20 (2) of the statutes is amended to read:

11.20 (2) ~~Preprimary and~~ In addition to any reports required under s. 11.12 (8), each candidate who seeks office at a primary or other election, or his or her personal campaign committee, shall file a preprimary and preelection reports report under s. 11.06 (1), which shall be received by the appropriate filing officer no earlier than 14 days and no later than 8 days preceding the primary and the election. Each candidate who is required to file reports under s. 11.12 (8), or his or her personal campaign committee, shall file each weekly report so that the report is received by the appropriate filing officer no earlier than the day after the end of the week to which the report per-

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tains and no later than the day after the end of that week, and shall file each daily report so that the report is received no later than the end of the day following the day to which the report pertains.

**SECTION 1uct.** 11.20 (2s) of the statutes is created to read:

11.20 (2s) A registrant which is required to file reports under s. 11.12 (6) (am) shall file the reports by the date required under s. 11.12 (6) (am).

**SECTION 1ucu.** 11.20 (2t) of the statutes is created to read:

11.20 (2t) A registrant which is required to file reports under s. 11.12 (6) (c) shall file the reports by the date required under s. 11.12 (6) (c).

**SECTION 1ucv.** 11.20 (3) (a) and (b) of the statutes are amended to read:

11.20 (3) (a) ~~A~~ In addition to any reports required under s. 11.12 (8), a candidate or personal campaign committee of a candidate at a primary shall file a preprimary and preelection report. If a candidate for a nonpartisan state office at an election is not required to participate in a primary, the candidate or personal campaign committee of the candidate shall file a preprimary report at the time prescribed in sub. (2) preceding the date specified in s. 5.02 (20) or (22) for the holding of the primary, were it to be required.

(b) ~~A~~ In addition to any reports required under s. 11.12 (8), a candidate or personal campaign committee of a candidate at an election other than a primary shall file a preelection report.

**SECTION 1ucx.** 11.20 (7) of the statutes is amended to read:

11.20 (7) ~~In~~ Except as otherwise required under s. 11.21 (16), in the event that any report is required to be filed under this ~~section~~ chapter on a nonbusiness day, it may be filed on the next business day thereafter.

**SECTION 1ucy.** 11.20 (8) (intro.) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

11.20 (8) (intro.) Reports filed under subs. (2), (4), and (4m) and s. 11.12 (8) shall include all contributions received and transactions made as of the end of:

**SECTION 1ucz.** 11.20 (8) (a) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

11.20 (8) (a) The 15th day preceding the primary or election in the case of the preprimary and preelection report under sub. (2).

**SECTION 1uda.** 11.20 (8) (am) of the statutes is created to read:

11.20 (8) (am) The Saturday preceding the due date under sub. (2) in the case of a weekly preelection report under s. 11.12 (8).

**SECTION 1udb.** 11.20 (9) of the statutes is amended to read:

11.20 (9) Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), the duty to file reports under this sec-

tion continues until a termination report is filed in accordance with s. 11.19.

**SECTION 1udc.** 11.20 (10) (a) of the statutes is amended to read:

11.20 (10) (a) Where a requirement is imposed under this section for the filing of a financial report which is to be received by the appropriate filing officer no later than a certain date, the requirement may be satisfied either by actual receipt of the report by the prescribed time for filing at the office of the filing officer, or by filing a report with the U.S. postal service by first class mail with sufficient prepaid postage, addressed to the appropriate filing officer, no later than the 3rd day before the date provided by law for receipt of such report.

**SECTION 1udd.** 11.20 (12) of the statutes is amended to read:

11.20 (12) If a candidate is unopposed in a primary or election, the obligation to file the reports required by this chapter does not cease. Except as provided in ss. ~~11.05 (2r)~~ 11.06 (2m) and 11.19 (2), a registrant who makes or receives no contributions, makes no disbursements or incurs no obligations shall so report on the dates designated in subs. (2) and (4).

**SECTION 1ude.** 11.21 (2) of the statutes is amended to read:

11.21 (2) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not later than 14 days prior to the applicable filing deadline under s. 11.20, and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has been granted a suspension under s. 11.19 (2). Forms for reports shall not be sent by the board to a registrant if the registrant is required to file reports with the board in an electronic format. Whenever any notice of filing requirements under this chapter is sent to a candidate's campaign treasurer, the board shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

**SECTION 1udf.** 11.21 (3) of the statutes is amended to read:

11.21 (3) Prepare and publish for the use of persons required to file reports and statements under this chapter a manual setting forth simply and concisely recommended uniform methods of bookkeeping and reporting. ~~The board shall furnish a copy of the manual without charge, upon request, to all persons who are required to file reports or statements with the board, and shall distribute or arrange for the distribution of copies of the manual for use by other filing officers.~~



**SECTION 1udg.** 11.21 (14) of the statutes is amended to read:

11.21 (14) Prepare, publish and periodically revise as necessary a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of this chapter and ch. 12. ~~The board shall furnish a copy of the manual without charge, upon request, to all persons who are required to file reports or statements with the board, and shall distribute or arrange for the distribution of copies of the manual for use by other filing officers.~~

**SECTION 1udh.** 11.21 (15) of the statutes is amended to read:

11.21 (15) Inform each candidate who files an application to become eligible to receive a grant from the Wisconsin election campaign fund of the dollar amount of the applicable disbursement limitation under s. 11.31 (1), adjusted as provided under s. 11.31 (9), which applies to the office for which such person is a candidate. Failure to receive the notice required by this subsection does not constitute a defense to a violation of s. 11.27 (1) or 11.31.

**SECTION 1udi.** 11.21 (16) of the statutes is amended to read:

11.21 (16) Require each registrant for whom the board serves as filing officer and who or which accepts contributions in a total amount or value of \$20,000 or more during a campaign period to file each campaign finance report that is required to be filed under this chapter in an electronic format, and accept from any other registrant for whom the board serves as a filing officer any campaign finance report that is required to be filed under this chapter in an electronic format. A registrant who or which becomes subject to a requirement to file reports in an electronic format under this subsection shall initially file the registrant's report in an electronic format for the period which includes the date on which the registrant becomes subject to the requirement or, if the registrant is required to report transactions within 24 hours of their occurrence, within 24 hours after the date on which the registrant becomes subject to the requirement. To facilitate implementation of this subsection, the board shall specify, by rule, a type of software that is suitable for compliance with the electronic filing requirement under this subsection. The board shall provide copies of the software to registrants at a price fixed by the board that may not exceed cost. Each registrant who or which files a report under this subsection in an electronic format shall also file a copy of the report with the board that is recorded on a medium specified by the board. The copy shall be signed by an authorized individual and filed with the board by each registrant no later than the time prescribed for filing of the report under this chapter. If a registrant is a committee, the copy shall be certified by an authorized individual and filed with the board by the registrant no later than 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1). If a regis-

trant or other person becomes subject to a requirement to report electronically under this subsection, the registrant or other person shall continue to report electronically regardless of the amount of contributions accepted or expenditures made by the registrant or other person, until a termination report is filed. The board shall provide complete instructions to any registrant who or which files a report under this subsection. In this subsection, the "campaign period" of a candidate, personal campaign committee or support committee begins and ends with the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26 (17), and the "campaign period" of any other registrant begins on January 1 of each odd-numbered year and ends on December 31 of the following year. Section 990.001 (4) does not apply to the computation of time permitted for compliance with the filing requirements under this subsection.

**SECTION 1udj.** 11.21 (17) of the statutes is created to read:

11.21 (17) Promulgate rules that require public access channel operators and licensees of public television stations in this state to provide a minimum amount of free time on public access channels and public television stations to individuals whose names are certified under s. 7.08 (2) (a) or 8.50 (1) (d) to appear as candidates for state office on the ballot at general, spring, or special elections. The rules promulgated under this subsection shall require public access channel operators and licensees of public television stations to offer the same amount of time to each candidate for a particular state office, but may require different amounts of time to be offered to candidates for different offices.

**SECTION 1udk.** 11.22 (3) of the statutes is amended to read:

11.22 (3) Furnish to each registrant prescribed forms for the making of reports and statements. Forms shall be sent by 1st class mail not earlier than 21 days and not later than 14 days prior to the applicable filing deadline under s. 11.20 and addressed to the attention of the treasurer or other person indicated on the registration statement. Forms need not be sent to a registrant who has made an indication that aggregate contributions, disbursements and obligations will not exceed the amount specified under s. ~~11.05 (2r)~~ 11.06 (2m) or to a registrant who has been granted a suspension under s. 11.19 (2). Whenever any notice of the filing requirements under this chapter is sent to a candidate's campaign treasurer, the filing officer shall also send a notice to the candidate if he or she has appointed a separate treasurer. Failure to receive any form or notice does not exempt a registrant from compliance with this chapter.

**SECTION 1udL.** 11.23 (1) of the statutes is amended to read:

11.23 (1) Any group or individual may promote or oppose a particular vote at any referendum in this state. Before making disbursements, receiving contributions or

incurring obligations in excess of \$25 ~~\$100~~ in the aggregate in a calendar year for such purposes, the group or individual shall file a registration statement under s. 11.05 (1), or (2) ~~or~~ (2~~r~~). In the case of a group the name and mailing address of each of its officers shall be given in the statement. Every group and every individual under this section shall designate a campaign depository account under s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is jointly responsible for the actions of his or her authorized designee for purposes of civil liability under this chapter. The appropriate filing officer shall be notified by a group of any change in its treasurer within 10 days of the change under s. 11.05 (5). The treasurer of a group shall certify the correctness of each statement or report submitted by it under this chapter.

**SECTION 1udm.** 11.23 (2) of the statutes is amended to read:

11.23 (2) Any anonymous contribution exceeding \$10 received by an individual or group treasurer may not be used or expended. The contribution shall be donated to the common school fund or to any charitable organization or transferred to the board for deposit in the Wisconsin election campaign fund, at the option of the treasurer.

**SECTION 1udn.** 11.24 (1w) of the statutes is created to read:

11.24 (1w) (a) Except as authorized under s. 11.26 (9m), no candidate or personal campaign committee of a candidate who accepts a grant under s. 11.50 may accept any contribution from a committee other than a political party committee if the full amount of the grant, except any grant authorized under s. 11.50 (4) (bg) or (br), to which the candidate is entitled under s. 11.50 (9) is available to the candidate.

(b) Except as authorized under s. 11.26 (9m), if a candidate accepts a grant under s. 11.50 and the full amount of the grant, except any grant authorized under s. 11.50 (4) (bg) or (br), to which the candidate is entitled under s. 11.50 (9) is not available to the candidate, the candidate may not accept any contributions from committees other than political party committees exceeding that amount which, when added to the amount of the grant received under s. 11.50 (9), equals the percentage specified in s. 11.26 (9) (am) of the disbursement level specified in s. 11.31 (1) (a) to (de), (e), or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks.

**SECTION 1udo.** 11.24 (2) of the statutes is renumbered 11.24 (5).

**SECTION 1udp.** 11.24 (4) of the statutes is created to read:

11.24 (4) (a) No person may make a contribution to an incumbent partisan state elective official or to the personal campaign committee or support committee authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that official's nomination or reelection to the office held by the official during the period beginning

on the first Monday of January in each odd-numbered year and ending on the date of enactment of the biennial budget act.

(b) Paragraph (a) does not apply to a contribution made to an incumbent partisan state elective official against whom a recall petition has been filed during the period beginning on the date that the petition offered for filing is filed under s. 9.10 (3) (b) and ending on the date of the recall election unless the official resigns at an earlier date under s. 9.10 (3) (c).

**SECTION 1udq.** 11.26 (1) (intro.) of the statutes is amended to read:

11.26 (1) (intro.) ~~No~~ Subject to sub. (10a) and except as provided under subs. (1m), (1t), (9m), and (10), no individual may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

**SECTION 1udr.** 11.26 (1m) of the statutes is created to read:

11.26 (1m) Subject to sub. (10a) and except as provided under subs. (1t) and (9m), no individual may make any contribution or contributions to a candidate for election or nomination to legislative office who has not filed an affidavit under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

(a) Candidates for state senator, \$500.

(b) Candidates for representative to the assembly, \$250.

**SECTION 1uds.** 11.26 (1t) of the statutes is created to read:

11.26 (1t) The limitations under sub. (1m) apply to any candidate for legislative office who files an affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive a grant from the Wisconsin election campaign fund, who withdraws his or her application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless the candidate subsequently files an affidavit under s. 11.31 (2m) (b). Any such candidate who has received a contribution that exceeds the amount specified for the office the candidate seeks under sub. (1m) before the date on which a limitation under sub. (1m) applies to the candidate shall return to the contributor, donate to the common school fund or to any charitable organization, or transfer to the board for deposit in the Wisconsin election campaign fund the excess amount of the contribution. If a candidate for legislative office files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (1) apply to that candidate beginning on the date that the affidavit is filed.

**SECTION 1udt.** 11.26 (2) (intro.) of the statutes is amended to read:

11.26 (2) (intro.) ~~No Subject to sub. (10a) and except as provided under subs. (2m), (2t), and (9m), no committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the following amounts specified per candidate:~~

**SECTION 1udu.** 11.26 (2) (a) of the statutes is amended to read:

11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent or justice, 4% of the value of the disbursement level specified in the schedule under s. 11.31 (1) ~~\$43,500.~~

**SECTION 1udv.** 11.26 (2) (ae), (am), (as) and (av) of the statutes are created to read:

11.26 (2) (ae) Candidates for lieutenant governor, \$12,000.

(am) Candidates for attorney general, \$22,000.

(as) Candidates for state superintendent or justice, \$10,000.

(av) Candidates for secretary of state or state treasurer, \$8,650.

**SECTION 1udw.** 11.26 (2m) of the statutes is created to read:

11.26 (2m) Subject to sub. (10a) and except as provided under subs. (2t) and (9m), no committee other than a political party committee may make any contribution or contributions to a candidate for election or nomination to legislative office who has not filed an affidavit under s. 11.31 (2m) and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:

(a) Candidates for state senator, \$500.

(b) Candidates for representative to the assembly, \$250.

**SECTION 1udx.** 11.26 (2t) of the statutes is created to read:

11.26 (2t) The limitations under sub. (2m) apply to any candidate for legislative office who files an affidavit under s. 11.31 (2m) (a) but who the board determines is ineligible to receive a grant from the Wisconsin election campaign fund, who withdraws his or her application for a grant under s. 11.50 (2) (h), or to whom s. 11.50 (2) (i) applies, unless the candidate subsequently files an affidavit under s. 11.31 (2m) (b). Any such candidate who has received a contribution that exceeds the amount specified for the office the candidate seeks under sub. (2m) before the date on which a limitation under sub. (2m) applies to

the candidate shall return to the contributor, donate to the common school fund or to any charitable organization, or transfer to the board for deposit in the Wisconsin election campaign fund the excess amount of the contribution. If a candidate for legislative office files an affidavit under s. 11.31 (2m) (b), the limitations under sub. (2) apply to that candidate beginning on the date that the affidavit is filed.

**SECTION 1udy.** 11.26 (3) of the statutes is amended to read:

11.26 (3) The contribution limitations of subs. (1) ~~and (1m), (2), and (2m)~~ apply cumulatively to the entire primary and election campaign in which a candidate participates, whether or not there is a contested primary election. The total limitation may be apportioned in any manner desired between the primary and election. All moneys cumulate regardless of the time of contribution.

**SECTION 1udz.** 11.26 (4) of the statutes is amended to read:

11.26 (4) ~~No Subject to sub. (10a), no individual may make any contribution or contributions to all candidates for state and local offices and to any individuals who or committees which are subject to a registration requirement under s. 11.05, including legislative campaign committees and committees of a political party, to the extent of more than a total of \$10,000 in any calendar year.~~

**SECTION 1uea.** 11.26 (5) of the statutes is amended to read:

11.26 (5) The contribution limits provided in subs. (1), ~~(1m)~~, and (4) do not apply to a candidate who makes any contribution or contributions to his or her own campaign for office from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, with respect to any contribution or contributions made to that candidate's campaign only. A candidate's personal contributions shall be deposited in his or her campaign depository account and reported in the normal manner.

**SECTION 1ueb.** 11.26 (6) of the statutes is amended to read:

11.26 (6) When a candidate adopts a preexisting support committee as his or her personal campaign committee, the support committee is deemed to have been the same committee as the candidate's personal campaign committee for purposes of the application of subs. (1), ~~(1m)~~, (2), ~~(2m)~~, and (9). The limitations prescribed in subs. ~~(1), (1m), (2), (2m)~~, and (9) do not apply to the transfer of contributions which is made at the time of such adoption, but do apply to the contributions which have been made by any other committee to the support committee at the time of adoption.

**SECTION 1uec.** 11.26 (8) of the statutes is amended to read:

11.26 (8) (a) ~~No Subject to sub. (10a) and except as provided in sub. (8n), no political party as defined in s.~~

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5.02 (13) may receive more than a total of \$150,000 ~~\$450,000~~ in value of its contributions in any biennium from all other committees, excluding ~~contributions from legislative campaign committees and~~ transfers between party committees of the same party. In this paragraph, a ~~“biennium commences”~~ means the time period commencing with January 1 of each odd-numbered year and ends ending with December 31 of each even-numbered year.

(b) ~~Subject to sub. (10a) and except as provided in sub. (8n), no~~ such political party may receive more than a total of ~~\$6,000~~ \$18,000 in value of its contributions in any calendar year from any specific committee or ~~its that specific committee’s~~ subunits or affiliates, excluding ~~legislative campaign and political transfers between party committees of the same party.~~

(c) ~~Subject to sub. (10a) and except as provided in sub. (8n), no~~ committee, other than a political party or legislative campaign committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total value of ~~\$6,000~~ \$18,000.

**SECTION 1ued.** 11.26 (8n) of the statutes is created to read:

11.26 (8n) (a) Subject to sub. (10a), a political party, as defined in s. 5.02 (13), may receive and accept for use under par. (b) up to a total of \$450,000 in value of contributions in any biennium made or transferred to the party by all other individuals, committees, and conduits combined, excluding transfers between party committees of the same party. A political party may receive and accept a contribution transferred by a conduit under this paragraph only if the original contributor designated that the contribution was made for the purpose of contributing to accounts established by the political party under par. (b). Subsection (8) does not apply to contributions received and accepted under this paragraph. In this paragraph, “biennium” has the meaning given in sub. (8) (a).

(b) A political party that receives and accepts a contribution under par. (a) shall maintain 2 segregated accounts, one designated as a “Section 11.26 (8n) Senate Account” and one designated as a “Section 11.26 (8n) Assembly Account.” The political party shall deposit one-half of each contribution received and accepted under par. (a) in each account. Contributions deposited in the senate account may be disbursed only for the purpose of making contributions to candidates for the office of state senator that the candidates are authorized to receive and accept under sub. (9) (a). Contributions deposited in the assembly account may be disbursed only for the purpose of making contributions to candidates for the office of representative to the assembly that the candidates are authorized to receive and accept under sub. (9) (a).

**SECTION 1uee.** 11.26 (8r) of the statutes is created to read:

11.26 (8r) (a) Except as provided in par. (b), no committee may make a contribution to any other committee except a political party, personal campaign, or support committee.

(b) Paragraph (a) does not apply to any contribution made by a committee to a bona fide affiliate of the committee, unless:

1. The committees are affiliated only by means of affiliation with a confederation of multiple labor organizations or multiple trade interests; or

2. Either committee is a confederation of multiple labor organizations or multiple trade interests.

**SECTION 1uef.** 11.26 (9) (a) of the statutes is renumbered 11.26 (9) (a) (intro.) and amended to read:

11.26 (9) (a) (intro.) ~~Subject to sub. (9m), no~~ individual who is a candidate for state or local office may receive and accept more than 65% of the value of the total disbursement level determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees subject to a filing requirement, including political party ~~and legislative campaign committees,~~ except as follows:

**SECTION 1ueg.** 11.26 (9) (a) 1. to 4. of the statutes are created to read:

11.26 (9) (a) 1. If a report filed under s. 11.12 (8) indicates that a candidate for legislative office has made disbursements exceeding the amount specified under s. 11.31 (1) (e) or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then each opposing candidate may exceed the limitation under this paragraph by receiving and accepting contributions from a political party committee paid out of the applicable account established under sub. (8n) (b) in an amount equivalent to the total amount by which the combined total of all such disbursements exceeds the applicable amount specified under s. 11.31 (1) (e) or (f), as adjusted under s. 11.31 (9).

2. If a report filed under s. 11.12 (6) (am) or (c) indicates that disbursements have been made or are proposed to be made against a candidate for legislative office or in support of such a candidate’s opponent, or that obligations have been incurred for such a purpose, and if the aggregate total of such disbursements, proposed disbursements, and obligations, less any disbursements made, or to be made, for the purpose of the payment of obligations that were previously reported, exceeds 5% of the amount specified under s. 11.31 (1) (e) or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then the candidate may exceed the limitation provided under this paragraph by receiving and accepting contributions from a political party committee paid out of the applicable account established under sub. (8n) (b) in an amount equivalent to the total amount of the disbursements and obligations reported under s. 11.12 (6) (am) during the period beginning with the 60th day preceding



the general, special, or spring election at which the candidate seeks office and ending with the 31st day preceding that election, together with the total amount of the proposed disbursements and obligations reported under s. 11.12 (6) (c), less the amount of any disbursements made, or to be made, for the purpose of the payment of obligations that were previously reported.

3. A candidate for a partisan state office other than district attorney may exceed the limitation under this paragraph by receiving and accepting a contribution from a political party committee made under s. 11.50 (2s) (f).

4. A candidate for a partisan state office other than district attorney may exceed the limitation under this paragraph by receiving and accepting a grant under s. 11.50 (4) (bg) or (br).

**SECTION 1ueh.** 11.26 (9) (am) of the statutes is created to read:

11.26 (9) (am) Except as otherwise provided in this paragraph and sub. (9m), no individual who is a candidate for a state office specified in s. 11.31 (1) (a) to (de), (e), or (f) may receive and accept more than the amount specified below during any primary and election campaign combined from all committees other than political party committees subject to a filing requirement. The amounts are as follows:

1. Candidates for the office of governor, 35% of the value of the total disbursement level determined under s. 11.31 (1) (a), adjusted as provided under s. 11.31 (9).

2. All other candidates subject to this paragraph, 40% of the total disbursement level determined under s. 11.31 (1), adjusted under s. 11.31 (9), for the office that the candidate seeks.

**SECTION 1uei.** 11.26 (9) (b) of the statutes is amended to read:

11.26 (9) (b) No individual who is a candidate for state office, other than a state office described in par. (am), or local office may receive and accept more than 45% of the value of the total disbursement level determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party ~~and legislative campaign~~ committees subject to a filing requirement.

**SECTION 1uej.** 11.26 (9m) of the statutes is created to read:

11.26 (9m) (a) If a report filed under s. 11.12 (8) indicates that a candidate has made disbursements exceeding the amount specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then the limitations under subs. (1), (1m), (2), and (2m) applicable to contributions made to each opposing candidate are doubled. In addition, s. 11.24 (1w) and sub. (9) do not apply to any contributions received by each opposing candidate that the opposing

candidate intends to use to make disbursements in response to the disbursements reported under s. 11.12 (8), as reported by the opposing candidate under s. 11.06 (1) (cm), to the extent that the contributions do not exceed the total amount by which the combined total of all such disbursements reported under s. 11.12 (8) exceeds the applicable amount specified under s. 11.31 (1) (a) to (de), (e), or (f), as adjusted under s. 11.31 (9). If the opposing candidate receives grant moneys under s. 11.50 (4) (bg), sub. (9) does not apply to those grant moneys.

(b) If a report filed under s. 11.12 (6) (am) or (c) indicates that disbursements have been made, or are to be made, in any campaign against a candidate, or in support of such a candidate's opponent, or that obligations have been incurred for such a purpose, and if the aggregate total of such disbursements, proposed disbursements, and obligations, less any disbursements made, or to be made, for the purpose of the payment of obligations previously reported, exceeds 5% of the amount specified under s. 11.31 (1) (a) to (de), (e), or (f), for the office that the candidate seeks, as adjusted under s. 11.31 (9), the limitations under subs. (1), (1m), (2), and (2m) applicable to contributions made to that candidate are doubled. In addition, s. 11.24 (1w) and sub. (9) do not apply to any contributions received by the candidate that the candidate intends to use to make disbursements in response to the disbursements, proposed disbursements, or obligations reported under s. 11.12 (6) (am) or (c), as reported by the candidate under s. 11.06 (1) (cm), to the extent that the contributions do not exceed the combined total of all such disbursements and obligations reported under s. 11.12 (6) (am) during the period beginning with the 60th day preceding the general, special, or spring election at which the candidate seeks office and ends with the 31st day preceding that election, together with the total amount of proposed disbursements and obligations reported under s. 11.12 (6) (c), less the amount of any disbursements made, or to be made, for the purpose of the payment of obligations previously reported. If the candidate receives grant moneys under s. 11.50 (4) (bg) or (br), sub. (9) does not apply to those grant moneys.

**SECTION 1uek.** 11.26 (10) of the statutes is amended to read:

11.26 (10) No candidate for state office who files ~~a sworn statement and an~~ application to receive a grant from the Wisconsin election campaign fund and an affidavit under s. 11.31 (2m) (a) may make contributions of more than 200% of the ~~amounts~~ applicable amount specified in sub. (1) to the candidate's own campaign from the candidate's personal funds or property or the personal funds or property which are owned jointly or as marital property with the candidate's spouse, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.31 (3p) or 11.50 (2) (i) applies to the candidate. For purposes of this subsection,

any contribution received by a candidate or his or her personal campaign committee from a committee which is registered with the federal elections commission as the authorized committee of the candidate under 2 USC 432 (e) shall be treated as a contribution made by the candidate to his or her own campaign. The contribution limit of sub. (4) applies to amounts contributed by such a candidate personally to the candidate's own campaign and to other campaigns, except that a candidate may exceed the limitation if authorized under this subsection to contribute more than the amount specified to the candidate's own campaign, up to the amount of the limitation.

**SECTION 1ueL.** 11.26 (10a) of the statutes is created to read:

11.26 (10a) (a) In this subsection, "consumer price index" means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The dollar amounts of the limitations under subs. (1), (1m), (2), (2m), (4), (8), and (8n) are subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall, in each year that the adjustment is made, calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for calendar year 2003. Beginning in 2006 and every 2 years thereafter, the board shall multiply the amount of each limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n) by the percentage difference in the consumer price indices. The board shall then add that product to the applicable limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n), round each sum to the nearest multiple of \$5, and adjust the amount of each limitation to substitute the resulting amount. The amount so determined shall then be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety, or welfare and without a finding of emergency.

**SECTION 1uem.** 11.26 (15) of the statutes is amended to read:

11.26 (15) The fact that 2 or more committees, other than personal campaign committees, utilize common policies and practices concerning the endorsement of candidates or agree to make contributions only to such endorsed candidates does not affect the right of each committee independently to make contributions up to the applicable amount specified under sub. (1), (1m), (2), or (2m).

**SECTION 1uen.** 11.26 (17) (a) of the statutes is amended to read:

11.26 (17) (a) For purposes of application of the ~~limitations imposed in~~ subs. (1), (1m), (2), (2m), (9), (9m), and (10), the "campaign" of a candidate begins and ends at the times specified in this subsection.

**SECTION 1ueo.** 11.265 of the statutes is repealed.

**SECTION 1uep.** 11.31 (1) (intro.) of the statutes is amended to read:

11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are established with reference to the candidates listed below. The levels are subject to adjustment under sub. (9). Except as provided in sub. (2), such levels do not operate to restrict the total amount of disbursements which are made or authorized to be made by any candidate in any primary or other election.

**SECTION 1ueq.** 11.31 (1) (a) to (d) of the statutes are amended to read:

11.31 (1) (a) Candidates for governor, \$1,078,200 \$2,000,000.

(b) Candidates for lieutenant governor, \$323,475 \$500,000.

(c) Candidates for attorney general, \$539,000 \$700,000.

(d) Candidates for secretary of state, state treasurer, justice or state superintendent, \$215,625 \$250,000.

**SECTION 1uer.** 11.31 (1) (de) of the statutes is created to read:

11.31 (1) (de) Candidates for justice, \$300,000.

**SECTION 1ues.** 11.31 (1) (e) and (f) of the statutes are amended to read:

11.31 (1) (e) Candidates for state senator, \$34,500 \$100,000 total in the primary and election, with disbursements not exceeding \$21,575 \$72,000 for either the primary or the election.

(f) Candidates for representative to the assembly, \$17,250 \$50,000 total in the primary and election, with disbursements not exceeding \$10,775 \$36,000 for either the primary or the election.

**SECTION 1uet.** 11.31 (2) of the statutes is amended to read:

11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general election who files ~~a sworn statement and an~~ application to receive a grant from the Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or authorize total disbursements from ~~the his or her~~ campaign treasury in any campaign to the extent of more than the amount prescribed in sub. (1), adjusted as provided under sub. (9), unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) or sub. (3p) applies to that candidate. No candidate for state office at a special election who files ~~a sworn statement and an~~ application to receive a grant from the Wisconsin election campaign fund and an affidavit under sub. (2m) (a) may make or authorize total disbursements from ~~the his or her~~ campaign treasury in any campaign to the extent of more

than the amount prescribed under sub. (1), adjusted as provided under sub. (9), for the preceding spring or general election for the same office, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) or sub. (3p) applies to that candidate.

**SECTION 1ueu.** 11.31 (2m) (title) of the statutes is amended to read:

11.31 (2m) (title) ~~VOLUNTARY LIMITATION~~ AFFIDAVIT OF ADHERENCE TO LIMITATIONS.

**SECTION 1uev.** 11.31 (2m) of the statutes is renumbered 11.31 (2m) (b) and amended to read:

11.31 (2m) (b) Any candidate to whom sub. (2) and s. 11.26 (10) do not apply may file an affidavit with his or her filing officer affirming that he or she has adhered and will adhere to the limitations imposed under sub. (2) and s. 11.26 (10) during the entire campaign. These limitations apply unless the candidate withdraws the affidavit by notifying his or her filing officer in writing no later than the 7th day after the date of the primary in which the person filing the affidavit is a candidate, or the 7th day after the date that the primary would be held, if no primary is required.

**SECTION 1uew.** 11.31 (2m) (a) of the statutes is created to read:

11.31 (2m) (a) Each candidate who files an application to receive a grant from the Wisconsin election campaign fund shall file an affidavit with the board affirming that the candidate, and his or her authorized agents, have complied with the limitations imposed under sub. (2) and s. 11.26 at all times during which the limitations have applied to his or her candidacy and will continue to comply with the limitations at all times during which the limitations apply to his or her candidacy, unless the board determines that the candidate is not eligible to receive a grant from the fund, the candidate withdraws his or her application for a grant under s. 11.50 (2) (h), or s. 11.50 (2) (i) or sub. (3p) applies to that candidate.

**SECTION 1uex.** 11.31 (3) of the statutes is amended to read:

11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the limitations imposed under sub. (2), candidates for governor and lieutenant governor of the same political party who both accept grants from the Wisconsin election campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b), adjusted as provided under sub. (9), and reallocate the total level between them. The candidates shall each inform the board of any such agreement.

**SECTION 1uey.** 11.31 (3p) of the statutes is created to read:

11.31 (3p) CANDIDATES RECEIVING ADDITIONAL MONIES; EXCEPTION. If a candidate receives a contribution described in s. 11.26 (9) (a) 1. to 3., a contribution authorized under s. 11.26 (9m), or a grant under s. 11.50 (4)

(bg) or (br), the disbursement limitation of that candidate for the campaign in which the contribution or grant is received is increased by the amount of that contribution or grant.

**SECTION 1uez.** 11.31 (9) of the statutes is created to read:

11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection, “consumer price index” means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The dollar amounts of the limitations under sub. (1) are subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall, in each year that the adjustment is made, calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for calendar year 2003. Beginning in 2006 and every 2 years thereafter, the board shall multiply the amount of each limitation under sub. (1) by the percentage difference in the consumer price indices. The board shall then add that product to the applicable limitation under sub. (1), round each sum to the nearest multiple of \$5, and adjust the amount of each limitation to substitute the resulting amount. The amount so determined shall then be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety, or welfare and without a finding of emergency.

**SECTION 1ufa.** 11.38 (1) (a) 2. of the statutes is amended to read:

11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association may establish and administer a separate segregated fund and solicit contributions from individuals to the fund to be utilized by such corporation or association, for the purpose of supporting or opposing any candidate for state or local office but the corporation or association may not make any contribution to the fund. The fund shall appoint a treasurer and shall register as a political committee under s. 11.05. A parent corporation or association engaging solely in this activity is not subject to registration under s. 11.05, but shall register and file special reports on forms prescribed by the board disclosing its administrative and solicitation expenses on behalf of such fund. A corporation not domiciled in this state need report only its expenses for administration and solicitation of contributions in this state together with a statement indicating where information concerning other administration and solicitation expenses of its fund may be obtained. The reports shall be filed with the filing officer for the fund specified in s. 11.02 in the manner pro-

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vided under s. 11.21 (16), if applicable, or otherwise in the manner in which continuing reports are filed under s. 11.20 (4) and (8).

**SECTION 1ufb.** 11.38 (6) of the statutes is amended to read:

11.38 (6) Any individual or campaign treasurer who receives funds in violation of this section shall promptly return such funds to the contributor or donate the funds to the common school fund or a charitable organization or transfer the funds to the board for deposit in the Wisconsin election campaign fund, at the treasurer's option.

**SECTION 1ufc.** 11.38 (8) (b) of the statutes is amended to read:

11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making any disbursement on behalf of a political group which is promoting or opposing a particular vote at a referendum and prior to accepting any contribution or making any disbursement to promote or oppose a particular vote at a referendum, a corporation or association organized under ch. 185 shall register with the appropriate filing officer specified in s. 11.02 and appoint a treasurer. The registration form of the corporation or association under s. 11.05 shall designate an account separate from all other corporation or association accounts as a campaign depository account, through which all moneys received or expended for the adoption or rejection of the referendum shall pass. The corporation or association shall file periodic reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the information required under s. 11.06 (1).

**SECTION 1ufd.** 11.385 of the statutes is created to read:

**11.385 Certain contributions prohibited.** (1) In this section, "floorperiod" means a floorperiod of the legislature, as scheduled by joint resolution, for a regular legislative session.

(2) Except as provided in subs. (3) to (5), no member of the legislature or personal campaign committee of a member may make or receive any contribution in conjunction with a fund-raising social event held in Dane County during a floorperiod or a special or extraordinary session if the event is held to benefit a member or member's personal campaign committee.

(3) Subsection (2) does not apply to a contribution made or received in connection with a fund-raising social event that is held by a member of the legislature or his or her personal campaign committee during the period between the first day authorized for filing nomination papers for an office for which the member is a candidate and the date of the election for that office, if the event is held within the jurisdiction or district served by the office for which the member is a candidate.

(4) Subsection (2) does not apply to a contribution made or received in connection with a fund-raising social event that is held by a member of the legislature or his or her personal campaign committee during the

period between the first day authorized for filing nomination papers for any office other than member of the house of the legislature in which a member serves and the date of the election for that office.

(5) Subsection (2) does not apply to a contribution made or received in connection with a fund-raising social event held during a special or extraordinary session by a member of the legislature or his or her personal campaign committee if the member serves a district that is wholly or partly contained within Dane County, the event is held within the boundaries of that district and invitations to the event are sent before the special or extraordinary session is called.

**SECTION 1ufe.** 11.50 (1) (a) 1. (intro.) of the statutes is created to read:

11.50 (1) (a) 1. (intro.) For purposes of qualification for a grant from the general account:

**SECTION 1uff.** 11.50 (1) (a) 1. of the statutes is renumbered 11.50 (1) (a) 1. a.

**SECTION 1ufg.** 11.50 (1) (a) 2. of the statutes is renumbered 11.50 (1) (a) 1. b. and amended to read:

11.50 (1) (a) 1. b. With respect to a special election, an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state office, except district attorney, on the ballot or column of a party whose candidate for the same office at the preceding general election received at least 6% of the vote cast for all candidates on all ballots for the office, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at a special election, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, at a partisan special election; and who qualifies for a grant under sub. (2). Where the boundaries of a district in which an individual seeks office have been changed since the preceding general election such that it is not possible to calculate the exact number of votes that are needed by that individual to qualify as an eligible candidate prior to an election ~~under this subdivision~~, the number of votes cast for all candidates for the office at the preceding general election in each ward, combination of wards or municipality which is wholly contained within the boundaries of the newly formed district shall be calculated. If the candidate of the political party on whose ballot or column the individual appears in the newly formed district obtained at least 6% of the number of votes calculated, the individual is deemed to qualify as an eligible candidate prior to the election ~~under this subdivision~~.

**SECTION 1ufh.** 11.50 (1) (a) 2m. of the statutes is created to read:

11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party account, an individual who is certified under s. 7.08 (2) (a) or 8.50 (1) (d) in the general



election or a special election as the candidate of an eligible political party for a state office, other than district attorney, or an individual who has been lawfully appointed and certified to replace such an individual on the ballot at the general or a special election and who has qualified for a grant under sub. (2).

**SECTION 1ufi.** 11.50 (1) (am) of the statutes is created to read:

11.50 (1) (am) “Eligible political party” means any of the following:

1. A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more separate columns or rows on a ballot for the period beginning on the date of the preceding general election and ending on the day before the general election that follows that election.

2. A party qualifying under s. 5.62 (2) for a separate ballot or one or more separate columns or rows on a ballot for the period beginning on the preceding June 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the preceding even-numbered year, and ending on May 31 of the 2nd year following that June 1.

**SECTION 1ufj.** 11.50 (1) (bm) and (cm) of the statutes are created to read:

11.50 (1) (bm) “General account” means the account in the fund created under sub. (2w).

(cm) “Political party account” means an account in the fund created under sub. (2s).

**SECTION 1ufk.** 11.50 (2) (a) of the statutes is amended to read:

11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may file an application with the board requesting approval to participate in the fund. The application shall be filed no later than the applicable deadline for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m. on the 7th day after the primary or date on which the primary would be held if required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day after appointment in the case of candidates appointed to fill vacancies. ~~The application shall contain a sworn statement that the candidate and his or her authorized agents have complied with the contribution limitations prescribed in s. 11.26 and the disbursement limitations prescribed under s. 11.31 at all times to which such limitations have applied to his or her candidacy and will continue to comply with the limitations at all times to which the limitations apply to his or her candidacy for the office in contest, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws his or her application under par. (h), or par. (i) applies applicant shall provide, along with his or her application, an affidavit under s. 11.31 (2m) (a). The application shall also contain a sworn statement that, except as authorized in s. 11.26 (9m), if the candidate is able to receive the full amount of the grant, except any grant provided under sub. (4) (bg) or (br), to which the~~

~~candidate is entitled under sub. (9), the candidate and his or her agents will not accept any contribution made by a committee other than a political party committee during the campaign, and that, except as provided in s. 11.29 (9m) any contributions accepted by the candidate from such a committee will not exceed that amount which, when added to the amount of the grant received by the candidate under sub. (9), equals the percentage specified in s. 11.26 (9) (am) of the disbursement level specified in s. 11.31 (1) (a) to (de), (e), or (f), as adjusted under s. 11.31 (9), for the office that the candidate seeks. In the statement, the candidate shall also swear that if any unauthorized contribution has been accepted, that the contribution has been or will be returned or donated as provided in par. (j), and the candidate and his or her agents will not accept any unauthorized contribution during the campaign.~~

**SECTION 1ufl.** 11.50 (2) (b) 3. of the statutes is amended to read:

11.50 (2) (b) 3. ~~The~~ In the case of a candidate at the general election, the candidate has an opponent whose name is certified for placement on the election ballot as a candidate for the same office and who received at least 6% of the vote cast for all candidates on all ballots for that office at the September primary;

**SECTION 1ufm.** 11.50 (2) (b) 4. of the statutes is amended to read:

11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that his or her ~~statement affidavit~~ statement affidavit filed with the application under par. (a) s. 11.31 (2m) (a) is true; ~~and~~

**SECTION 1ufn.** 11.50 (2) (b) 5. of the statutes is amended to read:

11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or September primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received an amount equal to at least the amount provided in this subdivision, from contributions of money, other than loans, made by individuals who reside in this state and, in the case of a candidate for legislative office, by individuals at least 45% of whom reside in a county having territory within the district in which the candidate seeks office, which contributions have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the September primary and January 1 preceding such date in the case of candidates at the general election, or the date that a special primary will or would be held, if required, and 90 days preceding such date or the date a special election is ordered, whichever is earlier, in the case of ~~special election~~ candidates at a special election, which contributions are in the aggregate amount of \$100 or less, and which

contributions are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify for a grant is 5% of the candidate's applicable authorized disbursement limitation, as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9). For any other candidate at the general election, the required amount to qualify for a grant is 40% 6% of the candidate's applicable authorized disbursement limitation, as determined under s. 11.31- (1) and adjusted as provided under s. 11.31 (9); and

**SECTION 1ufo.** 11.50 (2) (b) 6. of the statutes is created to read:

11.50 (2) (b) 6. The application is not required to be disapproved under par. (f).

**SECTION 1ufp.** 11.50 (2) (c) of the statutes is amended to read:

~~11.50 (2) (c) If a candidate has not filed financial reports as of the date of the spring primary, September primary, special primary, or date that the special primary would be held, if required, which indicate that he or she has met the qualification under par. (b) 5., the candidate may file a special report with the board. Such report shall be filed not later than Any individual who desires to qualify as an eligible candidate shall file a special report with the board during the period beginning on the day after the primary, or the 7th day after the date on which the primary would be held, if required, and ending on the 7th day after the primary, or 7th day after the date on which the primary would be held, if required, and. The special report shall include such supplementary information as to sources of contributions which may be necessary to complete the candidate's qualification all information that is required to be reported under s. 11.06 (1). The special report shall cover the period from the day after the last date covered on the candidate's most recent report, or from the date on which the first contribution was received or the first disbursement was made, whichever is earlier, if the candidate has not previously filed a report, to the date of such report the primary, or the date on which the primary would be held, if required. All information included on the special report shall also be included in the candidate's next report under s. 11.20.~~

**SECTION 1ufq.** 11.50 (2) (f) of the statutes is amended to read:

11.50 (2) (f) The board shall disapprove the application of any candidate who has a balance in his or her campaign depository account, as reported under par. (c), that is equal to or greater than 100% of the disbursement level specified under s. 11.31 (1), as adjusted under s. 11.31

(9), for the office that the candidate seeks, but without respect to any adjustment under s. 11.31 (3r). The board shall inform each candidate in writing of the approval or disapproval of the candidate's application, as promptly as possible after the date of the spring primary, September primary, special primary, or date that the primary would be held, if required. With respect to a candidate at a special election who applies for a postelection grant under sub. (1) (a) 2. l. b., the board shall inform the candidate in writing of the conditional approval or disapproval of the candidate's application at the same time.

**SECTION 1ufr.** 11.50 (2) (g) of the statutes is amended to read:

11.50 (2) (g) A candidate who voluntarily files an application to receive a grant in accordance with this subsection accepts and agrees to comply with the contribution limitations prescribed in s. 11.26 and the disbursement limitations imposed under s. 11.31 (2), adjusted as provided under s. 11.31 (9), as binding upon himself or herself and his or her agents during the campaign as defined in s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board determines that the candidate is not eligible to receive a grant, the candidate withdraws the application under par. (h), or par. (i) or s. 11.31 (3p) applies to the candidate.

**SECTION 1ufs.** 11.50 (2) (h) of the statutes is amended to read:

11.50 (2) (h) An eligible candidate who files an application under par. (a) may file a written withdrawal of the application. A withdrawal of an application may be filed with the board no later than the ~~7th~~ 8th day ~~after~~ before the day of the primary in which the person withdrawing the application is a candidate; or in the case of the spring election no later than the 7th 8th day after before the date that the primary would be held, if required; or in the case of a partisan special election for which no primary is held for any party nomination, no later than the 35th day before the election. If an application is withdrawn in accordance with this paragraph, the person withdrawing the application is no longer bound by the ~~statement affidavit~~ statement affidavit filed under ~~par. (a) s. 11.31 (2m) (a)~~ after the date of the withdrawal.

**SECTION 1uft.** 11.50 (2) (i) of the statutes is amended to read:

11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring election or a special nonpartisan election who accepts a grant is opposed by one or more candidates in the election, or if an eligible candidate at the general election or a special partisan election who accepts a grant is opposed by one or more candidates in the election who receive at least 6% of the vote cast for all candidates for the same office on all ballots at the September primary or a special partisan primary if a primary was held, and in either case if any such opponent of the eligible candidate does not accept a grant under this section in whole or in part, the eligible candidate is not bound

by the pledge made in his or her application to adhere to the contribution limitations prescribed in s. 11.26 and the disbursement limitation prescribed under s. 11.31 (2), unless each such opponent files an affidavit of voluntary compliance under s. 11.31 (2m) (b) and s. 11.31 (3p) does not apply to the candidate.

**SECTION 1ufu.** 11.50 (2) (j) of the statutes is created to read:

11.50 (2) (j) If a candidate who applies for a grant has accepted, or the candidate's personal campaign committee has accepted, any contributions from committees other than political party committees during the campaign for the office that the candidate seeks, except as authorized in the candidate's statement under par. (a), the candidate, before accepting a grant whenever the full amount of the grant authorized under sub. (9) is available to the candidate, shall return the contributions or their monetary equivalent to the contributor, or, at the contributor's option, donate an amount equal to the contribution to the fund or to the common school fund or, if the full amount of the grant authorized under sub. (9) is not available to the candidate, shall return or donate sufficient contributions, if any, so that the contributions accepted do not exceed the amount authorized under sub. (2) (a).

**SECTION 1ufv.** 11.50 (2m) of the statutes is created to read:

11.50 (2m) PUBLIC INFORMATION ACCOUNT. (a) Annually no later than September 1, the board may notify the state treasurer that an amount not exceeding 1% of the amount transferred to the fund in that year shall be placed in a public information account. The amount shall be drawn from the general account and from each political party account in proportion to each account's share of designations credited under s. 71.10 (3) (b) in that year. Moneys in the public information account shall be expended by the board for the purpose of providing public information concerning the purpose and effect of this section and s. 71.10 (3).

(b) The board shall provide the department of revenue with an easily understood description of the purpose and effect of this section and s. 71.10 (3) for use as required under s. 71.10 (3) (b).

(c) Any amount placed in the public information account under par. (a) that is not expended by the board in any year shall be retained in that account.

**SECTION 1ufw.** 11.50 (2s) of the statutes is created to read:

11.50 (2s) POLITICAL PARTY ACCOUNTS. (a) The state chairperson of each eligible political party may, by written request to the board, provide for the establishment or discontinuance of an account within the fund for that political party. Each political party account consists of all moneys designated by individuals for deposit in that account under s. 71.10 (3) (am).

(b) Within each political party account, 45% of the moneys designated for crediting to the account under s.

71.10 (3) (a) shall be retained by the board for use in making grants to eligible candidates of that party under sub. (4), and 55% of the moneys received shall be disbursed by the board to the eligible political party for use by the party in making contributions to eligible candidates of that party authorized under par. (f).

(c) Whenever an eligible candidate representing an eligible political party is eligible to receive a grant from the general account under sub. (4), the state treasurer shall first make payment of the grant from the political party account of that party, to the extent that sufficient moneys are available in that account to make payment of the grant. From the moneys available in a political party account, the state treasurer shall make payments of grants to candidates in the following sequence:

1. First, payment to candidates for legislative office.
2. Second, payment to candidates for the office of governor.
3. Third, payment to candidates for other state offices.

(d) The board shall certify to the state treasurer that an eligible political party qualifies to receive a grant for an election under this subsection whenever at least one eligible candidate of that party qualifies to receive a grant under sub. (2) for that election.

(e) Each eligible political party that receives a grant under this section shall maintain all grant moneys received in a segregated account. All moneys in that account and any earnings on those moneys may be used by that party only to make contributions under par. (f) to candidates of that party who qualify for a grant under sub. (2). Within that account, the party shall establish 3 subaccounts. The party shall deposit 45% of the grant moneys received in each year in a subaccount to be used to make contributions to candidates for the office of senator, 45% of the grant moneys received in each year in a subaccount to be used to make contributions to candidates for the office of representative to the assembly, and 10% of the grant moneys received in each year in a subaccount to be used to make contributions to candidates for other state offices. The political party shall maintain documentation for a period and in a form that is satisfactory to the board for the purpose of verifying that all moneys in the account are used for a purpose authorized under this section. The political party shall promptly transfer to the board the full amount of any unencumbered moneys in the account if the political party ceases to be an eligible political party.

(f) 1. If a report filed under s. 11.12 (8) indicates that a candidate for a partisan state office has made disbursements exceeding the amount specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then an eligible political party may make contributions to each eligible opposing candidate from the applicable account established under par. (e) in the amounts determined by the party, but the total of such contributions to the candidate may not

exceed the total amount by which the combined total of such disbursements exceeds the applicable amount specified under s. 11.31 (1) (a) to (d), (e), or (f), as adjusted under s. 11.31 (9), minus any contributions accepted by the candidate under s. 11.26 (9m).

2. If a report filed under s. 11.12 (6) (am) or (c) indicates that disbursements have been made or are proposed to be made against an eligible candidate for a partisan state office or in support of such a candidate's opponent, or that obligations have been incurred for such a purpose, and if the aggregate total of such disbursements, proposed disbursements, and obligations, less any disbursements made, or to be made, for the purpose of the payment of obligations that were previously reported, exceeds 5% of the amount specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then an eligible political party may make contributions to the candidate from the applicable account established under par. (e) in the amounts determined by the party, but the total of such contributions to the candidate may not exceed the total amount of the disbursements and obligations reported under s. 11.12 (6) (am) during the period beginning with the 60th day preceding the general, special, or spring election at which the candidate seeks office and ending with the 31st day preceding that election, together with the total amount of the proposed disbursements and obligations reported under s. 11.12 (6) (c), minus any contributions accepted by the candidate under s. 11.26 (9m) and the amount of any disbursements made, or to be made, for the purpose of the payment of obligations that were previously reported.

(g) If a political party for which an account is established under this subsection ceases to be an eligible political party, the board shall transfer the unencumbered balance of that account to the general account.

**SECTION 1ufx.** 11.50 (2w) of the statutes is created to read:

**11.50 (2w) GENERAL ACCOUNT.** There is established a general account within the fund consisting of all moneys designated by individuals for deposit in that account under s. 71.10 (3) (am), all moneys transferred to that account under sub. (2s) (g), and all moneys exceeding the disbursement limitation under s. 11.31 (2), as adjusted under s. 11.31 (9), and all moneys deposited in the fund under subs. (2s) (e), (8), and (10m) and ss. 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), 11.26 (1t) and (2t), and 11.38 (6).

**SECTION 1ufy.** 11.50 (3) of the statutes is repealed.

**SECTION 1ufz.** 11.50 (4) of the statutes is repealed and recreated to read:

**11.50 (4) APPORTIONMENT OF MONEYS IN GENERAL ACCOUNT.** (a) After transfer of the amount specified by the board under sub. (2m), the board shall apportion the remaining moneys in the general account in the manner specified in this subsection.

(b) Prior to payment of any grants at an election for a partisan state office, the board shall reserve an amount equal to the amount of the disbursement limitation under s. 11.31 (2), as adjusted under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (3p), for the office sought by each eligible candidate other than a candidate who qualifies to receive a grant under sub. (2).

(bg) If a report filed under s. 11.12 (8) indicates that a candidate for a partisan state office has made disbursements exceeding the amount specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then upon application to the board by any eligible opposing candidate, other than a candidate who qualifies to receive a grant under sub. (2s) (c), the board shall make a supplemental grant from the reserve under par. (b) to the eligible opposing candidate in an amount equal to the lesser of the following:

1. The amount of the disbursement limitation specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), minus any contributions accepted by the candidate under s. 11.26 (9m) (a).

2. The total amount by which the combined total of all such disbursements that exceeds the applicable amount specified under s. 11.31 (1) (a) to (d), (e), or (f), as adjusted under s. 11.31 (9), minus any contributions accepted by the candidate under s. 11.26 (9m) (a).

(br) If a report filed under s. 11.12 (6) (am) or (c) indicates that disbursements have been made or are proposed to be made against an eligible candidate for a partisan state office, other than a candidate who qualifies to receive a grant under sub. (2s) (c), or in support of such a candidate's opponent, or that obligations have been incurred for such a purpose, and if the aggregate total of such disbursements, proposed disbursements, and obligations, less any disbursements made, or to be made, for the purpose of the payment of obligations that were previously reported, exceeds 5% of the amount specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), then upon application to the board by the candidate, the board shall make a supplemental grant from the reserve under par. (b) to that candidate in an amount equal to the lesser of the following:

1. The amount of the disbursement limitation specified under s. 11.31 (1) (a) to (d), (e), or (f) for the office that the candidate seeks, as adjusted under s. 11.31 (9), minus any contributions accepted by the candidate under s. 11.26 (9m) (b).

2. The total amount by which the disbursements, proposed disbursements, and obligations exceed the applicable amount specified under s. 11.31 (1) (a) to (d), (e), or (f), as adjusted under s. 11.31 (9), minus any contributions accepted by the candidate under s. 11.26 (9m) (b), and the amount of any disbursements made, or to be



made, for the purpose of the payment of obligations that were previously reported.

(c) The state treasurer shall make payment of grants to eligible candidates at an election in the following sequence:

1. First, the state treasurer shall make payment of grants to candidates for the office of justice in the amounts to which the candidates are entitled under sub. (9), and shall prorate those payments if insufficient moneys are available to make full payments to all candidates for the same office.

2. Second, the state treasurer shall make payment of grants to candidates for partisan state offices other than candidates of eligible political parties.

3. Third, the state treasurer shall make payment of the amount required to equalize payments of grants to all candidates for the same office who have received grants from a political party account, and shall prorate the payments of candidates who receive lower amounts from a political party account if insufficient moneys are available to fully equalize the amounts of grants received by all candidates for the same office.

4. Fourth, the state treasurer shall make payment of the remaining amount, if any, required to enable all eligible candidates to receive the full amount of the grant to which they are entitled under sub. (9), and shall prorate those payments if insufficient moneys are available to make full payments to all candidates for the same office.

5. Fifth, the state treasurer shall make payment of grants to candidates for the office of state superintendent in the amounts to which the candidates are entitled under sub. (9), and shall prorate those payments if insufficient moneys are available to make full payments to all candidates for the same office.

**SECTION 1uga.** 11.50 (5) of the statutes is renumbered 11.50 (5) (a) and amended to read:

11.50 (5) (a) The state treasurer shall make the disbursements of grants under sub. (4) to the campaign depository account of each eligible candidate ~~under subs. (3) and (4)~~ and each eligible political party under sub. (2s) by the end of the 3rd business day following notice from the board under s. 7.08 (2) (c) or (cm).

(b) Eligible candidates for governor and lieutenant governor of the same political party may combine accounts if desired.

**SECTION 1ugb.** 11.50 (6) of the statutes is amended to read:

11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each eligible candidate ~~under subs. (3) and (4)~~ are more than the amount which a candidate may accept under sub. (9), ~~or more than the amount which a candidate elects to accept under sub. (10)~~, the excess moneys shall be retained in the fund.

**SECTION 1ugc.** 11.50 (7) (intro.) of the statutes is amended to read:

11.50 (7) UTILIZATION. (intro.) Grants distributed under this section and contributions received from a political party under sub. (2s) (f) may be utilized only for deposit in a campaign depository account under s. 11.10. Grants and contributions received from a political party under sub. (2s) (f) may be expended only for one or more of the following:

**SECTION 1ugd.** 11.50 (8) of the statutes is amended to read:

11.50 (8) LAPSING GRANTS. All grants disbursed to eligible candidates under sub. (5) remain the property of the state until disbursed or encumbered for a lawful purpose. All grant moneys received by an eligible candidate that are unspent and unencumbered by a candidate on the day after the election in which the candidate participates shall revert to the state. All deposits and refunds derived from grant moneys ~~that are received by a~~ an eligible candidate that are received at any time after the day of the election in which the candidate participates shall revert to the state. All reversions shall be returned to the board by the candidate and shall be deposited in the fund.

**SECTION 1uge.** 11.50 (9) of the statutes is renumbered 11.50 (9) (a) and amended to read:

11.50 (9) (a) ~~The~~ Except as provided in sub. (4) (bg) and (br), the total grant available to an eligible candidate for the office of governor may not exceed that amount which, when added to all other contributions accepted from sources other than individuals, and political party committees ~~and legislative campaign committees~~, is equal to 45% ~~35%~~ of the disbursement level specified for the applicable office that the candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9).

(c) The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported.

(d) No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

**SECTION 1ugf.** 11.50 (9) (b) of the statutes is created to read:

11.50 (9) (b) Except as provided in sub. (4) (bg) and (br), the total grant available to an eligible candidate for any other state office may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and political party committees, is equal to 40% of the disbursement level specified for the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9).

**SECTION 1ugh.** 11.50 (10) of the statutes is repealed.

**SECTION 1ugh.** 11.50 (10m) of the statutes is amended to read:

11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an election in which he or she is

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a candidate and who desires to return any portion of the grant shall return that portion no later than the 2nd Tuesday in October preceding a general election, the 4th Tuesday preceding a spring election or the 3rd Tuesday preceding a special election. A candidate who returns all or any portion of a grant under this subsection remains bound by the candidate's statement affidavit filed under s. 11.31 (2m) (a) and the candidate's statement filed under sub. (2) (a).

**SECTION 1ugi.** 11.50 (11) (e) of the statutes is amended to read:

11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur any obligation to expend any grant if he or she violates the pledge in the affidavit required under sub. (2) (a) as a precondition to receipt of a grant, except as authorized in sub. (2) (h) or (i).

**SECTION 1ugj.** 11.50 (14) of the statutes is created to read:

11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) No later than July 1 of each year, the board shall certify to the secretary of revenue:

1. The name of each political party that qualifies under sub. (1) (am) 2. as an eligible political party as of the preceding June 1 and whose state chairperson has filed a request to establish an account for the party under sub. (2s) (a).

2. The name of each political party that qualifies under sub. (1) (am) 1. as an eligible political party as of the date of the preceding general election.

(b) In each certification under this subsection, the board shall specify the expiration date of the certification.

**SECTION 1ugk.** 11.60 (3r) of the statutes is created to read:

11.60 (3r) Notwithstanding sub. (1), any committee who violates s. 11.12 (6) (am) or (c) may be required to forfeit not more than \$500 for each day of continued violation. If an amount of a disbursement or obligation reported under s. 11.12 (6) (am) or (c) varies from the actual amount of the disbursement or obligation by greater than 5%, the committee filing the report shall also be required to forfeit the total amount of the actual disbursement or obligation.

**SECTION 1ugL.** 11.60 (4) of the statutes is amended to read:

11.60 (4) Actions under this section arising out of an election for state office or a statewide referendum may be brought by the board or by the district attorney of the county where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or local referendum may be brought by the district attorney of the county where the violation is alleged to have occurred. Actions under this section arising out of an election for county office or a county referendum may be brought by the county board of election commissioners of the county

wherein the violation is alleged to have occurred. In addition, whenever a candidate or personal campaign committee or agent of a candidate is alleged to have violated this chapter, action may be brought by the district attorney of any county any part of which is contained within the jurisdiction or district in which the candidate seeks election. If a violation concerns a district attorney or circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney general or a candidate for such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent of the attorney general and need not be a state employee at the time of appointment.

**SECTION 2.** 11.61 (1) (a) of the statutes is amended to read:

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

**SECTION 2d.** 11.61 (1) (a) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g) ~~or (2r)~~, 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 (1) is guilty of a Class I felony.

**SECTION 3.** 11.61 (1) (b) of the statutes is amended to read:

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

**SECTION 4.** 12.60 (1) (a) of the statutes is amended to read:

12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

**SECTION 5.** 13.05 of the statutes is amended to read:

**13.05 Logrolling prohibited.** Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced; in the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his or her vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his or her vote or influence for or against any measure on condition that any other member will give his or her vote or influence in favor of any change in any other bill pending or pro-

posed to be introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 4 years and 6 months or both, is guilty of a Class I felony.~~

**SECTION 6.** 13.06 of the statutes is amended to read:

**13.06 Executive favor.** Any member of the legislature who gives, offers or promises to give his or her vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this state, ~~may be fined not less than \$500 nor more than \$1,000 or imprisoned for not less than one year nor more than 3 years or both is guilty of a Class I felony.~~

**SECTION 7m.** 13.101 (6) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (aq) ~~and~~ (ar), ~~and~~ (at), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town, or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

**SECTION 7n.** 13.101 (14) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.101 (14) With the concurrence of the joint committee on information policy and technology, direct the department of ~~electronic government administration~~

~~to report to the committee concerning any specific information technology system project in accordance with s. 13.58 (5) (b) 4.~~

**SECTION 7p.** 13.101 (16) (b) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

13.101 (16) (b) Annually, on June 15, beginning in 2004, the committee shall transfer from the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000 or ~~8.5% of the market value of the investments in the permanent endowment fund on June 1 in that year~~ the proceeds of, and investment earnings on, investments of the permanent endowment fund in the prior calendar year.

**SECTION 8.** 13.525 of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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the senate, may request the joint review committee to prepare a report on the bill under par. (b).

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

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

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

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

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

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

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

(6) COMMITTEE POWERS AND PROCEDURES. The committee may hold hearings as needed to elicit information for making a report under sub. (5) (b) or (5m) (a) or for developing proposed legislation under sub. (5m) (a). The committee shall meet at the call of its cochairpersons. All actions of the committee require the approval of a majority of all of its members.

**SECTION 9m.** 13.58 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.58 (5) (a) 5. Upon receipt of strategic plans from the department of ~~electronic government administration~~, the joint committee on legislative organization and the director of state courts, review and transmit comments concerning the plans to the entities submitting the plans.

**SECTION 9n.** 13.58 (5) (b) 4. (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance, direct the department of ~~electronic government administration~~ to report semiannually to the committee and the joint committee on finance concerning any specific information technology system project which is being designed,

developed, tested or implemented and which the committees anticipate will have a total cost to the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The report shall include all of the following:

**SECTION 10.** 13.69 (6m) of the statutes is amended to read:

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

**SECTION 10m.** 13.90 (6) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.90 (6) The joint committee on legislative organization shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy and technology, the governor and the ~~chief information officer administrator of the division of electronic government in the department of administration~~, no later than September 15 of each even-numbered year, a strategic plan for the utilization of information technology to carry out the functions of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan shall address the business needs of the legislature and legislative service agencies and shall identify all resources relating to information technology which the legislature and legislative service agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the legislature and legislative service agencies under the plan.

**SECTION 10p.** 13.93 (2) (h) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

13.93 (2) (h) Approve specifications and scheduling for computer databases containing the Wisconsin statutes and for the printing of the Wisconsin statutes as prescribed in ss. ~~22.03 16.971~~ (6) and 35.56 (5).

**SECTION 11m.** 13.94 (1) (bm), (bp) and (br) of the statutes are created to read:

13.94 (1) (bm) 1. Conduct a management and performance evaluation audit of every large program at least once each 5 years. In this paragraph "large program" means a program, as described in s. 20.003 (3), under s. 20.255 (2), 20.285 (1), 20.292 (1), 20.395 (1), (2), or (3), 20.410 (1) or (3), 20.435 (2), (3), (4), or (6), 20.445 (1) or (3), or 20.835 (1), (2), (3), or (4).

2. The audit must include an appraisal of all management practices, operating procedures, and organizational structures related to the program. The audit may be conducted in conjunction with the audit under par. (b) or separately. Within 30 days after completion of the audit, the bureau shall file with the joint

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legislative audit committee, the appropriate standing committees, and the joint committee on legislative organization, under s. 13.172 (3), the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau, and the state department, board, commission, or independent agency that administers the program audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures.

(bp) 1. Conduct a management and performance evaluation audit to review supervisor-to-staff ratios in every large agency at least once each 5 years. In this paragraph “large agency” means an agency created under ch. 15 and that has more than 100 full-time equivalent positions.

2. The audit may be conducted in conjunction with the audit under par. (b) or (bm) or separately. Within 30 days after completion of the audit, the bureau shall file with the joint legislative audit committee, the appropriate standing committees, and the joint committee on legislative organization, under s. 13.172 (3), the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau, and the state department, board, commission, or independent agency audited, a detailed report thereof, including its recommendations for improvement and efficiency.

(br) Maintain a toll-free telephone number with voice mail at the bureau’s office to receive reports of fraud, waste, or abuse in state government. The bureau shall relay these reports to the appropriate bureau employee for investigation. The bureau shall publicize the toll-free telephone number on the bureau’s website. The bureau shall maintain records that permit the release of information provided by informants while protecting the identity of the informant. Any records maintained by the bureau which relate to the identity of informants shall be only for the confidential use of the bureau in the administration of this section, unless the informant expressly agrees to release the records. Appearance in court as a witness shall not be considered consent by an informant to release confidential records maintained by the bureau.

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**SECTION 11n.** 14.20 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

14.20 (1) (a) “Local governmental unit” has the meaning given in s. 22.01 16.97 (7).

**SECTION 13.** 15.01 (2) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

15.01 (2) “Commission” means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the Wisconsin waterways commission which shall consist of 5 members, the parole commission

which shall consist of 8 members, and the Fox River management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The sentencing commission created under s. 15.105 (27) shall be known as a “commission” but is not a commission for purposes of s. 15.06 (1) to (4m), (7), and (9).

**SECTION 13m.** 15.07 (2) (L) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

15.07 (2) (L) The governor shall serve as chairperson of the information technology management board and the ~~chief information officer~~ administrator of the division of electronic government in the department of administration shall serve as secretary of that board.

**SECTION 13p.** 15.103 (6) of the statutes is created to read:

15.103 (6) There is created in the department of administration a division of electronic government.

**SECTION 13q.** 15.105 (25) of the statutes is repealed.

**SECTION 14.** 15.105 (27) of the statutes is created to read:

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

1. The attorney general or his or her designee.
2. The state public defender or his or her designee.
3. Seven members, at least 2 of whom are not employed by any unit of federal, state, or local government, appointed by the governor.
4. One majority party member and one minority party member from each house of the legislature, appointed as are the members of standing committees in their respective houses.
5. Two circuit judges, appointed by the supreme court.
6. One representative of crime victims and one prosecutor, each appointed by the attorney general.
7. One attorney in private practice engaged primarily in the practice of criminal defense, appointed by the criminal law section of the State Bar of Wisconsin.

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

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

2. The term of a circuit judge appointed under par. (a) 5. shall end when such person ceases to be a circuit judge.

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The term of a prosecutor appointed under par. (a) 6. shall end when such person ceases to be a prosecutor.

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

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

(f) *Sunset.* This subsection does not apply after December 31, 2007.

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**SECTION 14b.** 15.107 (7) (f) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

15.107 (7) (f) A representative of the department division of electronic government in the department of administration.

**SECTION 14d.** 15.197 (25) (c) of the statutes is amended to read:

15.197 (25) (c) This subsection does not apply beginning on July 1, ~~2002~~ 2003.

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**SECTION 14g.** 15.21 of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 14h.** 15.215 (title) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 14i.** 15.215 (1) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 15.105 (27) and amended to read:

15.105 (27) INFORMATION TECHNOLOGY MANAGEMENT BOARD. There is created an information technology management board which is attached to the department of electronic government administration under s. 15.03. The board shall consist of the governor, the cochairpersons of the joint committee on information policy and technology or a member of the legislature from the same house as a cochairperson designated by that cochairperson, one member of the minority party in each house of the legislature, appointed in the same manner as members of standing committees are appointed, the secretary of administration, 2 heads of departments or independent agencies appointed to serve at the pleasure of the governor, 2 other members appointed to serve for 4-year terms, and the chief information officer administrator of the division of electronic government in the department of administration.

**SECTION 14j.** 15.347 (18) of the statutes is created to read:

15.347 (18) INVASIVE SPECIES COUNCIL. (a) There is created an invasive species council, attached to the department of natural resources under s. 15.03.

(b) The council consists of the following members:

1. The secretary of natural resources or his or her designee.
2. The secretary of administration or his or her designee.
3. The secretary of agriculture, trade and consumer protection or his or her designee.
4. The secretary of commerce or his or her designee.
5. The secretary of tourism or his or her designee.
6. The secretary of transportation or his or her designee.
7. Seven other members appointed by the governor to serve 5-year terms.

(c) The members appointed under par. (b) 7. shall represent public and private interests that are affected by the presence of invasive species in this state.

**SECTION 14kr.** 15.347 (19) of the statutes is created to read:

15.347 (19) COUNCIL ON FORESTRY. (a) There is created in the department of natural resources a council of forestry consisting of:

1. The chief state forester or his or her designee.
2. One member of the senate, appointed by the president of the senate.
3. One member of the senate, appointed by the senate minority leader.
4. One member of the assembly, appointed by the speaker of the assembly.
5. One member of the assembly, appointed by the assembly minority leader.
6. One member who represents the interests of a forest products company that owns and manages large tracts of private forest land that supply raw materials to the forest products industry.
7. One member who represents the interests of owners of nonindustrial, private forest land who manage the land to produce ecological, economic, and social benefits.
8. One member who represents the interests of counties that have county forests within their boundaries.
9. One member who represents the interests of the paper and pulp industry.
10. One member who represents the interests of the lumber industry.
11. One member who represents the interests of non-profit conservation organizations whose purposes include the conservation and use of forest resources.
12. One member who is a forester who engages in the practice of providing consultation services on forestry issues.
13. One member who represents the interests of schools of forestry within the state that have curricula in

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the management of forest resources that are accredited by the Society of American Foresters.

14. One member who represents the interests of persons who engage in the practice of conservation education.

15. One member who represents the interests of persons who are members of labor unions that are affiliated with the forestry industry.

16. One member who represents the interests of persons who are engaged in the practice of urban and community forestry.

17. One member who represents the interests of persons who are members of the Society of American Foresters.

18. One member who represents the interests of persons who are members of an organization of timber producers.

19. One person who represents the interests of persons who are engaged in an industry that uses secondary wood.

**Vetoed In Part** (b) Each member specified in par. (a) 2. to 5. shall be appointed in the same manner as members of standing committees are appointed.

**Vetoed In Part** (c) Each member specified in par. (a) 6. to 19. shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve a 5-year term.

(d) The governor shall annually appoint a chairperson for the council from among its members before the first meeting of each year, and the chairperson, at the first meeting of each year, shall annually appoint the vice chairperson and secretary from among the council's members. Any of these appointees may be appointed for successive terms.

(e) The council shall meet 4 times each year and shall also meet on the call of the chairperson of the council or on the call of a majority of its members. Notwithstanding s. 15.09 (3), the council shall meet at such locations within this state as may be designated by the chairperson of the council or by a majority of its members.

**SECTION 15.** 16.33 (1) (a) of the statutes is amended to read:

16.33 (1) (a) Subject to sub. (2), make grants or loans, directly or through agents designated under s. 16.334, from the ~~appropriation~~ appropriations under s. 20.505 (7) (b) ~~and (j)~~ to persons or families of low or moderate income to defray housing costs of the person or family.

**SECTION 15c.** 16.33 (1) (a) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

16.33 (1) (a) Subject to sub. (2), make grants or loans, directly or through agents designated under s. 16.334, from the ~~appropriations~~ appropriation under s. 20.505 (7) (b) ~~and (j)~~ to persons or families of low or moderate income to defray housing costs of the person or family.

**SECTION 16.** 16.40 (24) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 17q.** 16.42 (1) (f) of the statutes is created to read:

16.42 (1) (f) The information required under s. 16.423.

**SECTION 17r.** 16.423 of the statutes is created to read:

**16.423 Base budget review reports.** (1) In this section, "state agency" has the meaning given in s. 20.001 (1).

(2) (a) During the 2001-03 fiscal biennium, the secretary shall require that one-third of all state agencies submit a report no later than September 15, 2002, and every 3rd fiscal biennium thereafter, that contains the information specified in sub. (3).

(b) During the 2003-05 fiscal biennium, the secretary shall require that 50% of the state agencies that did not submit a report under par. (a) submit a report no later than September 15, 2004, and every 3rd fiscal biennium thereafter, that contains the information specified in sub. (3).

(c) During the 2005-07 fiscal biennium, the secretary shall require that all state agencies created on or before September 15, 2006, that did not submit a report under par. (a) or (b) submit a report no later than September 15, 2006, and every 3rd fiscal biennium thereafter, that contains the information specified in sub. (3).

(d) Beginning in the 2005-07 fiscal biennium, the secretary shall require that any state agency created after September 15, 2006, submit a report no later than the September 15 in the even-numbered year that first occurs after the state agency is created, and every 3rd fiscal biennium thereafter, that contains the information specified in sub. (3).

(3) A report submitted under this section shall contain at least all of the following:

(a) A description of each programmatic activity of the state agency.

(b) For each programmatic activity of the state agency, an accounting of all expenditures, arranged by revenue source and the categories specified in sub. (4), in each of the prior 3 fiscal years.

(c) For each programmatic activity of the state agency, an accounting of all expenditures, arranged by revenue source and the categories specified in sub. (4), in the last 2 quarters in each of the prior 3 fiscal years.

(4) The secretary shall develop categories for state agencies to use for the purpose of organizing the expenditure information that is required under sub. (3) (b) and (c).

**SECTION 17s.** 16.43 of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**16.43 Budget compiled.** The secretary shall compile and submit to the governor or the governor-elect and to each person elected to serve in the legislature during the next biennium, not later than November 20 of each even-numbered year, a compilation giving all of the data required by s. 16.46 to be included in the state budget

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**Vetoed In Part** report, except the recommendations of the governor and the explanation thereof. The secretary shall not include in the compilation any provision for the development or implementation of an information technology development project for an executive branch agency that is not consistent with the strategic plan of the agency, as approved under s. ~~22.13~~ 16.976.

**SECTION 17st.** 16.46 (5g) of the statutes is created to read:

16.46 (5g) A summary of the information submitted to the department by state agencies under s. 16.423.

**Vetoed In Part** **SECTION 17u.** 16.501 (2) of the statutes is amended to read:

16.501 (2) Forward Wisconsin, Inc., shall expend funds appropriated under s. 20.143 (1) (bm) and (bp) in adherence with the uniform travel schedule amounts approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds appropriated under s. 20.143 (1) (bm) or (bp) on entertainment, foreign travel, or payments to persons not providing goods or services to Forward Wisconsin, Inc., or for other purposes prohibited by contract between Forward Wisconsin, Inc., and the department.

**SECTION 17v.** 16.501 (2) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

16.501 (2) Forward Wisconsin, Inc., shall expend funds appropriated under s. 20.143 (1) (bm) and (bp) in adherence with the uniform travel schedule amounts approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds appropriated under s. 20.143 (1) (bm) or (bp) on entertainment, foreign travel, or payments to persons not providing goods or services to Forward Wisconsin, Inc., or for other purposes prohibited by contract between Forward Wisconsin, Inc., and the department.

**Vetoed In Part** **SECTION 18e.** 16.505 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.505 (1) (intro.) Except as provided in subs. (2), (2m), (2n), and (2p), and (3m), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

**SECTION 18r.** 16.505 (3m) of the statutes is created to read:

**Vetoed In Part** 16.505 (3m) (a) Annually, after July 1 but before August 1, each executive branch agency shall submit a report to the secretary identifying each position for that agency that became vacant during the preceding fiscal year.

**Vetoed In Part** (b) In any fiscal year, no executive branch agency may fill more than 80% of the total number of full-time equivalent positions for that agency that became vacant during the preceding fiscal year and were identified in the report submitted to the secretary under par. (a).

**Vetoed In Part** (c) Notwithstanding s. 16.50 (1), the secretary shall require each executive branch agency to submit expendi-

ture estimates for the filling of all vacant full-time equivalent positions during each fiscal year and shall withhold approval of any expenditure estimate for the filling of a position that is inconsistent with the prohibition under par. (b).

(d) 1. In each fiscal year, the secretary shall abolish all vacant positions that may not be filled under par. (b) and shall identify the appropriations from which these abolished positions are funded.

2. From each sum certain appropriation of general purpose revenue identified in subd. 1., the secretary of administration shall lapse to the general fund the amount specified in subd. 1. for that appropriation. After the secretary makes the lapse, each sum certain appropriation is decreased by the amount specified in subd. 1. for that appropriation.

3. For each sum sufficient appropriation of general purpose revenue identified in subd. 1. the expenditure estimate for the appropriation is reestimated to subtract the amount specified in subd. 1. for that appropriation.

4. For each sum certain program revenue or program revenue-service appropriation identified in subd. 1., the secretary of administration shall decrease the appropriation by the amount specified in subd. 1. for that appropriation.

5. From each appropriation of segregated fund revenues or segregated fund revenues — service identified in subd. 1., the secretary shall lapse to the underlying fund the amount specified in subd. 1. for that appropriation. After the secretary makes the lapse, each of the sum certain segregated revenues or segregated revenues — service appropriations is decreased by the amount specified in subd. 1. for that appropriation and the expenditure estimate for each of the appropriations that are not sum certain appropriations is reestimated to subtract the amount specified in subd. 1. for that appropriation.

**SECTION 20n.** 16.61 (2) (af) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.61 (2) (af) “Form” has the meaning specified in s. ~~22.04~~ 16.97 (5p).

**SECTION 20p.** 16.61 (3n) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints about the forms specified in s. ~~22.03~~ 16.971 (2m).

**SECTION 20pm.** 16.70 (3m) of the statutes is amended to read:

16.70 (3m) “Educational technology” has the meaning given in s. ~~44.70~~(3) 115.997 (3).

**SECTION 20q.** 16.70 (4m) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

16.70 (4m) “Information technology” has the meaning given in s. ~~22.04~~ 16.97 (6).

**SECTION 20r.** 16.70 (15) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**



Vetoed  
In Part  
Vetoed  
In Part

16.70 (15) "Telecommunications" has the meaning given in s. 22.04 16.97 (10).

SECTION 20sa. 16.705 (2m) of the statutes is created to read:

16.705 (2m) The department shall review each proposed contract for contractual services that provides for expenditure of more than \$150,000 or which the department estimates will result in expenditure of more than \$150,000 to determine whether the expenditures to be made under the contract will be efficient and cost-effective. The secretary shall file a report with the cochairpersons of the joint committee on finance no later than March 1 of each odd-numbered year concerning its determinations issued during the biennium ending on the preceding December 31.

SECTION 20sb. 16.71 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.71 (1) Except as otherwise required under this section and s. 16.78 or as authorized in s. 16.74, the department shall purchase and may delegate to special designated agents the authority to purchase all necessary materials, supplies, equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all agencies. In making any delegation, the department shall require the agent to adhere to all requirements imposed upon the department in making purchases under this subchapter. No delegation has the effect of exempting any proposed contract for contractual services from review under s. 16.705. All materials, services and other things and expense furnished to any agency and interest paid under s. 16.528 shall be charged to the proper appropriation of the agency to which furnished.

Vetoed  
In Part

SECTION 20sc. 16.71 (1m) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

16.71 (1m) The department shall not delegate to any executive branch agency, other than the board of regents of the University of Wisconsin System, the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the ~~chief information officer administrator of the division of electronic government.~~ No executive branch agency, other than the board of regents of the University of Wisconsin System, may enter into any such contract without review and approval of the contract by the ~~chief information officer administrator of the division of electronic government.~~

SECTION 20sd. 16.71 (2m) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

SECTION 20se. 16.71 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.71 (4) ~~With the approval of the department of electronic government, the~~ The department of

~~administration shall delegate authority to the technology for educational achievement in Wisconsin board department of public instruction to make purchases of educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions in this state, upon request of the board department of public instruction.~~

Vetoed  
In Part

SECTION 20t. 16.72 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.72 (2) (a) The department of ~~administration~~ shall prepare standard specifications, as far as possible, for all state purchases. By "standard specifications" is meant a specification, either chemical or physical or both, prepared to describe in detail the article which the state desires to purchase, and trade names shall not be used. On the formulation, adoption and modification of any standard specifications, the department of administration shall also seek and be accorded without cost, the assistance, advice and cooperation of other agencies and officers. Each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of any and all agencies which use it in common. Any specifications for the purchase of materials, supplies, equipment, or contractual services for information technology or telecommunications purposes are subject to the approval of the ~~chief information officer administrator of the division of electronic government.~~

SECTION 20tf. 16.72 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.72 (2) (b) Except as provided in ~~par. (a) and ss. 16.25 (4) (b), 16.751 and 565.25 (2) (a) 4.,~~ the department shall prepare or review specifications for all materials, supplies, equipment, other permanent personal property and contractual services not purchased under standard specifications. Such "nonstandard specifications" may be generic or performance specifications, or both, prepared to describe in detail the article which the state desires to purchase either by its physical properties or programmatic utility. When appropriate for such nonstandard items or services, trade names may be used to identify what the state requires, but wherever possible 2 or more trade names shall be designated and the trade name of any Wisconsin producer, distributor or supplier shall appear first.

SECTION 20tm. 16.72 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.72 (4) (a) Except as provided in ~~ss. 16.71 and s. 16.74~~ or as otherwise provided in this subchapter and the rules promulgated under s. 16.74 and this subchapter, all supplies, materials, equipment and contractual services shall be purchased for and furnished to any agency only upon requisition to the department. The department shall prescribe the form, contents, number and disposition of requisitions and shall promulgate rules as to time and manner of submitting such requisitions for processing. No agency or officer may engage any person to perform

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Vetoed  
In Part

contractual services without the specific prior approval of the department for each such engagement. Purchases of supplies, materials, equipment or contractual services by the department of electronic government, the legislature, the courts or legislative service or judicial branch agencies do not require approval under this paragraph.

**SECTION 20tn.** 16.72 (8) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.72 (8) The department may purchase educational technology materials, supplies, equipment or contractual services from orders placed with the department by the technology for educational achievement in Wisconsin board department of public instruction on behalf of school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System.

**SECTION 20ts.** 16.75 (3t) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.75 (3t) (a) In this subsection, "form" has the meaning given under s. ~~22.01-16.97~~ (5p).

**SECTION 20u.** 16.75 (6) (am) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.75 (6) (am) Subsections (1) and (3t) do not apply to procurements by the department division of electronic government. Annually not later than October 1, the department division of electronic government shall report to the department of administration secretary, in the form specified by the secretary, concerning all procurements by the department of electronic government division during the preceding fiscal year that were not made in accordance with the requirements of subs. (1) and (3t).

**SECTION 20uc.** 16.752 (12) (i) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

16.752 (12) (i) Paragraph (a) does not apply to procurements by the department division of electronic government.

**SECTION 20uL.** 16.78 of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**16.78 Purchases from department division of electronic government.** (1) Every agency other than the board of regents of the University of Wisconsin System and or an agency making purchases under s. 16.74 shall make all purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the department division of electronic government, unless the department division of electronic government requires the agency to purchase the materials, supplies, equipment, or contractual services pursuant to a master contract established under s. ~~22.05 16.972~~ (2) (h), or grants written authorization to the agency to procure the materials, supplies, equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual services from

another agency or to provide the materials, supplies, equipment, or contractual services to itself. The board of regents of the University of Wisconsin System may make purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the department division of electronic government.

(2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of materials, supplies, equipment, or contractual services by any agency from the department division of electronic government under sub. (1).

**SECTION 20v.** 16.85 (10m) of the statutes is created to read:

16.85 (10m) To investigate the potential to incorporate and use distributed generation units in any state building project that is expected to involve an expenditure of \$5,000,000 or more in connection with the planning process for the long-range state building program under sub. (10). In conducting its investigation, the department shall consider the cost effectiveness of such use, the potential for such use to increase statewide power generation capacity, and the potential for cost savings to be realized by the state from such use. The department shall report the results of its investigation, together with its recommendations and the reasons therefor, to the building commission prior to consideration of the project by the commission. In this subsection, "distributed generation unit" means any form of energy generation that may be used by electric consumers for the generation of electric power.

**SECTION 23c.** Subchapter VII (title) of chapter 16 [precedes s. 16.97] of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**CHAPTER 16**

**SUBCHAPTER VII**

**EDUCATIONAL TECHNOLOGY**

**ELECTRONIC GOVERNMENT**

**SECTION 23d.** 16.97 of the statutes, as affected by 2001 Wisconsin Act 16, is repealed and recreated to read:

**16.97 Definitions.** In this subchapter:

(1) "Administrator" means the administrator of the division.

(5) "Division" means the division of electronic government.

**SECTION 23f.** 16.974 (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 23m.** 16.974 (1), (2) and (3) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (13), (14) and (15) and amended to read:

16.971 (13) Coordinate with the technology for educational achievement in Wisconsin board department of public instruction to provide secured correctional facilities, as defined in s. ~~44.70 (3r) 115.997 (3r)~~, school districts and cooperative educational service agencies with telecommunications access under s. ~~44.73 115.995~~

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

**Vetoed  
In Part**

and contract with telecommunications providers to provide such access.

~~(14) Subject to s. 44.73 (5), coordinate Coordinate with the technology for educational achievement in Wisconsin board department of public instruction to provide private colleges, technical college districts, public library boards and public library systems with telecommunications access under s. 44.73 115.9995 and contract with telecommunications providers to provide such access.~~

~~(15) Coordinate with the technology for educational achievement in Wisconsin board department of public instruction to provide private schools with telecommunications access under s. 44.73 115.9995 and contract with telecommunications providers to provide such access.~~

**SECTION 23n.** 16.974 (4) of the statutes, as affected by 2001 Wisconsin Acts 16 and 57, is renumbered 16.971 (16) and amended to read:

~~16.971 (16) Coordinate with the technology for educational achievement in Wisconsin board department of public instruction to provide the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin Educational Services Program for the Deaf and Hard of Hearing with telecommunications access under s. 44.73 115.9995 and contract with telecommunications providers to provide such access.~~

**SECTION 23no.** 19.36 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

~~19.36 (4) COMPUTER PROGRAMS AND DATA. A computer program, as defined in s. 22.03 16.971 (4) (c), is not subject to examination or copying under s. 19.35 (1), but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35 or this section.~~

**SECTION 23p.** 19.42 (3m), (4g) and (4r) of the statutes are created to read:

19.42 (3m) “Candidate,” except as otherwise provided, has the meaning given in s. 11.01 (1).

(4g) “Clearly identified,” when used in reference to a communication containing a reference to a person, means one of the following:

- (a) The person’s name appears.
- (b) A photograph or drawing of the person appears.
- (c) The identity of the person is apparent by unambiguous reference.

(4r) “Communication” has the meaning given in s. 11.01 (4m).

**SECTION 24.** 19.42 (10) (p) of the statutes is created to read:

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

**SECTION 24m.** 19.42 (13) (c) of the statutes is amended to read:

19.42 (13) (c) All positions identified under s. 20.923 (2), (4), (4g), (6) (f) to (h), ~~(7)~~, and (8) to (10), except clerical positions.

**SECTION 25.** 19.42 (13) (o) of the statutes is created to read:

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

**SECTION 25c.** 19.45 (13) of the statutes is created to read:

19.45 (13) No state public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified state public official holding an elective office or to a candidate for state public office.

**SECTION 25e.** 19.49 (1m) of the statutes is created to read:

19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

**SECTION 25g.** 19.49 (5) of the statutes is renumbered 19.49 (5) (a) and amended to read:

19.49 (5) (a) ~~No~~ Except as provided in par. (b), no action may be taken on any complaint ~~which that~~ is filed later than 3 years after a violation of this subchapter or subch. III of ch. 13 is alleged to have occurred.

**SECTION 25i.** 19.49 (5) (b) of the statutes is created to read:

19.49 (5) (b) The period of limitation under par. (a) is tolled for a complaint alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

**SECTION 25k.** 19.53 (6) of the statutes is amended to read:

19.53 (6) An order requiring the accused to forfeit not more than \$500 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of any other provision of this subchapter, or not more than the applicable amount specified in s. 13.69 for each violation of subch. III of ch. 13; ~~and, if,~~ If the board determines

that the accused has realized economic gain as a result of the violation, an the board may, in addition, order requiring the accused to forfeit the amount gained as a result of the violation. In addition, if the board determines that a state public official has violated s. 19.45 (13), the board may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the board determines that a state public official has violated s. 19.45 (13) and no political contribution, service or other thing of value was obtained, the board may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section or s. 19.545 which is not paid by the person against whom it is assessed.

**SECTION 25m.** 19.535 of the statutes is created to read:

**19.535 Direct enforcement.** If the board refuses or otherwise fails to authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13) within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13), the person making the complaint may bring an action to recover the forfeiture under s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs of prosecution, including reasonable attorney fees, to the relator if he or she prevails, but any forfeiture recovered shall be paid to the state. If the court finds in any such action that the cause of action was frivolous as provided in s. 814.025, the court shall award costs and fees to the defendant under that section.

**SECTION 25p.** 19.59 (1) (br) of the statutes is created to read:

19.59 (1) (br) No local public official holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

**SECTION 25r.** 19.59 (7) of the statutes is renumbered 19.59 (7) (a) and amended to read:

19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each viola-

tion, and, if the court determines that the accused has violated sub. (1) (br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

**SECTION 25t.** 19.59 (7) (b) of the statutes is created to read:

19.59 (7) (b) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. (1) (br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater.

**SECTION 25v.** 19.59 (8) (c) of the statutes is amended to read:

19.59 (8) (c) If the district attorney fails to commence an action to enforce sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

**SECTION 25x.** 19.59 (8) (cm) and (cn) of the statutes are created to read:

19.59 (8) (cm) No complaint alleging a violation of sub. (1) (br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney refuses or otherwise fails to commence an action to enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a violation of sub. (1) (br), the person making the complaint may bring an action to recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf, of the state. In such actions, the court may award actual and necessary costs of prosecution, including reasonable attorney fees, to the relator if her or she prevails, but any forfeiture recovered shall be paid to the state. If the court finds in any such action that the cause of action was frivolous as provided in s. 814.025, the court shall award costs and fees to the defendant under that section.

**SECTION 25y.** 20.003 (4m) of the statutes is created to read:

20.003 (4m) REQUIRED GENERAL FUND STRUCTURAL BALANCE. Beginning in the 2005–06 fiscal year, no bill may be adopted by the legislature if the bill would cause in any fiscal year the amount of moneys designated as “Total Expenditures” in the summary under s. 20.005 (1) for that fiscal year, less any amounts transferred to the



budget stabilization fund in that fiscal year, to exceed the sum of the amount of moneys designated as “Taxes” and

“Departmental Revenues” in the summary under s. 20.005 (1) for that fiscal year.

SECTION 26. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2001–02	2002–03	
<b>20.143</b>	<b>Commerce, department of</b>					<b>Vetoed In Part</b>
(1)	ECONOMIC AND COMMUNITY DEVELOPMENT					
(bp)	Forward Wisconsin, Inc.; study for brand image	GPR	A	–0–	50,000	
<b>20.215</b>	<b>Arts board</b>					<b>Vetoed In Part</b>
(1)	SUPPORT OF ARTS PROJECTS					
(cm)	Milwaukee Art Museum	GPR	A	–0–	50,000	
<b>20.370</b>	<b>Natural resources, department of</b>					
(6)	ENVIRONMENTAL AIDS					
(bw)	Wheelchair recycling project	SEG	A	–0–	20,000	
<b>20.410</b>	<b>Corrections, department of</b>					<b>Vetoed In Part</b>
(1)	ADULT CORRECTIONAL SERVICES					
(gv)	Inmate visitor transportation	PR	A	–0–	60,000	
<b>20.455</b>	<b>Justice, department of</b>					<b>Vetoed In Part</b>
(1)	LEGAL AND REGULATORY SERVICES					
(g)	Consumer protection, information, and education	PR	A	–0–	175,000	
(2)	LAW ENFORCEMENT SERVICES					
(cr)	Automated fingerprint identification system grant	GPR	A	–0–	63,200	
<b>20.505</b>	<b>Administration, department of</b>					<b>Vetoed In Part</b>
(1)	SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD					
(is)	Information technology and telecommunications services; nonstate entities	PR	A	–0–	12,666,600	
(it)	Electric communications services; nonstate entities	PR	A	–0–	–0–	
(kg)	Electronic communications services; state agencies	PR–S	A	–0–	–0–	
(kL)	Printing, mail processing, and information technology processing services to agencies	PR–S	A	–0–	72,235,000	
(kr)	Information technology development and management services	PR–S	A	–0–	–0–	
(4)	ATTACHED DIVISIONS AND OTHER BODIES					
(dr)	Sentencing commission	GPR	A	–0–	284,800 140,000	<b>Vetoed In Part</b>
(7)	HOUSING ASSISTANCE					
(j)	Housing grants and loans; surplus transfer	PR	B	1,500,000	3,300,300	
<b>20.765</b>	<b>Legislature</b>					
(4)	CAPITOL OFFICES RELOCATION					
(a)	Capitol offices relocation costs	GPR	B	2,652,000	–0–	
<b>20.855</b>	<b>Miscellaneous appropriations</b>					
(4)	TAX, ASSISTANCE AND TRANSFER PAYMENTS					
(v)	Transfers to general fund; 2001–02 and 2002–03 fiscal years	SEG	A	4,333,600	6,190,900	

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SECTION 27. 20.115 (1) (c) of the statutes, as affected by 2001 Wisconsin Act 38, is repealed.

Vetoed  
In Part

SECTION 27m. 20.115 (1) (hm) of the statutes is amended to read:

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

SECTION 28m. 20.115 (8) (jm) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

SECTION 28n. 20.143 (1) (a) of the statutes is amended to read:

20.143 (1) (a) *General program operations.* The Subject to par. (g), the amounts in the schedule for general program operations under subchs. I and III to VIII of ch. 560.

Vetoed  
In Part

SECTION 28no. 20.143 (1) (bp) of the statutes is created to read:

20.143 (1) (bp) *Forward Wisconsin, Inc.; study for brand image.* The amounts in the schedule to contract for the study and proposal for a national brand image specified in 2001 Wisconsin Act ... (this act), section 9110 (1c).

SECTION 28p. 20.143 (1) (bp) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

SECTION 29. 20.143 (1) (en) of the statutes is repealed.

SECTION 29n. 20.143 (1) (g) of the statutes is amended to read:

20.143 (1) (g) *Gifts, grants, and proceeds.* All moneys received from gifts, donations, grants, bequests, and devises and all proceeds from services, conferences, and sales of publications and promotional materials, including the fees collected under s. 560.165 (1), to carry out the purposes for which made or collected, including providing funding for a portion of the operating costs of the division of international and export services.

SECTION 30. 20.143 (1) (in) of the statutes is repealed.

SECTION 30f. 20.143 (3) (L) of the statutes is amended to read:

20.143 (3) (L) *Fire dues distribution.* All moneys received under ss. 101.573 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and (gr), for distribution under s. 101.563 or 101.573, as applicable. The amount transferred to par. (La) shall be the amount in the schedule under par. (La). The amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the schedule under s. 20.292 (1) (gr).

SECTION 30d. 20.215 (1) (cm) of the statutes is created to read:

Vetoed  
In Part

20.215 (1) (cm) *Milwaukee Art Museum.* The amounts in the schedule for the exhibitions under 2001 Wisconsin Act ... (this act), section 9105 (1) (c). No moneys may be encumbered or expended from this appropriation account after June 20, 2003.

SECTION 30e. 20.225 (1) (kb) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

Vetoed  
In Part

20.225 (1) (kb) *Emergency weather warning system operation.* From the moneys received by the department of electronic government administration for the provision of state telecommunications to state agencies, the amounts in the schedule for the operation of the emergency weather warning system under s. 39.11 (21).

SECTION 30hL. 20.235 (1) (fe) of the statutes is amended to read:

20.235 (1) (fe) *Wisconsin higher education grants; University of Wisconsin System students.* ~~Biennially, the amounts in the schedule~~ A sum sufficient equal to the amount determined under s. 39.435 (7) for the Wisconsin higher education grant program under s. 39.435 for University of Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5).

SECTION 30m. 20.245 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.245 (1) (a) *General program operations.* The amounts in the schedule for general program operations of the historical society, ~~except as provided under par. (ag).~~

SECTION 30p. 20.245 (1) (ag) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

SECTION 31. 20.255 (2) (ac) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of educational aids under ss. 121.08, 121.09, ~~121.095,~~ and 121.105 and subch. VI of ch. 121 equal to ~~\$3,767,893,500 \$4,200,945,900~~ in the ~~1999-2000 2002-03~~ fiscal year, equal to the amount determined by law in the 2003-04 fiscal year and biennially thereafter, and equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in ~~each the 2004-05~~ fiscal year and biennially thereafter.

SECTION 32mm. 20.275 (intro.) of the statutes is repealed.

Vetoed  
In Part

SECTION 32mn. 20.275 (1) (title) of the statutes is renumbered 20.255 (4) (title).

SECTION 32mr. 20.275 (1) (a) of the statutes is repealed.

SECTION 32ms. 20.275 (1) (d) of the statutes is repealed.

SECTION 32mt. 20.275 (1) (er) of the statutes is renumbered 20.255 (4) (er) and amended to read:

20.255 (4) (er) *Principal, interest and rebates; general purpose revenue — public library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the

Vetoed  
In Part

payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) ~~115.999 (4)~~ and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (hb).

**SECTION 32mu.** 20.275 (1) (es) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (es) and amended to read:

20.255 (4) (es) *Principal, interest and rebates; general purpose revenue — schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to school districts and charter school sponsors under s. 44.72 (4) ~~115.999 (4)~~ and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (h).

**SECTION 32mv.** 20.275 (1) (et) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (et) and amended to read:

20.255 (4) (et) *Educational technology training and technical assistance grants.* Biennially, the amounts in the schedule for grants to secured correctional facilities, as defined in s. 44.70 (3r) ~~115.997 (3r)~~, cooperative educational service agencies and consortia under s. 44.72 (4) ~~115.999 (1)~~ and to the board of regents of the University of Wisconsin System under 1999 Wisconsin Act 9, section 9148 (2g).

**SECTION 32mw.** 20.275 (1) (f) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (f) and amended to read:

20.255 (4) (f) *Educational technology block grants.* The amounts in the schedule, less the amounts appropriated under pars. (im), (jm), (js), and (mp), to make payments to school districts, secured correctional facilities, as defined in s. 44.70 (3r) ~~115.997 (3r)~~, and charter school sponsors under s. 44.72 (2) (b) ~~2. 115.999 (2) (b) 2.~~

**SECTION 32mwm.** 20.275 (1) (g) of the statutes is renumbered 20.255 (4) (g).

**SECTION 32mx.** 20.275 (1) (h) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (h) and amended to read:

20.255 (4) (h) *Principal, interest and rebates; program revenue — schools.* All moneys received under s. 44.72 (4) (e) ~~115.999 (4) (c)~~ to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to school districts and charter school sponsors under s. 44.72 (4) ~~115.999 (4)~~ and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

Vetoed  
In Part

**SECTION 32n.** 20.275 (1) (hb) of the statutes is renumbered 20.255 (4) (hb) and amended to read:

20.255 (4) (hb) *Principal, interest and rebates; program revenue — public library boards.* All moneys received under s. 44.72 (4) (e) ~~115.999 (4) (c)~~ to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) ~~115.999 (4)~~ and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

**SECTION 32nd.** 20.275 (1) (i) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (i).

**SECTION 32nm.** 20.275 (1) (im) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (im) and amended to read:

20.255 (4) (im) *Educational technology block grants; supplemental.* Except as provided in par. (i), all moneys received from the Ameritech Wisconsin settlement, public service commission docket 6720–TI–164, for payments to school districts under s. 44.72 (2) (b) ~~2. 115.999 (2) (b) 2.~~

**SECTION 32np.** 20.275 (1) (jm) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (jm) and amended to read:

20.255 (4) (jm) *Educational technology block grants; Wisconsin Advanced Telecommunications Foundation funds.* All moneys received from the Wisconsin Advanced Telecommunications Foundation, less the amounts credited to the appropriation account under s. 20.865 (4) (gm), to make payments to school districts, secured correctional facilities, as defined in s. 44.70 (3r) ~~115.997 (3r)~~, and charter school sponsors under s. 44.72 (2) (b) ~~2. 115.999 (2) (b) 2.~~

**SECTION 32ns.** 20.275 (1) (js) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (js) and amended to read:

20.255 (4) (js) *Educational technology block grants; Wisconsin Advanced Telecommunications Foundation assessments.* All moneys received from assessments paid under 2001 Wisconsin Act 16, section 9142 (3mk), to make payments to school districts under s. 44.72 (2) (b) ~~2. 115.999 (2) (b) 2.~~

**SECTION 32nt.** 20.275 (1) (k) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (k).

**SECTION 32nu.** 20.275 (1) (L) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (L) and amended to read:

20.255 (4) (L) *Equipment purchases and leases.* All moneys received from school districts, cooperative educational service agencies and public educational institutions for the purchase or lease of educational

Vetoed  
In Part

technology equipment under s. 44.71 (2) (h) 115.998 (8), for the purpose of purchasing such equipment.

**SECTION 32num.** 20.275 (1) (m) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (m).

**SECTION 32nv.** 20.275 (1) (mp) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (mp) and amended to read:

20.255 (4) (mp) *Federal e-rate aid.* All federal moneys received under 47 USC 254 for payments to school districts under s. 44.72 (2) (b) ~~2.~~ 115.999 (2) (b) 2.

**SECTION 32nw.** 20.275 (1) (q) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (q) and amended to read:

20.255 (4) (q) *Computer training.* From the universal service fund, the amounts in the schedule for the grant to the Racine Unified School District under s. 44.72 (3) 115.999 (3).

**SECTION 32nx.** 20.275 (1) (s) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (s) and amended to read:

20.255 (4) (s) *Telecommunications access; school districts; grant.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are not paid from the appropriation under s. 20.530 (1) (is); prior to January 1, 2006, to make grants to school districts under s. ~~44.73 (6)~~ 115.9995 (6); and, in the 1999–2000 fiscal year, to award a grant to the distance learning network under 1999 Wisconsin Act 9, section 9148 (4w).

**SECTION 32ny.** 20.275 (1) (t) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (t) and amended to read:

20.255 (4) (t) *Telecommunications access; private and technical colleges and libraries.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. ~~16.974 (2)~~ 16.971 (14) to the extent that the amounts due are not paid from the appropriation under s. ~~20.530 20.505 (1) (is)~~.

**SECTION 32nz.** 20.275 (1) (tm) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (tm) and amended to read:

20.255 (4) (tm) *Telecommunications access; private schools.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. ~~16.974 (3)~~ 16.971 (15) to the extent that the amounts due are not paid from the appropriation under s. 20.530 (1) (is) and, prior to January 1, 2006, to make grants to private schools under s. ~~44.73 (6)~~ 115.9995 (6).

**SECTION 32oj.** 20.275 (1) (tu) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (tu) and amended to read:

20.255 (4) (tu) *Telecommunications access; state schools.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. ~~16.974 (4)~~ 16.971 (16) to the extent that the amounts due are not paid from the appropriation under s. ~~20.530 20.505 (1) (kL)~~.

**SECTION 32om.** 20.275 (1) (tw) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 20.255 (4) (tw) and amended to read:

20.255 (4) (tw) *Telecommunications access; secured correctional facilities.* Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. ~~16.974 (1)~~ 16.971 (13) to the extent that the amounts due are not paid from the appropriation under s. ~~20.530 20.505 (1) (ke)~~.

**SECTION 32on.** 20.285 (1) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and 16.895, including all operating costs recommended by the department of administration that result from the installation of pollution abatement equipment in state-owned or operated heating, cooling, or power plants, by or on behalf of the board of regents, and including the cost of purchasing electricity, steam, and chilled water generated by the cogeneration facility constructed pursuant to an agreement under 2001 Wisconsin Act .... (this act), section 9156 (2z) (b).

**SECTION 32p.** 20.285 (1) (fg) of the statutes is created to read:

20.285 (1) (fg) *State laboratory of hygiene; limited-term employees.* A sum sufficient to pay the salaries, benefits, and training of limited-term employees under s. 36.25 (11) (em).

**SECTION 33hm.** 20.285 (4) (dd) of the statutes is amended to read:

20.285 (4) (dd) *Lawton minority undergraduate grants program.* ~~The amounts in the schedule~~ A sum sufficient equal to the amount determined under s. 36.34 (1) (c) for the Lawton minority undergraduate grant program under s. 36.34 (1).

**SECTION 34.** 20.292 (1) (ep) of the statutes is repealed.

**SECTION 35m.** 20.370 (1) (cr) of the statutes is amended to read:

20.370 (1) (cr) *Forestry — recording fees.* All moneys received under ss. ~~77.82 (2) (intro.), (2m) and (4) and (4m) (bn)~~ and 77.88 (2) (d) for the payment of fees to the registers of deeds under s. 77.91 (5).

Vetoed  
In Part

Vetoed  
In Part



**SECTION 36.** 20.370 (1) (fe) 1. of the statutes is amended to read:

20.370 (1) (fe) 1. From the general fund, a sum sufficient in fiscal year 1993–94 and in each fiscal year thereafter that equals the sum of the amount certified in that fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts received under par. (gr) in that fiscal year for the purposes of the endangered resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under this subdivision may not exceed \$500,000 in a fiscal year, except that the amount appropriated under this subdivision in fiscal year 2001–02 may not exceed \$482,500 and the amount appropriated under this subdivision in fiscal year 2002–03 may not exceed \$475,000.

**SECTION 36am.** 20.370 (1) (hq) of the statutes is created to read:

20.370 (1) (hq) *Elk hunting fees.* All moneys received from the sale of elk hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567 to be used for administering elk hunting licenses, for elk management and research activities, and for the elk hunter education program under s. 29.595.

**SECTION 36b.** 20.370 (1) (kk) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.370 (1) (kk) *Wild crane study.* From the general fund, the amounts in the schedule for the study on crop damage by wild cranes under 2001 Wisconsin Act 16, section 9137 (6f). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8n. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm). No moneys may be encumbered from this appropriation after June 30, 2003.

**SECTION 36d.** 20.370 (1) (mu) of the statutes is amended to read:

20.370 (1) (mu) *General program operations — state funds.* The amounts in the schedule for general program operations that do not relate to the management and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203, and 30.277, subch. VI of ch. 77, and chs. 26, 28, and 29, to provide funding under 2001 Wisconsin Act .... (this act), section 9137 (1w), and for transfers to the appropriation account under s. 20.285 (1) (kf).

**SECTION 36db.** 20.370 (1) (mu) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

20.370 (1) (mu) *General program operations — state funds.* The amounts in the schedule for general program operations that do not relate to the management and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203 and 30.277, subch. VI of ch. 77 and chs. 26, 28 and 29, to provide funding under 2001 Wisconsin Act .... (this act), section 9137 (1w), and for

transfers to the appropriation account under s. 20.285 (1) (kf).

**SECTION 36fb.** 20.370 (4) (aq) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.370 (4) (aq) *Water resources management — management activities lake, river, and invasive species management.* The amounts in the schedule for lake and river management and other water resource management activities and for the invasive species program under s. 23.22.

**SECTION 36gb.** 20.370 (4) (kw) of the statutes is created to read:

20.370 (4) (kw) *Sturgeon stock and habitat.* All moneys received under s. 29.237 (5) for assessing and managing the lake sturgeon stock and fishery in the Lake Winnebago system, for improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper Fox and Wolf rivers system, and for administering s. 29.237.

**SECTION 36kb.** 20.370 (6) (bw) of the statutes is created to read:

20.370 (6) (bw) *Wheelchair recycling project.* From the recycling fund, the amounts in the schedule for the wheelchair recycling project under 2001 Wisconsin Act .... (this act), section 9137 (1q).

**SECTION 36kc.** 20.370 (6) (bw) of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

**SECTION 36kd.** 20.380 (1) (b) of the statutes is amended to read:

20.380 (1) (b) *Tourism marketing; general purpose revenue.* The amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 and the grants under 1997 Wisconsin Act 27, section 9148 (2f) and (2x). In each fiscal year, the department shall expend for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the same proportion to the amount in the schedule for the fiscal year as the amount expended under par. (kg) in that fiscal year bears to the amount in the schedule for par. (kg) for that fiscal year. Of the amounts under this paragraph, not more than 50% shall be used to match funds allocated under s. 41.17 by private or public organizations for the joint effort marketing of tourism with the state. The department shall expend at least \$125,000 in each fiscal year from this appropriation to conduct or contract for marketing activities related to sporting activities and events. Of the amounts in the schedule, \$25,000 shall be allocated in each fiscal year for state sponsorship of, and advertising during, media broadcasts of the Milwaukee symphony, and \$50,000 shall be provided in each fiscal year in grants to the badger state games. Of the amounts in the schedule, \$50,000 shall be allocated for grants to America’s Black Holocaust Museum in the city of Milwaukee.

Vetoed  
In Part

2001 Wisconsin Act 109

**SECTION 36ke.** 20.380 (1) (bm) of the statutes is repealed.

**SECTION 36kf.** 20.380 (1) (kg) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.380 (1) (kg) *Tourism marketing; gaming revenue.* Biennially, the amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17, ~~for operating the heritage tourism program under s. 41.19,~~ and for the grant under 1999 Wisconsin Act 9, section 9149 (2c) and (2tw). In each fiscal year, the department shall expend for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the same proportion to the amount in the schedule for the fiscal year as the amount expended under par. (b) in that fiscal year bears to the amount in the schedule for par. (b) for that fiscal year. Of the amounts in the schedule, \$200,000 shall be allocated for grants to the Milwaukee Public Museum for Native American exhibits and activities. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

**SECTION 36md.** 20.395 (3) (bq) of the statutes is amended to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways and for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to major development of any southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

**SECTION 36me.** 20.395 (3) (br) of the statutes is amended to read:

20.395 (3) (br) *Major highway development, service funds.* All moneys received from the fund created under s. 18.57 (1) as reimbursement for the temporary financing under sub. (9) (th) of projects for major development of state trunk and connecting highways that are financed under s. 84.59 and enumerated under s. 84.013 (3), for the purpose of financing such projects. This paragraph does not apply to any project for major development of a southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

**SECTION 36mf.** 20.395 (3) (bv) of the statutes is amended to read:

20.395 (3) (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways, including the railroad and utility alteration and relocation loan program under s. 84.065, and the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

This paragraph does not apply to major development of any southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

**SECTION 36mg.** 20.395 (3) (bx) of the statutes is amended to read:

20.395 (3) (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways and the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to major development of any southeast Wisconsin freeway, as defined in s. 84.014 (1) (e).

**SECTION 36mh.** 20.395 (3) (cq) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing appropriation, the amounts in the schedule for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improvements; for bridges under s. 84.10; for payment to a local unit of government for a jurisdictional transfer under s. 84.02 (8); for the disadvantaged business demonstration and training program under s. 84.076; for the transfers required under 1999 Wisconsin Act 9, section 9250 (1); and for the purposes described under 1999 Wisconsin Act 9, section 9150 (8g), and 2001 Wisconsin Act 16, section 9152 (4e). This paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects under s. 84.014, or to the installation, replacement, rehabilitation, or maintenance of highway signs, traffic control signals, highway lighting, pavement markings, or intelligent transportation systems, unless incidental to the improvement of existing state trunk and connecting highways.

**SECTION 36mi.** 20.395 (3) (cv) of the statutes is amended to read:

20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received from any local unit of government or other source for the specific information sign program under s. 86.195; for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improve-

ments; for the railroad and utility alteration and relocation loan program under s. 84.065; and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects under s. 84.014.

**SECTION 36mj.** 20.395 (3) (cx) of the statutes is amended to read:

20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys received from the federal government for improvement of existing state trunk and connecting highways; for improvement of bridges on state trunk or connecting highways and other bridges for which improvement is a state responsibility, for necessary approach work for such bridges and for replacement of such bridges with at-grade crossing improvements; for the construction and rehabilitation of the national system of interstate and defense highways and bridges and related appurtenances; for special maintenance activities under s. 84.04 on roadside improvements; and for the disadvantaged business demonstration and training program under s. 84.076, for such purposes. This paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects under s. 84.014.

**SECTION 36mk.** 20.395 (6) (at) of the statutes is created to read:

20.395 (6) (at) *Principal repayment and interest, major highway and rehabilitation projects, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing major highway and rehabilitation projects, as provided under s. 84.555.

Vetoed  
In Part

**SECTION 37m.** 20.410 (1) (gv) of the statutes is created to read:

20.410 (1) (gv) *Inmate visitor transportation.* The amounts in the schedule for providing transportation to persons visiting inmates in state prisons. All moneys received as fees under s. 301.205 (1) (b) 1. from persons to whom such transportation is provided shall be credited to this appropriation account.

Vetoed  
In Part

**SECTION 37n.** 20.435 (1) (e) of the statutes is created to read:

20.435 (1) (e) *Public health emergency.* A sum sufficient to defray all expenses necessary to respond to a state of emergency related to public health only if the governor declares such an emergency and designates the department of health and family services as the lead state agency to respond to the emergency under s. 166.03 (1) (b) 1.

Vetoed  
In Part

**SECTION 38r.** 20.435 (4) (iL) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 40.** 20.436 (1) (b) of the statutes is created to read:

20.436 (1) (b) *Annual transfer from general fund.* Annually, beginning on June 15, 2004, a sum sufficient to be transferred to the tobacco control fund equal to

\$25,000,000, less the amount transferred from the permanent endowment fund under s. 13.101 (16) (b) in that year.

**SECTION 41.** 20.445 (3) (md) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and to be transferred to the appropriation accounts under ss. 20.255 (2) (kh), and (kp), 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km), and (ky), (5) (ky), (7) (ky), and (8) (kx), 20.465 (4) (k), and 20.835 (2) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies, all moneys transferred under 2001 Wisconsin Act ... (this act), section 9223 (17), from the appropriation account under s. 20.435 (7) (o), and all moneys recovered under s. 49.143 (3) shall be credited to this appropriation account.

**SECTION 41g.** 20.455 (1) (title) of the statutes is amended to read:

20.455 (1) (title) LEGAL AND REGULATORY SERVICES.

**SECTION 41k.** 20.455 (1) (g) of the statutes is created to read:

20.455 (1) (g) *Consumer protection, information, and education.* The amounts in the schedule for consumer protection and consumer information and education. All moneys received under s. 100.261 (3) (d) shall be credited to this appropriation account, subject to the limit under s. 100.261 (3) (e).

**SECTION 41m.** 20.455 (1) (gh) of the statutes is repealed.

**SECTION 41mp.** 20.455 (1) (j) of the statutes is created to read:

20.455 (1) (j) *Telephone solicitation regulation.* All moneys received from telephone solicitor registration and registration renewal fees paid under the rules promulgated under s. 100.52 (3) (a) for establishing and maintaining the nonsolicitation directory under s. 100.52 (2).

**SECTION 41n.** 20.455 (2) (cr) of the statutes is created to read:

20.455 (2) (cr) *Automated fingerprint identification system grant.* The amounts in the schedule for a grant to a law enforcement agency under 2001 Wisconsin Act ... (this act), section 9131 (2x), for an automated fingerprint identification system work station and for installation of a Badgernet line.

**SECTION 41nb.** 20.455 (2) (cr) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

**SECTION 41r.** 20.455 (2) (fm) of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 42x.** 20.465 (3) (e) of the statutes is amended to read:

20.465 (3) (e) *Disaster recovery aid.* A sum sufficient to pay the state share of grants to individuals and, to make payments to local governments as defined

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part



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Vetoed  
In Part

in 42 USC 5122 (6) under federal disaster recovery programs as authorized in s. 166.03 (2) (b) 8., and to defray all expenses necessary to respond to a state of emergency related to public health declared under s. 166.03 (1) (b) 1. if the department of health and family services is not designated as the lead state agency.

**SECTION 43c.** 20.465 (4) (c) of the statutes is renumbered 20.465 (4) (ka) and amended to read:

20.465 (4) (ka) *Youth Challenge program; public instruction funds.* The amounts in the schedule All moneys received from the department of public instruction under s. 121.095, for the operation of the Youth Challenge program under s. 21.26.

Vetoed  
In Part

**SECTION 44b.** 20.505 (1) (im) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.505 (1) (im) *Services to nonstate governmental units.* The amounts in the schedule to provide services and to repurchase inventory items that are provided primarily to purchasers other than state agencies and to transfer to the appropriation account under par. (kc) the amounts received from school districts under s. 16.85 (15). All moneys received from the sale of services, other than services provided under par. (is), and inventory items which are provided primarily to purchasers other than state agencies shall be credited to this appropriation account.

**SECTION 44bd.** 20.505 (1) (is) of the statutes is created to read:

20.505 (1) (is) *Information technology and telecommunications services; nonstate entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.971 (14), and 44.73 (2) (d), to provide computer services, telecommunications services, and supercomputer services to state authorities, units of the federal government, local governmental units, and entities in the private sector, the amounts in the schedule.

**SECTION 44bL.** 20.505 (1) (it) of the statutes is created to read:

20.505 (1) (it) *Electronic communications services; nonstate entities.* From the source specified in s. 16.971 (15), to provide electronic communications services to state authorities, units of the federal government, local governmental units, and entities in the private sector, the amounts in the schedule.

**SECTION 44bp.** 20.505 (1) (kg) of the statutes is created to read:

20.505 (1) (kg) *Electronic communications services; state agencies.* From the source specified in s. 16.971 (15), to provide electronic communications services to state agencies, the amounts in the schedule.

**SECTION 44c.** 20.505 (1) (kL) of the statutes is created to read:

20.505 (1) (kL) *Printing, mail processing, and information technology processing services to agencies.* From the sources specified in ss. 16.972 and 16.973, to provide printing, mail processing, and information

technology processing services to state agencies, the amounts in the schedule.

Vetoed  
In Part

**SECTION 44ce.** 20.505 (1) (kr) of the statutes is created to read:

20.505 (1) (kr) *Information technology development and management services.* From the source specified in s. 16.971 (11), to provide information technology development and management services to executive branch agencies under s. 16.971, the amounts in the schedule.

**SECTION 44d.** 20.505 (1) (md) of the statutes is amended to read:

20.505 (1) (md) *Oil overcharge restitution funds.* All federal moneys received as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals approved by the joint committee on finance under s. 14.065, and for transfers under 1993 Wisconsin Act 16, section 9201 (1z), and for allocation under 1999 Wisconsin Act 113, section 32 (7).

**SECTION 47.** 20.505 (4) (dr) of the statutes is created to read:

20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the general program operations of the sentencing commission. No money may be encumbered from the appropriation under this paragraph after December 31, 2007.

**SECTION 48.** 20.505 (4) (mr) of the statutes is created to read:

20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as federal aid as authorized by the governor under s. 16.54 to carry out the purposes for which the aid is provided. No money may be encumbered from the appropriation under this paragraph after December 31, 2007.

**SECTION 50m.** 20.505 (6) (j) 12. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.505 (6) (j) 12. The amount transferred to s. ~~20.530 sub.~~ (1) (kq) shall be the amount in the schedule under s. ~~20.530 sub.~~ (1) (kq).

Vetoed  
In Part

**SECTION 51.** 20.505 (7) (b) (title) of the statutes is amended to read:

20.505 (7) (b) (title) *Housing grants and loans; general purpose revenue.*

**SECTION 52.** 20.505 (7) (j) of the statutes is created to read:

20.505 (7) (j) *Housing grants and loans; surplus transfer.* Biennially, the amounts in the schedule for grants and loans under s. 16.33 and for grants under s. 16.336. All moneys received from the Wisconsin Housing and Economic Development Authority under s. 234.165 (3) shall be credited to this appropriation account.

**SECTION 52c.** 20.505 (7) (j) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

**SECTION 52g.** 20.505 (8) (b) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.



**SECTION 52gj.** 20.510 (1) (q) of the statutes is amended to read:

20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing appropriation, from the Wisconsin election campaign fund, the moneys determined under s. 11.50 to provide for payments to eligible candidates whose names are certified under s. 7.08 (2) (c) and (cm) and to provide for public information as authorized under s. 11.50 (2m).

**SECTION 52gm.** 20.515 (2) (g) of the statutes is amended to read:

20.515 (2) (g) *Private employer health care coverage plan.* All moneys received under subch. X of ch. 40 from employers who elect to participate in the private employer health care coverage program under subch. X of ch. 40 and from any other person under s. 40.98 (2) (h), for the costs of designing, marketing, and contracting for or providing administrative services for the program and for lapsing to the general fund the amounts required under s. 40.98 (6m).

Vetoed  
In Part

**SECTION 52h.** 20.530 (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 52i.** 20.530 (1) (title) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 52j.** 20.530 (1) (g) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 52k.** 20.530 (1) (ir) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.505 (1) (ir).

**SECTION 52L.** 20.530 (1) (ja) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.505 (1) (ja).

**SECTION 52Lb.** 20.530 (1) (ke) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.505 (1) (ke) and amended to read:

20.505 (1) (ke) *Telecommunications services; state agencies; veterans services.* The amounts in the schedule to provide telecommunications services to state agencies and to provide veterans services under s. ~~22.07~~ 16.973 (9). All moneys received from the provision of telecommunications services to state agencies under ss. ~~22.05 and 22.07~~ 16.972 and 16.973 or under s. 44.73 (2) (d), other than moneys received and disbursed under par. (kL) and s. 20.225 (1) (kb), shall be credited to this appropriation account.

**SECTION 52Lc.** 20.530 (1) (kp) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.505 (1) (kp) and amended to read:

20.505 (1) (kp) *Interagency assistance; justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. ~~22.03~~ 16.971 (9). All moneys transferred from the appropriation accounts under s. ~~20.505~~ sub. (6) (kt) and (m) shall be credited to this appropriation account.

**SECTION 52Ld.** 20.530 (1) (kq) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 20.505 (1) (kq) and amended to read:

20.505 (1) (kq) *Justice information systems development, operation and maintenance.* The amounts in the schedule for the purpose of developing, operating and maintaining automated justice information systems under s. ~~22.03~~ 16.971 (9). All moneys transferred from the appropriation account under s. ~~20.505~~ sub. (6) (j) 12. shall be credited to this appropriation account.

**SECTION 52Ldb.** 20.530 (1) (m) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 52Li.** 20.566 (1) (h) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.566 (1) (h) *Debt collection.* From moneys received from the collection of debts owed to state agencies under ss. 71.93 and 565.30 (5), from the collection of unpaid fines, forfeitures, costs, assessments, surcharges, and restitution payments under s. 565.30 (5r) (b), from the collection of fees under s. 73.03 (52), and from moneys received from the collection of debts owed to municipalities and counties under s. 71.935, the amounts in the schedule to pay the administrative expenses of the department of revenue for the collection of those debts, fines, forfeitures, costs, assessments, surcharges, fees, and restitution payments. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance of this appropriation account lapses to the general fund.

**SECTION 52Lk.** 20.566 (1) (hn) of the statutes is created to read:

20.566 (1) (hn) *Collections under the multistate tax commission audit program.* From moneys received from the amounts assessed under the multistate tax commission audit program as provided under s. 73.03 (28d), a sum sufficient to pay the fees necessary to participate in the multistate tax commission audit program.

**SECTION 52m.** 20.765 (4) of the statutes is created to read:

20.765 (4) **CAPITOL OFFICES RELOCATION.** (a) *Capitol offices relocation costs.* Biennially, the amounts in the schedule for office relocation costs related to the assembly, senate, and legislative service agencies. Expenditures from this appropriation may be made only with the approval of the cochairpersons of the joint committee on legislative organization.

**SECTION 53.** 20.835 (1) (b) of the statutes is amended to read:

20.835 (1) (b) *Small municipalities shared revenue.* A sum sufficient to make the payments under s. 79.03 (3c). No moneys may be encumbered or expended from this appropriation after December 31, 2004.

**SECTION 54.** 20.835 (1) (c) of the statutes is amended to read:

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In Part

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In Part

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Vetoed  
In Part

20.835 (1) (c) Expenditure restraint program account. A sum sufficient to make the payments under s. 79.05. No moneys may be encumbered or expended from this appropriation after December 31, 2004.

**SECTION 55.** 20.835 (1) (d) of the statutes is amended to read:

20.835 (1) (d) Shared revenue account. A sum sufficient to meet the requirements of the shared revenue account established under s. 79.01 (2) to provide for the distributions from the shared revenue account to counties, towns, villages, and cities under ss. 79.03, 79.04, and 79.06. No moneys may be encumbered or expended from this appropriation after December 31, 2004.

**SECTION 55b.** 20.835 (1) (db) of the statutes is created to read:

20.835 (1) (db) *County and municipal aid account.* Beginning in 2004, a sum sufficient to make payments to counties, towns, villages, and cities under ss. 79.035 and 79.036.

**SECTION 56.** 20.835 (1) (f) of the statutes is amended to read:

20.835 (1) (f) *County mandate relief account.* A sum sufficient to make the payments to counties under s. 79.058. No moneys may be encumbered or expended from this appropriation after December 31, 2004.

**SECTION 57b.** 20.855 (1) (ch) of the statutes is created to read:

20.855 (1) (ch) *Payment to reimburse loan to general fund from the office of the commissioner of insurance.* A sum sufficient to repay the loan to the general fund under s. 601.34, but not to exceed the sum of the following:

1. The amounts lapsed to the general fund from the appropriation account under s. 20.515 (2) (a) at the end of the 2001–03 fiscal biennium.

2. The amounts lapsed to the general fund from the appropriation account under s. 20.515 (2) (g), as determined under s. 40.98 (6m).

3. Any amount that is needed to repay all principle and interest costs on the loan to the general fund under s. 601.34 and that exceeds the amounts identified in subs. 1. and 2.

**SECTION 58.** 20.855 (4) (f) of the statutes is amended to read:

20.855 (4) (f) *Supplemental title fee matching.* From the general fund, a sum sufficient equal to the amount of supplemental title fees collected under ss. 101.9208 (1) (dm) and 342.14 (3m), as determined under s. 85.037, less \$555,000, to be transferred to the environmental fund on October 1 annually.

**SECTION 59.** 20.855 (4) (rb) of the statutes is created to read:

20.855 (4) (rb) *Shared revenue payment.* From the permanent endowment fund, a sum sufficient to make the payments under s. 79.02 (3).

**SECTION 60.** 20.855 (4) (rb) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

**SECTION 61.** 20.855 (4) (rh) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.855 (4) (rh) *Annual transfer from permanent endowment fund to general fund.* From the permanent endowment fund, to be transferred to the general fund, a sum sufficient equal to the amount that is required to be transferred to the general fund under s. 13.101 (16).

**SECTION 63.** 20.855 (4) (v) of the statutes is created to read:

20.855 (4) (v) *Transfers to general fund; 2001–02 and 2002–03 fiscal years.* From the transportation fund, the amounts in the schedule to be transferred to the general fund.

**SECTION 64.** 20.855 (4) (v) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

**SECTION 64g.** 20.865 (4) (k) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.865 (4) (k) *Public assistance programs supplementation.* All moneys transferred under 2001 Wisconsin Act 16, section 9258 (2w), to supplement appropriations, as provided in s. 13.101, for cash benefit payments to Wisconsin works participants under s. 49.148 and all moneys transferred under 2001 Wisconsin Act ... (this act), section 9258 (14d), to supplement appropriations, as provided in s. 13.101, for any purpose that is allowable under the federal temporary assistance for needy families program under 42 USC 601 to 619.

**SECTION 64h.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

**SECTION 64L.** 20.866 (1) (u) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), ~~20.275 (1) and (4)~~ (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh),

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(ih), (kd), and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (ba), (bq), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq), and (er), 20.395 (6) (af), (aq), and (ar), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp), (br), (bt), (g), (h), (i), and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

**SECTION 64r.** 20.866 (2) (tm) of the statutes is amended to read:

20.866 (2) (tm) *Natural resources; pollution abatement and sewage collection facilities, ORAP funding.* From the capital improvement fund, a sum sufficient to the department of natural resources to acquire, construct, develop, enlarge or improve point source water pollution abatement facilities and sewage collection facilities under ss. 281.55 and 281.56. The state may contract public debt in an amount not to exceed \$146,850,000 \$145,060,325 for this purpose. Of this amount, \$5,000,000 is allocated for point source water pollution abatement facilities and sewage collection facilities under s. 281.56.

**SECTION 64tg.** 20.866 (2) (ur) of the statutes is amended to read:

20.866 (2) (ur) *Transportation; accelerated highway improvements.* From the capital improvement fund, a sum sufficient to acquire, construct, develop, enlarge, or improve state highway facilities as provided by ss. 84.06 and 84.09. The state may contract public debt in an amount not to exceed \$185,000,000 for this purpose. This paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects under s. 84.014.

**SECTION 64th.** 20.866 (2) (uu) of the statutes is amended to read:

20.866 (2) (uu) *Transportation; highway projects.* From the capital improvement fund, a sum sufficient for the department of transportation to acquire, construct, reconstruct, improve, or develop highway projects under ss. 84.06 and 84.09. The state may contract public debt in an amount not to exceed \$41,000,000 for this purpose. This paragraph does not apply to any southeast Wisconsin freeway rehabilitation projects under s. 84.014.

**SECTION 64ti.** 20.866 (2) (uum) of the statutes is created to read:

20.866 (2) (uum) *Transportation; major highway and rehabilitation projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund major highway and rehabilitation projects, as provided under s. 84.555. The state may contract public debt in an amount not to exceed \$140,000,000 for this purpose.

**SECTION 65.** 20.866 (2) (xc) of the statutes is amended to read:

20.866 (2) (xc) *Building commission; refunding tax-supported general obligation debt.* From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance facilities in which general obligation bonds are paid from general purpose revenue. The state may contract public debt in an amount not to exceed \$2,125,000,000 \$2,102,086,430 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for tax-supported facilities in proportional amounts to the purposes for which the debt was refinanced. It is the intent of the legislature that this refunding authority only be used if the true interest costs to the state can be reduced.

**SECTION 66.** 20.866 (2) (xd) of the statutes is amended to read:

20.866 (2) (xd) *Building commission; refunding self-amortizing general obligation debt.* From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance facilities in which general obligation bonds are repaid from program revenues or segregated funds. The state may contract public debt in an amount not to exceed \$275,000,000 \$272,863,033 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for self-amortizing facilities in proportional amounts to the purposes for which the debt was refinanced. It is the intent of the legislature that this refunding authority only be used if the true interest costs to the state can be reduced.

**SECTION 67.** 20.866 (2) (xe) (title) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (xe) (title) *Building commission; refunding tax-supported and self-amortizing general obligation debt incurred before June 30, 2003.*

**SECTION 68.** 20.866 (2) (xm) of the statutes is created to read:

20.866 (2) (xm) *Building commission; refunding tax-supported and self-amortizing general obligation debt.* From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance tax-supported or self-amortizing facilities. In addition to the amount that may be contracted under par. (xe), the state may contract public debt in an amount not to exceed \$440,000,000 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for tax-supported and self-amortizing facilities



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in proportional amounts to the purposes for which the debt was refinanced. No moneys may be expended under this paragraph unless the true interest costs to the state can be reduced by the expenditure.

**SECTION 68d.** 20.866 (2) (z) 3m. b. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (z) 3m. b. July 1, 2003, to June 30, 2005, \$63,500,000 ~~\$95,500,000~~.

**SECTION 68e.** 20.866 (2) (z) 3m. c. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (z) 3m. c. July 1, 2005, to June 30, 2007, \$95,500,000 ~~\$127,500,000~~.

**SECTION 68f.** 20.866 (2) (z) 3m. d. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (z) 3m. d. July 1, 2007, to June 30, 2009, \$127,500,000 ~~or thereafter, \$158,500,000~~.

**SECTION 68g.** 20.866 (2) (z) 3m. e. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 68m.** 20.866 (2) (zc) of the statutes is amended to read:

20.866 (2) (zc) ~~Technology for educational achievement in Wisconsin board Department of public instruction; school district educational technology infrastructure financial assistance.~~ From the capital improvement fund, a sum sufficient for the ~~technology for educational achievement in Wisconsin board department of public instruction~~ to provide educational technology infrastructure financial assistance to school districts under s. 44.72 (4) ~~115.999 (4)~~. The state may contract public debt in an amount not to exceed \$100,000,000 for this purpose.

**SECTION 68n.** 20.866 (2) (zcm) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.866 (2) (zcm) ~~Technology for educational achievement in Wisconsin board Department of public instruction; public library educational technology infrastructure financial assistance.~~ From the capital improvement fund, a sum sufficient for the ~~technology for educational achievement in Wisconsin board department of public instruction~~ to provide educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) ~~115.999 (4)~~. The state may contract public debt in an amount not to exceed \$3,000,000 for this purpose.

**SECTION 69.** 20.923 (4) (b) 7. of the statutes is created to read:

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

**SECTION 69g.** 20.923 (4) (e) 1b. of the statutes is repealed.

**SECTION 69m.** 20.923 (4) (h) 2. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 71.** 20.923 (6) (hr) of the statutes is created to read:

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

**SECTION 71g.** 20.923 (16) of the statutes is amended to read:

20.923 (16) OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (4g), (5), ~~(7)~~, and (8) to (12) is deemed to compensate that person for all work hours. No overtime compensation may be paid, and no compensatory time under s. 103.025 may be provided, to any such person for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

**SECTION 71m.** 20.924 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

20.924 (4) In addition to the authorized building program for the historical society, the society may expend any funds which are made available from the appropriations under s. 20.245 (1) ~~(ag)~~ ~~(a)~~, (g), (h), (m), and (n).

**SECTION 72c.** 21.26 of the statutes is renumbered 21.26 (1).

**SECTION 72d.** 21.26 (2) of the statutes is created to read:

21.26 (2) Annually, the department of military affairs shall do all of the following:

(a) Calculate 40% of the average cost per pupil attending the Youth Challenge program and report this information to the department of public instruction.

(b) Notwithstanding s. 118.125, report to each school district in which a pupil attending the program is enrolled the pupil's name and the name and address of the pupil's custodial parent or guardian.

**SECTION 72em.** 21.80 (title) of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

**21.80 (title) Reemployment rights after national guard or, state defense force, or public health emergency service.**

**SECTION 72en.** 21.80 (1) (a) of the statutes, as created by 2001 Wisconsin Act 26, is renumbered 21.80 (1) (a) (intro.) and amended to read:

21.80 (1) (a) (intro.) "Active service" means active any of the following:

1. Active service in the national guard or the state defense force under an order of the governor issued under this chapter or active service in the national guard under 32 USC 502 (f) that is not considered to be service in the uniformed services.

**SECTION 72ep.** 21.80 (1) (a) 2. of the statutes is created to read:

21.80 (1) (a) 2. Active service with the state laboratory of hygiene under s. 36.25 (11) (em) for the purpose of assisting the department of health and family services under s. 250.042 during a state of emergency relating to public health declared by the governor under s. 166.03 (1) (b) 1.

**SECTION 72eq.** 21.80 (3) (a) 4. of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

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In Part



21.80 (3) (a) 4. ~~The person's~~ In the case of active service in the national guard or the state defense force, the active service has not been terminated under other than honorable conditions.

**SECTION 72er.** 21.80 (3) (c) 1. of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

21.80 (3) (c) 1. Any period of active service, as defined in sub. (1) (a) 1., beyond that 5-year period that is required to complete an initial period of obligated active service.

**SECTION 72es.** 21.80 (3) (c) 2. of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

21.80 (3) (c) 2. Any period of active service, as defined in sub. (1) (a) 1., for which the person, through no fault of the person's own, was unable to obtain orders releasing the person from a period of active service before the expiration of the 5-year period.

**SECTION 72et.** 21.80 (3) (c) 3. of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

21.80 (3) (c) 3. Any period of active service, as defined in sub. (1) (a) 1., that was performed to fulfill any additional training requirements determined and certified in writing by the federal secretary of the army, the federal secretary of the air force, or the adjutant general to be necessary for professional development or for completion of skill training or retraining.

**SECTION 72eu.** 21.80 (3) (f) 1. of the statutes, as created by 2001 Wisconsin Act 26, is amended to read:

21.80 (3) (f) 1. A person who submits an application for reemployment under par. (e) 2. or 3. must, on the request of the person's employer, provide to the employer documentation to establish that the application was submitted within the time limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences from employment with the employer because of active service or service in the uniformed services does not, except as permitted under par. (c), exceed 5 years, and, in the case of active service in the national guard or the state defense force, that the person's service was not terminated under other than honorable conditions.

**SECTION 72fb.** Chapter 22 (title) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 72fbm.** 22.01 (intro.) of the statutes is repealed.

**SECTION 72fc.** 22.01 (1), (2), (2m), (3) and (4) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.97 (1m), (2), (2m), (3) and (4).

**SECTION 72fd.** 22.01 (5) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 72fe.** 22.01 (5m) to (10) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.97 (5m) to (10).

**SECTION 72ff.** 22.03 (title) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.971 (title) and amended to read:

**16.971 (title) Responsibilities of department division.**

**SECTION 72fg.** 22.03 (2) (intro.), (a) and (ae) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (2) (intro.), (a) and (ae) and amended to read:

16.971 (2) (intro.) The department division shall:

(a) Ensure that an adequate level of information technology services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested. ~~The department~~ division shall also ensure that executive branch agencies, other than the board of regents of the University of Wisconsin System, make effective and efficient use of the information technology resources of the state. ~~The department~~ division shall, in cooperation with agencies, establish policies, procedures and planning processes, for the administration of information technology services, which executive branch agencies shall follow. The policies, procedures and processes shall address the needs of agencies, other than the board of regents of the University of Wisconsin System, to carry out their functions. ~~The department~~ division shall monitor adherence to these policies, procedures and processes.

(ae) Except as provided in sub. (2m), review and approve, modify or reject all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms. Unless the department division rejects for cause or modifies the form within 20 working days after receipt, it is considered approved. ~~The department's~~ division's rejection of any form is appealable to the public records board. If the head of an agency certifies to the department division that the form is needed on a temporary basis, approval by the department division is not required.

**SECTION 72fh.** 22.03 (2) (am) to (k) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (2) (am) to (k).

**SECTION 72fi.** 22.03 (2) (L) to (m) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (2) (L) to (m) and amended to read:

16.971 (2) (L) Require each executive branch agency, other than the board of regents of the University of Wisconsin System, to adopt and submit to the department division, in a form specified by the department division, no later than March 1 of each year, a strategic plan for the utilization of information technology to carry out the functions of the agency in the succeeding fiscal year for review and approval under s. 22.13 16.976.

(Lm) No later than 60 days after enactment of each biennial budget act, require each executive branch agency, other than the board of regents of the University

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of Wisconsin System, that receives funding under that act for an information technology development project to file with the ~~department~~ division an amendment to its strategic plan for the utilization of information technology under par. (L). The amendment shall identify each information technology development project for which funding is provided under that act and shall specify, in a form prescribed by the ~~chief information officer~~ administrator, the benefits that the agency expects to realize from undertaking the project.

(m) Assist in coordination and integration of the plans of executive branch agencies relating to information technology approved under par. (L) and, using these plans and the statewide long-range telecommunications plan under s. ~~22.41~~ 16.979 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology. The ~~department~~ division shall, no later than September 15 of each even-numbered year, submit the statewide strategic plan to the cochairpersons of the joint committee on information policy and technology and the governor.

**SECTION 72fj.** 22.03 (2) (n) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.971 (2) (n).

**SECTION 72fk.** 22.03 (2m) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.971 (2m) (intro.) and amended to read:

16.971 (2m) (intro.) The following forms are not subject to review or approval by the ~~department~~ division:

**SECTION 72fl.** 22.03 (2m) (a) to (h) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (2m) (a) to (h).

**SECTION 72fm.** 22.03 (3) and (4) (a) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (3) and (4) (a) and amended to read:

16.971 (3) (a) The ~~chief information officer~~ administrator shall notify the joint committee on finance in writing of the proposed acquisition of any information technology resource that the ~~department~~ division considers major or that is likely to result in a substantive change of service, and that was not considered in the regular budgeting process and is to be financed from general purpose revenues or corresponding revenues in a segregated fund. If the cochairpersons of the committee do not notify the ~~chief information officer~~ administrator that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition within 14 working days after the date of the ~~officer's~~ administrator's notification, the ~~department~~ division may approve acquisition of the resource. If, within 14 working days after the date of the ~~officer's~~ administrator's notification, the cochairpersons of the committee notify the ~~officer~~ administrator that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition, the ~~department~~

division shall not approve acquisition of the resource unless the acquisition is approved by the committee.

(b) The ~~chief information officer~~ administrator shall promptly notify the joint committee on finance in writing of the proposed acquisition of any information technology resource that the ~~department~~ division considers major or that is likely to result in a substantive change in service, and that was not considered in the regular budgeting process and is to be financed from program revenues or corresponding revenues from program receipts in a segregated fund.

(4) (a) The ~~department~~ division may license or authorize executive branch agencies to license computer programs developed by executive branch agencies to the federal government, other states and municipalities. Any agency other than an executive branch agency may license a computer program developed by that agency to the federal government, other states and municipalities.

**SECTION 72fn.** 22.03 (4) (b) and (c) and (6) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (4) (b) and (c) and (6).

**SECTION 72fo.** 22.03 (9) and (11) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.971 (9) and (11) and amended to read:

16.971 (9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the ~~department of electronic government~~ division may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. ~~20.530~~ 20.505 (1) (ja), (kp) and (kq). The ~~department of electronic government~~ division shall annually report to the legislature under s. 13.172 (2) concerning the ~~department's~~ division's efforts to improve and increase the efficiency of integration of justice information systems.

(11) The ~~department~~ division may charge executive branch agencies for information technology development and management services provided to them by the ~~department~~ division under this section.

**SECTION 72fp.** 22.05 (title) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.972 (title) and amended to read:

**16.972 (title) Powers of the department division.**

**SECTION 72fq.** 22.05 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.972 (1).

**SECTION 72fr.** 22.05 (2) (intro.) and (a) to (d) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.972 (2) (intro.) and (a) to (d) and amended to read:

16.972 (2) (intro.) The ~~department~~ division may:

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(a) Provide such telecommunications services to agencies as the department division considers to be appropriate.

(b) Provide such computer services and telecommunications services to local governmental units and the broadcasting corporation and provide such telecommunications services to qualified private schools, postsecondary institutions, museums and zoos, as the department division considers to be appropriate and as the department division can efficiently and economically provide. The department division may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The department division may charge local governmental units, the broadcasting corporation, and qualified private schools, postsecondary institutions, museums and zoos, for services provided to them under this paragraph in accordance with a methodology determined by the chief information officer administrator. Use of telecommunications services by a qualified private school or postsecondary institution shall be subject to the same terms and conditions that apply to a municipality using the same services. The department shall prescribe eligibility requirements for qualified museums and zoos to receive telecommunications services under this paragraph.

(c) Provide such supercomputer services to agencies, local governmental units and entities in the private sector as the department division considers to be appropriate and as the department division can efficiently and economically provide. The department division may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The department division may charge agencies, local governmental units and entities in the private sector for services provided to them under this paragraph in accordance with a methodology determined by the chief information officer administrator.

(d) Undertake such studies, contract for the performance of such studies, and appoint such councils and committees for advisory purposes as the department division considers appropriate to ensure that the department's division's plans, capital investments and operating priorities meet the needs of agencies local governmental units and entities in the private sector served by the department division. The department division may compensate members of any council or committee for their services and may reimburse such members for their actual and necessary expenses incurred in the discharge of their duties.

Vetoed  
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**SECTION 72frm.** 22.05 (2) (e) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.972 (2) (e).

**SECTION 72fs.** 22.05 (2) (f) and (g) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.972 (2) (f) and (g) and amended to read:

16.972 (2) (f) Acquire, operate, and maintain any information technology equipment or systems required by the department division to carry out its functions, and provide information technology development and management services related to those information technology systems. The department division may assess executive branch agencies, other than the board of regents of the University of Wisconsin System, for the costs of equipment or systems acquired, operated, maintained, or provided or services provided under this paragraph in accordance with a methodology determined by the chief information officer administrator. The department division may also charge any agency for such costs as a component of any services provided by the department division to the agency.

(g) Assume direct responsibility for the planning and development of any information technology system in the executive branch of state government outside of the University of Wisconsin System that the chief information officer administrator determines to be necessary to effectively develop or manage the system, with or without the consent of any affected executive branch agency. The department division may charge any executive branch agency for the department's division's reasonable costs incurred in carrying out its functions under this paragraph on behalf of that agency.

**SECTION 72ft.** 22.05 (2) (h) and (i) of the statutes, as created by 2001 Wisconsin Act 16, are renumbered 16.972 (2) (h) and (i).

**SECTION 72fu.** 22.07 (intro.), (1) and (2) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.973 (intro.), (1) and (2) and amended to read:

**16.973 Duties of the department division.** (intro.) The department division shall:

(1) Provide or contract with a public or private entity to provide computer services to agencies. The department division may charge agencies for services provided to them under this subsection in accordance with a methodology determined by the chief information officer administrator.

(2) Promulgate methodologies for establishing all fees and charges established or assessed by the department division or the chief information officer administrator under this chapter.

**SECTION 72fv.** 22.07 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.973 (3).

**SECTION 72fw.** 22.07 (4) to (8) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.973 (4) to (8) and amended to read:

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16.973 (4) Ensure responsiveness to the needs of agencies for delivery of high-quality information technology processing services on an efficient and economical basis, while not unduly affecting the privacy of individuals who are the subjects of the information being processed by the department division.

(5) Utilize all feasible technical means to ensure the security of all information submitted to the department division for processing by agencies, local governmental units and entities in the private sector.

(6) With the advice of the ethics board, adopt and enforce standards of ethical conduct applicable to its paid consultants which are similar to the standards prescribed in subch. III of ch. 19, except that the department division shall not require its paid consultants to file statements of economic interests.

(7) Prescribe and revise as necessary performance measures to ensure financial controls and accountability, optimal personnel utilization, and customer satisfaction for all information technology functions in the executive branch outside of the University of Wisconsin System and annually, no later than March 31, report to the joint committee on information policy and technology and the board concerning the performance measures utilized by the department division and the actual performance of the department division and the executive branch agencies measured against the performance measures then in effect.

(8) Offer the opportunity to local governmental units to voluntarily obtain computer or supercomputer services from the department division when those services are provided under s. ~~22.05~~ 16.972 (2) (b) or (c), and to voluntarily participate in any master contract established by the department division under s. ~~22.05~~ 16.972 (2) (h) or in the use of any informational system or device provided by the department division under ~~22.09 (3)~~ 16.971 (15).

**SECTION 72fx.** 22.07 (9) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.973 (9).

**SECTION 72fy.** 22.09 (intro.) and (1) to (3) of the statutes, as created by 2001 Wisconsin Act 16, are renumbered 16.974 (intro.) and (1) to (3) and amended to read:

**16.974 Powers of the ~~chief information officer administrator~~.** (intro.) The ~~chief information officer administrator~~ may:

(1) Establish and collect assessments and charges for all authorized services provided by the department division, subject to applicable agreements under sub. (2).

(2) Subject to s. ~~22.05~~ 16.972 (2) (b), enter into and enforce an agreement with any agency, any authority, any unit of the federal government, any local governmental unit, or any entity in the private sector to provide services authorized to be provided by the department to that agency, authority, unit, or entity at a cost specified in the agreement.

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(3) Develop or operate and maintain any system or device facilitating Internet or telephone access to information about programs of agencies, authorities, local governmental units, or entities in the private sector, or otherwise permitting the transaction of business by agencies, authorities, local governmental units, or entities in the private sector by means of electronic communication. The ~~chief information officer administrator~~ may assess executive branch agencies, other than the board of regents of the University of Wisconsin System, for the costs of systems or devices that are developed, operated, or maintained under this subsection in accordance with a methodology determined by the ~~officer administrator~~. The ~~chief information officer administrator~~ may also charge any agency, authority, local governmental unit, or entity in the private sector for such costs as a component of any services provided by the department division to that agency, authority, local governmental unit, or entity.

**SECTION 72fz.** 22.09 (5) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.974 (5).

**SECTION 72fza.** 22.11 of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.975 and amended to read:

**16.975 Access to information.** The department division shall withhold from access under s. 19.35 (1) all information submitted to the department division by agencies, authorities, units of the federal government, local governmental units or entities in the private sector for the purpose of processing. The department division may not process such information without the consent of the agency, authority, unit or other entity which submitted the information and may not withhold such information from the agency, authority, unit or other entity or from any other person authorized by the agency, authority, unit or entity to have access to the information. The agency, authority, unit or other entity submitting the information remains the custodian of the information while it is in the custody of the department division and access to such information by that agency, authority, unit or entity or any other person shall be determined by that agency, authority, unit or other entity and in accordance with law.

**SECTION 72fzb.** 22.13 (title) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.976 (title).

**SECTION 72fzc.** 22.13 (1) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.976 (1) and amended to read:

16.976 (1) As a part of each proposed strategic plan submitted under s. ~~22.03~~ 16.971 (2) (L), the department division shall require each executive branch agency to address the business needs of the agency and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects, and the justification for each



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project, including the anticipated benefits of the project. Each proposed plan shall identify any changes in the functioning of the agency under the plan. In each even-numbered year, the plan shall include identification of any information technology development project that the agency plans to include in its biennial budget request under s. 16.42 (1).

**SECTION 72fzd.** 22.13 (2) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.976 (2).

**SECTION 72fze.** 22.13 (3) to (6) of the statutes, as created by 2001 Wisconsin Act 16, are renumbered 16.976 (3) to (6) and amended to read:

16.976 (3) Following receipt of a proposed strategic plan from an executive branch agency, the ~~chief information officer~~ administrator shall, before June 1, notify the agency of any concerns that the ~~officer~~ administrator may have regarding the plan and provide the agency with his or her recommendations regarding the proposed plan. The ~~chief information officer~~ administrator may also submit any concerns or recommendations regarding any proposed plan to the board for its consideration. The board shall then consider the proposed plan and provide the ~~chief information officer~~ administrator with its recommendations regarding the plan. The executive branch agency may submit modifications to its proposed plan in response to any recommendations.

(4) Before June 15, the ~~chief information officer~~ administrator shall consider any recommendations provided by the board under sub. (3) and shall then approve or disapprove the proposed plan in whole or in part.

(5) No executive branch agency, other than the board of regents of the University of Wisconsin System, may implement a new or revised information technology development project authorized under a strategic plan until the implementation is approved by the ~~chief information officer~~ administrator in accordance with procedures prescribed by the ~~officer~~ administrator.

(6) The ~~department~~ division shall consult with the joint committee on information policy and technology in providing guidance for planning by executive branch agencies.

**SECTION 72fzf.** 22.15 (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.977 (intro.) and amended to read:

**16.977 Information technology portfolio management.** (intro.) With the assistance of executive branch agencies and the advice of the board, the ~~department~~ division shall manage the information technology portfolio of state government in accordance with a management structure that includes all of the following:

**SECTION 72fzg.** 22.15 (1) to (3) of the statutes, as created by 2001 Wisconsin Act 16, are renumbered 16.977 (1) to (3).

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**SECTION 72fzh.** 22.17 (title) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 16.978 (title).

**SECTION 72fzi.** 22.17 (1) to (4) of the statutes, as created by 2001 Wisconsin Act 16, are renumbered 16.978 (1) to (4) and amended to read:

16.978 (1) The board shall provide the ~~chief information officer~~ administrator with its recommendations concerning any elements of the strategic plan of an executive branch agency that are referred to the board under s. ~~22.13~~ 16.976 (3).

(2) The board may advise the ~~chief information officer~~ administrator with respect to management of the information technology portfolio of state government under s. ~~22.15~~ 16.977.

(3) The board may, upon petition of an executive branch agency, review any decision of the ~~chief information officer~~ administrator under this chapter affecting that agency. Upon review, the board may affirm, modify, or set aside the decision. If the board modifies or sets aside the decision of the ~~chief information officer~~ administrator, the decision of the board stands as the decision of the ~~chief information officer~~ administrator and the decision is not subject to further review or appeal.

(4) The board may monitor progress in attaining goals for information technology and telecommunications development set by the ~~chief information officer~~ administrator or executive branch agencies, other than the board of regents of the University of Wisconsin System, and may make recommendations to the ~~officer~~ administrator or agencies concerning appropriate means of attaining those goals.

**SECTION 72fzj.** 22.19 of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.9785 and amended to read:

**16.9785 Purchases of computers by teachers.** The ~~department~~ division shall negotiate with private vendors to facilitate the purchase of computers and other educational technology, as defined in s. 24.60 (1r), by public and private elementary and secondary school teachers for their private use. The ~~department~~ division shall attempt to make available types of computers and other educational technology under this section that will encourage and assist teachers in becoming knowledgeable about the technology and its uses and potential uses in education.

**SECTION 72fzk.** 22.41 (title) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.979 (title).

**SECTION 72fzL.** 22.41 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.979 (2) (intro.) and amended to read:

16.979 (2) POWERS AND DUTIES. (intro.) The ~~department~~ division shall ensure maximum utility, cost-benefit and operational efficiency of all

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telecommunications systems and activities of this state, and those which interface with cities, counties, villages, towns, other states and the federal government. The department division, with the assistance and cooperation of all other agencies, shall:

**SECTION 72fzm.** 22.41 (2) (a) to (f) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 16.979 (2) (a) to (f).

**SECTION 72fzn.** 22.41 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 16.979 (3) and amended to read:

16.979 (3) PRIVATE COLLEGE AND UNIVERSITY PARTICIPATION IN STATE TELECOMMUNICATIONS NETWORK. The department division may allow regionally accredited 4-year nonprofit colleges and universities that are incorporated in this state or that have their regional headquarters and principal place of business in this state to participate in any telecommunications network administered by the department division.

**SECTION 72h.** 23.09 (3) (b) of the statutes is amended to read:

23.09 (3) (b) If the department and the board of regents of the University of Wisconsin System enter into an agreement to create a faculty position at the University of Wisconsin-Madison for a forest landscape ecologist, the department and the University of Wisconsin-Madison shall develop an annual work plan for the ecologist. In developing the annual work plan, the department shall consult with the ~~governor's council on forestry created by executive order under s. 14.019.~~

**SECTION 72k.** 23.0917 (7) (e) of the statutes is amended to read:

23.0917 (7) (e) For any land for which moneys are proposed to be obligated from the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation organization under s. 23.096, the department shall use at least 2 appraisals to determine the fair market value of the land. The governmental unit or nonprofit conservation organization shall submit to the department two appraisals if the department estimates that the fair market value of the land exceeds \$200,000 one appraisal that is paid for by the governmental unit or nonprofit conservation organization. The department shall obtain its own independent appraisal. The department may also require that the governmental unit or nonprofit conservation organization submit a 3rd independent appraisal. The department shall reimburse the governmental unit or nonprofit conservation organization up to 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the land is acquired by the governmental unit or nonprofit conservation organization with moneys obligated from the appropriation under s. 20.866 (2) (ta). This paragraph does not apply if the fair market value of the land is estimated by the department to be \$200,000 or less.

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**SECTION 72L.** 23.10 (1m) of the statutes is created to read:

23.10 (1m) The department shall designate a conservation warden as the chief warden and may designate one or more deputy chief wardens. The chief warden shall have the duty to direct, supervise, and control conservation wardens in the performance of their duties under sub. (1) and s. 29.921. The chief warden shall designate an employee of the department as an internal affairs officer to investigate complaints against conservation wardens when the chief warden determines an investigation is necessary and shall designate an employee of the department as a complaint officer to resolve complaints against conservation wardens.

Vetoed  
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**SECTION 72m.** 23.155 of the statutes is created to read:

**23.155 Contracts to sell or exchange state-owned land under the jurisdiction of the department.** (1) In this section, "department land" means an area of land that is owned by the state, that is under the jurisdiction of the department, and that is used for one of the purposes described in s. 23.09 (2) (d) 1., 2., 3., 6., 7., 8., 10., 11., 12., 13., 14., 15., or 16.

(2) The department may not enter into a contract to sell or exchange department land that has a fair market value in excess of \$75,000 unless the department first notifies the joint committee on finance in writing of the proposed contract. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed contract, the department may enter into the contract. If, within 14 working days after receiving the notification from the department, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed contract, the department may enter into the contract only on the approval of the committee.

(3) The joint committee on finance may approve a contract under sub. (2) to sell department land only if the committee determines that the level of reimbursement to be received by the state adequately reimburses the state for its cost in acquiring and developing the department land. The joint committee on finance may approve a contract under sub. (2) to exchange department land for other land only if the committee determines that the value of the land to be received by the state in the exchange adequately reflects the state's cost in acquiring and developing the department land.

(4) The approval process under subs. (2) and (3) is in addition to any approval process that may apply to the sale or exchange of the department land under s. 13.48 (14) (d).

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**SECTION 72p.** 23.197 (6g) of the statutes is created to read:

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23.197 (6g) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation under s. 20.866 (2) (ta), the department shall provide funding in the amount of \$250,000 to acquire conservation easements along the Plover River in Marathon County and Portage County. For the purposes of s. 23.0917, moneys provided under this subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the subprogram for land acquisition.

**SECTION 72t.** 23.22 of the statutes is created to read:  
**23.22 Invasive species. (1) DEFINITIONS.** In this section:

(a) “Control” means to cut, remove, destroy, suppress, or prevent the introduction or spread of.

(b) “Council” means the invasive species council.

(c) “Invasive species” means nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

(d) “State agency” means a board, commission, committee, department, or office in the state government.

**(2) DEPARTMENT RESPONSIBILITIES.** (a) The department shall establish a statewide program to control invasive species in this state.

(b) As part of the program established under par. (a), the department shall do all of the following:

1. Create and implement a statewide management plan to control invasive species in this state, which shall include inspections as specified under sub. (5).

2. Administer the program established under s. 23.24 as it relates to invasive aquatic plants.

3. Encourage cooperation among state agencies and other entities to control invasive species in this state.

4. Seek public and private funding for the program.

6. Promulgate rules to classify invasive species for purposes of the program. In promulgating these rules, the department shall consider the recommendations of the council under sub. (3) (a).

(c) Under the program established under par. (a), the department shall promulgate rules to establish a procedure to award cost-sharing grants to public and private entities for up to 50% of the costs of projects to control invasive species. Any rules promulgated under this paragraph shall establish criteria for determining eligible projects and eligible grant recipients and shall allow cost-share contributions to be in the form of money or in-kind goods or services or any combination thereof. In promulgating these rules, the department shall consider the recommendations of the council under sub. (3) (c).

**(3) COUNCIL DUTIES.** (a) The council shall make recommendations to the department for a system for classifying invasive species under the program established under sub. (2). The recommendations shall contain criteria for each classification to be used, the allowed activities associated with each classification, criteria for determining state priorities for controlling invasive species under each classification, and criteria for determining the

types of actions to be taken in response to the introduction or spread of a native species under each classification.

(b) Under the program established under sub. (2), the council shall conduct studies of issues related to controlling invasive species. The studies shall address all of the following:

1. The effect of the state’s bait industry on the introduction and spread of invasive species.

2. The effect of the state’s pet industry on the introduction and spread of invasive species.

3. The acquisition of invasive species through mail order and Internet sales.

4. Any other issue as determined by the council.

(c) The council shall make recommendations to the department on the establishment of a procedure for awarding cost-sharing grants under sub. (2) (c) to public and private entities for up to 50% of the costs of eligible projects to control invasive species. The recommendations shall contain criteria for determining eligibility for these grants and for determining which applicants should be awarded the grants.

(d) To assist the council in its work, the council shall create 4 subcommittees on the subjects of education, research, regulation, and interagency coordination. The council may create additional subcommittees on other subjects.

**(5) INSPECTIONS.** As part of the statewide management plan, the department shall create a watercraft inspection program under which the department shall conduct periodic inspections of boats, boating equipment, and boat trailers entering and leaving navigable waters and shall educate boaters about the threat of invasive species that are aquatic species. The department shall encourage the use of volunteers or may use department employees for these inspections.

**(6) REPORTS.** (a) The department shall submit to the legislature under s. 13.172 (2), and to the governor and the council, a biennial report that includes all of the following:

1. Details on the administration of the program established under sub. (2), including an assessment as to the progress that is being made in controlling invasive species in this state.

2. A description of state funding that has been expended under the program.

3. A description of funding from other sources that has been expended to control invasive species in this state.

4. An assessment of the future needs of the program.

(b) The department shall submit the biennial report under par. (a) before July 1 of each even-numbered year. The first biennial report shall be submitted no later than July 1, 2004. Each report shall cover the 24-month period ending on the March 31 that immediately precedes the date of the report.



(c) In addition to the report required under par. (a), the department shall submit an interim performance report to the legislature under s. 13.172 (2), and to the governor and the council, on the progress that has been made on the control of invasive species. The department shall submit this interim performance report before July 1 of each odd-numbered year. The first interim performance report shall be submitted no later than July 1, 2005. Each interim performance report shall cover the 12-month period ending on the March 31 that immediately precedes the date of the interim performance report.

(7) APPEARANCE BEFORE LEGISLATURE. Upon request of a standing committee of the legislature with jurisdiction over matters related to the environment, natural resources, or agriculture, the director of the program shall appear to testify.

**SECTION 72td.** 23.23 (title) of the statutes is repealed.

**SECTION 72tj.** 23.23 (1) of the statutes is renumbered 23.235 (1) (b) and amended to read:

23.235 (1) (b) ~~In this section, “purple~~ **“Purple** loosestrife” means any nonnative member of the genus *Lythrum*.

**SECTION 72tm.** 23.23 (2) of the statutes is renumbered 23.235 (3m) and amended to read:

23.235 (3m) **RESEARCH.** ~~The~~ Under the program established under s. 23.22, the department shall make a reasonable effort to conduct research to determine alternative methods to contain and control purple loosestrife in the most environmentally sound manner and may conduct other research on the control of nuisance weeds. The secretaries of natural resources and of agriculture, trade and consumer protection may authorize any person to plant or cultivate nuisance weeds for the purpose of controlled experimentation.

**SECTION 72tq.** 23.23 (3) (a) of the statutes is renumbered 23.235 (2m) (a) and amended to read:

23.235 (2m) (a) ~~The~~ Under the program established under s. 23.22, the department shall make a reasonable effort to develop a statewide program plan to control purple loosestrife on both public and private lands, as provided in this subsection.

**SECTION 72tv.** 23.23 (3) (b) of the statutes is renumbered 23.235 (2m) (b) and amended to read:

23.235 (2m) (b) The department shall make a reasonable effort to implement control and quarantine methods on public lands as soon as practicable. The department shall make a reasonable effort to employ the least environmentally harmful methods available that are effective, based on research conducted under sub. (2) (3m).

**SECTION 72ud.** 23.23 (3) (c) of the statutes is renumbered 23.235 (2m) (c).

**SECTION 72uj.** 23.23 (3) (d) of the statutes is renumbered 23.235 (2m) (d).

**SECTION 72um.** 23.23 (3) (e) of the statutes is renumbered 23.235 (2m) (e).

**SECTION 72uq.** 23.23 (4) (a) of the statutes is renumbered 23.235 (4) (a) and amended to read:

23.235 (4) (a) ~~The~~ Under the program established under s. 23.22, the department shall make a reasonable effort to develop a statewide education program effort on the effects of ~~purple loosestrife~~ nuisance weeds, as provided in this subsection.

**SECTION 72uv.** 23.23 (4) (b) of the statutes is renumbered 23.235 (4) (b) and amended to read:

23.235 (4) (b) The department shall make a reasonable effort to educate the authorities in charge of the maintenance of all federal, state and county trunk highways and all forest and park land in this state on methods to identify and control ~~purple loosestrife and multiflora rose~~ nuisance weeds. The department of transportation and all other authorities in charge of the maintenance of highways, forests and parks may cooperate with the department in efforts under this paragraph.

**SECTION 72vd.** 23.23 (4) (c) of the statutes is renumbered 23.235 (4) (c).

**SECTION 72vj.** 23.235 (1) of the statutes is renumbered 23.235 (1) (intro.) and amended to read:

23.235 (1) **DEFINITIONS.** (intro.) In this section, ~~“nuisance:~~

(a) ~~“Nuisance weeds” means any nonnative member of the genus *Lythrum* (purple loosestrife) or hybrids thereof and multiflora rose.~~

**SECTION 72vm.** 23.235 (2) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

23.235 (2) **PROHIBITION.** Except as provided in sub. (3) (3m), no person may sell, offer for sale, distribute, plant, or cultivate any multiflora rose or seeds thereof.

**SECTION 72vq.** 23.235 (2m) (title) of the statutes is created to read:

23.235 (2m) (title) CONTROL EFFORTS.

**SECTION 72vv.** 23.235 (3) of the statutes is repealed.

**SECTION 72wd.** 23.235 (4) (title) of the statutes is created to read:

23.235 (4) (title) EDUCATION.

**SECTION 72wj.** 23.235 (5) of the statutes is amended to read:

23.235 (5) **PENALTY.** Any person who knowingly violates ~~this section sub. (2)~~ shall forfeit not more than \$100. Each violation of this section is a separate offense.

**SECTION 72wm.** 23.24 (1) (g) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

23.24 (1) (g) “Invasive aquatic plant” means an aquatic plant that is designated under sub. (2) (b) 4.

**SECTION 72wq.** 23.24 (2) (title) of the statutes, as created by 2001 Wisconsin Act 16, is repealed and recreated to read:

23.24 (2) (title) DEPARTMENT DUTIES.

**SECTION 72wv.** 23.24 (2) (a) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:



23.24 (2) (a) 1. ~~Protect~~ Implement efforts to protect and develop diverse and stable communities of native aquatic plants.

**SECTION 72xd.** 23.24 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 23.22 (2) (b) 5. and amended to read:

23.22 (2) (b) 5. Provide education and encourage and conduct research concerning invasive aquatic plants species.

**SECTION 72xj.** 23.24 (2) (b) (intro.) and 1. of the statutes, as created by 2001 Wisconsin Act 16, are consolidated, renumbered 23.24 (2) (b) and amended to read:

23.24 (2) (b) Under the program implemented under par. (a), the department shall ~~do all of the following:~~ 1. Designate designate by rule which aquatic plants are invasive aquatic plants for purposes of this section. The department shall designate Eurasian water milfoil, curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may designate any other aquatic plant as an invasive aquatic plant if it has the ability to cause significant adverse change to desirable aquatic habitat, to significantly displace desirable aquatic vegetation, or to reduce the yield of products produced by aquaculture.

**SECTION 72xm.** 23.24 (2) (b) 2. of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 23.24 (2) (a) 4.

**SECTION 72xq.** 23.24 (2) (c) (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

23.24 (2) (c) (intro.) The requirements promulgated under par. (b) ~~2.~~ (a) 4. may specify any of the following:

**SECTION 72xv.** 23.24 (3) (a) (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

23.24 (3) (a) (intro.) Unless a person has a valid aquatic plant management permit issued ~~under the program established under sub. (2) by the department,~~ no person may do any of the following:

**SECTION 73.** 23.33 (13) (cg) of the statutes is amended to read:

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

**SECTION 79q.** 25.17 (16) (a) 1. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 79r.** 25.17 (16) (a) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

25.17 (16) (a) 2. All proceeds of, and investment earnings on, investments of the permanent endowment fund made under s. 25.18 (1) (p) that are received in the fiscal year, less the amount transferred to the tobacco control fund under s. 13.101 (16) (b) in that year.

**SECTION 79s.** 25.17 (71) of the statutes is created to read:

25.17 (71) (a) Before June 30, 2004, make an effort to commit to invest an amount not less than \$50,000,000 in venture capital investment firms. The amount that is committed to be invested under this paragraph shall be in addition to any amount that is invested in venture capital investment firms before the effective date of this paragraph .... [revisor inserts date]. In selecting the venture capital investment firms in which to make investments, the board is subject to the standard of responsibility under s. 25.15 (2) and shall consider all of the following factors:

1. The experience of the venture capital investment firms in making investments.

2. The commitment of the venture capital investment firms to making venture capital investments in health care, biotechnology, and other technological industries.

3. The willingness of the venture capital investment firms to make at least 75% of the investments in businesses headquartered in this state.

4. Whether the venture capital investment firms have a place of business in this state.

5. The overall experience of the venture capital investment firms in making investments in businesses that are in the venture capital stage.

6. The relationships that the venture capital investment firms have with technology transfer organizations, such as the Wisconsin Alumni Research Foundation, Inc.

7. The ability of the venture capital investment firms to do lead and follow-on investments.

(b) Any venture capital investment firm in which the investment board makes an investment under par. (a) shall make an effort to invest in businesses located in the areas of Green Bay, Eau Claire, Madison, Janesville-Beloit, La Crosse, Stevens Point-Marshfield, Racine-Kenosha, Milwaukee, Sheboygan-Manitowoc, Superior, the Fox River Valley, and Wausau and within the boundaries of any federally recognized Indian reservation. The investment board shall determine the geographic boundaries of each area.

Vetoed  
In Part

Vetoed  
In Part

(c) Nothing in this subsection limits the authority of the board to make any other investments that are otherwise authorized by law or restricts the authority of the board or any venture capital investment firm to make investments in any area of this state.

Vetoed  
In Part

**SECTION 79t.** 25.42 of the statutes is amended to read:

**25.42 Wisconsin election campaign fund.** All moneys appropriated under s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), 11.26 (1t) and (2t), and 11.38 (6), all moneys reverting to the state under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue to accumulate indefinitely.

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Vetoed  
In Part

**SECTION 80m.** 25.60 of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**25.60 Budget stabilization fund.** There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under s. 16.518 (3) and moneys deposited into the fund under 2001 Wisconsin Act ... (this act), section 9107 (1b).

**SECTION 81.** 25.66 (1) (e) of the statutes is created to read:

25.66 (1) (e) Beginning in fiscal year 2003–04, all moneys transferred from the general fund under s. 20.436 (1) (b).

**SECTION 82.** 25.69 of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

**25.69 Permanent endowment fund.** There is established a separate nonlapsible trust fund designated as the permanent endowment fund, consisting of all of the proceeds from the sale of the state’s right to receive payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and all investment earnings on the proceeds. Moneys in the permanent endowment fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and (rv) and to make the appropriation under s. 20.855 (4) (rb).

**SECTION 83.** 25.69 of the statutes, as affected by 2001 Wisconsin Acts 16 and .... (this act), is repealed and recreated to read:

**25.69 Permanent endowment fund.** There is established a separate nonlapsible trust fund designated as the permanent endowment fund, consisting of all of the proceeds from the sale of the state’s right to receive payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and all investment earnings on the proceeds. Moneys in the permanent endowment fund shall be used only to make the transfers under ss. 13.101 (16) and 20.855 (4) (rh).

**SECTION 83s.** 26.02 of the statutes is created to read:

**26.02 Council on forestry. (1) DUTIES.** The council on forestry shall advise the governor, the legislature, the department of natural resources, the department of commerce, and other state agencies, as determined to be appropriate by the council, on all of the following topics as they affect forests located in this state:

(a) The protection of forests from fire, insects, and disease.

(b) The practice of sustainable forestry, as defined in s. 28.04 (1) (e).

(c) Reforestation and forestry genetics.

(d) Management and protection of urban forests.

(e) Increasing the public’s knowledge and awareness of forestry issues.

(f) Forestry research.

(g) Increasing the economic development of the forestry industry and employment in the forestry industry.

(h) Marketing and use of forest products.

(i) Legislation that impacts on the management of forest lands in this state.

(j) Staffing and funding needs for forestry programs conducted by the state.

(2) REPORT. (a) The council on forestry shall prepare a biennial report on the status of the state’s forest resources and forestry industry. The report shall include a summary of each of the following:

1. The magnitude, nature, and extent of the forest resources in this state.

2. The current use in this state for forest products and the benefits that these forest products provide to the state.

3. The projected future demand for forest products and the projected benefits that these forest products will provide to the state in the future.

4. The types of owners and forms of ownership that apply to forests in this state, including the reasons why persons own forest land.

5. The success of existing incentives that are offered to stimulate the development of forest resources.

6. The possible economic opportunities in this state that may result if improved forest–product marketing, and increased business dealing in or use of forest products, occurs in this state.

7. Recommendations for increasing the economic development of the forestry industry and employment in the forestry industry.

8. The effect of state and local governmental laws and policy on forestry management and the location of markets for forest products.

9. Recommendations as to staffing and funding needs for forestry programs and other conservation programs related to forestry that are conducted by the state to support and enhance the development of forest resources.

10. Recommendations as to the need to increase the public’s knowledge and awareness of forestry issues.

(b) The council on forestry shall submit the report under this subsection no later than June 1 of each odd–numbered year for distribution to the governor and to the appropriate standing committees of the legislature under s. 13.172 (3). The first report shall be submitted no later than June 1, 2005. Each report shall cover the 24–month period ending on the December 31 immediately preceding the date of the report.

**SECTION 84.** 26.14 (8) of the statutes is amended to read:

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

**SECTION 84g.** 26.145 (2m) of the statutes is created to read:

26.145 (2m) EFFECT OF OTHER FINANCIAL ASSISTANCE. The department may consider any cost which has been or will be paid or reimbursed from moneys received under another federal or state financial assistance program as an

ineligible cost for the purposes of calculating the amount of a grant under sub. (1), except that the department shall consider any cost that has been or will be paid or reimbursed from moneys received under s. 101.573 (3) as an eligible cost for the purposes of calculating the amount of a grant under sub. (1).

**SECTION 84gh.** 26.145 (2m) of the statutes, as created by 2001 Wisconsin Act .... (this act) is repealed.

**SECTION 84gn.** 26.39 (4) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 26.39 (4) (a) and amended to read:

26.39 (4) (a) The department shall credit to the appropriation account under s. 20.370 (1) (cu) the moneys received as surcharges under s. 28.06 (2m) during fiscal year 2001-02, up to a total amount of \$300,000. The department shall credit any balance over \$300,000 that remains from the moneys received as such surcharges during fiscal year 2001-02 to the appropriation account under s. 20.370 (1) (cv).

**SECTION 84gp.** 26.39 (4) (b) of the statutes is created to read:

26.39 (4) (b) For fiscal year 2002-03 and each fiscal year thereafter, the department shall credit 50% of the moneys received as surcharges under s. 28.06 (2m) during the applicable fiscal year to the appropriation account under s. 20.370 (1) (cu) and the remaining 50% to the appropriation account under s. 20.370 (1) (cv).

**SECTION 84j.** 29.001 (20) of the statutes is created to read:

29.001 (20) "Deer" means white-tailed deer and does not include farm-raised deer.

**SECTION 84k.** 29.001 (22) of the statutes is created to read:

29.001 (22) "Elk" means elk that is present in the wild and that does not have an ear tag or other mark identifying it as being raised on a farm.

**SECTION 84km.** 29.001 (36) of the statutes is amended to read:

29.001 (36) "Game animals" includes means deer, moose, elk, bear, rabbits, squirrels, fox and raccoon, and any other wild animals specified by the department.

**SECTION 84kmb.** 29.024 (2) (a) of the statutes is amended to read:

29.024 (2) (a) Except as provided in s. 29.182 (4), a hunting, trapping, or fishing approval may be issued only to and obtained only by a natural person entitled to the approval.

**SECTION 84kmd.** 29.024 (2) (d) of the statutes is amended to read:

29.024 (2) (d) Except as provided under s. 29.182 (4) or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

**SECTION 84m.** 29.038 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

29.038 (1) (a) "Local governmental unit" has the meaning given in s. ~~22.01~~ 16.97 (7).

**SECTION 84mf.** 29.047 (1m) of the statutes is amended to read:

29.047 (1m) Unless prohibited by the laws of an adjoining state, any person who has lawfully killed a deer or an elk in this state may take the deer or elk or its carcass into the adjoining state and ship the deer or elk or carcass from any point in the adjoining state to any point in this state.

**SECTION 84mg.** 29.053 (1) of the statutes is amended to read:

29.053 (1) All fishing seasons on inland waters shall open on a Saturday. All fishing seasons on inland waters and outlying waters shall close on a Sunday.

**SECTION 84mh.** 29.089 (3) of the statutes is amended to read:

29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state park, or in a portion of a state park, if the department has authorized by rule the hunting of that type of game in the state park, or in the portion of the state park, and if the person holds the approvals required under this chapter for hunting that type of game.

**SECTION 84mj.** 29.161 of the statutes is amended to read:

**29.161 Resident small game hunting license.** A resident small game hunting license shall be issued subject to s. 29.024 by the department to any resident applying for this license. The resident small game hunting license does not authorize the hunting of bear, deer, elk, or wild turkey.

**SECTION 84mm.** 29.171 (2) of the statutes is amended to read:

29.171 (2) A resident archer hunting license authorizes the hunting of all game, except bear, elk, and wild turkey, during the open seasons for hunting that game with bow and arrow established by the department. This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized by a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued under sub. (4).

**SECTION 84mp.** 29.182 of the statutes is created to read:

**29.182 Elk hunting licenses.** (1) DEPARTMENT AUTHORITY. The department may issue elk hunting licenses and may limit the number of elk hunters and elk harvested in any area of the state. The department may establish by rule closed zones where elk hunting is prohibited.

(2) APPLICATION. A person who applies for an elk hunting license under this section shall pay the processing fee under s. 29.553 at the time of application.

(3) AUTHORIZATION. (a) A resident elk hunting license authorizes a resident of this state to hunt elk with a firearm or bow and arrow, or with a crossbow, if the resi-

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dent has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that authorizes hunting with a crossbow, or if the resident has a crossbow permit issued under s. 29.171 (4) (a).

(b) A nonresident elk hunting license authorizes a nonresident of this state to hunt elk with a firearm or with a bow and arrow.

(4) **ISSUANCE.** (a) Except as provided in pars. (c) and (d) and sub. (4m), if the department issues elk hunting licenses, the department shall issue a resident or nonresident elk hunting license to any person who applies for such a license, and who pays the fees required for the license.

(b) In issuing resident elk hunting licenses and nonresident elk hunting licenses under this section, the department shall determine the number of licenses it will issue in a given elk hunting season and shall allocate the licenses to residents and nonresidents in the following manner:

1. If the total number of licenses to be issued is 100 licenses or less, the licenses shall be allocated for issuance only as resident elk hunting licenses.

2. If the number of licenses to be issued is more than 100 licenses, the first 100 licenses and 95% of the amount over 100 shall be allocated for issuance as resident elk hunting licenses and the remaining licenses shall be allocated for issuance as nonresident elk hunting licenses.

(c) If the number of applicants for resident elk hunting licenses exceeds the number of resident elk hunting licenses that are available under par. (b), the department shall select at random the residents to be issued the licenses. If the number of applicants for resident elk hunting licenses is less than the number of resident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as nonresident elk hunting licenses under par. (d).

(d) If the number of applicants for nonresident elk hunting licenses exceeds the number of nonresident elk hunting licenses that are available under par. (b), the department shall select at random the nonresidents to be issued the licenses. If the number of applicants for nonresident elk hunting licenses is less than the number of nonresident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as resident elk hunting licenses.

(e) In addition to any other elk hunting license that the department issues under this subsection, the department shall issue one resident elk hunting license in an elk hunting season to an organization known as the Rocky Mountain Elk Foundation if the organization applies for the license for that season and pays the required fees for the license. The organization may apply for the license only during the first 5 elk hunting seasons for which licenses are issued under this section.

(f) The organization known as the Rocky Mountain Elk Foundation shall award the license that is issued

under par. (e) as a prize in a raffle conducted by a subunit of the organization that is licensed to conduct raffles under ch. 563.

(g) The organization known as the Rocky Mountain Elk Foundation shall transfer the license awarded or under par. (f) only to a person who is qualified to receive a resident elk hunting license and shall transfer to that person the carcass tag and back tag that was issued by the department to the organization under subs. (6) and (7).

(h) If the organization known as the Rocky Mountain Elk Foundation fails to transfer the license under par. (g), the license shall become invalid, and the department may issue another resident elk hunting license under this subsection.

(i) The organization known as the Rocky Mountain Elk Foundation shall use the proceeds from the raffle under par. (f) in this state to promote elk management, to promote the reintroduction of eastern elk, or to further elk research.

(4m) **LIMITATION OF ONE LICENSE.** A person may be issued, or transferred under par. (g), only one resident elk hunting license in his or her lifetime, and the resident elk hunting license shall be valid for only one elk hunting season. The issuance, or transfer under par. (g), of the license to the person is subject to s. 29.024 (2g).

(5) **FEES.** Fees received from the issuance of licenses under this section shall be credited to the appropriation account under s. 20.370 (1) (hq).

(6) **CARCASS TAG.** The department shall issue an elk carcass tag to each person and organization who is issued an elk hunting license under this section.

(7) **BACK TAG.** (a) The department shall issue a back tag to each person and organization who is issued an elk hunting license under this section.

(b) No person may hunt elk unless there is attached to the center of the person's coat, shirt, jacket, or similar outermost garment where it can be clearly seen, the back tag issued to the person under par. (a).

**SECTION 84n.** 29.204 of the statutes is amended to read:

**29.204 Nonresident annual small game hunting license.** A nonresident annual small game hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident annual small game hunting license authorizes the hunting of small game during the appropriate open season but does not authorize the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

**SECTION 84nab.** 29.207 of the statutes is amended to read:

**29.207 Nonresident 5-day small game hunting license.** A nonresident 5-day small game hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident 5-day small game hunting license authorizes the hunting of small game for which there is an open season



during the 5-day period for which it is issued but does not authorize the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

**SECTION 84nad.** 29.213 of the statutes is amended to read:

**29.213 Nonresident fur-bearing animal hunting license.** A nonresident fur-bearing animal hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license. The nonresident fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox, weasel, opossum, coyote, bobcat and cougar during the appropriate open season but does not authorize the hunting of other fur-bearing animals, other small game, deer, elk, or bear.

**SECTION 84naf.** 29.216 (2) of the statutes is amended to read:

29.216 (2) **AUTHORIZATION.** The nonresident archer hunting license authorizes the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow. This license authorizes hunting with a bow and arrow only unless hunting with a crossbow is authorized by a Class A, Class B<sub>1</sub> or Class C permit issued under s. 29.193 (2).

**SECTION 84nb.** 29.235 (2) of the statutes is amended to read:

29.235 (2) **AUTHORIZATION; RESIDENT HUNTING, FISHING, AND TRAPPING PRIVILEGES.** A resident conservation patron license confers upon the licensee all the combined privileges conferred by a resident small game hunting license, resident deer hunting license, resident wild turkey hunting license, resident archer hunting license, waterfowl hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp, resident annual fishing license, ~~sturgeon spearing license~~, an inland waters trout stamp, a Great Lakes trout and salmon stamp, and trapping license.

**SECTION 84nc.** 29.235 (2m) of the statutes is amended to read:

29.235 (2m) **AUTHORIZATION; NONRESIDENT HUNTING AND FISHING PRIVILEGES.** A nonresident conservation patron license confers upon the licensee all the combined privileges conferred by a nonresident small game hunting license, nonresident deer hunting license, nonresident wild turkey hunting license, nonresident archer hunting license, waterfowl hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp, nonresident annual fishing license, ~~sturgeon spearing license~~, an inland waters trout stamp, and a Great Lakes trout and salmon stamp.

**SECTION 84nf.** 29.237 (1) of the statutes is renumbered 29.237 (1) (intro.) and amended to read:

29.237 (1) (intro.) In this section, “validated”:

(b) “Validated” means marked with specified information in the manner required by the department.

**SECTION 84ng.** 29.237 (1) (a) of the statutes is created to read:

29.237 (1) (a) “Lake Winnebago and upper Fox and Wolf rivers system” means Buttes des Morts Lake, Winneconne Lake, Poygan Lake, Winnebago Lake, and all of the following:

1. Each stream that flows into any of these lakes, from the mouth of the stream upstream to the first dam on the stream.

2. The Fox River from the point that it flows into Lake Winnebago upstream to the dam above the city of Princeton.

3. Each tributary of the Fox River from the point that it flows into the Fox River upstream to the first dam on the tributary.

4. The Wolf River from its mouth upstream to the dam in the city of Shawano.

5. Each tributary of the Wolf River from the point that it flows into the Wolf River to the first dam on the tributary.

**SECTION 84ni.** 29.237 (1m) (c) of the statutes is repealed.

**SECTION 84nk.** 29.237 (2) of the statutes is amended to read:

29.237 (2) The sturgeon spearing license shall be accompanied by sturgeon carcass tags in the quantity to correspond with the season bag limit for spearing ~~rock- or~~ lake sturgeon established by the department. The serial numbers of these tags shall be entered on the license by the person issuing the license or by the department.

**SECTION 84nL.** 29.237 (3) of the statutes is amended to read:

29.237 (3) A sturgeon spearing license authorizes the spearing of ~~rock- or~~ lake sturgeon subject to any limit imposed under s. 29.192 (3) and only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear ~~unless the person is issued a conservation patron license or unless the person is issued a sturgeon spearing license.~~ The ~~conservation patron license or the~~ sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

**SECTION 84nm.** 29.237 (4) of the statutes is amended to read:

29.237 (4) Any person having taken a ~~rock- or~~ lake sturgeon by means of a spear shall immediately attach a current, validated sturgeon carcass tag issued to that person to the tail of the sturgeon. No person may possess, control, store or transport a ~~rock- or~~ lake sturgeon carcass unless it is tagged as required under this section.

**SECTION 84no.** 29.237 (5) of the statutes is created to read:

29.237 (5) The department shall deposit receipts from the sale of sturgeon spearing licenses under this sub-

section into the conservation fund and shall credit these receipts to the appropriation account under s. 20.370 (4) (kw).

**SECTION 84noh.** 29.314 (3) (title) of the statutes is amended to read:

29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.

**SECTION 84noj.** 29.314 (3) (a) of the statutes is amended to read:

29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in possession of a firearm, bow and arrow, or crossbow.

**SECTION 84nom.** 29.347 (title) of the statutes is amended to read:

**29.347 (title) Possession of deer and elk; heads and skins.**

**SECTION 84np.** 29.347 (2) of the statutes is amended to read:

29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s. 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Any person who kills an elk shall immediately attach to the ear or antler of the elk a current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store, or transport a deer carcass unless it is tagged as required under this subsection. Except as provided under sub. (2m), no person may possess, control, store, or transport an elk carcass unless it is tagged as required under this subsection. A person who kills a deer or elk shall register the deer or elk in the manner required by the department. The carcass tag may not be removed before registration. The removal of a carcass tag from a deer or elk before registration renders the deer or elk untagged.

**SECTION 84nq.** 29.347 (2m) (a) of the statutes is amended to read:

29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration tag attached by the department or a car kill tag attached under sub. (5) may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer or elk shall retain all tags until the meat is consumed.

**SECTION 84ns.** 29.347 (2m) (b) of the statutes is amended to read:

29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or elk meat to another person. The person who receives the gift of deer or elk meat is not required to possess a tag.

**SECTION 84nt.** 29.347 (3) of the statutes is amended to read:

29.347 (3) **HEADS AND SKINS.** The head and skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are not subject to this chapter; but no

person shall may have possession or control of the green head or green skin of a deer or elk during the period beginning 30 days after the close of the ~~open deer applica-~~ able season and the opening of the succeeding applica- ~~ble~~ season, or. Unless authorized by the department, no person may at any time have possession or control of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

**SECTION 84nu.** 29.347 (4) of the statutes is amended to read:

29.347 (4) **ANTLERS REMOVED OR BROKEN.** Any deer ~~taken during an open season for hunting antlered deer only or for hunting antlerless deer only~~ from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the deer impossible is an illegal deer if the deer is taken during an open season for hunting only antlered deer or during an open season for hunting only antlerless deer. Any elk from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the elk impossible is an illegal elk if the elk is taken during an open season for hunting only antlered elk or during an open season for hunting antlerless elk.

**SECTION 84nv.** 29.347 (6) of the statutes is repealed.

**SECTION 84pb.** 29.361 (title) of the statutes is amended to read:

**29.361 (title) Transportation of deer or elk.**

**SECTION 84pd.** 29.361 (1) of the statutes is amended to read:

29.361 (1) No common carrier may receive for transportation or transport or attempt to transport any deer or elk or the carcass of any deer or elk except as provided in this section.

**SECTION 84pr.** 29.361 (2) of the statutes is amended to read:

29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly tagged and registered, except as otherwise provided by rule during the open season for deer or elk and for 3 days thereafter.

**SECTION 84pt.** 29.361 (2m) of the statutes is amended to read:

29.361 (2m) Any person may transport an antlerless deer killed under the authority of his or her hunter's choice, bonus, or other deer hunting permit on any highway, as defined s. 340.01 (22), in order to register the deer in the deer management area where the deer deer was killed or in an adjoining management area.

**SECTION 84pv.** 29.361 (5) of the statutes is amended to read:

29.361 (5) This section does not apply to a person who has a valid taxidermist permit and who is transporting, attempting to transport, or receiving the carcass of a deer or elk in connection with his or her business.

**SECTION 84px.** 29.361 (6) of the statutes is repealed.

**SECTION 84r.** 29.404 (1m) of the statutes is created

to read:

**Vetoed  
In Part**

Vetoed  
In Part

**29.404 (1m) REMOVAL DATE.** If the department establishes by order or by rule a date no later than which a building, vehicle, tent, fish shanty, or similar shelter must be removed from the ice under the authority granted the department under sub. (1), that date shall always fall on a Sunday.

**SECTION 84ra.** 29.503 (3) of the statutes is amended to read:

29.503 (3) ~~ROCK-AND-LAKE LAKE~~ LAKE STURGEON. A wholesale fish dealer license does not authorize a person to sell, buy, barter, trade, possess, control or transport ~~rock- or lake~~ sturgeon.

**SECTION 84rb.** 29.539 (1) (a) 1. of the statutes is amended to read:

29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish, or the carcass of any of these wild animals at any time.

**SECTION 84rd.** 29.541 (1) (a) 1. of the statutes is amended to read:

29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game fish taken from inland waters at any time.

**SECTION 84rf.** 29.553 (1) (hm) of the statutes is created to read:

29.553 (1) (hm) Elk hunting license.

**SECTION 84rh.** 29.563 (2) (a) 5m. of the statutes is created to read:

29.563 (2) (a) 5m. Elk: \$39.25.

**SECTION 84rj.** 29.563 (2) (b) 3m. of the statutes is created to read:

29.563 (2) (b) 3m. Elk: \$199.25.

**SECTION 84rk.** 29.563 (3) (a) 10. of the statutes is created to read:

29.563 (3) (a) 10. Sturgeon spearing: \$19.25.

**SECTION 84rkm.** 29.563 (3) (b) 7. of the statutes is created to read:

29.563 (3) (b) 7. Sturgeon spearing: \$49.25.

**SECTION 84rL.** 29.563 (3) (d) (title) and 2. of the statutes are consolidated and renumbered 29.563 (3) (d).

**SECTION 84rLm.** 29.563 (3) (d) 1. of the statutes is repealed.

**SECTION 84rm.** 29.563 (12) (a) 5. of the statutes is created to read:

29.563 (12) (a) 5. Elk: \$13.

**SECTION 84rp.** 29.563 (14) (a) 3. of the statutes is created to read:

29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses: \$2.75.

**SECTION 84rr.** 29.563 (14) (c) 3. of the statutes is amended to read:

29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25 cents.

**SECTION 84rt.** 29.567 of the statutes is created to read:

**29.567 Voluntary contributions; elk research. (1)** Any applicant for an elk hunting license under s. 29.182 may, in addition to paying any fee charged for the license, elect to make a voluntary contribution of at least \$1 to be used for elk research.

(2) All moneys collected under sub. (1) shall be credited to the appropriation account under s. 20.370 (1) (hq).

**SECTION 84ru.** 29.569 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 77, is amended to read:

29.569 (3) (b) *Restrictions on issuance of sturgeon spearing licenses during the open season.* Except as provided in par. (bm), no sturgeon spearing license may be issued during a period beginning on November 1 and ending on the last day of the open season for the spearing of ~~rock- or lake~~ sturgeon that follows that November 1.

**SECTION 84rv.** 29.569 (3) (bm) (intro.) of the statutes, as created by 2001 Wisconsin Act 77, is amended to read:

29.569 (3) (bm) *Exceptions.* (intro.) A sturgeon spearing license may be issued during a period beginning on November 1 and ending on the last day of the open season for the spearing of ~~rock- or lake~~ sturgeon that follows that November 1 to any of the following:

**SECTION 84sb.** 29.595 of the statutes is created to read:

**29.595 Elk hunter education program. (1) ESTABLISHMENT.** The department shall establish and conduct an elk hunter education program.

(2) **INSTRUCTION.** The elk hunter education program shall provide a course of instruction that includes all of the following:

(a) History and recovery of elk in this state and the eastern United States.

(b) Elk census and population estimation methods used in this state.

(c) Elk biology and disease prevention.

(d) Elk hunting techniques and hunter ethics.

(e) Elk hunting zones.

(f) Rules promulgated by the department concerning elk hunting.

(g) Native American hunting.

(3) **CERTIFICATE OF ACCOMPLISHMENT.** (a) The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the elk hunter education program.

(b) Except as provided in par. (c), no person may be issued an elk hunting license unless he or she holds a valid certificate of accomplishment issued under this subsection.

(c) A person may be issued an elk hunting license if the person holds evidence that demonstrates to the satisfaction of the department that he or she has successfully completed in another state or province an elk hunter education course and if the course is recognized by the

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department under a reciprocity agreement with that state or province.

(4) FEE PROHIBITED. The department may not charge a fee for the course of instruction or the certificate of accomplishment.

**SECTION 84sd.** 29.875 (title) of the statutes is amended to read:

**29.875 (title) Disposal of escaped deer or elk.**

**SECTION 84sf.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

**SECTION 84sg.** 29.875 (1g) of the statutes is created to read:

29.875 (1g) In this section, “deer” means any species of deer.

**SECTION 84sj.** 29.875 (2) of the statutes is amended to read:

29.875 (2) Notwithstanding sub. (4) (1r), the department may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

**SECTION 84sm.** 29.889 (1) (f) of the statutes is created to read:

29.889 (1) (f) Elk, if the department has promulgated a rule that establishes a season for hunting elk.

**SECTION 84sp.** 29.921 (7) of the statutes is amended to read:

29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running, injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer or elk~~, or destroying game birds, their eggs, or nests, if immediate action is necessary to protect the deer, elk, or game birds, their nests or eggs, from injury or death.

**SECTION 84sr.** 29.927 (8) of the statutes is amended to read:

29.927 (8) Any dog found running deer, ~~except farm-raised deer, or elk~~ at any time, or used in violation of this chapter.

**SECTION 84st.** 29.934 (1) (e) of the statutes is amended to read:

29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of this subsection, “deer” does not include farm-raised deer.~~

**SECTION 85.** 29.971 (1) (c) of the statutes is amended to read:

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

**SECTION 86.** 29.971 (1m) (c) of the statutes is amended to read:

29.971 (1m) (c) ~~For~~ A person possessing clams in violation of s. 29.537, is guilty of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~

~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

**SECTION 86g.** 29.971 (3m) of the statutes is amended to read:

29.971 (3m) For unlawfully hunting a moose ~~or an elk~~, by a forfeiture of not less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting approvals issued to the person. In addition, no hunting approval may be issued to the person for the time period specified by the court. The time period specified shall be not less than 3 years nor more than 5 years following the date of conviction under this subsection.

**SECTION 86r.** 29.971 (11g) of the statutes is created to read:

29.971 (11g) (a) For hunting elk without a valid elk hunting license, for possessing an elk that does not have an elk carcass tag attached, for possessing an elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than \$20,000 or imprisonment for not more than one year or both for any subsequent violation. In addition, the court shall revoke all hunting and trapping approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting and trapping approvals under this chapter to the person for 5 years.

(b) Except as provided under par. (a), for the violation of any provision of this chapter or rules promulgated under this chapter relating to elk hunting or to the violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than \$5,000.

**SECTION 87.** 29.971 (11m) (a) of the statutes is amended to read:

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

**SECTION 88.** 29.971 (11p) (a) of the statutes is amended to read:

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

**SECTION 88b.** 29.977 (1) (am) of the statutes is created to read:

29.977 (1) (am) Any elk, \$2,000.



**SECTION 88e.** 29.977 (1) (b) of the statutes is amended to read:

29.977 (1) (b) Any moose, elk, fisher, prairie chicken, or sand hill crane, \$262.50.

**SECTION 88f.** 29.977 (1) (i) of the statutes is amended to read:

29.977 (1) (i) Any muskellunge or rock or lake sturgeon, \$43.75.

**SECTION 88g.** 29.977 (1) (m) of the statutes is amended to read:

29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars. (b) ~~(am)~~ to (h), \$17.50.

**SECTION 88m.** 29.983 (1) (b) 1m. of the statutes is created to read:

29.983 (1) (b) 1m. Any elk, \$2,000.

**SECTION 88n.** 29.983 (1) (b) 2. of the statutes is amended to read:

29.983 (1) (b) 2. For any moose, elk, fisher, prairie chicken, or sand hill crane, \$262.50.

**SECTION 88o.** 29.983 (1) (b) 9. of the statutes is amended to read:

29.983 (1) (b) 9. For any muskellunge, ~~rock sturgeon~~ or lake sturgeon, \$43.75.

**SECTION 88p.** 29.983 (1) (b) 13. of the statutes is amended to read:

29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned in subds. 2. 1m. to 8., \$17.50.

**SECTION 88pg.** 30.1255 (title) of the statutes is amended to read:

**30.1255** (title) **Control Report on control of aquatic nuisance species.**

**SECTION 88q.** 30.1255 (3) (a) (intro.) of the statutes is amended to read:

30.1255 (3) (a) (intro.) The department shall submit ~~periodically~~ to the legislature biennial reports describing all of the following:

**SECTION 88qm.** 30.1255 (3) (b) of the statutes is amended to read:

30.1255 (3) (b) The department shall submit the first report required under par. (a) before July 1, 1994, and shall submit subsequent reports before July 1 of each even-numbered year thereafter. Beginning with the report due before July 1, 2004, the department shall submit each report required under par. (a) as part of the corresponding biennial report under s. 23.22 (6).

**SECTION 88r.** 30.1255 (3) (c) of the statutes is repealed.

**SECTION 89.** 30.80 (2g) (b) of the statutes is amended to read:

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

**SECTION 90.** 30.80 (2g) (c) of the statutes is amended to read:

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

**SECTION 91.** 30.80 (2g) (d) of the statutes is amended to read:

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

**SECTION 92.** 30.80 (3m) of the statutes is amended to read:

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

**SECTION 93.** 36.25 (6) (d) of the statutes is amended to read:

36.25 (6) (d) Any officer, agent, clerk or employee of the survey or department of revenue who makes known to any person except the officers of the survey or department of revenue, in any manner, any information given to such person in the discharge of such person's duties under par. (c), which information was given to such person with the request that it not be made known, ~~upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or imprisoned for not less than one month nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent the use for assessment purposes of any information obtained under this subsection.

**SECTION 93d.** 36.25 (11) (em) of the statutes is created to read:

36.25 (11) (em) The laboratory of hygiene board shall create and maintain a roster of scientists and other persons with technical expertise who are willing to work for the laboratory of hygiene if the governor declares that an emergency related to public health exists. If the governor declares such an emergency, the laboratory of hygiene board shall hire as limited-term employees the requisite number of persons from the roster to assist the department of health and family services under s. 250.042. ~~Salaries, benefits, and training of these employees shall be paid from the appropriation under s. 20.285 (1) (fg).~~

Vetoed  
In Part

**SECTION 93g.** 36.25 (38) (a) of the statutes is amended to read:

36.25 (38) (a) In this subsection, "educational technology" has the meaning given in s. 44.70 ~~(3)~~ 115.997 (3).

Vetoed  
In Part

**SECTION 93m.** 36.25 (38) (b) 6. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

36.25 (38) (b) 6. To pay the department of ~~electronic government administration~~ telecommunications services provided under s. ~~22.05 16.972~~ 16.972 (1).

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Vetoed  
In Part

**SECTION 93r.** 36.27 (1) (a) of the statutes is amended to read:

36.27 (1) (a) Subject to pars. (am), (b) ~~and~~ (c), and (cm), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for the extension and summer sessions and such other studies or courses of instruction as the board deems advisable.

**SECTION 93s.** 36.27 (1) (cm) of the statutes is created to read:

36.27 (1) (cm) The board shall charge a student who has completed more than 165 credits toward a first baccalaureate degree academic fees or tuition sufficient to recover the full cost of any additional course work.

**SECTION 93v.** 36.34 (1) (c) of the statutes is created to read:

36.34 (1) (c) 1. In this paragraph:

a. For purposes of determining the appropriation under s. 20.285 (4) (dd) for fiscal year 2003–04, “base amount” means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2002–03.

b. For purposes of determining the appropriation under s. 20.285 (4) (dd) for each fiscal year after fiscal year 2003–04, “base amount” means the appropriation determined under subd. 2. for the previous fiscal year.

2. Annually, by February 1, the board shall determine the appropriation under s. 20.285 (4) (dd) for the next fiscal year as follows:

a. The board shall determine the percentage by which the undergraduate academic fees charged for the current academic year at each institution within the University of Wisconsin System has increased or decreased from the undergraduate academic fees charged for the previous academic year.

b. The appropriation for the next fiscal year shall be the result obtained by increasing, to the nearest \$100, the base amount by the highest percentage increase determined under subd. 2. a., except that, if the undergraduate academic fees for the current academic year decreased or did not change from the undergraduate academic fees charged for the previous academic year at each institution specified in subd. 2. a., the appropriation shall be the base amount.

**SECTION 94.** 38.04 (9) of the statutes is amended to read:

38.04 (9) TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to life and property, the board may establish and supervise training programs in fire prevention and protection. The ~~training~~ programs shall include training in responding to acts of terrorism, as defined in s. 146.50 (1) (ag), and shall be available to members of volunteer and paid fire departments main-

tained by public and private agencies, including industrial plants. No training program required for participation in structural fire fighting that is offered to members of volunteer and paid fire departments maintained by public agencies may require more than 60 hours of training.

**SECTION 94m.** 38.04 (28m) of the statutes is created to read:

38.04 (28m) ADVERTISING; FUNDING. The board may not use any general purpose revenue for advertising.

**SECTION 98.** 38.28 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

38.28 (1m) (a) 1. “District aidable cost” means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under sub. (6) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r), ~~and~~ 146.55 (5), all receipts from grants awarded under ss. 38.04 (8), (19), (20), and (31), 38.14 (11), 38.26, 38.27, ~~38.305~~, 38.31, 38.33, ~~and~~ 38.38, all fees collected under s. 38.24, and driver education and chauffeur training aids.

**SECTION 99.** 38.305 of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 99r.** 39.435 (7) of the statutes is created to read:

39.435 (7) (a) In this subsection:

1. For purposes of determining the appropriation under s. 20.235 (1) (fe) for fiscal year 2003–04, “base amount” means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2002–03.

2. For purposes of determining the appropriation under s. 20.235 (1) (fe) for each fiscal year after fiscal year 2003–04, “base amount” means the maximum appropriation amount determined under par. (b) for the previous fiscal year.

(b) Annually, by February 1, the board shall determine the appropriation under s. 20.235 (1) (fe) for the next fiscal year as follows:

1. The board shall determine the percentage by which the undergraduate academic fees charged for the current academic year at each institution within the University of Wisconsin System has increased or decreased from the undergraduate academic fees charged for the previous academic year.

2. The appropriation for the next fiscal year shall be the result obtained by increasing, to the nearest \$100, the base amount by the highest percentage increase determined under subd. 1., except that, if the undergraduate academic fees for the current academic year decreased or did not change from the undergraduate academic fees charged for the previous academic year at each institution

Vetoed  
In Part

specified in subd. 1., the appropriation shall be the base amount.

**SECTION 100g.** 40.02 (30) of the statutes is amended to read:

40.02 (30) "Executive participating employee" means a participating employee in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), (8), or (9) or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

**SECTION 100ic.** 40.98 (2) (h) of the statutes is created to read:

40.98 (2) (h) The department may seek funding from any person for the payment of costs of designing, marketing, and contracting for or providing administrative services under the health care coverage program and for lapsing to the general fund any amount required under sub. (6m). Any moneys received by the department under this paragraph shall be credited to the appropriation account under s. 20.515 (2) (g).

**SECTION 100ix.** 40.98 (6m) of the statutes is created to read:

40.98 (6m) The secretary of administration shall lapse from the appropriation under s. 20.515 (2) (g) to the general fund the amounts necessary to repay the loan under s. 601.34 when the secretary of administration, after consulting with the board, determines that funds in the appropriation under s. 20.515 (2) (g) are sufficient to make the lapse. The amounts that are required to be lapsed under s. 20.515 (2) (g) shall equal the amount necessary to pay all principal and interest costs on the loan, less any amount that is lapsed to the general fund under s. 20.515 (2) (a) at the end of the 2001-03 fiscal biennium. The secretary of administration may lapse the amounts under s. 20.515 (2) (g) in installments.

**SECTION 100iz.** 41.11 (6) of the statutes is created to read:

41.11 (6) **BADGER STATE GAMES GRANTS.** From the appropriation under s. 20.380 (1) (b), the department shall provide grants for the operation of the badger state games.

**SECTION 100j.** 41.19 of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 100L.** Chapter 44 (title) of the statutes is amended to read:

**CHAPTER 44**  
**HISTORICAL SOCIETIES, AND ARTS**  
**BOARD AND TECHNOLOGY FOR**  
**EDUCATIONAL ACHIEVEMENT IN**  
**WISCONSIN BOARD**

**SECTION 100m.** 44.015 (5m) of the statutes is created to read:

44.015 (5m) Except as otherwise provided by law, establish fees for services or products or for admission to venues.

**SECTION 100ng.** Subchapter IV (title) of chapter 44 [precedes 44.70] of the statutes is repealed.

**SECTION 100nh.** 44.70 (intro.) of the statutes is renumbered 115.997 (intro.).

**SECTION 100nhm.** 44.70 (1) of the statutes is repealed.

**SECTION 100nj.** 44.70 (1d) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.997 (1d).

**SECTION 100nk.** 44.70 (1m) of the statutes, as affected by 2001 Wisconsin Act 104, is renumbered 115.997 (1m).

**SECTION 100nL.** 44.70 (2) of the statutes is repealed.

**SECTION 100nm.** 44.70 (2g) of the statutes, as affected by 2001 Wisconsin Acts 16 and 57, is renumbered 115.997 (2g).

**SECTION 100nn.** 44.70 (3) of the statutes is renumbered 115.997 (3).

**SECTION 100no.** 44.70 (3d) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.997 (3d).

**SECTION 100nom.** 44.70 (3g) of the statutes is renumbered 115.997 (3g).

**SECTION 100np.** 44.70 (3j) of the statutes is renumbered 115.997 (3j).

**SECTION 100npn.** 44.70 (3m) of the statutes is renumbered 115.997 (3m).

**SECTION 100nq.** 44.70 (3r) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.997 (3r).

**SECTION 100nqm.** 44.70 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.997 (4).

**SECTION 100nr.** 44.70 (5) and (6) of the statutes are renumbered 115.997 (5) and (6).

**SECTION 100nrm.** 44.71 (title) of the statutes is repealed.

**SECTION 100ns.** 44.71 (1) of the statutes is repealed.

**SECTION 100nsg.** 44.71 (2) (title) of the statutes is repealed.

**SECTION 100nsm.** 44.71 (2) (intro.) and (1m) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 115.998 (intro.) and (1m) and amended to read:

**115.998 Technology for educational achievement in Wisconsin; departmental duties.** (intro.) The board department shall do all of the following:

(1m) In cooperation with school districts, cooperative educational service agencies, the technical college system board, and the board of regents of the University of Wisconsin System and the department, promote the efficient, cost-effective procurement, installation, and maintenance of educational technology

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by school districts, cooperative educational service agencies, technical college districts, and the University of Wisconsin System.

**SECTION 100nt.** 44.71 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (2m).

**SECTION 100ntm.** 44.71 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (3m) and amended to read:

115.998 (3m) ~~With the consent of the department, enter Enter into cooperative purchasing agreements under s. 16.73 (1) under which participating school districts and cooperative educational service agencies may contract for their professional employees to receive training concerning the effective use of educational technology.~~

**SECTION 100nu.** 44.71 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (4) and amended to read:

115.998 (4) ~~In cooperation with the board of regents of the University of Wisconsin System, the technical college system board, the department of public instruction and other entities, support the development of courses for the instruction of professional employees who are licensed by the state superintendent of public instruction concerning the effective use of educational technology.~~

**SECTION 100num.** 44.71 (2) (e) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (5) and amended to read:

115.998 (5) ~~Subject to s. 44.73 (5), in cooperation with the department, provide~~ Provide telecommunications access to educational agencies under the program established under s. 44.73 ~~115.9995.~~

**SECTION 100nv.** 44.71 (2) (f) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (6) and amended to read:

115.998 (6) ~~No later than October 1 of each even-numbered year, submit a biennial report concerning the board's department's activities under this subchapter to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3).~~

**SECTION 100nvm.** 44.71 (2) (g) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (7) and amended to read:

115.998 (7) ~~Coordinate the purchasing of educational technology materials, supplies, equipment, and contractual services for school districts, cooperative educational service agencies, technical college districts, and the board of regents of the University of Wisconsin System by the department of administration under s. 16.72 (8), and, in cooperation with the department and subject to the approval of the department of electronic government, establish standards and specifications for purchases of educational technology hardware and~~

Vetoed  
In Part

software by school districts, cooperative educational service agencies, technical college districts, and the board of regents of the University of Wisconsin System.

**SECTION 100nw.** 44.71 (2) (h) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.998 (8) and amended to read:

115.998 (8) ~~With the approval of the department of electronic government, purchase~~ Purchase educational technology equipment for use by school districts, cooperative educational service agencies, and public educational institutions in this state and permit the districts, agencies, and institutions to purchase or lease the equipment, with an option to purchase the equipment at a later date. ~~This paragraph subsection does not require the purchase or lease of any educational technology equipment from the board department.~~

**SECTION 100nwm.** 44.71 (2) (i) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.998 (9).

**SECTION 100nwt.** 44.71 (3) of the statutes, as affected by 2001 Wisconsin Act 104, is repealed.

**SECTION 100nx.** 44.72 (title) of the statutes is renumbered 115.999 (title).

**SECTION 100ny.** 44.72 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.999 (1) (intro.) and amended to read:

115.999 (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS. (intro.) From the appropriation under s. ~~20.275 (1)~~ 20.255 (4) (et), the ~~board department~~ shall award grants to cooperative educational service agencies and to consortia consisting of 2 or more school districts, charter school sponsors, secured correctional facilities, or cooperative educational service agencies, or one or more school districts, charter school sponsors, secured correctional facilities, or cooperative educational service agencies and one or more public library boards, to provide technical assistance and training in the use of educational technology. An applicant for a grant shall submit to the ~~board department~~ a plan that specifies the school districts, charter school sponsors, secured correctional facilities, and public library boards that will participate in the program and describes how the funds will be allocated. The ~~board department~~ shall do all of the following:

**SECTION 100nym.** 44.72 (1) (a) of the statutes is renumbered 115.999 (1) (a) and amended to read:

115.999 (1) (a) Award grants to applicants on a competitive basis through one funding cycle annually, except that the ~~board department~~ shall ensure that at least one grant is awarded annually to an applicant located in the territory of each cooperative educational service agency.

**SECTION 100nz.** 44.72 (1) (b) and (c) of the statutes are renumbered 115.999 (1) (b) and (c).



Vetoed  
In Part

**SECTION 100nzm.** 44.72 (2) (title) of the statutes is renumbered 115.999 (2) (title).

**SECTION 100oa.** 44.72 (2) (b) 1. of the statutes is renumbered 115.999 (2) (b) 1.

**SECTION 100ob.** 44.72 (2) (b) 2. of the statutes, as affected by 2001 Wisconsin Act 104, is renumbered 115.999 (2) (b) 2. and amended to read:

115.999 (2) (b) 2. From the appropriations under s. 20.275 (1) 20.255 (4) (f), (im), (jm), (js), and (mp), annually the board department shall pay \$5,000 to each eligible school district and \$5,000 to the department of corrections for each eligible correctional facility. The department of corrections shall allocate funds received under this subsection among the eligible secured correctional facilities as it deems appropriate. The board department shall distribute the balance in the appropriation to eligible school districts and to charter school sponsors in proportion to the weighted membership of each school district and in proportion to the number of pupils attending each charter school on the 3rd Friday of September. The weighted membership for a school district shall be determined by dividing the statewide average equalized valuation per member by the school district's equalized valuation per member and multiplying the result by the school district's membership, as defined in s. 121.004 (5).

**SECTION 100oc.** 44.72 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.999 (2) (c) and amended to read:

115.999 (2) (c) A school district is eligible for a grant under par. (b) 2. only if the annual meeting in a common school district, or the school board in a unified school district or in a school district operating under ch. 119, adopts a resolution requesting the grant. A secured correctional facility is eligible for a grant under par. (b) 2. only if the secretary of corrections submits a written request to the board department. A charter school sponsor is eligible for a grant under par. (b) 2. only if it submits a written request to the board department. A grant under this subsection may not be used to replace funding available from other sources.

**SECTION 100od.** 44.72 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.999 (2) (d).

**SECTION 100oe.** 44.72 (2) (e) of the statutes is renumbered 115.999 (2) (e) and amended to read:

115.999 (2) (e) The board department shall distribute the grants under par. (b) 2. annually on the first Monday in February.

**SECTION 100of.** 44.72 (3) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.999 (3) and amended to read:

115.999 (3) COMPUTER TRAINING. Annually, the board department shall pay to the Racine Unified School District the amount appropriated under s. 20.275 (1) 20.255 (4) (q) for training teachers and pupils in

computers, including training in use of the Internet, Web design, computer animation, graphic design, and video skills.

**SECTION 100og.** 44.72 (4) (title) of the statutes is renumbered 115.999 (4) (title).

**SECTION 100oh.** 44.72 (4) (a), (b) and (c) of the statutes, as affected by 2001 Wisconsin Act 16, are renumbered 115.999 (4) (a), (b) and (c) and amended to read:

115.999 (4) (a) *Financial assistance authorized.* The board department may provide financial assistance under this subsection to school districts and charter school sponsors from the proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Financial assistance under this subsection may be used only for the purpose of upgrading the electrical wiring of school and library buildings in existence on October 14, 1997, and installing and upgrading computer network wiring.

(b) *Financial assistance applications, terms and conditions.* The board department shall establish application procedures for, and the terms and conditions of, financial assistance under this subsection, including a condition requiring a charter school sponsor to use financial assistance under this subsection for wiring upgrading and installation that benefits pupils attending the charter school. The board department shall make a loan to a school district, charter school sponsor, or public library board in an amount equal to 50% of the total amount of financial assistance for which the board department determines the school district, charter school sponsor, or public library board is eligible and provide a grant to the school district, charter school sponsor, or public library board for the remainder of the total. The terms and conditions of any financial assistance under this subsection may include provision of professional building construction services under s. 16.85 (15). The board department shall determine the interest rate on loans under this subsection. The interest rate shall be as low as possible but shall be sufficient to fully pay all interest expenses incurred by the state in making the loans and to provide reserves that are reasonably expected to be required in the judgment of the board department to ensure against losses arising from delinquency and default in the repayment of the loans. The term of a loan under this subsection may not exceed 10 years.

(c) *Repayment of loans.* The board department shall credit all moneys received from school districts and charter school sponsors for repayment of loans under this subsection to the appropriation account under s. 20.275 (1) 20.255 (4) (h). The board department shall credit all moneys received from public library boards for repayment of loans under this subsection to the

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appropriation account under s. ~~20.275 (1)~~ 20.255 (4) (hb).

**SECTION 100oi.** 44.72 (4) (d) of the statutes is renumbered 115.999 (4) (d) and amended to read:

115.999 (4) (d) *Funding for financial assistance.* The ~~board~~ department, with the approval of the governor and subject to the limits of s. 20.866 (2) (zc) and (zcm), may request that the building commission contract public debt in accordance with ch. 18 to fund financial assistance under this subsection.

**SECTION 100oj.** 44.73 (title) of the statutes is renumbered 115.9995 (title).

**SECTION 100ok.** 44.73 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.9995 (1) and amended to read:

115.9995 (1) Except as provided in s. 196.218 (4t), the ~~board, in consultation with the department and subject to the approval of the department of electronic government~~ department, shall promulgate rules establishing an educational telecommunications access program to provide educational agencies with access to data lines and video links.

**SECTION 100oL.** 44.73 (2) (intro.) of the statutes is renumbered 115.9995 (2) (intro.).

**SECTION 100om.** 44.73 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.9995 (2) (a) and amended to read:

115.9995 (2) (a) Allow an educational agency to make a request to the ~~board~~ department for access to either one data line or one video link, except that any educational agency may request access to additional data lines if the agency shows to the satisfaction of the ~~board~~ department that the additional data lines are more cost-effective than a single data line and except that a school district that operates more than one high school or a public library board that operates more than one library facility may request access to both a data line and a video link and access to more than one data line or video link.

**SECTION 100on.** 44.73 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.9995 (2) (b).

**SECTION 100op.** 44.73 (2) (c) of the statutes is renumbered 115.9995 (2) (c).

**SECTION 100oq.** 44.73 (2) (d) of the statutes is renumbered 115.9995 (2) (d) and amended to read:

115.9995 (2) (d) Require an educational agency to pay the ~~department of administration~~ not more than \$250 per month for each data line or video link that is provided to the educational agency under the program established under sub. (1), except that the charge may not exceed \$100 per month for each data line or video link that relies on a transport medium that operates at a speed of 1.544 megabits per second.

**SECTION 100or.** 44.73 (2) (e) of the statutes is renumbered 115.9995 (2) (e).

Vetoed  
In Part

**SECTION 100os.** 44.73 (2) (f) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.9995 (2) (f).

**SECTION 100ot.** 44.73 (2g) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.9995 (2g).

**SECTION 100ou.** 44.73 (2r) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.9995 (2r), and 115.9995 (2r) (c), as renumbered, is amended to read:

115.9995 (2r) (c) A public library board shall provide the ~~technology for educational achievement in Wisconsin~~ board ~~department~~ with written notice within 30 days after entering into or modifying a shared service agreement under par. (a).

**SECTION 100ov.** 44.73 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 100ovm.** 44.73 (4) of the statutes is renumbered 115.9995 (4).

**SECTION 100ow.** 44.73 (5) of the statutes is repealed.

**SECTION 100ox.** 44.73 (6) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 115.9995 (6) (a) and amended to read:

115.9995 (6) (a) From the appropriation under s. ~~20.275 (1)~~ 20.255 (4) (s) or (tm), the ~~board~~ department may award an annual grant to a school district or private school that had in effect on October 14, 1997, a contract for access to a data line or video link, as documented by the ~~board~~ department. The ~~board~~ department shall determine the amount of the grant, which shall be equal to the cost incurred by the state to provide telecommunications access to a school district or private school under a contract entered into under s. ~~16.974 (1)~~ ~~or (3)~~ 16.971 (13) or (15) less the amount that the school district or private school would be paying under sub. (2) (d) if the school district or private school were participating in the program established under sub. (1), except that the amount may not be greater than the cost that a school district or private school incurs under the contract in effect on October 14, 1997. A school district or private school receiving a grant under this subsection is not eligible to participate in the program under sub. (1). No grant may be awarded under this subsection after December 31, 2005.

**SECTION 100oy.** 44.73 (6) (b) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 115.9995 (6) (b) and amended to read:

115.9995 (6) (b) Notwithstanding par. (a), the ~~board~~ department may award a school district that operates more than one high school and that had in effect on October 14, 1997, a contract for access to more than one data line or video link an annual grant for each data line or video link serving each high school covered by that contract.

**SECTION 100p.** 45.358 (3) (g) of the statutes is amended to read:

45.358 (3) (g) A veteran who was discharged or released from active duty in the U.S. armed forces under honorable conditions and who was a resident of the state for at least 5 12 consecutive years months after completing entering or reentering service on active duty.

**SECTION 100pm.** 45.43 (1) (title) of the statutes is amended to read:

45.43 (1) (title) ELECTION OR APPOINTMENT.

**SECTION 100q.** 45.43 (1) (a) of the statutes is amended to read:

45.43 (1) (a) Except as provided under par. (b), the county board shall elect a county veterans' service officer who shall be a Wisconsin resident who served on active duty, other than active duty for training, under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces ~~for 2 consecutive years, except service on active duty for training purposes. An individual who is discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces or for the good of the service prior to the completion of the required period of service is eligible for election to the office, regardless of the actual time served and who meets at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. and at least one of the conditions listed in s. 45.35 (5) (a) 2. a. to c.~~

**SECTION 100s.** 45.43 (1) (am) of the statutes is created to read:

45.43 (1) (am) Except as provided under par. (b), the county board may appoint assistant county veterans' service officers who shall be Wisconsin residents who served on active duty, other than active duty for training, under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who meet at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. and at least one of the conditions listed in s. 45.35 (5) (a) 2. a. to c.

**SECTION 100v.** 45.43 (7m) (a) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

45.43 (7m) (a) Annually, from the appropriation under s. 20.485 (2) (s), the department shall award grants to counties that are not served by transportation services provided by the Wisconsin department of Disabled American Veterans to develop, maintain, and expand transportation services for ~~disabled~~ veterans. The grants may be used to support ~~multi-county~~ multicounty cooperative transportation services.

**SECTION 100vn.** 46.03 (18) (am) of the statutes is amended to read:

46.03 (18) (am) Paragraph (a) does not prevent the department from charging and collecting the cost of adoptive placement investigations and child care as authorized under s. 48.837 (7). Paragraph (a) also does not prevent a county department under s. 51.42 or 51.437 from charging and collecting the cost of an examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

**SECTION 100vp.** 46.286 (3m) of the statutes is created to read:

46.286 (3m) **INFORMATION ABOUT FAMILY CARE ENROLLEES.** (a) In this subsection:

1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

2. "Insurer" has the meaning given in s. 600.03 (27).

(b) An insurer that issues or delivers a disability insurance policy that provides coverage to a resident of this state shall provide to the department, upon the department's request, information contained in the insurer's records regarding all of the following:

1. Information that the department needs to identify enrollees of family care who satisfy any of the following:

a. Are eligible for benefits under a disability insurance policy.

b. Would be eligible for benefits under a disability insurance policy if the enrollee were enrolled as a dependent of a person insured under the disability insurance policy.

2. Information required for submittal of claims under the insurer's disability insurance policy.

3. The types of benefits provided by the disability insurance policy.

(c) Upon requesting an insurer to provide the information under par. (b), the department shall enter into a written agreement with the insurer that satisfies all of the following:

1. Identifies in detail the information to be disclosed.

2. Includes provisions that adequately safeguard the confidentiality of the information to be disclosed.

(d) 1. An insurer shall provide the information requested under par. (b) within 180 days after receiving the department's request if it is the first time that the department has requested the insurer to disclose information under this subsection.

2. An insurer shall provide the information requested under par. (b) within 30 days after receiving the department's request if the department has previously requested the insurer to disclose information under this subsection.

3. If an insurer fails to comply with subd. 1. or 2., the department may notify the commissioner of insurance, and the commissioner of insurance may initiate enforcement proceedings against the insurer under s. 601.41 (4) (a).

**SECTION 101.** 47.03 (3) (d) of the statutes is amended to read:

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

**SECTION 101b.** 48.21 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 61, is amended to read:

48.21 (1) (a) If a child who has been taken into custody is not released under s. 48.20, a hearing to determine whether the child shall continue to be held in custody under the criteria of ss. 48.205 to 48.209 shall be con-



ducted by the judge or a circuit court commissioner within 48 hours of the time the decision to hold the child was made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing a petition under s. 48.25 shall be filed, except that no petition need be filed where a child is taken into custody under s. 48.19 (1) (b) or (d) 2. or 7. or where the child is a runaway from another state, in which case a written statement of the reasons for holding a child in custody shall be substituted if the petition is not filed. If no hearing has been held within 48 hours, excluding Saturdays, Sundays, and legal holidays, or if no petition or statement has been filed at the time of the hearing, the child shall be released except as provided in par. (b). A parent not present at the hearing shall be granted a rehearing upon request for good cause shown.

**SECTION 101c.** 48.21 (3) (am) of the statutes is amended to read:

48.21 (3) (am) The parent, guardian, or legal custodian may waive his or her right to participate in the hearing under this section. Agreement in writing of the child is required if he or she is over 12. After any waiver, a hearing rehearing shall be granted at the request of any the parent, guardian, legal custodian, or any other interested party for good cause shown.

**SECTION 101d.** 48.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is repealed and recreated to read:

48.21 (5) (b) 1. A finding that continued placement of the child in his or her home would be contrary to the welfare of the child. Unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, the order shall in addition include a finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, and a finding as to whether the person who took the child into custody and the intake worker have made reasonable efforts to make it possible for the child to return safely home or, if for good cause shown sufficient information is not available for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the child from the home, a finding as to whether those reasonable efforts were made to make it possible for the child to return safely home and an order for the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under the custody order to file with the court sufficient information for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the child from the home by no later than 5 days after the date of the order.

**SECTION 101e.** 48.21 (5) (b) 3. of the statutes is created to read:

48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services under the custody order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

**SECTION 101f.** 48.21 (5) (c) of the statutes is created to read:

48.21 (5) (c) The judge or circuit court commissioner shall make the findings specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the custody order. A custody order that merely references par. (b) 1. or 3. without documenting or referencing that specific information in the custody order or an amended custody order that retroactively corrects an earlier custody order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 101g.** 48.21 (5) (d) of the statutes is created to read:

48.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the



hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 101h.** 48.255 (1) (f) of the statutes is created to read:

48.255 (1) (f) If the child is being held in custody outside of his or her home, reliable and credible information showing that continued placement of the child in his or her home would be contrary to the welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible information showing that the person who took the child into custody and the intake worker have made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, and to make it possible for the child to return safely home.

**SECTION 101i.** 48.255 (1m) (f) of the statutes is created to read:

48.255 (1m) (f) If the expectant mother is a child and the child expectant mother is being held in custody outside of her home, reliable and credible information showing that continued placement of the child expectant mother in her home would be contrary to the welfare of the child expectant mother and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible information showing that the person who took the child expectant mother into custody and the intake worker have made reasonable efforts to prevent the removal of the child expectant mother from the home, while assuring that the child expectant mother's health and safety are the paramount concerns, and to make it possible for the child expectant mother to return safely home.

**SECTION 101j.** 48.255 (2) of the statutes is amended to read:

48.255 (2) If any of the facts required under sub. (1) (a) to (cm) and (f) or (1m) (a) to (d) and (f) are not known or cannot be ascertained by the petitioner, the petition shall so state.

**SECTION 101k.** 48.315 (2m) of the statutes is created to read:

48.315 (2m) (a) No continuance or extension of a time limit specified in this chapter may be granted and no period of delay specified in sub. (1) may be excluded in computing a time requirement under this chapter if the continuance, extension, or exclusion would result in any of the following:

1. The court making an initial finding under s. 48.21 (5) (b) 1., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or an initial finding under s. 48.21 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 48.355

(2d) (b) 1. to 5. applies, more than 60 days after the date on which the child was removed from the home.

2. The court making an initial finding under s. 48.38 (5m) that the agency primarily responsible for providing services to the child has made reasonable efforts to achieve the goals of the child's permanency plan more than 12 months after the date on which the child was removed from the home or making any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

(b) Failure to comply with any time limit specified in par. (a) does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction. If a party does not comply with a time limit specified in par. (a), the court, while assuring the safety of the child, may dismiss the proceeding with or without prejudice, release the child from custody, or grant any other relief that the court considers appropriate.

**SECTION 101L.** 48.32 (1) of the statutes, as affected by 2001 Wisconsin Act 61, is renumbered 48.32 (1) (a).

**SECTION 101m.** 48.32 (1) (b) of the statutes is created to read:

48.32 (1) (b) 1. If at the time the consent decree is entered into the child is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the child in that placement or other living arrangement, the consent decree shall include a finding that placement of the child in his or her home would be contrary to the welfare of the child, a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

2. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the consent decree shall include a determination that the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services under the consent decree is not required to make reasonable efforts with respect to the

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parent to make it possible for the child to return safely to his or her home.

3. The judge or circuit court commissioner shall make the findings specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the consent decree. A consent decree that merely references subd. 1. or 2. without documenting or referencing that specific information in the consent decree or an amended consent decree that retroactively corrects an earlier consent decree that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 101n.** 48.32 (1) (c) of the statutes is created to read:

48.32 (1) (c) 1. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 101p.** 48.33 (4) (intro.) of the statutes, as affected by 2001 Wisconsin Act 59, is amended to read:

48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall be in writing and shall include all of the following:

**SECTION 101q.** 48.33 (4) (c) of the statutes is created to read:

48.33 (4) (c) Specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child, specific information showing that the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information showing that the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

**SECTION 101r.** 48.335 (3g) of the statutes is created to read:

48.335 (3g) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child, specific information showing that the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to the child has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, and specific information showing that the county department, department, or agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

**SECTION 101s.** 48.355 (2) (b) 6. of the statutes is amended to read:

48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the ~~health, safety and~~ welfare of the child ~~and, if sub. (2d) does not apply,~~ a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, ~~or, if applicable,~~ unless the court finds

that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and a finding as to whether the county department, department, or agency primarily responsible for providing services under a court order has made reasonable efforts to make it possible for the child to return safely to his or her home achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 101t.** 48.355 (2) (b) 6r. of the statutes is created to read:

48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services under the court order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

**SECTION 101u.** 48.355 (2b) of the statutes is amended to read:

48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to a child under a court order may, at the same time as the county department, department, or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible for the child to return safely to his or her home, work with the department, a county department under s. 48.57 (1) (e) or (hm)<sub>2</sub> or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement.

**SECTION 101v.** 48.355 (2c) (b) of the statutes is amended to read:

48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county department, department, in a county having a population of 500,000 or more, or agency primarily responsible for providing services to the child under a court order has made reasonable efforts to ~~make it possible for the child to return~~

~~safely to his or her home~~ achieve the goal of the permanency plan, the court's consideration of reasonable efforts shall include, ~~but not be limited to,~~ the considerations listed under par. (a) 1. to 5. and whether visitation schedules between the child and his or her parents were implemented, unless visitation was denied or limited by the court.

**SECTION 101w.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not required to include in a dispositional order a finding as to whether the county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a child to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, or, ~~if applicable,~~ a finding as to whether the county department, department, or agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a child to ~~make it possible for the child to return~~ achieve the permanency plan goal of returning the child safely to his or her home, if the court finds, ~~as evidenced by a final judgment of conviction,~~ any of the following:

**SECTION 101x.** 48.355 (2d) (b) 1. of the statutes is amended to read:

48.355 (2d) (b) 1. That the parent has subjected the child to aggravated circumstances, as evidenced by a final judgment of conviction.

**SECTION 101y.** 48.355 (2d) (b) 2. of the statutes is amended to read:

48.355 (2d) (b) 2. That the parent has committed, has aided or abetted the commission of, or has solicited, conspired, or attempted to commit, a violation of s. 940.01, 940.02, 940.03<sub>2</sub> or 940.05 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.01, 940.02, 940.03<sub>2</sub> or 940.05 if committed in this state, as evidenced by a final judgment of conviction, and that the victim of that violation is a child of the parent.

**SECTION 101z.** 48.355 (2d) (b) 3. of the statutes is amended to read:

48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3), (4)<sub>2</sub> or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025<sub>2</sub> or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4)<sub>2</sub> or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025<sub>2</sub> or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment of conviction, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent.

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**SECTION 102b.** 48.355 (2d) (b) 3. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment of conviction, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent.

**SECTION 102bd.** 48.355 (2d) (b) 4. of the statutes is amended to read:

48.355 (2d) (b) 4. That the parental rights of the parent to another child have been involuntarily terminated, as evidenced by a final order of a court of competent jurisdiction terminating those parental rights.

**SECTION 102bg.** 48.355 (2d) (b) 5. of the statutes, as created by 2001 Wisconsin Act 2, is amended to read:

48.355 (2d) (b) 5. That the parent has been found under s. 48.13 (2m) to have relinquished custody of the child under s. 48.195 (1) when the child was 72 hours old or younger, as evidenced by a final order of a court of competent jurisdiction making that finding.

**SECTION 102bm.** 48.355 (2d) (bm) of the statutes is created to read:

48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which that finding is based in the dispositional order. A dispositional order that merely references par. (b) 1. to 5. without documenting or referencing that specific information in the dispositional order or an amended dispositional order that retroactively corrects an earlier dispositional order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 102br.** 48.355 (2d) (c) of the statutes, as affected by 2001 Wisconsin Act 2, is renumbered 48.355 (2d) (c) 1. and amended to read:

48.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the circumstances specified in par. (b) 1., ~~2., 3., 4., or 5.~~ to 5. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this ~~paragraph~~ subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

**SECTION 102c.** 48.355 (2d) (c) 2. and 3. of the statutes are created to read:

48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 102cg.** 48.355 (4) of the statutes is amended to read:

48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, ~~all orders~~ an order under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. ~~Except if s. 48.368 applies, extensions or revisions or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in his or her home shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time. Any order made before the child reaches the age of majority or or the judge terminates the order sooner. Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the child reaches 18 years of age, at the end of one year after its entry, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall be effective for a time up to terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner.~~

**SECTION 102cr.** 48.357 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:



48.357 (1) (a) The person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel may request a change in the placement of the child or expectant mother, whether or not the change requested is authorized in the dispositional order, and, as provided in par. (am) or (c), whichever is applicable.

(am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant mother is an adult, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

**SECTION 102d.** 48.357 (1) (am) 3. of the statutes is created to read:

48.357 (1) (am) 3. If the court changes the child's placement from a placement outside the home to another placement outside the home, the change in placement order shall contain one of the statements specified in sub. (2v) (a) 2.

**SECTION 102dct.** 48.357 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 103, is renumbered 48.357 (1) (am) 2. and amended to read:

48.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or notice of a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, or legal custodian and the child, if 12 years of age or over, or the child expectant mother, if 12 years of age or over, her parent, guardian, or legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, sign written waivers of objection, except that placement changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under ~~par. (a) subd. 1.~~ In addition, a hearing is not required for placement changes authorized in the disposi-

tional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

**SECTION 102dg.** 48.357 (1) (c) of the statutes is created to read:

48.357 (1) (c) 1. If the proposed change in placement would change the placement of a child placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall submit a request for the change in placement to the court. The request shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. The request shall also contain specific information showing that continued placement of the child in his or her home would be contrary to the welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns.

2. The court shall hold a hearing prior to ordering any change in placement requested under subd. 1. Not less than 3 days prior to the hearing, the court shall provide notice of the hearing, together with a copy of the request for the change in placement, to the child, the parent, guardian, and legal custodian of the child, the child's court-appointed special advocate, and all parties that are bound by the dispositional order. If all parties consent, the court may proceed immediately with the hearing.

3. If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

**SECTION 102dr.** 48.357 (2) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

48.357 (2) If emergency conditions necessitate an immediate change in the placement of a child or expectant mother placed outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the child or expectant mother to a new placement, whether or not authorized by the existing dispositional order, without the prior notice provided in sub. (1) ~~(a) (am) 1.~~ The notice shall, however, be sent within 48 hours after the emergency change in placement. Any party receiving notice may demand a

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hearing under sub. (1) ~~(b)~~ (am) 2. In emergency situations, a child may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, as well as in any placement authorized under s. 48.345 (3).

**SECTION 102e.** 48.357 (2m) (a) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

48.357 (2m) (a) The child, the parent, guardian, or legal custodian of the child, the expectant mother, the unborn child by the unborn child's guardian ad litem, or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this paragraph. The request shall contain the name and address of the place of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a child placed in the home to a placement outside the home, the request shall also contain specific information showing that continued placement of the child in the home would be contrary to the welfare of the child and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns. The request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion.

**SECTION 102ec.** 48.357 (2m) (b) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a child placed in the home to a placement outside the home and written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) ~~(a)~~ (am) 1., other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days

prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

**SECTION 102eg.** 48.357 (2m) (c) of the statutes is created to read:

48.357 (2m) (c) If the court changes the child's placement from a placement in the child's home to a placement outside the child's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

**SECTION 102em.** 48.357 (2r) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

48.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the change in placement would remove a child from a foster home, treatment foster home, or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested change in placement. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 102er.** 48.357 (2v) of the statutes, as affected by 2001 Wisconsin Act 103, is renumbered 48.357 (2v) (a) 2. and amended to read:

48.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the change in placement would place the child outside the home in a placement order would~~ change the placement of the child to a placement outside the home recommended by the person or agency primarily responsible for implementing the dispositional order, ~~the change in placement order shall include whether from a placement in the home or from another placement outside the home,~~ a statement that the court approves the placement recommended by that person or agency or, if the ~~child is placed outside the home in a placement other than~~ change in placement order would change the placement of the child to a placement outside the home that is not a placement recommended by that person or agency, whether from a placement in the home or from another placement outside the home, a statement that the court has given bona fide consideration to the recommenda-

tions made by that person or agency and all parties relating to the child's placement.

**SECTION 102f.** 48.357 (2v) (a) (intro.) of the statutes is created to read:

48.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall contain all of the following:

**SECTION 102fg.** 48.357 (2v) (a) 1. of the statutes is created to read:

48.357 (2v) (a) 1. If the change in placement order changes the child's placement from a placement in the child's home to a placement outside the child's home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the child and, unless a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, a finding that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns.

**SECTION 102fm.** 48.357 (2v) (a) 3. of the statutes is created to read:

48.357 (2v) (a) 3. If the court finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, a determination that the agency primarily responsible for providing services under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

**SECTION 102fr.** 48.357 (2v) (b) of the statutes is created to read:

48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the change in placement order. A change in placement order that merely references par. (a) 1. or 3. without documenting or referencing that specific information in the change in placement order or an amended change in placement order that retroactively corrects an earlier change in placement order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 102g.** 48.357 (2v) (c) of the statutes is created to read:

48.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the

child, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 102gb.** 48.357 (6) of the statutes is amended to read:

48.357 (6) No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the child's home to a placement outside the home the court may extend the expiration date of the original order to the date on which the child reaches 18 years of age, to the date that is one year after the date of the change in placement order, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, to the date on which the child reaches 19 years of age, whichever is later, or for a shorter period of time as specified by the court. If the change in placement is from a placement outside the home to a placement in the child's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court shall shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

**SECTION 102gd.** 48.363 (1m) of the statutes is amended to read:

48.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection

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does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 102gf.** 48.365 (1) of the statutes is amended to read:

48.365 (1) In this section, a child is considered to have been placed outside of his or her home on the date on which ~~the court first found that the child has been subjected to abuse or neglect or on the date that is 60 days after the date on which the child was first removed from his or her home, whichever is earlier.~~

**SECTION 102gh.** 48.365 (2g) (b) 2. of the statutes is amended to read:

48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and of any progress the child has made, suggestions for amendment of the permanency plan, ~~a description of efforts to return the child safely to his or her home and specific information showing the efforts that have been made to achieve the goal of the permanency plan, including, if applicable, the efforts of the parents to remedy the factors which that contributed to the child's placement and, if continued placement outside of the child's home is recommended, an explanation of why returning the child to his or her home is not safe or feasible, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~

**SECTION 102gk.** 48.365 (2g) (b) 3. of the statutes is amended to read:

48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

**SECTION 102gm.** 48.365 (2m) (a) of the statutes is renumbered 48.365 (2m) (a) 1. and amended to read:

48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the child is placed outside of his or her home, the person or agency primarily responsible for providing services to the child shall present as evidence specific information showing that the agency has made reasonable efforts to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies. The judge shall make findings of fact and conclusions of law based on the evidence. ~~Subject to s. 48.355 (2d), the~~ The findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the child ~~or expectant mother to make it possible for the child to return safely to his or her home or for the expectant mother to return to her home to achieve the goal of the child's permanency plan, unless return of the child to the home is the goal of the permanency plan and the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.~~ An order shall be issued under s. 48.355.

**SECTION 102go.** 48.365 (2m) (a) 2. of the statutes is created to read:

48.365 (2m) (a) 2. If the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the order shall include a determination that the person or agency primarily responsible for providing services to the child is not required to make reasonable efforts with respect to the parent to make it possible for the child to return safely to his or her home.

**SECTION 102gr.** 48.365 (2m) (a) 3. of the statutes is created to read:

48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1. relating to reasonable efforts to achieve the goal of the child's permanency plan and the findings specified in subd. 2. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the order issued under s. 48.355. An order that merely references subd. 1. or 2. without documenting or referencing that specific information in the order or an amended order that retroactively corrects an earlier order that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 102h.** 48.365 (2m) (ad) of the statutes is created to read:

48.365 (2m) (ad) 1. If the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing



is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

**SECTION 102hg.** 48.365 (2m) (ag) of the statutes is amended to read:

48.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) ~~of the child who is notified of a hearing under par. (ad) 2. or sub. (2)~~ an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. ~~Any written or oral statement made under this paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 102hr.** 48.365 (5) of the statutes is amended to read:

48.365 (5) Except as provided in s. 48.368, ~~all orders an order under this section that continues the placement of a child in his or her home or that relates to an unborn child of an adult expectant mother shall be for a specified length of time not to exceed one year after its date of entry. Except as provided in s. 48.368, an order under this section that continues the placement of a child in an out-of-home placement shall be for a specified length of time not to exceed the date on which the child reaches 18 years of age, one year after the date of entry of the order, or, if the child is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, the date on which the child reaches 19 years of age, whichever is later.~~

**SECTION 102j.** 48.38 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 59, is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, secure detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to

the child under s. 48.355 shall prepare a written permanency plan, ~~if one any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:~~

**SECTION 102jg.** 48.38 (2) (c) of the statutes is amended to read:

48.38 (2) (c) The child is under the supervision of an agency under s. 48.64 (2) ~~or pursuant to, under a consent decree under s. 48.32 (1) (b), or under~~ a court order under s. 48.355.

**SECTION 102jm.** 48.38 (2) (f) of the statutes is amended to read:

48.38 (2) (f) The child's care ~~is paid~~ would be paid for under s. 49.19 but for s. 49.19 (20).

**SECTION 102jr.** 48.38 (2) (g) of the statutes, as created by 2001 Wisconsin Act 69, is amended to read:

48.38 (2) (g) The child's parent is placed in a foster home, treatment foster home, group home, ~~child-caring institution~~ residential care center for children and youth, secure detention facility, or shelter care facility and the child is residing with that parent.

**SECTION 102k.** 48.38 (3) of the statutes is amended to read:

48.38 (3) TIME. Subject to s. 48.355 (2d) (c) 1., the agency shall file the permanency plan with the court within 60 days after the date on which the child was first ~~held in physical custody or placed outside of his or her home under a court order~~ removed from his or her home, except that if the child is held for less than 60 days in a secure detention facility, juvenile portion of a county jail, or a shelter care facility, no permanency plan is required if the child is returned to his or her home within that period.

**SECTION 102kg.** 48.38 (4) (intro.) of the statutes is amended to read:

48.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a description of all of the following:~~

**SECTION 102km.** 48.38 (4) (a) of the statutes, as affected by 2001 Wisconsin Act 2, is renumbered 48.38 (4) (ar) and amended to read:

48.38 (4) (ar) ~~The~~ A description of the services offered and any service services provided in an effort to prevent ~~holding or placing the child outside of the removal of the child from~~ his or her home, while assuring that the health and safety of the child are the paramount concerns, and to ~~make it possible for the child to return safely home~~ achieve the goal of the permanency plan, except that ~~the permanency plan need not~~ is not required to include a description of those the services offered or provided with respect to a parent of the child to prevent the removal of the child from the home or to achieve the permanency plan goal of returning the child safely to his or her home if any of the circumstances specified in s.

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48.355 (2d) (b) 1., 2., 3., 4., ~~or to~~ 5. apply applies to that parent.

**SECTION 102kr.** 48.38 (4) (ag) of the statutes is created to read:

48.38 (4) (ag) The name, address, and telephone number of the child's parent, guardian, and legal custodian.

**SECTION 102m.** 48.38 (4) (am) of the statutes is created to read:

48.38 (4) (am) The date on which the child was removed from his or her home and the date on which the child was placed in out-of-home care.

**SECTION 102mg.** 48.38 (4) (bm) of the statutes is amended to read:

48.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate placement with a fit and willing relative of the child and, if a decision is made not to place the child with an available relative, a statement as to why placement with the relative is not safe or appropriate.

**SECTION 102mm.** 48.38 (4) (dg) of the statutes is created to read:

48.38 (4) (dg) Information about the child's education, including all of the following:

1. The name and address of the school in which the child is or was most recently enrolled.
2. Any special education programs in which the child is or was previously enrolled.
3. The grade level in which the child is or was most recently enrolled and all information that is available concerning the child's grade level performance.
4. A summary of all available education records relating to the child that are relevant to any education goals included in the education services plan prepared under s. 48.33 (1) (e).

**SECTION 102nr.** 48.38 (4) (dm) of the statutes is created to read:

48.38 (4) (dm) If as a result of the placement the child has been or will be transferred from the school in which the child is or most recently was enrolled, documentation that a placement that would maintain the child in that school is either unavailable or inappropriate or that a placement that would result in the child's transfer to another school would be in the child's best interests.

**SECTION 102n.** 48.38 (4) (dr) of the statutes is created to read:

48.38 (4) (dr) Medical information relating to the child, including all of the following:

1. The names and addresses of the child's physician, dentist, and any other health care provider that is or was previously providing health care services to the child.
2. The child's immunization record, including the name and date of each immunization administered to the child.
3. Any known medical condition for which the child is receiving medical care or treatment and any known

serious medical condition for which the child has previously received medical care or treatment.

4. The name, purpose, and dosage of any medication that is being administered to the child and the name of any medication that causes the child to suffer an allergic or other negative reaction.

**SECTION 102ng.** 48.38 (4) (e) of the statutes is amended to read:

48.38 (4) (e) ~~The A plan for ensuring the~~ safety and appropriateness of the placement and a description of the services provided to meet the needs of the child and family, including a discussion of services that have been investigated and considered and are not available or likely to become available within a reasonable time to meet the needs of the child or, if available, why such services are not safe or appropriate.

**SECTION 102nm.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) ~~The A description of the~~ services that will be provided to the child, the child's family, and the child's foster parent, the child's treatment foster parent ~~or~~ the operator of the facility where the child is living, or the relative with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

**SECTION 102nr.** 48.38 (4) (fg) of the statutes is created to read:

48.38 (4) (fg) The goal of the permanency plan or, if the agency is making concurrent reasonable efforts under s. 48.355 (2b), the goals of the permanency plan. If a goal of the permanency plan is any goal other than return of the child to his or her home, the permanency plan shall include the rationale for deciding on that goal. If a goal of the permanency plan is an alternative permanent placement under subd. 5., the permanency plan shall document a compelling reason why it would not be in the best interest of the child to pursue a goal specified in subds. 1. to 4. The agency shall determine one or more of the following goals to be the goal or goals of a child's permanency plan:

1. Return of the child to the child's home.
2. Placement of the child for adoption.
3. Placement of the child with a guardian.
4. Permanent placement of the child with a fit and willing relative.
5. Some other alternative permanent placement, including sustaining care, independent living, or long-term foster care.

**SECTION 102p.** 48.38 (4) (fm) of the statutes is amended to read:

48.38 (4) (fm) If the goal of the permanency plan ~~calls for placing is to place~~ the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, the efforts made to

place the child for adoption, with a guardian or in some other alternative permanent placement achieve that goal.

**SECTION 102pg.** 48.38 (4) (h) of the statutes is created to read:

48.38 (4) (h) If the child is 15 years of age or over, a description of the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living. The description shall include all of the following:

1. The anticipated age at which the child will be discharged from out-of-home care.

2. The anticipated amount of time available in which to prepare the child for the transition from out-of-home care to independent living.

3. The anticipated location and living situation of the child on discharge from out-of-home care.

4. A description of the assessment processes, tools, and methods that have been or will be used to determine the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living.

5. The rationale for each program or service that is or will be provided to assist the child in preparing for the transition from out-of-home care to independent living, the time frames for delivering those programs or services, and the intended outcome of those programs or services.

**SECTION 102pm.** 48.38 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 69, is amended to read:

48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed under ~~this paragraph par.~~ (ag) shall review the permanency plan every in the manner provided in this subsection not later than 6 months from after the date on which the child was first held in physical custody or placed outside of removed from his or her home and every 6 months after a previous review under this subsection for as long as the child is placed outside the home, except that for the review that is required to be conducted not later than 12 months after the child was first removed from his or her home and the reviews that are required to be conducted every 12 months after that review the court shall hold a hearing under sub. (5m) to review the permanency plan, which hearing may be instead of or in addition to the review under this subsection.

(ag) If the court elects not to review the permanency plan, the court shall appoint a panel to review the permanency plan. The panel shall consist of 3 persons who are either designated by an independent agency that has been approved by the chief judge of the judicial administrative district or designated by the agency that prepared the permanency plan. A voting majority of persons on each panel shall be persons who are not employed by the agency that prepared the permanency plan and who are not responsible for providing services to the child or the

parents of the child whose permanency plan is the subject of the review.

**SECTION 102pr.** 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the parents of the child, the child, if he or she is 12 years of age or older, and the child's foster parent, the child's treatment foster parent or, the operator of the facility in which the child is living, or the relative with whom the child is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

**SECTION 102q.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home, as described in s. 48.365 (1), for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the child from any of the following:

**SECTION 102qg.** 48.38 (5) (c) 6. am. of the statutes is renumbered 48.38 (5) (c) 6. cm. and amended to read:

48.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the child.

**SECTION 102qm.** 48.38 (5) (c) 6. cg. of the statutes is created to read:

48.38 (5) (c) 6. cg. Being placed with a guardian.

**SECTION 102qr.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

48.38 (5) (c) 6. d. Being placed in some other alternative permanent placement, including sustaining care, independent living, or long-term foster care.

**SECTION 102r.** 48.38 (5) (c) 7. of the statutes, as affected by 2001 Wisconsin Act 2, is amended to read:

48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make it possible for the child to return safely to his or her home, except that the court or panel need not determine whether those reasonable efforts were made with respect to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b)~~

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1., 2., 3., 4., or 5. apply to that parent achieve the goal of the permanency plan, unless return of the child to the home is the goal of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

**SECTION 102rm.** 48.38 (5m) of the statutes is created to read:

48.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to review the permanency plan and to make the determinations specified in sub. (5) (c) no later than 12 months after the date on which the child was first removed from the home and every 12 months after a previous hearing under this subsection for as long as the child is placed outside the home.

(b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's counsel, the child's guardian ad litem, and the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

(c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, treatment foster parent, operator of a facility in which a child is living, or relative with whom a child is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

(d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, and to the child's court-appointed special advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, and the child's court-appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

(e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian;

the child's foster parent or treatment foster parent, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court-appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

(f) If the findings of fact and conclusions of law under par. (e) conflict with the child's dispositional order or provide for any additional services not specified in the dispositional order, the court shall revise the dispositional order under s. 48.363 or order a change in placement under s. 48.357, as appropriate.

**SECTION 103.** 48.415 (9m) (b) 2. of the statutes is amended to read:

48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

**SECTION 103m.** 48.417 (1) (a) of the statutes is amended to read:

48.417 (1) (a) The child has been placed outside of his or her home, as described in s. 48.365 (1) or 938.365 (1), for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first 6 months of any period during which the child was returned to his or her home for a trial home visit. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described in this paragraph, for which the child was placed outside of his or her home.

**SECTION 103p.** 48.417 (1) (b) of the statutes is amended to read:

48.417 (1) (b) A court of competent jurisdiction has found under s. 48.13 (2) or under a law of any other state or a federal law that is comparable to s. 48.13 (2) that the child was abandoned when he or she was under one year of age or has found that the parent abandoned the child when the child was under one year of age in violation of



s. 948.20 or in violation of the law of any other state or federal law, if that violation would be a violation of s. 948.20 if committed in this state. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in within 60 days after the date on which the court of competent jurisdiction found that the child was abandoned as described in this paragraph.

**SECTION 103r.** 48.417 (1) (c) of the statutes is amended to read:

48.417 (1) (c) A court of competent jurisdiction has found that the parent has committed, has aided or abetted the commission of, or has solicited, conspired, or attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, and that the victim of that violation is a child of the parent. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in within 60 days after the date on which the court assigned to exercise jurisdiction under this chapter determines, based on a finding that a circumstance specified in this paragraph applies, that reasonable efforts to make it possible for the child to return safely to his or her home are not required.

**SECTION 103t.** 48.417 (1) (d) of the statutes is amended to read:

48.417 (1) (d) A court of competent jurisdiction has found that the parent has committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in within 60 days after the date on which the court assigned to exercise jurisdiction under this chapter determines, based on a finding that a circumstance specified in this paragraph applies, that reasonable efforts to make it possible for the child to return safely to his or her home are not required.

**SECTION 104b.** 48.417 (1) (d) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

48.417 (1) (d) A court of competent jurisdiction has found that the parent has committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted

in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of the parent. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in within 60 days after the date on which the court assigned to exercise jurisdiction under this chapter determines, based on a finding that a circumstance specified in this paragraph applies, that reasonable efforts to make it possible for the child to return safely to his or her home are not required.

**SECTION 104d.** 48.417 (2) (a) of the statutes is amended to read:

48.417 (2) (a) The child is being cared for by a fit and willing relative of the child.

**SECTION 104e.** 48.417 (2) (b) of the statutes is amended to read:

48.417 (2) (b) The child's permanency plan indicates and provides documentation that termination of parental rights to the child is not in the best interests of the child.

**SECTION 104f.** 48.417 (2) (d) of the statutes is created to read:

48.417 (2) (d) Grounds for an involuntary termination of parental rights under s. 48.415 do not exist.

**SECTION 110.** 48.57 (3p) (g) 2. of the statutes is amended to read:

48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63, ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other state or federal law under circumstances under which the person would be subject to a penalty specified in any of those sections if convicted in this state.

**SECTION 110m.** 48.63 (1) of the statutes, as affected by 2001 Wisconsin Act 69, is amended to read:

48.63 (1) Acting ~~pursuant to~~ under court order or voluntary agreement, the child's parent or guardian or the department of health and family services, the department of corrections, a county department, or a child welfare agency licensed to place children in foster homes, treatment foster homes, or group homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home, or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster, treatment foster, or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed ~~6 months~~ 180 days from the date on which the child was removed from the home under the voluntary agreement. A group home placement under a voluntary agreement may not exceed 15 days from the date on which the child was removed from the home under the voluntary agreement, except as provided in sub. (5). These time limitations do not apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may

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be made only under this subsection and sub. (5) (b) and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

**SECTION 110p.** 48.63 (4) of the statutes is amended to read:

48.63 (4) A permanency plan under s. 48.38 is required for each child placed in a foster home or treatment foster home under sub. (1). If the child is living in a foster home or treatment foster home under a voluntary agreement, the agency that negotiated or acted as intermediary for the placement shall prepare the permanency plan within 60 days after the placement date on which the child was removed from his or her home under the voluntary agreement. A copy of each plan shall be provided to the child if he or she is 12 years of age or over and to the child's parent or guardian. If the agency ~~which~~ that arranged the voluntary placement intends to seek a court order to place the child outside of his or her home at the expiration of the voluntary placement, the agency shall prepare a revised permanency plan and file that revised plan with the court prior to the date of the hearing on the proposed placement.

**SECTION 110r.** 48.63 (5) (b) of the statutes, as created by 2001 Wisconsin Act 69, is amended to read:

48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe and structured living arrangement and the parent or guardian of the child consent, a child welfare agency licensed to place children in group homes may place the child or arrange the placement of the child in a group home described in s. 48.625 (1m). Before placing a child or arranging the placement of a child under this paragraph, the child welfare agency shall report any suspected abuse or neglect of the child as required under s. 48.981 (2). A voluntary agreement to place a child in a group home described in s. 48.625 (1m) may be made only under this paragraph, shall be in writing, and shall specifically state that the agreement may be terminated at any time by the parent, guardian, or child. An initial placement under this paragraph may not exceed ~~6 months~~ 180 days from the date on which the child was removed from the home under the voluntary agreement, but may be extended as provided in par. (d) 3. to 6. An initial placement under this paragraph of a child who is under 16 years of age on the date of the initial placement may be extended as provided in par. (d) 3. to 6. no more than once.

**SECTION 110s.** 48.63 (5) (c) of the statutes, as created by 2001 Wisconsin Act 69, is amended to read:

48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed in a group home under par. (b) and for any child of that child who is residing with that

child. The agency that placed the child or that arranged the placement of the child shall prepare the plan within 60 days after the placement date on which the child was removed from his or her home under the voluntary agreement and shall provide a copy of the plan to the child and the child's parent or guardian.

**SECTION 111.** 48.685 (1) (c) of the statutes is amended to read:

48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

**SECTION 112.** 48.685 (5) (bm) 2. of the statutes is amended to read:

48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), ~~(3),~~ (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

**SECTION 113.** 48.685 (5) (bm) 3. of the statutes is amended to read:

48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

**SECTION 113x.** 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 (5) (bm) 4. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (3), (4), (5), or (6), 940.20, 940.203, 940.205 ~~or~~ 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

**SECTION 114b.** 48.685 (5) (bm) 4. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), ~~(3),~~ (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.025, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (e) or (f), (2j) (d) or (3m), or an offense under ch. 961 that is a felony, if committed

not more than 5 years before the date of the investigation under sub. (2) (am).

**SECTION 114g.** 48.78 (2) (a) of the statutes is amended to read:

48.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) ~~or (5m) (d)~~, 48.432, 48.433, 48.93, 48.981 (7), 938.51, or 938.78 or by order of the court.

**SECTION 114m.** 48.977 (2) (f) of the statutes, as affected by 2001 Wisconsin Act 2, is amended to read:

48.977 (2) (f) That the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child, except that the court ~~need not~~ is not required to find that the agency has made those reasonable efforts with respect to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., 4., or 5. apply to 5. applies to that parent. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the guardianship order. A guardianship order that merely references this paragraph without documenting or referencing that specific information in the order or an amended guardianship order that retroactively corrects an earlier guardianship order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 115.** 49.141 (7) (a) of the statutes is amended to read:

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

**SECTION 116.** 49.141 (7) (b) of the statutes is amended to read:

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

**SECTION 117.** 49.141 (9) (a) of the statutes is amended to read:

49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind, in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may

be made in whole or in part under Wisconsin works, or in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under Wisconsin works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 118.** 49.141 (9) (b) of the statutes is amended to read:

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

**SECTION 119.** 49.141 (10) (b) of the statutes is amended to read:

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

**SECTION 119g.** 49.152 (title) of the statutes is renumbered 49.16 (title).

**SECTION 119gd.** 49.152 (1) of the statutes is renumbered 49.16 (1).

**SECTION 119gh.** 49.152 (2) of the statutes is renumbered 49.16 (2).

**SECTION 119gi.** 49.152 (3) (title) of the statutes is renumbered 49.16 (3) (title).

**SECTION 119gj.** 49.152 (3) (a) of the statutes is renumbered 49.16 (3) (a) and amended to read:

49.16 (3) (a) If, following review under sub. (2), the Wisconsin works agency or the department determines that an individual, ~~whose application for a Wisconsin works employment position was denied based on eligibility, was in fact eligible, or that the individual was placed in an inappropriate Wisconsin works employment position, the Wisconsin works agency shall place the individual in the first available Wisconsin works employment position that is appropriate for that individual, as determined by the Wisconsin works agency or the department. An individual who is placed in a Wisconsin works employment position under this paragraph is eligible for the benefit for that position~~

Vetoed  
In Part



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Vetoed  
In Part

under s. 49.148 beginning on the date on which the individual begins participation under s. 49.147.

**SECTION 119gk.** 49.152 (3) (b) of the statutes is renumbered 49.16 (3) (b) and amended to read:

49.16 (3) (b) If, following review under sub. (2), the Wisconsin works agency or the department determines that an individual's application was not acted upon with reasonable promptness or was improperly denied in whole or in part or that a participant's benefit was improperly modified or canceled, or was calculated incorrectly, the Wisconsin works agency shall restore the benefit to the level determined to be appropriate by the Wisconsin works agency or by the department grant the appropriate benefit, retroactive to the date on which the individual's application was first not acted upon with reasonable promptness or improperly denied in whole or in part or the individual's benefit was first improperly modified or canceled or incorrectly calculated.

**SECTION 119k.** 49.175 (1) (z) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.175 (1) (z) *Community youth grant.* For a competitive grant program administered by the department to fund programs that improve social, academic and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., ~~\$7,579,700~~ \$7,829,700 in fiscal year 2001-02 and ~~\$50,000~~ \$300,000 fiscal year 2002-03.

**SECTION 119m.** 49.175 (1) (zh) 2. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.175 (1) (zh) 2. 'Taxable years 1999 and thereafter.' For the transfer of moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, \$51,244,500 in fiscal year 2001-02 and ~~\$52,200,000~~ \$55,160,000 in fiscal year 2002-03.

**SECTION 119r.** 49.195 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.195 (3) A county, tribal governing body, Wisconsin works agency or the department shall determine whether an overpayment has been made under s. 49.19, 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal governing body, Wisconsin works agency or department shall provide notice of the overpayment to the liable person. The department shall give that person an opportunity for a review following the procedure specified under s. ~~49.152~~ 49.16, if the person received the overpayment under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the department shall promptly recover all overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and procedures to administer this subsection. The rules shall include notification

Vetoed  
In Part

procedures similar to those established for child support collections.

**SECTION 120.** 49.195 (3n) (k) of the statutes is amended to read:

49.195 (3n) (k) Any person who removes, deposits or conceals or aids in removing, depositing or concealing any property upon which a levy is authorized under this subsection with intent to evade or defeat the assessment or collection of any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both, is guilty of a Class H felony~~ and shall be liable to the state for assessed the costs of prosecution.

**SECTION 121.** 49.195 (3n) (r) of the statutes is amended to read:

49.195 (3n) (r) No employer may discharge or otherwise discriminate with respect to the terms and conditions of employment against any employee by reason of the fact that his or her earnings have been subject to levy for any one levy or because of compliance with any provision of this subsection. Any person who violates this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than 2 years or both is guilty of a Class I felony.~~

**SECTION 121k.** 49.26 (1) (h) 1. as. of the statutes is amended to read:

49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed to show good cause for not cooperating with case management efforts in a hearing. ~~The hearing shall be requested and held under s. 49.152~~ 49.16. The department shall determine by rule the criteria for good cause.

**SECTION 121pb.** 49.45 (2) (a) 9. of the statutes is amended to read:

49.45 (2) (a) 9. Periodically set forth conditions of participation and reimbursement ~~in a contract with provider for contracts with providers~~ of service under this section. The department shall promulgate rules that specify criteria for and required procedures for submittal of appropriate claims for reimbursement.

**SECTION 121pc.** 49.45 (2) (a) 10. a. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 10. and amended to read:

49.45 (2) (a) 10. After reasonable notice and opportunity for a hearing conducted as a class 2 proceeding under ch. 227, recover money improperly or erroneously paid or overpayments to a provider by offsetting or adjusting amounts owed the provider under the program, crediting against a provider's future claims for reimbursement for other services or items furnished by the provider under the program, or requiring the provider to make direct payment to the department or its fiscal intermediary.

**SECTION 121pd.** 49.45 (2) (a) 10. b. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part



Vetoed  
In Part

**SECTION 121pe.** 49.45 (2) (a) 10. c. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pf.** 49.45 (2) (a) 11. a. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 11. and amended to read:

49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of medical assistance and, except as provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify providers who meet the criteria.

**SECTION 121pg.** 49.45 (2) (a) 11. b. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121ph.** 49.45 (2) (a) 12. a. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (2) (a) 12. and amended to read:

49.45 (2) (a) 12. Decertify or suspend under this subdivision a provider from or restrict a provider's participation in the medical assistance program, if after giving reasonable notice and opportunity for hearing the department finds that the provider has violated a federal statute or regulation or a state statute or administrative rule and the violation is by statute, regulation, or rule grounds for decertification or restriction. The department shall suspend the provider pending the hearing under this subdivision if the department includes in its decertification notice findings that the provider's continued participation in the medical assistance program pending hearing is likely to lead to the irretrievable loss of public funds and is unnecessary to provide adequate access to services to medical assistance recipients. As soon as practicable after the hearing, the department shall issue a written decision suspension. No payment may be made under the medical assistance program with respect to any service or item furnished by the provider subsequent to decertification or during the period of suspension.

**SECTION 121pi.** 49.45 (2) (a) 12. b. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pj.** 49.45 (2) (a) 14. of the statutes is amended to read:

49.45 (2) (a) 14. Assure due process in implementing subs. 12. and 13. by providing written notice, a fair hearing and a written decision and a hearing conducted as a class 2 proceeding under ch. 227.

**SECTION 121pk.** 49.45 (2) (b) 6m. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pl.** 49.45 (2) (b) 7. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pm.** 49.45 (2) (b) 8. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pn.** 49.45 (2) (b) 9. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pp.** 49.45 (3) (g) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (3) (g) and amended to read:

49.45 (3) (g) The secretary may authorize personnel to audit or investigate and report to the department on any

matter involving violations or complaints alleging violations of statutes, regulations, or rules applicable to the medical assistance program and to perform such investigations or audits as are required to verify the actual provision of services or items available under the medical assistance program and the appropriateness and accuracy of claims for reimbursement submitted by providers participating in the program. Department employees authorized by the secretary under this paragraph shall be issued, and shall possess at all times while they are performing their investigatory or audit functions under this section, identification, signed by the secretary, that specifically designates the bearer as possessing the authorization to conduct medical assistance investigations or audits. Under the request of a designated person and upon presentation of the person's authorization, providers and medical assistance recipients shall accord the person access to any provider personnel, records, books, or documents or other information needed. Under the written request of a designated person and upon presentation of the person's authorization, providers and recipients shall accord the person access to any needed patient health care records of a recipient. Authorized employees may hold hearings, administer oaths, take testimony, and perform all other duties necessary to bring the matter before the department for final adjudication and determination.

**SECTION 121pq.** 49.45 (3) (g) 2. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pr.** 49.45 (3) (h) 1. of the statutes is created to read:

49.45 (3) (h) 1. For purposes of any audit, investigation, examination, analysis, review, or other function authorized by law with respect to the medical assistance program, the secretary shall have the power to sign and issue subpoenas to any person requiring the production of any pertinent books, records, patient health care records, or other information. Subpoenas so issued shall be served by anyone authorized by the secretary by delivering a copy to the person named in the subpoena, or by registered mail or certified mail addressed to the person at his or her last-known residence or principal place of business. A verified return by the person serving the subpoena setting forth the manner of service, or, in the event service is by registered or certified mail, the return post-office receipt signed by the person served constitutes proof of service.

**SECTION 121ps.** 49.45 (3) (h) 1m. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (3) (h) 3. and amended to read:

49.45 (3) (h) 3. The failure or refusal of a provider to accord department auditors or investigators access as required under par. (g) to any provider personnel, records, books, patient health care records of medical assistance recipients, or documents or other information requested constitutes person to purge himself or herself

Vetoed  
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Vetoed  
In Part

of contempt found under s. 885.12 and perform the act as required by law shall constitute grounds for decertification or suspension of the provider that person from participation in the medical assistance program. No payment may be made for services rendered by the provider that person following decertification, or during the period of suspension, or during any period of provider failure or refusal to accord access as required under par. (g).

**SECTION 121pt.** 49.45 (3) (h) 1n. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121pu.** 49.45 (3) (h) 2. of the statutes is created to read:

49.45 (3) (h) 2. In the event of contumacy or refusal to obey a subpoena issued under this paragraph and duly served upon any person, any judge in a court of record in the county in which the person was served may enforce the subpoena in accordance with s. 885.12.

**SECTION 121t.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

49.45 (6m) (ar) 1. a. The department shall establish standards for payment of allowable direct care costs, for facilities that do not primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state and separate standards for payment of allowable direct care costs, for facilities that primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state. The standards shall be adjusted by the department for regional labor cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the department shall perform the adjustment by use of the wage index that is used by the federal department of health and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.

Vetoed  
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**SECTION 121v.** 49.45 (21) (title) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.45 (21) (title) ~~TAKING OVER PROVIDER'S OPERATION TRANSFER OF BUSINESS. LIABILITY FOR; REPAYMENTS REQUIRED.~~

**SECTION 121w.** 49.45 (21) (ag) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 121wj.** 49.45 (21) (ar) of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 49.45 (21) (a) and amended to read:

49.45 (21) (a) ~~Before a person may take over the operation of a provider that is If any provider liable for repayment of improper or erroneous payments or overpayments under ss. 49.43 to 49.497, full repayment shall be made. Upon request, the department shall notify the provider or the person that intends to take over the operation of the provider as to whether the provider sells or otherwise transfers ownership of his or her business or all or substantially all of the assets of the business, the transferor and transferee are each liable for the repayment. Prior to final transfer, the transferee is~~

~~responsible for contacting the department and ascertaining if the transferor is liable under this paragraph.~~

**SECTION 121x.** 49.45 (21) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.45 (21) (b) ~~If, notwithstanding the prohibition under par. (ar), a person takes over the operation of a provider If a transfer occurs and the applicable amount under par. (ar) (a) has not been repaid, the department may, in addition to withholding certification as authorized under sub. (2) (b) 8., proceed against the provider or the person either the transferor or the transferee. Within 30 days after the certified provider receives receiving notice from the department, the transferor or the transferee shall pay the amount shall be repaid in full. If the amount is not repaid in full Upon failure to comply, the department may bring an action to compel payment., If a transferor fails to pay within 90 days after receiving notice from the department, the department may proceed under sub. (2) (a) 12., or may do both.~~

**SECTION 121y.** 49.45 (21) (e) of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 122.** 49.45 (49) of the statutes is created to read:

49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) The secretary shall exercise his or her authority under s. 15.04 (1) (c) to create a prescription drug prior authorization committee to advise the department on issues related to prior authorization decisions made concerning prescription drugs on behalf of medical assistance recipients. The secretary shall appoint as members at least all of the following:

1. Two physicians, as defined in s. 448.01 (5), who are currently in practice.
2. Two pharmacists, as defined in s. 450.01 (15).
3. One advocate for recipients of medical assistance who has sufficient medical background, as determined by the department, to evaluate a prescription drug's clinical effectiveness.

(b) The prescription drug prior authorization committee shall accept information or commentary from representatives of the pharmaceutical manufacturing industry in the committee's review of prior authorization policies.

**SECTION 122c.** 49.45 (50) of the statutes is created to read:

49.45 (50) DISEASE MANAGEMENT. (a) In this subsection, "disease management" means an integrated and systematic approach for managing the health care needs of patients who are at risk of or are diagnosed with a specific disease, using all of the following:

1. Best practices.
2. Prevention strategies.
3. Clinical practice improvement.
4. Clinical interventions and protocols.

Vetoed  
In Part

5. Outcomes research, information, and technology.

6. Other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The department may contract with an entity, under the department's request-for-proposal procedures, to engage in disease management activities on behalf of recipients of medical assistance.

**SECTION 123.** 49.49 (1) (b) 1. of the statutes is amended to read:

49.49 (1) (b) 1. In the case of such a statement, representation, concealment, failure, or conversion by any person in connection with the furnishing by that person of items or services for which medical assistance is or may be made, a person ~~convicted of violating this subsection~~ is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 124.** 49.49 (2) (a) of the statutes is amended to read:

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

**SECTION 125.** 49.49 (2) (b) of the statutes is amended to read:

49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any remuneration including any kickback, bribe, or rebate directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a medical assistance program, or to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service or item for which payment may be made in whole or in part under a medical assistance program, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 126.** 49.49 (3) of the statutes is amended to read:

49.49 (3) **FRAUDULENT CERTIFICATION OF FACILITIES.** No person may knowingly and wilfully make or cause to be made, or induce or seek to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify either upon initial certification or upon recertification as a hospital, skilled nursing facility, intermediate care facility, or home health agency. ~~Violators of~~ A person who violates this subsection is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 127.** 49.49 (3m) (b) of the statutes is amended to read:

49.49 (3m) (b) A person who violates this subsection is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 128.** 49.49 (4) (b) of the statutes is amended to read:

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

**SECTION 128g.** 49.49 (6) of the statutes is amended to read:

49.49 (6) **RECOVERY.** In addition to other remedies available under this section, the court may award the department of justice the reasonable and necessary costs of investigation, an amount reasonably necessary to remedy the harmful effects of the violation and the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this section. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this subsection. ~~Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 128m.** 49.665 (4) (at) 1. b. of the statutes is amended to read:

49.665 (4) (at) 1. b. The department may not lower the maximum income level for initial eligibility unless the department first submits to the joint committee on finance ~~its plans~~ a plan for lowering the maximum income level ~~and the committee approves the plan.~~ If, within 14 days after ~~submitting the plan~~ the date on which the plan is submitted to the joint committee on finance, the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for

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the purpose of reviewing the plan, the department shall implement the plan is considered approved by the committee as proposed. If, within 14 days after the date on which the plan is submitted to the committee, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting to review the plan, the department may implement the plan only as approved by the committee.

**SECTION 128n.** 49.665 (4) (at) 1. cm. of the statutes is created to read:

49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the plan submitted under subd. 1. b., the joint committee on finance determines that the amounts appropriated under s. 20.435 (4) (bc), (jz), (p), and (x) are insufficient to accommodate the projected enrollment levels, the committee may transfer appropriated moneys from the general purpose revenue appropriation account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation account, to the appropriation account under s. 20.435 (4) (bc) to supplement the health care program under this section if the committee finds that the transfer will eliminate unnecessary duplication of functions, result in more efficient and effective methods for performing programs, or more effectively carry out legislative intent, and that legislative intent will not be changed by the transfer.

**SECTION 128p.** 49.665 (5m) of the statutes is created to read:

49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

1. “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

2. “Insurer” has the meaning given in s. 600.03 (27).

(b) An insurer that issues or delivers a disability insurance policy that provides coverage to a resident of this state shall provide to the department, upon the department’s request, information contained in the insurer’s records regarding all of the following:

1. Information that the department needs to identify recipients of badger care who satisfy any of the following:

a. Are eligible for benefits under a disability insurance policy.

b. Would be eligible for benefits under a disability insurance policy if the recipient were enrolled as a dependent of a person insured under the disability insurance policy.

2. Information required for submittal of claims under the insurer’s disability insurance policy.

3. The types of benefits provided by the disability insurance policy.

(c) Upon requesting an insurer to provide the information under par. (b), the department shall enter into a written agreement with the insurer that satisfies all of the following:

1. Identifies in detail the information to be disclosed.

2. Includes provisions that adequately safeguard the confidentiality of the information to be disclosed.

(d) 1. An insurer shall provide the information requested under par. (b) within 180 days after receiving the department’s request if it is the first time that the department has requested the insurer to disclose information under this subsection.

2. An insurer shall provide the information requested under par. (b) within 30 days after receiving the department’s request if the department has previously requested the insurer to disclose information under this subsection.

3. If an insurer fails to comply with subd. 1. or 2., the department may notify the commissioner of insurance, and the commissioner of insurance may initiate enforcement proceedings against the insurer under s. 601.41 (4) (a).

**SECTION 140p.** 49.688 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (2) (a) 3. The person is not a recipient of medical assistance or, as a recipient, does not receive prescription drug coverage.

**SECTION 140q.** 49.688 (3) (d) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this section has other available coverage for payment of a prescription drug, this section applies only to costs for prescription drugs for the persons person that are not covered under the person’s other available coverage.

**SECTION 140r.** 49.688 (8m) of the statutes is created to read:

49.688 (8m) (a) In this subsection:

1. “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

2. “Insurer” has the meaning given in s. 600.03 (27).

(b) An insurer that issues or delivers a disability insurance policy that provides coverage to a resident of this state shall provide to the department, upon the department’s request, information contained in the insurer’s records regarding all of the following:

1. Information that the department needs to identify eligible persons under this section who satisfy any of the following:

a. Are eligible for benefits under a disability insurance policy.

b. Would be eligible for benefits under a disability insurance policy if the eligible person were enrolled as a dependent of a person insured under the disability insurance policy.

2. Information required for submittal of claims under the insurer’s disability insurance policy.

3. The types of benefits provided by the disability insurance policy.

(c) Upon requesting an insurer to provide the information under par. (b), the department shall enter into a



written agreement with the insurer that satisfies all of the following:

1. Identifies in detail the information to be disclosed.
2. Includes provisions that adequately safeguard the confidentiality of the information to be disclosed.

(d) 1. An insurer shall provide the information requested under par. (b) within 180 days after receiving the department's request if it is the first time that the department has requested the insurer to disclose information under this subsection.

2. An insurer shall provide the information requested under par. (b) within 30 days after receiving the department's request if the department has previously requested the insurer to disclose information under this subsection.

3. If an insurer fails to comply with subd. 1. or 2., the department may notify the commissioner of insurance, and the commissioner of insurance may initiate enforcement proceedings against the insurer under s. 601.41 (4) (a).

**SECTION 141.** 49.688 (9) (b) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (9) (b) A person who is convicted of violating a rule promulgated by the department under par. (a) in connection with that person's furnishing of prescription drugs under this section is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000, or imprisoned for not more than 7 years and 6 months, or both.

**SECTION 142.** 49.688 (9) (c) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (9) (c) A person other than a person specified in par. (b) who is convicted of violating a rule promulgated by the department under par. (a) may be fined not more than \$10,000, or imprisoned in the county jail for not more than one year, or both.

**SECTION 143.** 49.795 (8) (a) 2. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

**SECTION 144.** 49.795 (8) (b) 2. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

**SECTION 145.** 49.795 (8) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.795 (8) (c) For any offense under this section, if the value of the food coupons is \$5,000 or more, a person who violates this section ~~may be fined not more than~~

~~\$250,000 or imprisoned for not more than 30 years or both is guilty of a Class G felony.~~

**SECTION 145g.** 49.85 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.85 (2) (a) At least annually, the department of health and family services shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health and family services, the department of health and family services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except that the department of health and family services may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

**SECTION 145h.** 49.85 (3) (a) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

49.85 (3) (a) 1. Inform the person that the department of health and family services intends to certify to the department of revenue an amount that the department of health and family services has determined to be due under s. 49.45 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

**SECTION 146.** 49.95 (1) of the statutes is renumbered 49.95 (1) (intro.) and amended to read:

49.95 (1) (intro.) Any person who, with intent to secure public assistance under this chapter, whether for himself or herself or for some other person, wilfully makes any false representations ~~may, if is subject to the following penalties:~~

(a) ~~If the value of the assistance so secured does not exceed \$300, the person may be required to forfeit not more than \$1,000; if,~~

(b) ~~If the value of the assistance exceeds \$300 but does not exceed \$1,000, the person may be fined not more than \$250 or imprisoned for not more than 6 months or both; if,~~

(c) ~~If the value of the assistance exceeds \$1,000 but does not exceed \$2,500, \$2,000, the person may be fined not more than \$500 \$1,000 or imprisoned for not more than 7 years and 6 2 months or both; and if,~~

(d) ~~If the value of the assistance exceeds \$2,500, be punished as prescribed under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a Class I felony.~~

**SECTION 147.** 49.95 (1) (e) and (f) of the statutes are created to read:

49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed \$10,000, the person is guilty of a Class H felony.

(f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class G felony.

**SECTION 148.** 50.065 (1) (e) 1. of the statutes is amended to read:

Vetoed  
In Part

50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a) if committed in this state.

**SECTION 148n.** 50.36 (3d) of the statutes is created to read:

50.36 (3d) (a) A hospital shall develop and maintain a system under which the hospital may grant emergency staff privileges to a health care provider, as defined in s. 146.81 (1), to whom all of the following apply:

1. The health care provider seeks to provide care at the hospital during a period of a state of emergency related to public health declared by the governor under s. 166.03 (1) (b) 1.

2. The health care provider does not have staff privileges at the hospital at the time that the state of emergency related to public health is declared by the governor under s. 166.03 (1) (b) 1.

3. The health care provider has staff privileges at another hospital.

(b) A hospital that grants emergency staff privileges under par. (a) has immunity from civil liability for acts or omissions by a health care provider who is granted emergency staff privileges under par. (a).

**SECTION 149.** 51.15 (12) of the statutes is amended to read:

51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10) knowing the information contained therein to be false may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.

**SECTION 149f.** 51.20 (13) (ct) 2m. of the statutes is amended to read:

51.20 (13) (ct) 2m. If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation, or to have solicited, conspired, or attempted to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the subject individual was not the victim's parent, the court shall require the individual to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the individual, that the individual is not required to comply under s. 301.45 (1m).

**SECTION 150.** 55.06 (11) (am) of the statutes is amended to read:

55.06 (11) (am) Whoever signs a statement under par. (a) knowing the information contained therein to be false may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.

**SECTION 150c.** 59.692 (6m) of the statutes is amended to read:

59.692 (6m) For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a), the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

**SECTION 150g.** 62.13 (5) (i) of the statutes is amended to read:

62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony, and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (em), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the board is sustained, it shall be final and conclusive. This paragraph does not apply to any person who is suspended, reduced, suspended and reduced, or removed by the board or by a committee or person acting under this subsection in place of a board, and who is subject to the terms of a collective bargaining agreement entered into under subch. IV of ch. 111 that provides an alternative to the appeals procedure specified in this paragraph, unless the person chooses to appeal the order to circuit court. If the alternative to the appeals procedure includes a hearing, the hearing shall be open to the public with reasonable advance notice given by the employer. An accused person who chooses to

Vetoed  
In Part

Vetoed  
In Part

**Vetoed In Part** appeal the decision of the board through a collectively bargained alternative to the appeals procedure specified in this paragraph is considered to have waived his or her right to circuit court review of the board decision.

**Vetoed In Part** **SECTION 150m.** 62.231 (6m) of the statutes is amended to read:

62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) ~~or (3) (a)~~, the department of natural resources may not proceed under sub. (6), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet reasonable minimum standards.

**SECTION 151.** 66.0143 of the statutes is created to read:

**66.0143 Local appeals for exemption from state mandates. (1) DEFINITIONS.** In this section:

(a) “Political subdivision” means a city, village, town, or county.

(b) “State mandate” means a state law that requires a political subdivision to engage in an activity or provide a service, or to increase the level of its activities or services.

(2) APPEALS FOR EXEMPTIONS. (a) A political subdivision may file a request with the department of revenue for a waiver from a state mandate, except for a state mandate that is related to any of the following:

1. Health.
2. Safety.

(b) An administrative agency, or the department of revenue, may grant a political subdivision a waiver from a state mandate as provided in par. (c).

(c) The political subdivision shall specify in its request for a waiver its reason for requesting the waiver. Upon receipt of a request for a waiver, the department of revenue shall forward the request to the administrative agency which is responsible for administering the state mandate. The agency shall determine whether to grant the waiver and shall notify the political subdivision and the department of revenue of its decision in writing. If no agency is responsible for administering the state mandate, the department of revenue shall determine whether to grant the waiver and shall notify the political subdivision of its decision in writing.

(3) DURATION OF WAIVERS. A waiver is effective for 4 years. The administrative agency may renew the waiver for additional 4-year periods. If a waiver is granted by the department of revenue, the department may renew the waiver under this subsection.

(4) EVALUATION. By July 1, 2004, the department of revenue shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver

request, and the financial effects on the political subdivision of each waiver that was granted.

**SECTION 151e.** 66.0218 of the statutes is created to read:

**66.0218 Direct annexation of certain town territory. (1) DEFINITIONS.** In this section:

(a) “Legal description” has the meaning given in s. 66.0217 (1) (c).

(b) “Members–elect” has the meaning given in s. 59.001 (2m).

(c) “Municipality” means a city, village, or town.

(d) “Public services” includes police and fire protection; sewer and water treatment; stormwater treatment; building, health, and fire prevention inspections; planning; and public works services.

(e) “Scale map” has the meaning given in s. 66.0217 (1) (g).

(2) CITY OR VILLAGE ORDINANCES. (a) *Enactment.* Notwithstanding s. 66.0221, the governing body of a city or village may, by a two-thirds vote of its members–elect, enact an ordinance to annex a contiguous town or contiguous town territory if all of the following apply:

1. The area of the territory to be annexed is less than 10 square miles and the territory is located in a county with a population of at least 425,000.

2. The annexing city or village is contiguous to more than 50% of the length of the boundary of the territory to be annexed.

3. The annexing city or village is capable of providing public services to the territory to be annexed at a level that at least equals the level of service that is being provided by the town.

4. The annexation of the territory will reduce any existing problems of duplicative public services being provided within the same area by more than one municipality.

5. The boundary of the territory to be annexed is contiguous to one or more cities or villages for at least 95% of its length, excluding areas that border on water, or on land whose condition prohibits development.

(b) *Requirements.* The annexation ordinance shall contain a legal description of the territory annexed and the name of the town from which the territory is annexed. Upon enactment of the ordinance under par. (a) the city or village clerk shall file with the secretary of state 8 certified copies of the ordinance, 8 copies of a scale map, and 8 copies of a plat which shows the boundaries of the city or village, including the annexed territory.

(c) *Secretary of state.* Not later than 10 days after receiving the ordinance, scale map, and plat, the secretary of state shall forward 2 copies of the ordinance, scale map, and plat to the department of transportation, one copy to the department of administration, one copy to the department of natural resources, one copy to the department of revenue, one copy to the department of

**Vetoed In Part**



Vetoed  
In Part

public instruction, and one copy to the clerk of the town from which the territory was annexed.

(d) *Action to contest annexation.* Section 66.0217 (11) applies to annexations under this section.

(3) EFFECTIVENESS OF ANNEXATION ORDINANCE. An ordinance enacted under sub. (2) takes effect on the first day of the 2nd month beginning after enactment.

(4) SUNSET. This section does not apply after December 31, 2003.

**SECTION 151n.** 66.0303 (3) of the statutes is renumbered 66.0303 (3) (a) and amended to read:

66.0303 (3) (a) An Except as provided in par. (b), an agreement made under this section shall, prior to and as a condition precedent to taking effect, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted under this subsection paragraph unless the attorney general finds that it does not meet the conditions set forth in this section and details in writing addressed to the concerned municipal governing bodies the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted under this subsection paragraph within 90 days of its submission constitutes approval. The attorney general, upon submission of an agreement, shall transmit a copy of the agreement to the governor who shall consult with any state department or agency affected by the agreement. The governor shall forward to the attorney general any comments the governor may have concerning the agreement.

**SECTION 151nb.** 66.0303 (3) (b) of the statutes is created to read:

66.0303 (3) (b) An agreement under this section between a municipality of this state and a municipality of another state that relates to the receipt, furnishing, or joint exercise of fire fighting or emergency medical services need not be submitted to or approved by the attorney general before the agreement may take effect.

Vetoed  
In Part

**SECTION 153d.** 66.0903 (10) (a) of the statutes is amended to read:

66.0903 (10) (a) Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked. If requested by any person, a contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall permit that person to inspect and copy any of those records to the same extent as if the record were maintained by the department, except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit inspection

Vetoed  
In Part

and copying of a record under this paragraph. Before permitting the inspection and copying of a record under this paragraph, a contractor, subcontractor, or contractor's or subcontractor's agent shall delete from the record any personally identifiable information, as defined in s. 19.62 (5), contained in the record about any person performing the work described in sub. (4) other than the trade or occupation of the person, the number of hours worked by the person, and the actual wages paid for those hours worked.

**SECTION 153s.** 66.1113 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

66.1113 (2) (a) The governing body of a political subdivision, by a two-thirds vote of the members of the governing body who are present when the vote is taken, may enact an ordinance or adopt a resolution declaring itself to be a premier resort area if, except as provided in ~~par. pars. (e) and (f),~~ at least 40% of the equalized assessed value of the taxable property within such political subdivision is used by tourism-related retailers.

**SECTION 153t.** 66.1113 (2) (f) of the statutes is created to read:

66.1113 (2) (f) The city of Bayfield may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40% of the equalized assessed value of the taxable property within Bayfield is used by tourism-related retailers.

**SECTION 154.** 66.1207 (1) (b) of the statutes is amended to read:

66.1207 (1) (b) Any person who secures or assists in securing dwelling accommodations under s. 66.1205 by intentionally making false representations in order to receive at least \$2,500 but not more than \$25,000 in financial assistance for which the person would not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.~~

**SECTION 155.** 66.1207 (1) (c) of the statutes is amended to read:

66.1207 (1) (c) Any person who secures or assists in securing dwelling accommodations under s. 66.1205 by intentionally making false representations in order to receive more than \$25,000 in financial assistance for which the person would not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.~~

**SECTION 156.** 69.24 (1) (intro.) of the statutes is amended to read:

69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony:~~

**SECTION 156b.** 70.32 (2) (c) 1. of the statutes is amended to read:



Vetoed  
In Part

70.32 (2) (c) 1. "Agricultural land" means land, exclusive of buildings and improvements and the land necessary for their location and convenience, that is devoted primarily to agricultural use, as defined by rule, if the land is a farm, as defined in sub. (2s) (a) 2., and the owner or lessee of the land files the form under sub. (2s).

**SECTION 156d.** 70.32 (2) (c) 1m. of the statutes is created to read:

Vetoed  
In Part

70.32 (2) (c) 1m. "Other," as it relates to par. (a) 7., means buildings and improvements located on farms, as defined in sub. (2s) (a) 2.; including any residence for the farm operator's spouse, children, parents, or grandparents; and the land necessary for the location and convenience of those building and improvements.

Vetoed  
In Part

**SECTION 156e.** 70.32 (2s) of the statutes is created to read:

70.32 (2s) (a) In this subsection:

1. "Department" means the department of revenue.

2. "Farm" means a business engaged in activities included in the North American Industry Classification System, 1997 edition, published by the U.S. office of management and budget under any of the following classifications:

a. Classification 111-Crop production.

b. Classification 112-Animal production.

(b) Any person who owns or who is a lessee of land used as a farm shall file a form, as prescribed by the department, with the assessor of each taxation district in which land included in the farm is located no later than March 1 that certifies that the person is the owner or lessee of land used as a farm. The person shall identify on the form the land that is included in the farm. A person who has filed a form under this paragraph shall only file such a form in a subsequent year if in that subsequent year the person has acquired or leased additional land to be used as part of the farm.

(c) If the use of the person's land has changed so that it may no longer be assessed as agricultural land under sub. (2r), the person who owns or who is the lessee of the land shall notify the assessor of the taxation district in which the person's land is located, on a form prescribed by the department. If the use of the person's land has changed so that it may no longer be assessed as agricultural land under sub. (2r) and the person who owns or who is the lessee of the land does not notify the assessor of the taxation district as provided under this paragraph, the taxation district shall treat the difference between the land's value as agricultural land under sub. (2r) and the land's value under the appropriate classification as provided under sub. (2) (a) as omitted property under s. 70.44 and collect from the owner of the land the penalty under s. 74.485.

(d) If a person who owns or who is a lessee of land used as a farm fails to timely file the form under par. (b), the land may be assessed as agricultural land if the person appeals the land's classification to the board of review

Vetoed  
In Part

under s. 70.47 or files a claim under s. 74.35 with the taxation district and the board of review or the taxation district determines that the land is agricultural land, as defined in sub. (2) (c) 1.

**SECTION 157.** 70.47 (18) (a) of the statutes is amended to read:

70.47 (18) (a) Whoever with intent to injure or defraud alters, damages, removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

**SECTION 157m.** 70.995 (8) (a) of the statutes is amended to read:

70.995 (8) (a) The secretary of revenue shall establish a state board of assessors, which shall be comprised of the members of the department of revenue whom the secretary designates. The state board of assessors shall investigate any objection filed under par. (c) or (d) if the fee under that paragraph is paid. The state board of assessors, after having made the investigation, shall notify the person assessed or the person's agent and the appropriate municipality of its determination by 1st class mail or electronic mail. Beginning with objections filed in 1989, the state board of assessors shall make its determination on or before April 1 of the year after the filing. If the determination results in a refund of property taxes paid, the state board of assessors shall include in the determination a finding of whether the refund is due to false or incomplete information supplied by the person assessed. The person assessed or the municipality having been notified of the determination of the state board of assessors shall be deemed to have accepted the determination unless the person or municipality files a petition for review with the clerk of the tax appeals commission as provided in s. 73.01 (5) and the rules of practice promulgated by the commission. If an assessment is reduced by the state board of assessors, the municipality affected may file an appeal seeking review of the reduction, or may, within 30 days after the person assessed files a petition for review, file a cross-appeal, before the tax appeals commission even though the municipality did not file an objection to the assessment with the board. If the board does not overrule a change from assessment under this section to assessment under s. 70.32 (1), the affected municipality may file an appeal before the tax appeals commission. If an assessment is increased by the board, the person assessed may file an appeal seeking review of the increase, or may, within 30 days after the municipality files a petition for review, file a cross-appeal, before the commission even though the person did not file an objection to the assessment with the board.

**SECTION 157n.** 70.995 (8) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

70.995 (8) (b) 1. The department of revenue shall annually notify each manufacturer assessed under this section and the municipality in which the manufacturing

property is located of the full value of all real and personal property owned by the manufacturer. The notice shall be in writing and shall be sent by 1st class mail or electronic mail. In addition, the notice shall specify that objections to valuation, amount, or taxability must be filed with the state board of assessors within 60 days of issuance of the notice of assessment, that objections to a change from assessment under this section to assessment under s. 70.32 (1) must be filed within 60 days after receipt of the notice, that the fee under par. (c) 1. or (d) must be paid and that the objection is not filed until the fee is paid. A statement shall be attached to the assessment roll indicating that the notices required by this section have been mailed and failure to receive the notice does not affect the validity of the assessments, the resulting tax on real or personal property, the procedures of the tax appeals commission or of the state board of assessors, or the enforcement of delinquent taxes by statutory means.

**SECTION 158.** 71.01 (6) (g) of the statutes is repealed.

**SECTION 159.** 71.01 (6) (h) of the statutes is repealed.

**SECTION 160.** 71.01 (6) (i) of the statutes is amended to read:

71.01 (6) (i) For taxable years that begin after December 31, 1993, and before January 1, 1995, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66 and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103-296, P.L. 103-337, P.L.

103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 161.** 71.01 (6) (j) of the statutes is amended to read:

71.01 (6) (j) For taxable years that begin after December 31, 1994, and before January 1, 1996, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the Internal Revenue Code made by P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277,

and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 162.** 71.01 (6) (k) of the statutes is amended to read:

71.01 (6) (k) For taxable years that begin after December 31, 1995, and before January 1, 1997, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 163.** 71.01 (6) (L) of the statutes is amended to read:

71.01 (6) (L) For taxable years that begin after December 31, 1996, and before January 1, 1998, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue

Code” means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 164.** 71.01 (6) (m) of the statutes is amended to read:

71.01 (6) (m) For taxable years that begin after December 31, 1997, and before January 1, 1999, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected by P.L. 99–514, P.L.



100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 165.** 71.01 (6) (n) of the statutes is amended to read:

71.01 (6) (n) For taxable years that begin after December 31, 1998, and before January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16.

P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 166.** 71.01 (6) (o) of the statutes is amended to read:

71.01 (6) (o) For taxable years that begin after December 31, 1999, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554 and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-554 and P.L. 107-16,



excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 169b.** 71.01 (7r) of the statutes is amended to read:

71.01 (7r) Notwithstanding sub. (6), for purposes of computing amortization or depreciation, “Internal Revenue Code” means either the federal Internal Revenue Code as amended to December 31, 1999, ~~or the federal Internal Revenue Code in effect for the taxable year for which the return is filed 2000,~~ except that property that, under s. 71.02 (2) (d) 12., 1985 stats., is required to be depreciated for taxable year 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980.

**SECTION 170L.** 71.05 (6) (b) 32. (intro.) of the statutes, as created by 1999 Wisconsin Act 44, is amended to read:

71.05 (6) (b) 32. (intro.) An amount paid into a college savings account, as described in s. 14.64, if the beneficiary of the account either is the claimant ~~or~~ is the claimant’s child and the claimant’s dependent who is claimed under section 151 (c) of the Internal Revenue Code; ~~or is the claimant’s grandchild;~~ calculated as follows:

**SECTION 170Lb.** 71.05 (6) (b) 32. a. of the statutes, as created by 1999 Wisconsin Act 44, is amended to read:

71.05 (6) (b) 32. a. An amount equal to not more than \$3,000 per beneficiary by each contributor to an account for each year to which the claim relates, except that the total amount for which a deduction may be claimed under this subdivision and under subd. 33., per beneficiary by any claimant may not exceed \$3,000 each year. In the case of a married couple filing a joint return, the total deduction under this subdivision and under subdivision 33., per beneficiary by the married couple may not exceed \$3,000 each year.

**SECTION 170Ld.** 71.05 (6) (b) 33. (intro.) of the statutes, as created by 1999 Wisconsin Act 44, is amended to read:

71.05 (6) (b) 33. (intro.) An amount paid into a college tuition and expenses program, as described in s. 14.63, if the beneficiary of the account either is the claimant ~~or~~ is the claimant’s child and the claimant’s dependent who is claimed under section 151 (c) of the Internal Revenue Code; ~~or is the claimant’s grandchild;~~ calculated as follows:

**SECTION 170Le.** 71.05 (6) (b) 33. a. of the statutes, as created by 1999 Wisconsin Act 44, is amended to read:

71.05 (6) (b) 33. a. An amount equal to not more than \$3,000 per beneficiary by each contributor to an account for each year to which the claim relates, except that the total amount for which a deduction may be claimed under this subdivision and under subd. 32., per beneficiary by any claimant may not exceed \$3,000 each year. In the case of a married couple filing a joint return, the total

deduction under this subdivision and under subdivision 32., per beneficiary by the married couple may not exceed \$3,000 each year.

**SECTION 170mj.** 71.07 (6s) of the statutes is created to read:

71.07 (6s) CAMPAIGN FUND TAX CREDIT. (a) *Definitions.* In this subsection:

1. “Claimant” means an individual who makes a designation.

2. “Designation” means an amount that may be designated under s. 71.10 (3) (am).

(b) *Filing claims.* Subject to the limitations and conditions provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, for the taxable year to which the income tax return relates, an amount equal to the claimant’s designation.

(c) *Limitations and conditions.* 1. No credit may be allowed under this subsection unless it is claimed within the time period under s. 71.75 (2).

2. If both spouses of a married couple meet the definition of claimant under par. (a) 1., each spouse may claim the credit under this subsection.

(d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

**SECTION 170mL.** 71.08 (1) (intro.) of the statutes is amended to read:

71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3s), (6), ~~(6s),~~ and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3) and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

**SECTION 170n.** 71.10 (3) (a) of the statutes is renumbered 71.10 (3) (am) and amended to read:

71.10 (3) (am) Every individual, who is a full-year resident of this state, filing an income tax return who has would have a tax liability ~~or is entitled to a tax refund before making a designation under this paragraph~~ may designate \$4 the lesser of \$20 or the individual’s tax liability for transfer to the Wisconsin election campaign fund for the use of eligible candidates under s. 11.50. If the individuals filing a joint return would have a tax liability ~~or are entitled to a tax refund before making a designation under this paragraph,~~ each individual may make a designation of \$4 the lesser of \$20 or one-half of the married couple’s tax liability under this subsection. Each individual making a designation shall indicate

whether the amount designated by that individual shall be placed in the general account for the use of all eligible candidates for state office, or in the account of an eligible political party whose name is certified to the secretary of revenue under s. 11.50 (14). If an individual does not indicate that the amount of his or her designation shall be placed in the account of a particular eligible political party, that amount shall be placed in the general account.

**SECTION 170p.** 71.10 (3) (ac) of the statutes is created to read:

71.10 (3) (ac) In this subsection, "tax liability" means any amount of tax determined by an individual or by an individual and his or her spouse after he or she calculates the order of computation through s. 71.10 (4) (gu).

**SECTION 170r.** 71.10 (3) (b) of the statutes is amended to read:

71.10 (3) (b) The secretary of revenue shall ~~provide a place for those~~ ensure that space for the designations under par. (am) is provided on the face of the individual income tax return and in a manner that is convenient to the individual filing the return. The secretary of revenue shall provide next to ~~that~~ the place on the return where designation under par. (am) is made a statement that a designation will ~~not~~ increase tax liability, ~~that the amount of a designation may be claimed as a credit under s. 71.07 (6s), and that by making a designation the individual is also claiming the credit.~~ The department of revenue shall ensure that an individual may make the designation under par. (am) and claim the credit under s. 71.07 (6s) by marking only one box, which shall be on the face of the individual income tax return. The secretary of revenue shall also provide and highlight a place in the instructions that accompany the return for information submitted to the secretary by the elections board under s. 11.50 (2m) without cost to the board. Annually on August 15, the secretary of revenue shall certify to the elections board, the department of administration, and the state treasurer ~~under s. 11.50~~ the total amount of designations made on returns processed by the department of revenue during the preceding fiscal year and the amount of designations made during that fiscal year for the general account and for the account of each eligible political party. If any individual designates an amount greater than the amount authorized under par. (am) or attempts to place any condition or restriction upon a designation not authorized under par. (am), that individual is deemed not to have made a designation on his or her tax return.

**SECTION 170s.** 71.10 (3) (d) of the statutes is created to read:

71.10 (3) (d) If an individual's income tax return is prepared by a paid tax preparer and if the individual does not make a designation under par. (am), the tax preparer shall obtain from the individual his or her signature, on a form prepared by the department of revenue, acknowledging that he or she chooses not to make a designation under par. (am). The form shall contain information

regarding the purposes of the designation. No penalty may be imposed on a paid tax preparer who fails to obtain from any individual the form that is required under this paragraph.

**SECTION 170t.** 71.10 (4) (gw) of the statutes is created to read:

71.10 (4) (gw) 1. The addition of the campaign fund designation under sub. (3) (am).

2. The subtraction of the campaign fund tax credit under s. 71.07 (6s).

**SECTION 170v.** 71.10 (7) (c) of the statutes is created to read:

71.10 (7) (c) 1. For taxable years beginning after December 31, 2000, this state shall pay Minnesota interest on any reciprocity payment that is due under this subsection. Interest shall be calculated according to the Laws of Minnesota 2002 Chapter 377, or at another rate and under another method of calculation that is agreed to by Minnesota and Wisconsin.

**SECTION 171.** 71.22 (4) (g) of the statutes is repealed.

**SECTION 172.** 71.22 (4) (h) of the statutes is repealed.

**SECTION 173.** 71.22 (4) (i) of the statutes is amended to read:

71.22 (4) (i) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning

after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 174.** 71.22 (4) (j) of the statutes is amended to read:

71.22 (4) (j) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after December 31, 1994, and before January 1, 1996, means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the Internal Revenue Code made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 175.** 71.22 (4) (k) of the statutes is amended to read:

71.22 (4) (k) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after December 31, 1995, and before January 1, 1997, means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

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**SECTION 176.** 71.22 (4) (L) of the statutes is amended to read:

71.22 (4) (L) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after December 31, 1996, and before January 1, 1998, means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 177.** 71.22 (4) (m) of the statutes is amended to read:

71.22 (4) (m) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after December 31, 1997, and before January 1, 1999, means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L.

102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 178.** 71.22 (4) (n) of the statutes is amended to read:

71.22 (4) (n) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after December 31, 1998, and before January 1, 2000, means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions appli-



cable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 179.** 71.22 (4) (o) of the statutes is amended to read:

71.22 (4) (o) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after December 31, 1999, means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.

104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 182.** 71.22 (4m) (e) of the statutes is repealed.

**SECTION 183.** 71.22 (4m) (f) of the statutes is repealed.

**SECTION 184.** 71.22 (4m) (g) of the statutes is amended to read:

71.22 (4m) (g) For taxable years that begin after December 31, 1993, and before January 1, 1995, “Internal Revenue Code”, for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect

to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 185.** 71.22 (4m) (h) of the statutes is amended to read:

71.22 (4m) (h) For taxable years that begin after December 31, 1994, and before January 1, 1996, "Internal Revenue Code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the Internal Revenue Code made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and

1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 186.** 71.22 (4m) (i) of the statutes is amended to read:

71.22 (4m) (i) For taxable years that begin after December 31, 1995, and before January 1, 1997, "Internal Revenue Code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 187.** 71.22 (4m) (j) of the statutes is amended to read:

71.22 (4m) (j) For taxable years that begin after December 31, 1996, and before January 1, 1998, "Internal Revenue Code", for corporations that are subject to

a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188 and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 188.** 71.22 (4m) (k) of the statutes is amended to read:

71.22 (4m) (k) For taxable years that begin after December 31, 1997, and before January 1, 1999, “Internal Revenue Code”, for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.

107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 189.** 71.22 (4m) (L) of the statutes is amended to read:

71.22 (4m) (L) For taxable years that begin after December 31, 1998, and before January 1, 2000, “Internal Revenue Code”, for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.



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105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 190.** 71.22 (4m) (m) of the statutes is amended to read:

71.22 (4m) (m) For taxable years that begin after December 31, 1999, "Internal Revenue Code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made

by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 193.** 71.26 (2) (b) 7. of the statutes is repealed.

**SECTION 194.** 71.26 (2) (b) 8. of the statutes is repealed.

**SECTION 195.** 71.26 (2) (b) 9. of the statutes is amended to read:

71.26 (2) (b) 9. For taxable years that begin after December 31, 1993, and before January 1, 1995, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sec-



tions 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1993, do not apply to this subdivision with respect to taxable years that begin after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277,

and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 196.** 71.26 (2) (b) 10. of the statutes is amended to read:

71.26 (2) (b) 10. For taxable years that begin after December 31, 1994, and before January 1, 1996, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, except that property that, under

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s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1994, do not apply to this subdivision with respect to taxable years that begin after December 31, 1994, and before January 1, 1996, except that changes made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 197.** 71.26 (2) (b) 11. of the statutes is amended to read:

71.26 (2) (b) 11. For taxable years that begin after December 31, 1995, and before January 1, 1997, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the Internal Revenue Code as amended to Decem-

ber 31, 1995, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as

amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1995, do not apply to this subdivision with respect to taxable years that begin after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311 and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 198.** 71.26 (2) (b) 12. of the statutes is amended to read:

71.26 (2) (b) 12. For taxable years that begin after December 31, 1996, and before January 1, 1998, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions appli-

cable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, “net income” means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188 and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of



P.L. 104-188, and as amended by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1996, do not apply to this subdivision with respect to taxable years that begin after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 199.** 71.26 (2) (b) 13. of the statutes is amended to read:

71.26 (2) (b) 13. For taxable years that begin after December 31, 1997, and before January 1, 1999, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66,

excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L.



106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1997, do not apply to this subdivision with respect to taxable years that begin after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 200.** 71.26 (2) (b) 14. of the statutes is amended to read:

71.26 (2) (b) 14. For taxable years that begin after December 31, 1998, and before January 1, 2000, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36 and P.L. 106-170, 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,

excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1998, do not apply to this subdivision with respect to taxable years that begin after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 201.** 71.26 (2) (b) 15. of the statutes is amended to read:

71.26 (2) (b) 15. For taxable years that begin after December 31, 1999, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, "net income" means the federal regulated

investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit or trust as determined under the Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and, P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and,

P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 1999, do not apply to this subdivision with respect to taxable years that begin after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 204b.** 71.26 (3) (y) of the statutes is amended to read:

71.26 (3) (y) A corporation may shall compute amortization and depreciation under ~~either the federal Internal Revenue Code as amended to December 31, 1999, or the federal Internal Revenue Code in effect for the taxable year for which the return is filed 2000,~~ except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980.

**SECTION 206.** 71.34 (1g) (g) of the statutes, as affected by 2001 Wisconsin Act 16, is repealed.

**SECTION 207.** 71.34 (1g) (h) of the statutes is repealed.

**SECTION 208.** 71.34 (1g) (i) of the statutes is amended to read:

71.34 (1g) (i) “Internal Revenue Code” for tax-option corporations, for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c)

(2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 209.** 71.34 (1g) (j) of the statutes is amended to read:

71.34 (1g) (j) “Internal Revenue Code” for tax-option corporations, for taxable years that begin after December 31, 1994, and before January 1, 1996, means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.



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102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except changes to the Internal Revenue Code made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-7, P.L. 104-188, excluding sections 1202, 1204, 1311 and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 210.** 71.34 (1g) (k) of the statutes is amended to read:

71.34 (1g) (k) "Internal Revenue Code" for tax-option corporations, for taxable years that begin after December 31, 1995, and before January 1, 1997, means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and,

P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 211.** 71.34 (1g) (L) of the statutes is amended to read:

71.34 (1g) (L) "Internal Revenue Code" for tax-option corporations, for taxable years that begin after December 31, 1996, and before January 1, 1998, means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and, P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that section 1366 (f) (relating to pass-through of items to shareholders) is



modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 212.** 71.34 (1g) (m) of the statutes is amended to read:

71.34 (1g) (m) “Internal Revenue Code” for tax–option corporations, for taxable years that begin after December 31, 1997, and before January 1, 1999, means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, except that section 1366 (f) (relating to pass–through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1997, do not apply to

this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 213.** 71.34 (1g) (n) of the statutes is amended to read:

71.34 (1g) (n) “Internal Revenue Code” for tax–option corporations, for taxable years that begin after December 31, 1998, and before January 1, 2000, means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, except that section 1366 (f) (relating to pass–through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106–36 and P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and P.L.

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107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 214.** 71.34 (1g) (o) of the statutes is amended to read:

71.34 (1g) (o) "Internal Revenue Code" for tax-option corporations, for taxable years that begin after December 31, 1999, means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 217b.** 71.365 (1m) of the statutes is amended to read:

71.365 (1m) TAX-OPTION CORPORATIONS; DEPRECIATION. A tax-option corporation ~~may~~ shall compute amortization and depreciation under ~~either~~ the federal Internal Revenue Code as amended to December 31, 1999, or the federal Internal Revenue Code in effect for the taxable year for which the return is filed 2000, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980. Any difference between the adjusted basis for federal income tax purposes and the adjusted basis under this chapter shall be taken into account in determining net income or loss in the year or years for which the gain or loss is reportable under this chapter. If that property was placed in service by the taxpayer during taxable year 1986 and thereafter but before the property is used in the production of income subject to taxation under this chapter, the property's adjusted basis and the depreciation or other deduction schedule are not required to be changed from the amount allowable on the owner's federal income tax returns for any year because the property is used in the production of income subject to taxation under this chapter. If that property was acquired in a transaction in taxable year 1986 or thereafter in which the adjusted basis of the property in the hands of the transferee is the same as the adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted basis of that property on the date of transfer is the adjusted basis allowable under the Internal Revenue Code as defined for Wisconsin purposes for the property in the hands of the transferor.

**SECTION 219.** 71.42 (2) (f) of the statutes is repealed.

**SECTION 220.** 71.42 (2) (g) of the statutes is repealed.

**SECTION 221.** 71.42 (2) (h) of the statutes is amended to read:

71.42 (2) (h) For taxable years that begin after December 31, 1993, and before January 1, 1995, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1993 excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, and as amended by P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L.

106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, except that “Internal Revenue Code” does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 222.** 71.42 (2) (i) of the statutes is amended to read:

71.42 (2) (i) For taxable years that begin after December 31, 1994, and before January 1, 1996, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.

105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, except that “Internal Revenue Code” does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the Internal Revenue Code made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–7, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 223.** 71.42 (2) (j) of the statutes is amended to read:

71.42 (2) (j) For taxable years that begin after December 31, 1995, and before January 1, 1997, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and P.L. 105–277, and P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, except that “Internal Revenue Code” does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made



by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and P.L. 105-277, and P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 224.** 71.42 (2) (k) of the statutes is amended to read:

71.42 (2) (k) For taxable years that begin after December 31, 1996, and before January 1, 1998, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, except that "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-33, P.L. 105-34, P.L. 105-206, P.L. 105-277 and P.L. 106-36, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section

431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 225.** 71.42 (2) (L) of the statutes is amended to read:

71.42 (2) (L) For taxable years that begin after December 31, 1997, and before January 1, 1999, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 226.** 71.42 (2) (m) of the statutes is amended to read:

71.42 (2) (m) For taxable years that begin after December 31, 1998, and before January 1, 2000, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113,



13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amendeded by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 227.** 71.42 (2) (n) of the statutes is amended to read:

71.42 (2) (n) For taxable years that begin after December 31, 1999, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,

excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36 and P.L. 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, except that "Internal Revenue Code" does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, except that changes to the Internal Revenue Code made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, and P.L. 107-16, excluding section 431 of P.L. 107-16, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 230b.** 71.45 (2) (a) 13. of the statutes is amended to read:

71.45 (2) (a) 13. By adding or subtracting, as appropriate, the ~~difference between the depreciation deduction under the federal Internal Revenue Code as amended to December 31, 1999 and the depreciation deduction under the federal Internal Revenue Code in effect for the taxable year for which the return is filed, so as to reflect the fact that the insurer may choose between these 2 deductions~~ 2000, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980.

**SECTION 232.** 71.83 (2) (b) of the statutes is amended to read:

71.83 (2) (b) *Felony.* 1. 'False income tax return; fraud.' Any person, other than a corporation or limited liability company, who renders a false or fraudulent income tax return with intent to defeat or evade any assessment required by this chapter ~~shall be~~ is guilty of a Class H felony and may be ~~fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both, together with assessed~~ the cost of prosecution. In this subdivision, "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is filed under s. 71.03 (2) (g) to (L) after the filing

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of that separate return, and a joint return filed by the spouses with respect to a taxable year for which a separate return is filed under s. 71.03 (2) (m) after the filing of that joint return.

2. 'Officer of a corporation; false franchise or income tax return.' Any officer of a corporation or manager of a limited liability company required by law to make, render, sign or verify any franchise or income tax return, who makes any false or fraudulent franchise or income tax return, with intent to defeat or evade any assessment required by this chapter ~~shall be is~~ guilty of a Class H felony and may be ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both, together with assessed the cost of prosecution.

3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing, depositing or concealing any property upon which a levy is authorized with intent to evade or defeat the assessment or collection of any tax administered by the department is guilty of a Class I felony and may be ~~fin~~ed not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both, together with assessed the costs cost of prosecution.

4. 'Fraudulent claim for credit.' The A claimant who filed files a claim for credit under s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was filed with fraudulent intent and any person who assisted, with fraudulent intent, assists in the preparation or filing of the false or excessive claim or supplied information upon which the false or excessive claim was prepared, with fraudulent intent, is guilty of a Class H felony and may be ~~fin~~ed not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both, together with assessed the cost of prosecution.

Vetoed  
In Part

**SECTION 232f.** 71.93 (1) (a) 3. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:  
71.93 (1) (a) 3. An amount that the department of health and family services may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and family services has certified the amount under s. 49.85.

**SECTION 232m.** 73.03 (28d) of the statutes is created to read:

73.03 (28d) To enter into a contract to participate in the multistate tax commission audit program. The department shall allocate a portion of the amount collected under chs. 71 and 77 through the contract to the appropriation under s. 20.566 (1) (hn) to pay the fees necessary to participate in the multistate tax commission audit program. The department shall allocate the remainder of such collections to the general fund.

**SECTION 232p.** 73.03 (52) of the statutes is amended to read:

73.03 (52) To enter into agreements with the ~~internal revenue service~~ Internal Revenue Service that provide for offsetting state tax refunds against federal tax obligations; and to charge a fee up to \$25 per transaction for such offsets; and offsetting federal tax refunds against

state tax obligations, if the agreements provide that set-offs under ss. 71.93 and 71.935 occur before the setoffs under those agreements.

**SECTION 233ab.** 74.48 of the statutes is repealed.

**SECTION 233ad.** 74.485 of the statutes is created to read:

**74.485 Penalty for converting agricultural land.**

(1) DEFINITION. In this section, "agricultural land" has the meaning given in s. 70.32 (2) (c) 1.

(2) PENALTY. Except as provided in sub. (4), a person who owns land that has been assessed as agricultural land under s. 70.32 (2r) and who converts the land's use so that the land is not eligible to be assessed as agricultural land under s. 70.32 (2r), as determined by the assessor of the taxation district in which the land is located, shall pay a penalty to the county in which the land is located in an amount, calculated by the county treasurer, that is equal to the number of acres converted multiplied by the amount of the difference between the average fair market value of an acre of agricultural land sold in the county in the year before the year that the person converts the land, as determined under sub. (3), and the average equalized value of an acre of agricultural land in the county in the year before the year that the person converts the land, as determined under sub. (3), multiplied by the following:

(a) Five percent, if the converted land is more than 30 acres.

(b) Seven and one-half percent, if the converted land is 30 acres or less but at least 10 acres.

(c) Ten percent, if the converted land is less than 10 acres.

(3) VALUE DETERMINATION. Annually, the department of revenue shall determine the average equalized value of an acre of agricultural land in each county in the previous year, as provided under s. 70.57, and the average fair market value of an acre of agricultural land sold in each county in the previous year based on the sales in each county in the previous year of parcels of agricultural land that are 38 acres or more to buyers who intend to use the land as agricultural land.

(4) EXCEPTIONS AND DEFERRAL. (a) A person who owns land that has been assessed as agricultural land under s. 70.32 (2r) and who converts the land's use so that the land is not eligible to be assessed as agricultural land under s. 70.32 (2r) is not subject to a penalty under sub. (2) if the converted land may be assessed as swamp or waste under s. 70.32 (2) (a) 5., as productive forest land under s. 70.32 (2) (a) 6., or as other under s. 70.32 (2) (a) 7. or if the amount of the penalty determined under sub. (2) represents less than \$25 for each acre of converted land.

(b) If a person owes a penalty under sub. (2), the treasurer of the county in which the person's land is located may defer payment of the penalty to the succeeding taxable year if the person demonstrates to the assessor of the taxation district in which the land is located that the per-

son's land will be used as agricultural land in the succeeding taxable year. A person who receives a deferral under this paragraph is not subject to the penalty under sub. (2) related to the deferral, if the person's land is used as agricultural land in the succeeding taxable year. If the land of a person who receives a deferral under this paragraph is not used as agricultural land in the succeeding taxable year, the person shall pay the penalty with interest at the rate of 1% a month, or fraction of a month, from the date that the treasurer granted a deferral to the date that the penalty is paid.

(5) **PAYMENT.** Except as provided in sub. (4), a person who owes a penalty under sub. (2) shall pay the penalty to the county in which the person's land related to the penalty is located no later than 30 days after the date that the penalty is assessed. A penalty that is not paid on the date it is due is considered delinquent and shall be paid with interest at the rate of 1% a month, or fraction of a month, from the date that the penalty is assessed to the date that the penalty is paid. The county shall collect an unpaid penalty as a special charge against the land related to the penalty.

(6) **DISTRIBUTION.** A county that collects a penalty under this section shall distribute 50% of the amount of the penalty to the taxation district in which the land related to the penalty is located. If the land related to the penalty is located in 2 or more taxation districts, the county shall distribute 50% of the amount of the penalty to the taxation districts in proportion to the equalized value of the land related to the penalty that is located in each taxation district. A taxation district shall distribute 50% of any amount it receives under this subsection to an adjoining taxation district, if the taxation district in which the land related to the penalty is located annexed the land related to the penalty from the adjoining taxation district in either of the 2 years preceding a distribution under this subsection.

(7) **NOTICE.** A person who owns land that has been assessed as agricultural land under s. 70.32 (2r) and who sells the land shall notify the buyer of the land of all of the following:

(a) That the land has been assessed as agricultural land under s. 70.32 (2r).

(b) Whether the person who owns the land and who is selling the land has been assessed a penalty under sub. (2) related to the land.

(c) Whether the person who owns the land and who is selling the land has been granted a deferral under sub. (4) related to the land.

(8) **TAXATION DISTRICT ASSESSOR.** The assessors of the taxation districts located in the county shall inform the county treasurer and the real property lister of all sales of agricultural land located in the county.

(9) **ADMINISTRATION.** The county in which the land as described in sub. (1) is located shall administer the penalty under this section.

**SECTION 233b.** 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a. and amended to read:

77.52 (2) (a) 5. a. The sale of telecommunications services, except services subject to 4 USC 116 to 126, as amended by P.L. 106-252, that either originate or terminate in this state; except services that are obtained by means of a toll-free number, that originate outside this state and that terminate in this state; and are charged to a service address in this state, regardless of the location where that charge is billed or paid; and the sale of the rights to purchase telecommunications services, including purchasing reauthorization numbers, by paying in advance and by using an access number and authorization code, except sales that are subject to subd. 5. b.

**SECTION 233c.** 77.52 (2) (a) 5. b. of the statutes is created to read:

77.52 (2) (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended by P.L. 106-252, if the customer's place of primary use of the services is in this state, as determined under 4 USC 116 to 126, as amended by P.L. 106-252. For purposes of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L. 106-252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106-252, or the application of 4 USC 116 to 126, as amended by P.L. 106-252, is found unconstitutional the sale of telecommunications services is subject to the tax imposed under this section as provided in subd. 5. a.

**SECTION 233e.** 77.52 (3m) (intro.) of the statutes is amended to read:

77.52 (3m) (intro.) In regard to the sale of the rights to purchase telecommunications services under sub. (2) (a) 5. a.:

**SECTION 233f.** 77.52 (3n) of the statutes is created to read:

77.52 (3n) In regard to the sale of the rights to purchase telecommunications services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC 116 to 126, as amended by P.L. 106-252.

**SECTION 233fe.** 77.52 (13) of the statutes is amended to read:

77.52 (13) For the purpose of the proper administration of this section and to prevent evasion of the sales tax it shall be presumed that all receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property or services is not a taxable sale at retail is upon the person who makes the sale unless that person takes from the purchaser a certificate to the effect that the property or service is purchased for resale or is otherwise exempt; except that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a warehouse in or from which the commodity is deliverable on a contract for future delivery subject to the rules

of a commodity market regulated by the U.S. commodity futures trading commission if upon the sale the commodity is not removed from the warehouse.

**SECTION 233fg.** 77.523 of the statutes is created to read:

**77.523 Customer remedy.** If a customer purchases a service that is subject to 4 USC 116 to 126, as amended by P.L. 106-252, and if the customer believes that the amount of the tax assessed for the service under this subchapter or the place of primary use or taxing jurisdiction assigned to the service is erroneous, the customer may request that the service provider correct the alleged error by sending a written notice to the service provider. The notice shall include a description of the alleged error, the street address for the customer's place of primary use of the service, the account name and number of the service for which the customer seeks a correction, and any other information that the service provider reasonably requires to process the request. Within 60 days from the date that a service provider receives a request under this section, the service provider shall review its records to determine the customer's taxing jurisdiction. If the review indicates that there is no error as alleged, the service provider shall explain the findings of the review in writing to the customer. If the review indicates that there is an error as alleged, the service provider shall correct the error and shall refund or credit the amount of any tax collected erroneously, along with the related interest, as a result of the error from the customer in the previous 48 months, consistent with s. 77.59 (4). A customer may take no other action, or commence any action, to correct an alleged error in the amount of the tax assessed under this subchapter on a service that is subject to 4 USC 116 to 126, as amended by P.L. 106-252, or to correct an alleged error in the assigned place of primary use or taxing jurisdiction, unless the customer has exhausted his or her remedies under this section.

**SECTION 233fh.** 77.525 of the statutes is amended to read:

**77.525 Reduction to prevent double taxation.** Any person who is subject to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate in this state and who has paid a similar tax on the same services to another state may reduce the amount of the tax remitted to this state by an amount equal to the similar tax properly paid to another state on those services or by the amount due this state on those services, whichever is less. That person shall refund proportionally to the persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal to the amounts not remitted.

**SECTION 233g.** 77.53 (10) of the statutes is amended to read:

**77.53 (10)** For the purpose of the proper administration of this section and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property or taxable services sold by any

person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless that person takes from the purchaser a certificate to the effect that the property or taxable service is purchased for resale, or otherwise exempt from the tax; except that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a warehouse in or from which the commodity is deliverable on a contract for future delivery subject to the rules of a commodity market regulated by the U.S. commodity futures trading commission if upon the sale the commodity is not removed from the warehouse.

**SECTION 233j.** 77.54 (46m) of the statutes is created to read:

**77.54 (46m)** The gross receipts from the sale of and the storage, use, or other consumption of telecommunications services, if the telecommunications services are obtained by using the rights to purchase telecommunications services, including purchasing reauthorization numbers, by paying in advance and by using an access number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was previously paid on the sale or purchase of such rights.

**SECTION 233k.** 77.72 (3) (b) of the statutes is amended to read:

**77.72 (3) (b) Exceptions.** Communication A communication service has a situs where the customer is billed for the service if the customer calls collect or pays by credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place of primary use of the services, as determined under 4 USC 116 to 126, as amended by P.L. 106-252. Towing services have a situs at the location to which the vehicle is delivered. Services performed on tangible personal property have a situs at the location where the property is delivered to the buyer.

**SECTION 233L.** 77.82 (2) (intro.) of the statutes is amended to read:

**77.82 (2) PETITION.** (intro.) Any owner of land may petition the department to designate any eligible parcel of land as managed forest land. A petition may include any number of eligible parcels under the same ownership in a single municipality. ~~Each petition shall be submitted on a form provided by the department and shall be accompanied by a nonrefundable \$10 application fee unless a different amount of the fee is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter. The fee shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (er).~~ Each petition shall include all of the following:

**SECTION 233m.** 77.82 (2m) of the statutes is created to read:



77.82 (2m) FEES FOR PETITIONS. (a) Except as provided in par. (b), a petition under sub. (2) or (4m) shall be accompanied by a nonrefundable application fee of \$100.

(b) If the petition is accompanied by a proposed management plan as provided in par. (c), the nonrefundable application fee shall be \$10 unless a different amount for the fee is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter.

(c) A proposed management plan that qualifies for the reduced fee under par. (b) shall be one of the following:

1. A management plan prepared by a qualified forester, as defined by rule by the department.
2. Any other management plan approved by the department.
3. For petitions under sub. (4m), a recent management plan that was approved by the department for the forest cropland that is subject to the conversion petition under sub. (4m).

(d) All the fees collected under this subsection shall be deposited in the conservation fund. The fees collected under par. (b) and \$10 of each \$100 fee collected under par. (a) shall be credited to the appropriation under s. 20.370 (1) (cr).

(e) If the proposed management plan is not approved by the department under its initial review under sub. (3) (a), the department shall collect from the petitioner a fee in an amount equal to \$100 less the amount the petitioner paid under par. (c).

**SECTION 233n.** 77.82 (3) (a) of the statutes is amended to read:

77.82 (3) (a) The petitioner may submit a proposed management plan for the entire acreage of each parcel with the petition. The department, after considering the owner's forest management objectives as stated under sub. (2) (e), shall review and either approve or disapprove the proposed plan. If the department disapproves a plan, it shall inform the petitioner of the changes necessary to qualify the plan for approval upon subsequent review.

**SECTION 233nm.** 77.82 (4) of the statutes is amended to read:

77.82 (4) ADDITIONS TO MANAGED FOREST LAND. An owner may petition the department to designate as managed forest land an additional parcel of land in the same municipality if the additional parcel is at least 3 acres in size and is contiguous to any of the owner's designated land. The petition shall be accompanied by a nonrefundable \$10 application fee unless a different amount of the fee is established in the same manner as the fee under sub. (2) (2m) (b). The fee shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The petition shall be submitted on a department form and shall contain any additional information required by the department.

**SECTION 233o.** 77.82 (4m) (bn) of the statutes is repealed.

**SECTION 233p.** 77.82 (4m) (c) of the statutes is repealed.

**SECTION 234.** 79.01 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

79.01 (1) There is established an account in the general fund entitled the "Expenditure Restraint Program Account." There shall be appropriated to that account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994; \$48,000,000 in each year beginning in 1995 and ending in 1999; \$57,000,000 in the year 2000 and in the year 2001; and \$57,570,000 in 2002; and \$58,145,700 in 2003 and in each year thereafter.

Vetoed  
In Part

**SECTION 234b.** 79.01 (2d) of the statutes is created to read:

79.01 (2d) There is established an account in the general fund entitled the "County and Municipal Aid Account." There shall be appropriated to that account \$999,709,900 in 2004 and in each year thereafter.

Vetoed  
In Part

**SECTION 234r.** 79.015 of the statutes is amended to read:

**79.015 Statement of estimated payments.** The department of revenue, on or before September 15 of each year, shall provide to each municipality and county a statement of estimated payments to be made in the next calendar year to the municipality or county under ss. 79.03, 79.035, 79.036, 79.04, 79.05, 79.058, and 79.06.

**SECTION 236.** 79.02 (2) (b) of the statutes is amended to read:

79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the municipality's or county's estimated payments under ss. 79.03, 79.035, 79.036, 79.04, 79.058, and 79.06 and 100% of the municipality's estimated payments under s. 79.05.

**SECTION 238.** 79.02 (3) of the statutes is amended to read:

79.02 (3) Subject to s. 59.605 (4), payments to each municipality and county in November shall equal that municipality's or county's entitlement to shared revenues under ss. 79.03, 79.035, 79.036, 79.04, 79.05, 79.058, and 79.06 for the current year, minus the amount distributed to the municipality or county in July. In November 2002, the amount of the payments to each municipality and county under ss. 79.03, 79.04, 79.05, 79.058, and 79.06 to be paid from the appropriation account under s. 20.855 (4) (rb) shall be the amount of such payments to the municipality or county multiplied by the quotient of an amount equal to the moneys available, as determined by the department of administration, from the appropriation account under s. 20.855 (4) (rb) divided by \$826,068,930.

**SECTION 239.** 79.03 (1) of the statutes is amended to read:

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79.03 (1) ~~Each Ending with the distributions in 2003, each~~ municipality and county is entitled to shared revenue, consisting of an amount determined on the basis of population under sub. (2), plus an amount determined under sub. (3).

**SECTION 240.** 79.03 (3c) (b) (intro.) of the statutes is amended to read:

79.03 (3c) (b) *Eligibility.* (intro.) ~~A Ending with the distributions in 2003,~~ a municipality is eligible for a payment under this subsection if all of the following conditions are met:

**SECTION 241.** 79.03 (3c) (f) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

79.03 (3c) (f) *Distribution amount.* If the total amounts calculated under pars. (c) to (e) exceed the total amount to be distributed under this subsection, the amount paid to each eligible municipality shall be paid on a prorated basis. The total amount to be distributed under this subsection from s. 20.835 (1) (b) is \$10,000,000 beginning in 1996 and ending in 1999; and \$11,000,000 in the year 2000 and in the year 2001; ~~The total amount to be distributed under this subsection from ss. 20.835 (1) (b) and 20.855 (4) (rb) in 2002 is \$11,110,000 in 2002; and \$11,221,100 in 2003 and in each year thereafter and the total amount to be distributed under this subsection from s. 20.835 (1) (b) in 2003 is \$11,221,100.~~

**SECTION 242.** 79.03 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$869,000,000. In 1992, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$885,961,300. In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is \$903,680,500. In 1994, the total amounts to be distributed under this section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are \$746,547,500 to municipalities and \$168,981,800 to counties. Beginning in 1995 and ending in 2001, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$761,478,000 to municipalities and \$168,981,800 to counties. In 2002, the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from ~~s. ss.~~ 20.835 (1) (d) and 20.855 (4) (rb) are \$769,092,800 to municipalities and \$170,671,600 to counties. In 2003 ~~and subsequent years,~~ the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are \$776,783,700 to municipalities and \$172,378,300 to counties.

**SECTION 244.** 79.03 (6) of the statutes is created to read:

79.03 (6) Beginning in 2004, no municipality or county may receive payments under subs. (2) and (3) and no municipality may receive a payment under sub. (3c).

**SECTION 244d.** 79.035 of the statutes is created to read:

**79.035 County and municipal aid.** (1) Subject to reductions under s. 79.036 (3), in 2004 and subsequent years, each county and municipality shall receive a payment from the county and municipal aid account in an amount determined under sub. (2).

(2) (a) 1. For the distribution in 2004, each county and municipality will receive a payment that is equal to the amount of the payments the county or municipality received in 2003 under ss. 79.03, ~~79.04, 79.05,~~ 79.058, and 79.06, less the amount of the reduction under subd. 2.

2. The department of revenue shall reduce the amount of the payments to be distributed to each county and municipality, as determined under subd. 1., by subtracting from such payments an amount based on the county's or municipality's population, as determined by the department, so that the total amount of the reduction to all such payments in 2004 is \$40,000,000, except that the reduction applied to any county's or municipality's payment shall not exceed the amount of the payments specified under subd. 1. distributed to the county or municipality in 2003.

(b) For the distribution in 2005 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under par. (a) in 2004 prior to the reductions under s. 79.036.

**SECTION 244f.** 79.036 of the statutes is created to read:

**79.036 Consolidation incentive payment.** (1) (a) In 2004 and subsequent years, counties and municipalities that agree to consolidate county or municipal services may receive payments under sub. (2), if such counties and municipalities submit a copy of the consolidation agreement to the department of revenue no later than September 1 of the year preceding the effective date of the consolidation and the department approves the payment.

(b) A consolidation agreement submitted under par. (a) shall include an estimate of the savings to each county or municipality that is subject to the agreement that will result from the consolidation of services.

(c) No later than September 15 of each year, the department of revenue shall review any agreement submitted under par. (a) and determine whether each county or municipality that is subject to the agreement will receive a payment under sub. (2).

(d) The department of revenue shall consider a consolidation ordinance under s. 66.0229 to be an agreement to consolidate municipal services for purposes of this subsection.

(2) (a) Subject to review and approval under sub. (1) (c) and the limitations provided under this subsection, each county and municipality that is eligible for a payment under this section shall receive one payment in the first year of the consolidation specified in the agreement

Vetoed  
In Part

submitted under sub. (1) (a) that is equal to 75% the estimated savings to each such county or municipality that result from the consolidation. No county or municipality may receive more than one payment under this section related to the same consolidation agreement.

(b) The total amount of all payments under par. (a) distributed in each year may not exceed \$45,000,000. If in any year the department of revenue calculates that the total amount of all payments under par. (a) exceeds \$45,000,000, each county and municipality that is eligible to receive a payment under par. (a) shall receive a payment that is reduced in proportion to the county's or municipality's share of the total payments under par. (a) so that the total amount of all such payments is no more than \$45,000,000.

(3) Beginning with distributions in 2004, the payments under s. 79.035 to be distributed to each county and municipality shall be reduced in proportion to the county's or municipality's share of all payments under s. 79.035 in each year so that the total amount of all payments under s. 79.035 is reduced by the total amount to be distributed under sub. (2) in that year.

Vetoed  
In Part

**SECTION 245.** 79.04 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**79.04 (1)** (intro.) Annually, ending with the distributions in 2003, the department of administration, upon certification by the department of revenue, shall distribute to a municipality having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat, or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 the amount determined as follows:

**SECTION 246.** 79.04 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**79.04 (2) (a)** Annually, ending with the distributions in 2003, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account to any county having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat, or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills

in the case of property in a city or village the first \$125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat, and power companies, electric cooperatives, or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures, and work-in-progress less depreciation, land, and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than \$125,000,000. The amount distributable to a county in any year shall not exceed \$100 times the population of the county.

**SECTION 247.** 79.04 (4) (a) of the statutes is amended to read:

**79.04 (4) (a)** Annually, ending with the distributions in 2003, in addition to the amount distributed under sub. (1), the department of administration shall distribute \$50,000 to a municipality if spent nuclear fuel is stored within the municipality on December 31 of the preceding year. If a spent nuclear fuel storage facility is located within one mile of a municipality, that municipality shall receive \$10,000 annually and the municipality where that storage facility is located shall receive \$40,000 annually.

**SECTION 248.** 79.04 (4) (b) of the statutes is amended to read:

**79.04 (4) (b)** Annually, ending with the distributions in 2003, in addition to the amount distributed under sub. (2), the department of administration shall distribute \$50,000 to a county if spent nuclear fuel is stored within the county on December 31 of the preceding year. If a spent nuclear fuel storage facility is located at a production plant located in more than one county, the payment shall be apportioned according to the formula under sub. (1) (c) 2., except that the formula, as it applies to municipalities in that subdivision, applies to counties in this paragraph. The payment under this paragraph may not be less than \$10,000 annually.

Vetoed  
In Part



2001 Wisconsin Act 109

Vetoed  
In Part

**SECTION 249.** 79.04 (5) of the statutes is created to read:

79.04 (5) Beginning in 2004, no municipality or county may receive a payment under subs. (1) and (2).

**SECTION 250.** 79.05 (2) (intro.) of the statutes is amended to read:

79.05 (2) (intro.) ~~A- Ending with the distributions in 2003,~~ a municipality is eligible for a payment under sub. (3) if it fulfills all of the following requirements:

**SECTION 251.** 79.05 (7) of the statutes is created to read:

79.05 (7) Beginning in 2004, no municipality may receive a payment under this section.

**SECTION 252.** 79.058 (1) of the statutes is amended to read:

79.058 (1) ~~Each Ending with the distributions in 2003,~~ each county is entitled to a mandate relief payment equal to the per person distribution under sub. (2) times the county's population for the year in which the statement under s. 79.015 is provided as determined under s. 16.96 (2).

**SECTION 253.** 79.058 (3) (d) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

79.058 (3) (d) In 2002, \$20,971,400, ~~less amounts paid from the appropriation account under s. 20.855 (4) (rb).~~

**SECTION 254bm.** 79.058 (3) (e) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

79.058 (3) (e) In 2003 ~~and subsequent years,~~ \$21,181,100.

**SECTION 255.** 79.058 (4) of the statutes is created to read:

79.058 (4) Beginning in 2004, no county may receive a payment under this section.

**SECTION 256b.** 79.06 (1) (b) of the statutes is amended to read:

79.06 (1) (b) ~~If Ending with the distributions in 2003,~~ if the payments to any municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), in 1986 or any year thereafter are less than 95% of the combined payments to the municipality or county under this section and s. 79.03, excluding payments under s. 79.03 (3c), for the previous year, the municipality or county has an aids deficiency. The amount of the aids deficiency is the amount by which 95% of the combined payments to the municipality or county under this section and s. 79.03, excluding payments under s. 79.03 (3c), in the previous year exceeds the payments to the municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), in the current year.

**SECTION 256d.** 79.06 (1) (c) of the statutes is amended to read:

79.06 (1) (c) ~~A- Ending with the distributions in 2003,~~ a municipality or county that has an aids deficiency shall receive a payment from the amounts withheld under

sub. (2) equal to its proportion of all the aids deficiencies of municipalities or counties respectively for that year.

**SECTION 256e.** 79.06 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

79.06 (2) (b) ~~If Ending with the distributions in 2003,~~ if the payments to a municipality or county, except any county in which there are no cities or villages, or any county created in the year 1846 or 1847, with a population in the year 1990 greater than 16,000 but less than 17,000, as determined by the 1990 federal decennial census, in any year exceed its combined payments under this section and s. 79.03, excluding payments under s. 79.03 (3c), in the previous year by more than the maximum allowable increase, the excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

**SECTION 257.** 79.06 (3) of the statutes is created to read:

79.06 (3) SUNSET. Beginning in 2004, no municipality or county may receive a payment under this section.

**SECTION 258pr.** 84.013 (1) (a) (intro.) of the statutes is amended to read:

84.013 (1) (a) (intro.) "Major highway project" means a project, except a project providing an approach to a bridge over a river that forms a boundary of the state ~~or a southeast Wisconsin freeway rehabilitation project under s. 84.014,~~ which has a total cost of more than \$5,000,000 and which involves any of the following:

**SECTION 258ps.** 84.013 (2) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

84.013 (2) (a) Subject to ~~s. ss. 84.555 and~~ 86.255, major highway projects shall be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866 (2) (ur) to ~~(uu)~~ (uum).

(b) Except as provided in ss. 84.014 ~~and,~~ 84.03 (3), ~~and 84.555,~~ and subject to s. 86.255, reconstruction and resurfacing of highways shall be funded from the appropriations under s. 20.395 (3) (cq) to (cx).

**SECTION 258pt.** 84.014 (2) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

84.014 (2) ~~Notwithstanding s. 84.013 and subject~~ Subject to ~~s. ss. 84.555 and~~ 86.255, any southeast Wisconsin freeway rehabilitation projects, including the Marquette interchange reconstruction project ~~and projects that involve adding one or more lanes 5 miles or more in length to the existing freeway,~~ may be funded ~~only~~ from the appropriations under ~~s. ss. 20.395 (3) (cr), (cw), and (cy) and 20.866 (2) (uum).~~

**SECTION 258ptg.** 84.014 (5) of the statutes is created to read:

84.014 (5) The department shall design the reconstruction of I 94 in Milwaukee and Waukesha counties, other than the Marquette interchange, to allow for expansion of capacity for vehicular traffic on I 94 in these counties to meet the projected vehicular traffic capacity needs,



as determined by the department, for 25 years following the completion of such reconstruction.

**SECTION 258pu.** 84.014 (5m) of the statutes is created to read:

84.014(5m) (a) Notwithstanding any other provision of this section, the department may not expend any moneys from the appropriations under s. 20.395 (3) (cr), (cw), and (cy) for a southeast Wisconsin freeway rehabilitation project that involves adding one or more lanes 5 miles or more in length to the existing freeway unless the project is specifically enumerated in a list under par. (b).

(b) The department may proceed with the following southeast Wisconsin freeway rehabilitation projects:

1. No projects are enumerated under this paragraph as of the effective date of this subdivision .... [revisor inserts date].

**SECTION 258pur.** 84.02 (15) of the statutes is created to read:

84.02 (15) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. (a) In this subsection:

1. "Additional cost" means the difference in cost between installation of a traffic control signal that is equipped with an emergency preemption device and confirmation signal and installation of a traffic control signal that is not so equipped, and includes the difference in incidental costs such as electrical wiring.

2. "Authorized emergency vehicle" has the meaning given in s. 340.01 (3) (a), (c), (g), or (i).

3. "Confirmation signal" means a white signal, located on or near a traffic control signal equipped with an emergency preemption device, that is designed to be visible to the operator of an approaching authorized emergency vehicle and that confirms to the operator that the emergency preemption device has received a transmission from the operator.

4. "Emergency preemption device" means an electrical device, located on or within a traffic control signal, that is designed to receive an electronic, radio, or sonic transmission from an approaching authorized emergency vehicle that alters the normal sequence of the traffic control signal to provide or maintain a green signal for the authorized emergency vehicle to proceed through the intersection.

5. "Political subdivision" means a county, city, village, or town.

6. "Traffic control signal" means any electrical device by which traffic is alternately directed to stop and permitted to proceed by means of exhibiting different colored lights successively.

(b) Before the department installs a new traffic control signal on a state trunk highway within the corporate limits of any political subdivision, the department shall do all of the following:

1. Notify the political subdivision of the planned traffic control signal installation.

2. Notify the political subdivision of the additional cost of equipping the traffic control signal with an emergency preemption device and confirmation signal.

3. Provide the political subdivision with the opportunity to request that the traffic control signal be equipped with an emergency preemption device and confirmation signal.

(c) If any political subdivision requests under par. (b) 3. that the department equip the traffic control signal with an emergency preemption device and confirmation signal, and one or more political subdivisions contributes a total of 50% of the additional cost specified under par. (b) 2., the department shall equip the traffic control signal with an emergency preemption device and confirmation signal when the department installs the traffic control signal.

(d) Notwithstanding pars. (b) and (c), this subsection does not prohibit the department from installing on any state trunk highway, at the department's expense, any traffic control signal equipped with an emergency preemption device and confirmation signal. The department may install a new traffic control signal equipped with an emergency preemption device and confirmation signal under this paragraph without providing notice and an opportunity to respond under par. (b) to any political subdivision. The department shall install a confirmation signal with every new emergency preemption device installed by the department under this paragraph.

(e) Any new traffic control signal installed by the department after the effective date of this paragraph .... [revisor inserts date], that is not equipped with an emergency preemption device shall include all electrical wiring necessary to equip the traffic control signal with an emergency preemption device and confirmation signal.

(f) The department shall promulgate rules to implement and administer this subsection. The rules shall include procedures and deadlines for the department's notification of political subdivisions, and for political subdivisions' requests and contributions to the department, under this subsection.

**SECTION 258puv.** 84.03 (2) (c) of the statutes is amended to read:

84.03 (2) (c) After receiving a plan under par. (b) 1., the cochairpersons of the joint committee on finance jointly shall determine whether the plan is complete. If the joint committee on finance meets and either approves or modifies and approves a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine that the plan is complete, the secretary shall implement the plan as approved by the committee. If the joint committee on finance does not meet and either approve or modify and approve a plan submitted under par. (b) 1. within 14 days after the cochairpersons determine that the plan is

Vetoed  
In Part

Vetoed  
In Part

complete, the secretary shall implement the proposed plan. If the joint committee on finance approves a plan under s. 84.555 for a state fiscal year, the joint committee on finance may modify a plan implemented under this paragraph for that fiscal year.

Vetoed  
In Part

**SECTION 258puw.** 84.09 (9) of the statutes is created to read:

84.09 (9) Subsections (5), (5m), and (6) do not apply to state surplus property that is directed to be sold under 2001 Wisconsin Act ... (this act), section 9107 (1b).

**SECTION 258pux.** 84.185 (3m) of the statutes is created to read:

84.185 (3m) REVIEW OF APPLICATIONS. The department shall accept, review, and make determinations on applications for assistance under this section on a continuing, year-round basis. The department shall make a determination on each application for assistance under this section within a reasonable time after its receipt by the department.

**SECTION 258pv.** 84.30 (10m) of the statutes is amended to read:

84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT. The department may promulgate a rule requiring persons specified in the rule to pay annual permit fees for signs. The rule shall specify that no permit fee may be charged for an off-premises advertising sign that is owned by a non-profit organization. If the department establishes an annual permit fee under this subsection, failure to pay the fee within 2 months after the date on which payment is due is evidence that the sign has been abandoned for the purposes of s. TRANS 201.10 (2) (f), Wis. Adm. Code.

**SECTION 258pw.** 84.555 of the statutes is created to read:

**84.555 Additional funding of major highway and rehabilitation projects.** (1) Notwithstanding ss. 84.51 and 84.59, major highway projects, as defined under s. 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, southeast Wisconsin freeway rehabilitation projects under s. 84.014, and state highway rehabilitation projects for the purposes specified in s. 20.395 (3) (cq), may be funded with the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) if all of the following conditions are satisfied:

(a) The department's most recent estimate of the amount of federal funds, as defined in s. 84.03 (2) (a) 1., that the department will be appropriated under s. 20.395 in the current state fiscal year is less than 95% of the amount of federal funds shown in the schedule, as defined in s. 84.03 (2) (a) 2., for the appropriations under s. 20.395 in that fiscal year.

(b) The secretary has submitted a plan to the joint committee on finance for the use of proceeds of general obligation bonds issued under s. 20.866 (2) (uum) and the joint committee on finance has approved the plan, except that the secretary may not submit, and the joint committee on finance may not approve, a plan for the use of an

amount of proceeds of general obligation bonds that exceeds the difference between the amount of federal funds, as defined in s. 84.03 (2) (a) 1., actually available to the department to be appropriated under s. 20.395 in the current state fiscal year and the amount of federal funds shown in the schedule, as defined in s. 84.03 (2) (a) 2., for the appropriations under s. 20.395 in that fiscal year.

(2) The joint committee on finance may approve, or modify and approve, a plan received under sub. (1) (b) using the procedure specified in s. 84.03 (2) (c). No plan submitted under sub. (1) (b) may be implemented unless the joint committee on finance has approved, or modified and approved, the plan.

(3) The secretary may submit a plan under sub. (1) (b) at any time during a state fiscal year after the condition specified in sub. (1) (a) is satisfied for that fiscal year.

**SECTION 258x.** 85.07 (7) (c) of the statutes is created to read:

85.07 (7) (c) Notwithstanding par. (b), the department shall, in each fiscal year, expend federal funds available under 23 USC 152 for hazard elimination projects that reduce the response time of emergency vehicles regardless of reduction in motor vehicle accidents.

**SECTION 258y.** 85.12 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

85.12 (3) The department may contract with any local governmental unit, as defined in s. ~~22.01~~ 16.97 (7), to provide that local governmental unit with services under this section.

**SECTION 259.** 86.192 (4) of the statutes is amended to read:

86.192 (4) Any person who violates this section shall be ~~fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony if the injury, defacement or removal causes the death of a person.

**SECTION 259g.** 86.312 (2) (a) of the statutes is amended to read:

86.312 (2) (a) The department shall administer a local roads for job preservation program to award grants to political subdivisions for any project that the department determines is necessary to support business and retain jobs in the vicinity of the local road. The department may award grants under this section for any costs related to a project, including costs of acquiring rights-of-way, planning, designing, engineering, and constructing a local road. The department may specify the pavement to be used in any project funded under this section for the purpose of enhancing the pavement life and cost-effectiveness of the project.

**SECTION 259h.** 87.30 (1) (d) of the statutes is amended to read:

87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects an activity that meets all of

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

the requirements under s. 281.165 (2) ~~or (3) (a)~~, the department may not proceed under this subsection, or otherwise review the amendment, to determine whether the ordinance, as amended, is insufficient.

Vetoed  
In Part

**SECTION 259m.** 93.07 (1) of the statutes is amended to read:

93.07 (1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of department to carry out its duties and powers under chs. 93 to 100, which regulations shall have the force of law.

**SECTION 259r.** 93.07 (10) (a) of the statutes is repealed.

**SECTION 259s.** 93.07 (10) (b) of the statutes is renumbered 93.07 (10) and amended to read:

93.07 (10) ANIMAL HEALTH; QUARANTINE. To protect the health of domestic animals of the located in this state; and of humans residing in this state and to determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of communicable diseases among domestic animals, and for, For these purposes ~~it~~, the department may establish, maintain, enforce, and regulate such quarantine and such other measures relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department ~~may deem~~ determines are necessary. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this ~~paragraph~~ subsection.

Vetoed  
In Part

**SECTION 259sd.** 93.07 (23) of the statutes is created to read:

93.07 (23) CONSUMER PROTECTION ADMINISTRATION. To administer ss. 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.206, 100.208, 100.21, 100.22, 100.235, 100.265, 100.27, 100.285 to 100.297, 100.30, 100.33 to 100.36, 100.45, 100.47, 100.48, and 100.51 and to enforce ss. 100.206, 100.21, 100.30, and 100.51.

**SECTION 259se.** 93.07 (24) of the statutes is amended to read:

93.07 (24) ENFORCEMENT OF LAWS. To enforce ~~or assist in the enforcement of~~ chs. 88 and 93 to 100 and all other laws entrusted to its administration, and especially:

(a) To enforce the laws administered by the department regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product.

(b) To enforce the laws administered by the department regarding the adulteration or misbranding of any articles of food, drink, condiment or drug.

(c) To inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which it

may suspect or have reason to believe, under the laws administered by the department, to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful.

(d) To prosecute or cause to be prosecuted, under the laws administered by the department, any person engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any adulterated dairy product or of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles of food, drink, condiment or drug.

**SECTION 259sf.** 93.18 (3) of the statutes is amended to read:

93.18 (3) The department of justice, after acting pursuant to s. 100.37 or 100.41 to 100.43 to order the sale or distribution of any substance, article, furnishing, fabric, product or related material ceased, shall give written notice of its finding to the manufacturer, seller or other person responsible for placing the item in the channels of trade in this state. After such notice no person may sell, remove or otherwise dispose of such item except as directed by the department. Any person affected by such notice may demand a prompt hearing to determine the validity of the department's findings. The hearing, if requested, shall be held as expeditiously as possible but not later than 30 days after notice. A request for hearing does not operate to stay enforcement of the order during the pendency of the hearing. The person petitioning for a hearing shall be entitled to the same rights specified under sub. (2).

**SECTION 259sh.** 93.18 (7) of the statutes is created to read:

93.18 (7) The department of justice shall follow the procedures under subs. (1), (2), (4), (5), and (6) in enforcing the provisions of ch. 100 that are administered by the department of justice.

**SECTION 259sj.** 93.20 (1) of the statutes is amended to read:

93.20 (1) DEFINITION. In this section, "action" means an action that is commenced in court by, or on behalf of, the department of agriculture, trade and consumer protection to enforce chs. 88, 91 to 100 or 127 or an action that is commenced in court by the department of justice to enforce ch. 100.

**SECTION 259sm.** 93.22 (1) of the statutes is amended to read:

93.22 (1) In cases arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and 100.51, the department may be represented by its attorney.

**SECTION 259sp.** 93.22 (2) of the statutes is amended to read:

93.22 (2) The department may, with the approval of the governor, appoint special counsel to prosecute or assist in the prosecution of any case arising under chs. 88 and 93 to ~~100~~ 99 and ss. 100.206, 100.21, 100.30, and

Vetoed  
In Part

Vetoed  
In Part

100.51. The cost of such special counsel shall be charged to the appropriation for the department.

**SECTION 260g.** 95.22 of the statutes is renumbered 95.22 (1).

**SECTION 260h.** 95.22 (2) of the statutes is created to read:

95.22 (2) The department shall provide the reports of any communicable diseases under sub. (1) to the department of health and family services.

**SECTION 260p.** 95.65 of the statutes is created to read:

**95.65 Intrastate transportation of white-tailed deer.** (1) In this section, "cervid" means a member of the family of animals that includes deer and moose.

(2) The department shall impose the same requirements on the intrastate transportation of white-tailed deer that it imposes on the intrastate transportation of other cervids.

**SECTION 261.** 97.43 (4) of the statutes is amended to read:

97.43 (4) Whoever violates this section ~~may be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 262.** 97.45 (2) of the statutes is amended to read:

97.45 (2) Whoever violates this section ~~may be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

Vetoed  
In Part

**SECTION 262m.** 100.07 (6) of the statutes is amended to read:

~~100.07 (6) Action Upon request of the department, an action to enjoin violation of this section may be commenced and prosecuted by the department of justice in the name of the state in any court having equity jurisdiction.~~

**SECTION 263.** 100.171 (7) (b) of the statutes is amended to read:

100.171 (7) (b) Whoever intentionally violates this section ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony. A person intentionally violates this section if the violation occurs after the department or a district attorney has notified the person by certified mail that the person is in violation of this section.

Vetoed  
In Part

**SECTION 263bb.** 100.171 (7) (b) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

100.171 (7) (b) Whoever intentionally violates this section is guilty of a Class I felony. A person intentionally violates this section if the violation occurs after the department of justice or a district attorney has notified the person by certified mail that the person is in violation of this section.

Vetoed  
In Part

**SECTION 263bd.** 100.171 (8) (intro.) of the statutes is amended to read:

100.171 (8) ENFORCEMENT. (intro.) The department of justice shall investigate violations of this section. The department of justice or any district attorney may on behalf of the state:

**SECTION 263bg.** 100.173 (4) (intro.) of the statutes is amended to read:

100.173 (4) (intro.) The department of justice shall investigate violations of this section. The department of justice, or any district attorney upon informing the department of justice, may, on behalf of the state, do any of the following:

**SECTION 263bj.** 100.173 (4) (a) of the statutes is amended to read:

100.173 (4) (a) Bring an action for temporary or permanent injunctive relief in any court of competent jurisdiction for any violation of this section. The relief sought by the department of justice or district attorney may include the payment by a promoter into an escrow account of an amount estimated to be sufficient to pay for ticket refunds. The court may, upon entry of final judgment, award restitution when appropriate to any person suffering loss because of violations of this section if proof of such loss is submitted to the satisfaction of the court.

**SECTION 263bn.** 100.174 (5) (intro.) of the statutes is amended to read:

100.174 (5) (intro.) The department of justice or any district attorney may on behalf of the state:

**SECTION 263bq.** 100.174 (6) of the statutes is amended to read:

100.174 (6) The department of justice shall investigate violations of and enforce this section.

**SECTION 263bt.** 100.175 (5) (a) (intro.) of the statutes is amended to read:

100.175 (5) (a) (intro.) No person may collect or by contract require a buyer to pay more than \$100 for dating services before the buyer receives or has the opportunity to receive those services unless the person selling dating services establishes proof of financial responsibility by maintaining any of the following commitments approved by the department of justice in an amount not less than \$25,000:

**SECTION 263bw.** 100.175 (5) (b) of the statutes is amended to read:

100.175 (5) (b) The commitment described in par. (a) shall be established in favor of or made payable to the state, for the benefit of any buyer who does not receive a refund under the contractual provision described in sub. (3). The person selling dating services shall file with the department of justice any agreement, instrument or other document necessary to enforce the commitment against the person selling dating services or any relevant 3rd party, or both.



Vetoed  
In Part

**SECTION 263bz.** 100.175 (7) (a) (intro.) of the statutes is amended to read:

100.175 (7) (a) (intro.) The department of justice or any district attorney may on behalf of the state:

**SECTION 263gb.** 100.175 (7) (b) of the statutes is amended to read:

100.175 (7) (b) The department of justice may bring an action in circuit court to recover on a financial commitment maintained under sub. (5) against a person selling dating services or relevant 3rd party, or both, on behalf of any buyer who does not receive a refund due under the contractual provision described in sub. (3).

**SECTION 263gd.** 100.177 (1) (bm) of the statutes is created to read:

100.177 (1) (bm) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 263gg.** 100.178 (1) (b) of the statutes is amended to read:

100.178 (1) (b) Notwithstanding s. 93.01 (3), "department" means the department of ~~health and family services~~ justice.

**SECTION 263gj.** 100.18 (11) (a) of the statutes is amended to read:

100.18 (11) (a) The department of ~~agriculture, trade and consumer protection~~ justice shall enforce this section. Actions to enjoin violation of this section or any regulations thereunder may be commenced and prosecuted by the department of justice in the name of the state in any court having equity jurisdiction. This remedy is not exclusive.

**SECTION 263gm.** 100.18 (11) (b) 3. of the statutes is amended to read:

100.18 (11) (b) 3. No action may be commenced under this section more than 3 years after the occurrence of the unlawful act or practice which is the subject of the action. No injunction may be issued under this section which would conflict with general or special orders of the department of justice or any statute, rule or regulation of the United States or of this state.

**SECTION 263gp.** 100.18 (11) (c) 1. of the statutes is amended to read:

100.18 (11) (c) 1. Whenever the department of justice has reason to believe that a person is in possession, custody or control of any information or documentary material relevant to the enforcement of this section it may require that person to submit a statement or report, under oath or otherwise, as to the facts and circumstances concerning any activity in the course of trade or commerce; examine under oath that person with respect to any activity in the course of trade or commerce; and execute in writing and cause to be served upon such person a civil investigative demand requiring the person to produce any relevant documentary material for inspection and copying.

**SECTION 263gs.** 100.18 (11) (c) 2. of the statutes is amended to read:

100.18 (11) (c) 2. The department of justice, in exercising powers under this subsection, may issue subpoenas, administer oaths and conduct hearings to aid in any investigation.

**SECTION 263gu.** 100.18 (11) (c) 3. of the statutes is amended to read:

100.18 (11) (c) 3. Service of any notice by the department of justice requiring a person to file a statement or report, or service of a subpoena upon a person, or service of a civil investigative demand shall be made in compliance with the rules of civil procedure of this state.

**SECTION 263gx.** 100.18 (11) (c) 4. of the statutes is amended to read:

100.18 (11) (c) 4. If a person fails to file any statement or report, or fails to comply with any civil investigative demand, or fails to obey any subpoena issued by the department of justice, such person may be coerced as provided in s. 885.12, except that no person shall be required to furnish any testimony or evidence under this subsection which might tend to incriminate the person.

**SECTION 263mb.** 100.18 (11) (d) of the statutes is amended to read:

100.18 (11) (d) The ~~department or the~~ department of ~~justice, after consulting with the department,~~ or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section. The court may in its discretion, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, provided proof thereof is submitted to the satisfaction of the court. ~~The department and the~~ department of justice may subpoena persons and require the production of books and other documents, ~~and the department of justice may request the department to exercise its authority under par. (c) to aid in the investigation of alleged violations of this section.~~

**SECTION 263mf.** 100.18 (11) (e) of the statutes is amended to read:

100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this section, ~~the department or the~~ department of justice may accept a written assurance of discontinuance of any act or practice alleged to be a violation of this section from the person who has engaged in such act or practice. The acceptance of such assurance by ~~either the department or the~~ department of justice shall be deemed acceptance by the ~~other state officials enumerated in par. (d)~~ any district attorney if the terms of the assurance so provide. An assurance entered into pursuant to this section shall not be considered evidence of a violation of this section, provided that violation of such an assurance shall be treated as a violation of this section, and shall be subjected to all the penalties and remedies provided therefor.

Vetoed  
In Part

Vetoed  
In Part

**SECTION 263mj.** 100.182 (5) (a) of the statutes is amended to read:

100.182 (5) (a) Any district attorney, after informing the department of justice, or the department of justice may seek a temporary or permanent injunction in circuit court to restrain any violation of this section. Prior to entering a final judgment the court may award damages to any person suffering monetary loss because of a violation. The department of justice may subpoena any person or require the production of any document to aid in investigating alleged violations of this section.

**SECTION 263mm.** 100.182 (5) (b) of the statutes is amended to read:

100.182 (5) (b) In lieu of instituting or continuing an action under this subsection, the department of justice may accept a written assurance from a violator of this section that the violation has ceased. If the terms of the assurance so provide, its acceptance by the department of justice prevents all district attorneys from prosecuting the violation. An assurance is not evidence of a violation of this section but violation of an assurance is subject to the penalties and remedies of violating this section.

**SECTION 263mp.** 100.20 (2) (a) of the statutes is amended to read:

100.20 (2) (a) The department of justice, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department of justice to be unfair. The department of justice, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department of justice to be fair.

**SECTION 263mr.** 100.20 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

100.20 (2) (b) Notwithstanding par. (a), the department of justice may not issue any order or promulgate any rule that regulates the provision of water or sewer service by a manufactured home park operator, as defined in s. 101.91 (8), or manufactured home park contractor, as defined in s. 101.91 (6m), or enforce any rule to the extent that the rule regulates the provision of such water or sewer service.

**SECTION 263mt.** 100.20 (3) of the statutes is amended to read:

100.20 (3) The department of justice, after public hearing, may issue a special order against any person, enjoining such person from employing any method of competition in business or trade practice in business which is determined by the department of justice to be unfair or from providing service in violation of sub. (1t). The department of justice, after public hearing, may issue a special order against any person, requiring such person to employ the method of competition in business or trade practice in business which is determined by the department of justice to be fair.

Vetoed  
In Part

**SECTION 263mv.** 100.20 (4) of the statutes is amended to read:

100.20 (4) ~~The~~ If the department of justice may file a written complaint with the department alleging that the has reason to believe that a person named is employing unfair methods of competition in business or unfair trade practices in business or both. ~~Whenever such a complaint is filed,~~ it shall be the duty of the department of justice to proceed, after proper notice and in accordance with its rules, to the hearing and adjudication of the matters alleged, and a representative of the department of justice designated by the attorney general may appear before the department in such proceedings. ~~The department of justice shall be entitled to judicial review of the decisions and orders of the department under ch. 227 matter.~~

**SECTION 263mx.** 100.20 (6) of the statutes is amended to read:

100.20 (6) The department of justice may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction the violation of any order issued under this section. The court may in its discretion, prior to entry of final judgment make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, provided proof thereof is submitted to the satisfaction of the court. The department of justice may use its authority in ss. 93.14 and 93.15 to investigate violations of any order issued under this section.

**SECTION 263mz.** 100.201 (6) (d) of the statutes is amended to read:

100.201 (6) (d) The failure to pay fees under this subsection within the time provided under par. (c) is a violation of this section. The department of justice may also commence an action to recover the amount of any overdue fees plus interest at the rate of 2% per month for each month that the fees are delinquent.

**SECTION 263nb.** 100.201 (8m) (intro.) of the statutes is amended to read:

100.201 (8m) JURISDICTION. (intro.) This section shall apply to transactions, acts or omissions which take place in whole or in part outside this state. In any action or administrative proceeding the department of justice has jurisdiction of the person served under s. 801.11 when any act or omission outside this state by the defendant or respondent results in local injury or may have the effect of injuring competition or a competitor in this state or unfairly diverts trade or business from a competitor, if at the time:

**SECTION 263nd.** 100.201 (9) (b) of the statutes is amended to read:

100.201 (9) (b) The department, after public hearing held under s. 93.18, may issue a special order against any person requiring such person to cease and desist from acts, practices or omissions determined by the department to violate this section. Such orders shall be

Vetoed  
In Part

subject to judicial review under ch. 227. Any violation of a special order issued hereunder shall be punishable as a contempt under ch. 785 in the manner provided for disobedience of a lawful order of a court, upon the filing of an affidavit by the department of justice of the commission of such violation in any court of record in the county where the violation occurred.

**SECTION 263nf.** 100.201 (9) (c) of the statutes is amended to read:

100.201 (9) (c) The department of justice, in addition to or in lieu of any other remedies herein provided, may apply to a circuit court for a temporary or permanent injunction to prevent, restrain or enjoin any person from violating this section or any special order of the department of agriculture, trade and consumer protection issued hereunder under this section, without being compelled to allege or prove that an adequate remedy at law does not exist.

**SECTION 263nj.** 100.205 (7) of the statutes is amended to read:

100.205 (7) The department of justice, or any district attorney on informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section. The court may, before entry of final judgment and after satisfactory proof, make orders or judgments necessary to restore to any person any pecuniary loss suffered because of a violation of this section. The department of justice may conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its investigation of violations of this section.

**SECTION 263nm.** 100.205 (8) of the statutes is amended to read:

100.205 (8) The department of justice or any district attorney may commence an action in the name of the state to recover a forfeiture to the state of not more than \$10,000 for each violation of this section.

**SECTION 263nn.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.) and amended to read:

100.207 (1) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, "telecommunications:

(b) "Telecommunications service" has the meaning given in s. 196.01 (9m).

**SECTION 263no.** 100.207 (1) (a) of the statutes is created to read:

100.207 (1) (a) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 263nq.** 100.207 (6) (b) 1. of the statutes is amended to read:

100.207 (6) (b) 1. The department of justice, after consulting with the department of agriculture, trade and consumer protection, or any district attorney upon informing the department of agriculture, trade and consumer protection, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section.

Injunctive relief may include an order directing telecommunications providers, as defined in s. 196.01 (8p), to discontinue telecommunications service provided to a person violating this section or ch. 196. Before entry of final judgment, the court may make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action if proof of these acts or practices is submitted to the satisfaction of the court.

**SECTION 263nt.** 100.207 (6) (b) 2. of the statutes is amended to read:

100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14 to 93.16 and 100.18 (11) (c) to shall administer this section. The department and the department of justice may subpoena persons and, require the production of books and other documents, and the department of justice may request the department of agriculture, trade and consumer protection to exercise its authority to aid in the investigation of investigate alleged violations of this section.

**SECTION 263nv.** 100.207 (6) (c) of the statutes is amended to read:

100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to forfeit not less than \$25 nor more than \$5,000 for each offense. Forfeitures under this paragraph shall be enforced by the department of justice, after consulting with the department of agriculture, trade and consumer protection, or, upon informing the department, by the district attorney of the county where the violation occurs.

**SECTION 263nz.** 100.207 (6) (em) 1. of the statutes is amended to read:

100.207 (6) (em) 1. Before preparing any proposed rule under this section, the department shall form an advisory group to suggest recommendations regarding the content and scope of the proposed rule. The advisory group shall consist of one or more persons who may be affected by the proposed rule, a representative from the department of justice and a representative from the public service commission.

**SECTION 263pb.** 100.207 (6) (em) 2. of the statutes is amended to read:

100.207 (6) (em) 2. The department shall submit the recommendations under subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2) and to the board of agriculture, trade and consumer protection.

**SECTION 263pf.** 100.208 (2) (intro.) of the statutes is amended to read:

100.208 (2) (intro.) The department of justice shall notify the public service commission if any of the following conditions exists:

**SECTION 263pj.** 100.208 (2) (b) of the statutes is amended to read:

100.208 (2) (b) The department of justice has issued an order under s. 100.20 (3) prohibiting a

Vetoed  
In Part

2001 Wisconsin Act 109

Vetoed  
In Part

telecommunications provider from engaging in an unfair trade practice or method of competition.

**SECTION 263pm.** 100.209 (3) of the statutes is amended to read:

100.209 (3) RULES AND LOCAL ORDINANCES ALLOWED. This section does not prohibit the department of justice from promulgating a rule or from issuing an order consistent with its authority under this chapter that gives a subscriber greater rights than the rights under sub. (2) or prohibit a city, village or town from enacting an ordinance that gives a subscriber greater rights than the rights under sub. (2).

**SECTION 263pp.** 100.209 (4) (b) of the statutes is amended to read:

100.209 (4) (b) The department of justice and the district attorneys of this state have concurrent authority to institute civil proceedings under this section.

**SECTION 263ps.** 100.2095 (6) (b) of the statutes is amended to read:

100.2095 (6) (b) The department of justice may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of sub. (3), (4) or (5). Before entry of final judgment, the court may make any necessary orders to restore to any person any pecuniary loss suffered by the person because of the violation.

**SECTION 263pv.** 100.2095 (6) (c) of the statutes is amended to read:

100.2095 (6) (c) The department of justice or any district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

**SECTION 264.** 100.2095 (6) (d) of the statutes is amended to read:

100.2095 (6) (d) A person who violates sub. (3), (4) or (5) may be fined not less than \$100 nor more than \$1,000 \$10,000 or imprisoned for not more than one year 9 months or both. Each day of violation constitutes a separate offense.

Vetoed  
In Part

**SECTION 264d.** 100.21 (2) (a) of the statutes is amended to read:

100.21 (2) (a) No person may make an energy savings or safety claim without a reasonable and currently accepted scientific basis for the claim when the claim is made. Making an energy savings or safety claim without a reasonable and currently accepted scientific basis is also an unfair method of competition and trade practice prohibited under s. 100.20.

**SECTION 264h.** 100.21 (4) (a) (intro.) of the statutes is amended to read:

100.21 (4) (a) (intro.) The department may, after public hearing, issue general or special orders under s. 100.20:

**SECTION 264p.** 100.22 (4) (b) of the statutes is amended to read:

Vetoed  
In Part

100.22 (4) (b) The department of justice may, without alleging or proving that no other adequate remedy at law exists, bring an action to enjoin violations of this section or a special order issued under this section in the circuit court for the county where the alleged violation occurred.

**SECTION 264t.** 100.235 (11) (a) of the statutes is amended to read:

100.235 (11) (a) *Forfeiture.* Any person who violates this section or any rule promulgated or order issued under this section may be required to forfeit not less than \$100 nor more than \$10,000. Notwithstanding s. 165.25 (1), the department may commence an action to recover a forfeiture under this paragraph.

**SECTION 265.** 100.26 (2) of the statutes is amended to read:

100.26 (2) Any person violating s. 100.02 shall be fined not less than \$50 nor more than \$3,000 or imprisoned for not less than 30 days nor more than 4 years and 6 months or both is guilty of a Class I felony.

**SECTION 266.** 100.26 (5) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

100.26 (5) Any person violating s. 100.18 (9) shall may be fined not less than \$100 nor more than \$1,000 \$10,000 or imprisoned for not more than 2 years 2 months or both. Each day of violation constitutes a separate offense.

**SECTION 266m.** 100.26 (6) of the statutes is amended to read:

100.26 (6) ~~The department, the department of justice, after consulting with the department, or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of Any person violating an injunction issued under s. 100.18, 100.182 or 100.20 (6). The department of agriculture, trade and consumer protection or any district attorney may commence an action in the name of the state to recover a civil is subject to a forfeiture of not less than \$100 nor more than \$10,000 for each violation. Any person violating an order issued under s. 100.20 is subject to a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of an order issued under s. 100.20.~~

Vetoed  
In Part

**SECTION 267.** 100.26 (7) of the statutes is amended to read:

100.26 (7) Any person violating s. 100.182 shall may be fined not less than \$500 nor more than \$5,000 \$10,000 or imprisoned for not more than 2 years 2 months or both for each offense. Each unlawful advertisement published, printed or mailed on separate days or in separate publications, hand bills or direct mailings is a separate violation of this section.

**SECTION 267kb.** 100.261 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

Vetoed  
In Part



Vetoed  
In Part

100.261 (3) (b) The state treasurer shall deposit the consumer protection assessment amounts imposed for a violation of ch. 98, a rule promulgated under ch. 98, or an ordinance enacted under ch. 98 in the general fund and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to the limit under par. (c).

**SECTION 267kd.** 100.261 (3) (d) of the statutes is created to read:

100.261 (3) (d) The state treasurer shall deposit the consumer protection assessment amounts imposed for a violation of this chapter, a rule promulgated under this chapter, or an ordinance enacted under this chapter in the general fund and shall credit them to the appropriation account under s. 20.455 (1) (g), subject to the limit under par. (e).

**SECTION 267ke.** 100.261 (3) (e) of the statutes is created to read:

100.261 (3) (e) The amount credited to the appropriation account under s. 20.455 (1) (g) may not exceed \$185,000 in each fiscal year.

**SECTION 267kf.** 100.263 of the statutes is amended to read:

**100.263 Recovery.** In addition to other remedies available under this chapter, the court may award the ~~department~~ the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation and the court may award the ~~department of justice~~ the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this chapter. The ~~department and the department of justice~~ amounts awarded under this subsection shall ~~deposit~~ be deposited in the state treasury for deposit in the general fund all moneys that the court awards to the ~~department, the department of justice or the state~~ under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

**SECTION 267kh.** 100.28 (4) (b) of the statutes is amended to read:

100.28 (4) (b) In lieu of or in addition to forfeitures under par. (a), the department of justice may seek an injunction restraining any person from violating this section.

**SECTION 267kj.** 100.28 (4) (c) of the statutes is amended to read:

100.28 (4) (c) The department of justice, or any district attorney upon the request of the department of justice, may commence an action in the name of the state under par. (a) or (b).

**SECTION 267kL.** 100.31 (4) of the statutes is amended to read:

100.31 (4) PENALTIES. For any violation of this section, the department of justice or a district attorney

may commence an action on behalf of the state to recover a forfeiture of not less than \$100 nor more than \$10,000 for each offense. Each delivery of a drug sold to a purchaser at a price in violation of this section and each separate day in violation of an injunction issued under this section is a separate offense.

**SECTION 267kn.** 100.31 (5) of the statutes is amended to read:

100.31 (5) SPECIAL REMEDIES. The department of justice or a district attorney may bring an action to enjoin a violation of this section without being compelled to allege or prove that an adequate remedy at law does not exist. An action under this subsection may be commenced and prosecuted by the department of justice or a district attorney, in the name of the state, in a circuit court in the county where the offense occurred or in Dane County, notwithstanding s. 801.50.

**SECTION 267ko.** 100.37 (1) (am) of the statutes is created to read:

100.37 (1) (am) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 267kp.** 100.38 (5) of the statutes is amended to read:

100.38 (5) INSPECTION. The department of justice shall enforce this section by inspection, chemical analyses or any other appropriate method and the department of justice may promulgate such rules as are necessary to effectively enforce this section.

**SECTION 267kq.** 100.38 (6) of the statutes is amended to read:

100.38 (6) ENFORCEMENT. It is unlawful to sell any antifreeze which is adulterated or misbranded. In addition to the penalties provided under sub. (7), the department of justice may bring an action to enjoin violations of this section.

**SECTION 267kr.** 100.41 (1) (bn) of the statutes is created to read:

100.41 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 267ks.** 100.42 (1) (cm) of the statutes is created to read:

100.42 (1) (cm) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 267kt.** 100.43 (1) (am) of the statutes is created to read:

100.43 (1) (am) Notwithstanding s. 93.01 (3), "department" means the department of justice.

**SECTION 267ku.** 100.44 (5) of the statutes is amended to read:

100.44 (5) ENFORCEMENT. For any violation of sub. (3), the department of justice may, on behalf of the state, bring an action in any court of competent jurisdiction for the recovery of forfeitures authorized under sub. (4), for temporary or permanent injunctive relief and for any other appropriate relief. The court may make any order or judgment that is necessary to restore to any person any

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pecuniary loss suffered because of a violation of sub. (3) if proof of the loss is shown to the satisfaction of the court.

**SECTION 267kv.** 100.46 (1) of the statutes is amended to read:

100.46 (1) ENERGY CONSERVATION STANDARDS. The department of justice may by rule adopt energy conservation standards for products that have been established in or promulgated under 42 USC 6291 to 6309.

**SECTION 267kw.** 100.46 (2) of the statutes is amended to read:

100.46 (2) PROHIBITED ACTS; ENFORCEMENT. No person may sell at retail, install or cause to be installed any product that is not in compliance with rules promulgated under sub. (1). In addition to other penalties and enforcement procedures, the department of justice may apply to a court for a temporary or permanent injunction restraining any person from violating a rule adopted under sub. (1).

**SECTION 267kx.** 100.50 (6) (b) of the statutes is amended to read:

100.50 (6) (b) In lieu of or in addition to the remedy under par. (a), the department of justice may seek an injunction restraining any person from violating this section.

**SECTION 267ky.** 100.50 (6) (c) of the statutes is amended to read:

100.50 (6) (c) The department of justice, or any district attorney upon the request of the department of justice, may commence an action in the name of the state under par. (a) or (b).

**SECTION 267kz.** 100.52 (1) (bn) of the statutes is created to read:

100.52 (1) (bn) Notwithstanding s. 93.01 (3), "department" means the department of justice.

Vetoed  
In Part

**SECTION 267m.** 101.01 (11) of the statutes, as affected by 2001 Wisconsin Act 16, section 2446rb, is amended to read:

101.01 (11) "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes; the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such

production; and the operation of a horse boarding facility or horse training facility that does not contain an area for the public to view a horse show. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

**SECTION 267q.** 101.01 (12) of the statutes, as affected by 2001 Wisconsin Act 16, section 2447db, is amended to read:

101.01 (12) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a horse boarding facility or horse training facility that does not contain an area for the public to view a horse show or a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

**SECTION 268.** 101.10 (4) (b) of the statutes, as created by 2001 Wisconsin Act 3, is amended to read:

101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3) may be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months, or both, for each violation is guilty of a Class I felony. Notwithstanding s. 101.02 (12), each act in violation of sub. (3) constitutes a separate offense.

**SECTION 269.** 101.143 (10) (b) of the statutes is amended to read:

101.143 (10) (b) Any owner or operator, person owning a home oil tank system or service provider who intentionally destroys a document that is relevant to a claim for reimbursement under this section may be fined not more than \$10,000 or imprisoned for not more than 15 years or both is guilty of a Class G felony.

**SECTION 269m.** 101.175 (3) (intro.) of the statutes is amended to read:

101.175 (3) (intro.) The department, in consultation with the department of agriculture, trade and consumer protection justice, shall establish by rule quality standards for local energy resource systems which do not impede development of innovative systems but which do:

**SECTION 269r.** 101.563 of the statutes is created to read:

**101.563 Payments without regard to eligibility; calendar years 2000 to 2004. (1) ENTITLEMENT TO DUES.** (a) *Payments from calendar year 2000 dues.* Notwith-

Vetoed  
In Part

Vetoed  
In Part

standing ss. 101.573 (3) (a) and 101.575 (1) and (3) to (5), the department shall pay the amount determined under sub. (2) (a) to every city, village, and town that was ineligible to receive a proportionate share of fire department dues collected for calendar year 2000 as a result of that city, village, or town failing to satisfy all eligibility requirements under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city, village, or town was eligible under s. 101.575 (1) and (3) to (5) to receive a proportionate share of the fire department dues.

(b) *Payments from dues for calendar years 2001 to 2004.* Notwithstanding ss. 101.573 (3) (a) and 101.575 (1) and (3) to (5) and except as otherwise provided in this paragraph, the department may not withhold payment of a proportionate share of fire department dues under ss. 101.573 and 101.575 to a city, village, or town based upon the failure of that city, village, or town to satisfy all eligibility requirements under s. 101.575 (1) and (3) to (5) or to demonstrate to the department that the city, village, or town is eligible under s. 101.575 (1) and (3) to (5) to receive a proportionate share of fire department dues. This paragraph applies only to the payment of a proportionate share of fire department dues collected for calendar years 2001 to 2004.

(2) DISTRIBUTION OF DUES. (a) *Payments from calendar year 2000 dues.* Notwithstanding s. 101.573 (3) (a), the department shall pay every city, village, and town that is entitled to payment under sub. (1) (a) the amount to which that city, village, or town would have been entitled to receive on or before August 1, 2001, had the city, village, or town been eligible to receive a payment on that date. The department shall calculate the amount due under this paragraph as if every city, village, and town maintaining a fire department was eligible to receive a payment on that date. By the date on which the department provides a certification or recertification to the state treasurer under par. (b) 1., the department shall certify to the state treasurer the amount to be paid to each city, village, and town under this paragraph. On or before August 1, 2002, the state treasurer shall pay the amount certified by the department under this paragraph to each such city, village, and town. The state treasurer may combine any payment due under this paragraph with any amount due to be paid on or before August 1, 2002, to the same city, village, or town under par. (b) 1.

(b) *Payments from dues for calendar years 2001 to 2004.* 1. ‘Payments from calendar year 2001 dues.’ Notwithstanding s. 101.575 (3) (a), by the 30th day following the effective date of this subdivision .... [revisor inserts date], the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and certify to the state treasurer the proper amount to be paid from the appropriation under s. 20.143 (3) (L) to each

city, village, and town entitled to a proportionate share of fire department dues as provided under sub. (1) (b) and s. 101.575. If the department has previously certified an amount to the state treasurer under s. 101.57 (3) (a) during calendar year 2002, the department shall recertify the amount in the manner provided under this subdivision. On or before August 1, 2002, the state treasurer shall pay the amounts certified or recertified by the department under this subdivision to each city, village, and town entitled to a proportionate share of fire department dues as provided under sub. (1) and s. 101.575. The state treasurer may combine any payment due under this subdivision with any amount due to be paid on or before August 1, 2002, to the same city, village, or town under par. (a).

2. ‘Payments from dues for calendar years 2002 to 2004.’ Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this subdivision, on or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the state treasurer the proper amount to be paid from the appropriation under s. 20.143 (3) (L) to each city, village, and town entitled to a proportionate share of fire department dues as provided under sub. (1) (b) and s. 101.575. Annually, on or before August 1, the state treasurer shall pay the amounts certified by the department to each such city, village, and town. This paragraph applies only to payment of a proportionate share of fire department dues collected for calendar years 2002 to 2004.

3. The amounts withheld under subs. 1. and 2. shall be disbursed to correct errors of the department or the commissioner of insurance. The department shall certify to the state treasurer the amount that must be disbursed to correct an error and the state treasurer shall pay the amount to the specified city, village, or town. The balance of the amount withheld in a calendar year under subs. 1. or 2., as applicable, which is not disbursed under this subdivision shall be included in the total compiled by the department under subd. 2. for the next calendar year, except that amounts withheld under subd. 2. from fire department dues collected for calendar year 2004 that are not disbursed under this subdivision shall be included in the total compiled by the department under s. 101.573 (3) (a) for the next calendar year. If errors in payments exceed the amount withheld, adjustments shall be made in the distribution for the next year.

(3) NOTICES OF INELIGIBILITY AND DEPARTMENTAL AUDITS; EXCEPTIONS. Except as otherwise provided in this subsection and notwithstanding s. 101.575 (1) (am) and (4) (a) 2., the department may not issue a notice of non-compliance with regard to a city, village, or town that fails to satisfy all eligibility requirements under s. 101.575 (1) and (3) to (5) and may not audit any city, village, town, or fire department for purposes of determin-

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ing whether the city, village, town, or fire department complies with s. 101.575 (6) and s. 101.14 (2). This subsection does not apply after August 1, 2005.

**SECTION 269t.** 101.573 (4) of the statutes is amended to read:

101.573 (4) The department shall transmit to the treasurer of each city, village, and town entitled to fire department dues, a statement of the amount of dues payable to it ~~under this section,~~ and the commissioner of insurance shall furnish to the state treasurer, upon request, a list of the insurers paying dues under s. 601.93 and the amount paid by each.

**SECTION 270.** 101.9204 (2) of the statutes is amended to read:

101.9204 (2) Any person who knowingly makes a false statement in an application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class H felony.

**SECTION 271.** 101.94 (8) (b) of the statutes is amended to read:

101.94 (8) (b) Any individual or a director, officer or agent of a corporation who knowingly and wilfully violates this subchapter in a manner which threatens the health or safety of a purchaser ~~shall~~ may be fined not more than \$1,000 ~~\$10,000~~ or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 272.** 102.835 (11) of the statutes is amended to read:

102.835 (11) EVASION. Any person who removes, deposits or conceals or aids in removing, depositing or concealing any property upon which a levy is authorized under this section with intent to evade or defeat the assessment or collection of any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both,~~ is guilty of a Class I felony and shall be liable to the state for the costs of prosecution.

**SECTION 273.** 102.835 (18) of the statutes is amended to read:

102.835 (18) RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No employer may discharge or otherwise discriminate with respect to the terms and conditions of employment against any employee by reason of the fact that his or her earnings have been subject to levy for any one levy or because of compliance with any provision of this section. Whoever wilfully violates this subsection may be fined not more than \$1,000 ~~\$10,000~~ or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 274.** 102.85 (3) of the statutes is amended to read:

102.85 (3) An employer who violates an order to cease operations under s. 102.28 (4) ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

**SECTION 274c.** 103.49 (5) (a) of the statutes is amended to read:

103.49 (5) (a) Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (2m) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked. If requested by any person, a contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall permit that person to inspect and copy any of those records to the same extent as if the record were maintained by the department, except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit inspection and copying of a record under this paragraph. Before permitting the inspection and copying of a record under this paragraph, a contractor, subcontractor, or contractor's or subcontractor's agent shall delete from the record any personally identifiable information, as defined in s. 19.62 (5), contained in the record about any person performing the work described in sub. (2m) other than the trade or occupation of the person, the number of hours worked by the person, and the actual wages paid for those hours worked.

**SECTION 274cj.** 103.50 (6m) of the statutes is created to read:

103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (2m) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked. If requested by any person, a contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project that is subject to this section shall permit that person to inspect and copy any of those records to the same extent as if the record were maintained by the department, except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or subcontractor's agent to permit inspection and copying of a record under this subsection. Before permitting the inspection and copying of a record under this subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall delete from the record any personally identifiable information, as defined in s. 19.62 (5), contained in the record about any person performing the work described in sub. (2m) other than the trade or occupation of the person, the number of hours worked by the person, and the actual wages paid for those hours worked.

**SECTION 274h.** 103.67 (1) of the statutes is amended to read:

Vetoed  
In Part

Vetoed  
In Part



103.67 (1) A minor 14 to 18 years of age shall may not be employed or permitted to work in any gainful occupation during the hours that the minor is required to attend school under s. 118.15 unless the minor has completed high school, except that any minor may be employed in a public exhibitions exhibition as provided in s. 103.78 and a minor 16 years of age or over may be employed as an election inspector as provided in s. 7.30 (2) (am).

**SECTION 274j.** 103.68 (1) of the statutes is amended to read:

103.68 (1) No minor shall be employed or permitted to work at any gainful occupation other than domestic service ~~or farm labor, or service as an election inspector under s. 7.30 (2) (am)~~ for more than 8 hours in any one day nor more than 40 hours nor more than 6 days in any one week, nor during such hours as the minor is required under s. 118.15 ~~(2)~~ to attend school.

**SECTION 274L.** 103.70 (2) of the statutes is amended to read:

103.70 (2) Minors may be employed without permits in any employment limited to work in or around a home in work usual to the home of the employer, if the employment is not in connection with or a part of the business, trade, or profession of the employer, is in accordance with the minimum age stated in s. 103.67 (2) ~~(d)~~ (f), and is not specifically prohibited by ss. 103.64 to 103.82 or by any order of the department. Minors may also be employed without permits as election inspectors as provided in s. 7.30 (2) (am).

**SECTION 274m.** 106.50 (5m) (d) of the statutes is amended to read:

106.50 (5m) (d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual ~~which that~~ caused harm or damage, ~~which that~~ directly threatened harm or damage, ~~or which that~~ caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am).

**SECTION 275.** 108.225 (11) of the statutes is amended to read:

108.225 (11) **EVASION.** Any person who removes, deposits or conceals or aids in removing, depositing or concealing any property upon which a levy is authorized

under this section with intent to evade or defeat the assessment or collection of any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both, is guilty of a Class I felony~~ and shall be liable to the state for the costs of prosecution.

**SECTION 276.** 108.225 (18) of the statutes is amended to read:

108.225 (18) **RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY.** No employer may discharge or otherwise discriminate with respect to the terms and conditions of employment against any employee by reason of the fact that his or her earnings have been subject to levy for any one levy or because of compliance with any provision of this section. Whoever wilfully violates this subsection may be fined not more than \$1,000 ~~\$10,000~~ or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 277.** 110.07 (5) (a) of the statutes is amended to read:

110.07 (5) (a) In this subsection, "bulletproof garment" ~~has the meaning given in s. 939.64 (1) means a vest or other garment designed, redesigned, or adapted to prevent bullets from penetrating through the garment.~~

**SECTION 278.** 114.20 (18) (c) of the statutes is amended to read:

114.20 (18) (c) Any person who knowingly makes a false statement in any application or in any other document required to be filed with the department, or who knowingly foregoes the submission of any application, document, or any registration certificate or transfer ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.~~

**SECTION 279m.** 115.28 (25) of the statutes is repealed.

**Vetoed In Part**

**SECTION 280.** 115.31 (2g) of the statutes is amended to read:

115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall revoke a license granted by the state superintendent, without a hearing, if the licensee is convicted of any Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September 12, 1991, or any Class E, F, G, or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this subsection .... [revisor inserts date].

**SECTION 280m.** Subchapter VIII (title) of chapter 115 [precedes 115.997] of the statutes is created to read:

**Vetoed In Part**

**CHAPTER 115**  
**SUBCHAPTER VIII**  
**TECHNOLOGY FOR EDUCATIONAL**  
**ACHIEVEMENT**

**SECTION 280n.** 118.12 (4) of the statutes is created to read:

118.12 (4) If a school board enters into a contract that grants to one vendor the exclusive right to sell soft drinks in one or more schools of the school district, the contract

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Vetoed  
In Part

may not prohibit the sale of milk in any school and, to the maximum extent possible, the school board shall ensure that milk is available to pupils in each school covered by the contract ~~whenever and wherever the soft drinks are available to pupils.~~

**SECTION 280p.** 118.15 (3) (d) of the statutes is created to read:

118.15 (3) (d) Any child excused in writing by his or her parent or guardian and by the principal of the school that the child attends for the purpose of serving as an election official under s. 7.30 (2) (am). A principal may not excuse a child under this paragraph unless the child has at least a 3.0 grade point average or the equivalent. The principal shall allow the child to take examinations and complete course work missed during the child's absences under this paragraph. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child ceases to be enrolled in school or if the child no longer has at least a 3.0 grade point average or the equivalent.

**SECTION 281.** 118.19 (4) (a) of the statutes is amended to read:

118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent may not grant a license, for 6 years following the date of the conviction, to any person who has been convicted of any Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a violation that occurs on or after September 12, 1991, ~~for 6 years following the date of the conviction, and or any Class E, F, G, or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this paragraph .... [revisor inserts date].~~ The state superintendent may grant the license only if the person establishes by clear and convincing evidence that he or she is entitled to the license.

**SECTION 282.** 118.30 (1m) (d) of the statutes is amended to read:

118.30 (1m) (d) If the school board operates high school grades, beginning in the ~~2002-03~~ 2004-05 school year administer the high school graduation examination adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 11th and 12th grades. The school board shall administer the examination at least twice each school year and may administer the examination only to pupils enrolled in the 11th and 12th grades.

**SECTION 283.** 118.30 (1r) (d) of the statutes is amended to read:

118.30 (1r) (d) If the charter school operates high school grades, beginning in the ~~2002-03~~ 2004-05 school year, administer the high school graduation examination adopted by the operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and 12th grades

in the charter school. The operator of the charter school shall administer the examination at least twice each school year and may administer the examination only to pupils enrolled in the 11th and 12th grades.

**SECTION 284.** 118.33 (1) (f) of the statutes is amended to read:

118.33 (1) (f) 1. By September 1, ~~2002~~ 2004, each school board operating high school grades shall develop a written policy specifying criteria for granting a high school diploma that are in addition to the requirements under par. (a). The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (d), the pupil's academic performance, and the recommendations of teachers. Except as provided in subd. 2., the criteria apply to pupils enrolled in charter schools located in the school district.

2. By September 1, ~~2002~~ 2004, each operator of a charter school under s. 118.40 (2r) that operates high school grades shall develop a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1r) (d), the pupil's academic performance, and the recommendations of teachers.

3. Beginning on September 1, ~~2003~~ 2005, neither a school board nor an operator of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2.

**SECTION 284d.** 120.18 (1) (i) of the statutes is amended to read:

120.18 (1) (i) A description of the educational technology used by the school district, including the uses made of the technology, the cost of the technology and the number of persons using or served by the technology. In this paragraph, "educational technology" has the meaning given in s. ~~44.70(3)~~ 115.997(3).

**SECTION 284m.** 121.05 (1) (a) 13. of the statutes is created to read:

121.05 (1) (a) 13. Pupils attending the Youth Challenge program under s. 21.26.

**SECTION 285.** 121.07 (7) (a) of the statutes is amended to read:

121.07 (7) (a) The "primary guaranteed valuation per member" is ~~\$2,000,000~~ \$1,930,000.

**SECTION 285m.** 121.095 of the statutes is created to read:

**121.095 State aid adjustment; Youth Challenge program.** (1) Annually the department shall reduce each school district's state aid payment under s. 121.08, or other state aid payments, if necessary, by an amount calculated as follows:

(a) Determine the number of pupils counted in the school district's membership who are attending the Youth Challenge program under s. 21.26.

Vetoed  
In Part

(b) Multiply the result under par. (a) by the lesser of the following:

1. The amount determined by the department of military affairs under s. 21.26 (2) (a).

2. The amount determined for the school district under s. 121.91 (2m) (e) 3. for the current school year.

(2) From the appropriation under s. 20.255 (2) (ac), annually the department of public instruction shall pay to the department of military affairs an amount equal to the sum of the reductions under sub. (1). The department of public instruction shall ensure that the aid adjustment under sub. (1) does not affect the amount determined to be received by a school district as state aid under s. 121.08 or for any other purpose.

**SECTION 286.** 121.15 (3m) (a) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is renumbered 121.15 (3m) (a) 1. (intro.) and amended to read:

121.15 (3m) (a) 1. (intro.) "Partial school revenues" means the sum of state school aids, other than the amounts appropriated under s. 20.255 (2) and (cv), property taxes levied for school districts and aid paid to school districts under s. 79.095 (4), less the all of the following:

a. ~~The amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's increasing the services that it provides by adding responsibility for providing a service transferred to it from another school board, less the~~

b. ~~The amount of any revenue limit increase under s. 121.91 (4) (a) 3., less the~~

c. ~~The amount of any revenue limit increase under s. 121.91 (4) (j), less the~~

d. ~~The amount of any revenue limit increase under s. 121.91 (4) (h), less the~~

e. ~~The amount of any property taxes levied for the purpose of s. 120.13 (19), and less an~~

f. ~~An amount equal to 45% of the amount estimated to be paid under s. 119.23 (4) and (4m).~~

**SECTION 287.** 121.15 (3m) (a) 1. g. of the statutes is created to read:

121.15 (3m) (a) 1. g. The amount by which the property tax levy for debt service on debt that has been approved by a referendum exceeds \$490,000,000.

**SECTION 287d.** 121.15 (3m) (a) 2. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s. 20.255 (1) (b) and (2), other than s. 20.255 (2) (fm), (fu), (k), and (m), and under ss. ~~20.275 (1) (d), 20.255 (4) (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated under s. 20.275 (1) 20.255 (4) (s) that are used to provide grants or educational telecommunications access to school districts under s. 44.73 115.9995.~~

**SECTION 287m.** 121.15 (3m) (b) of the statutes is amended to read:

121.15 (3m) (b) By May 15, ~~1999~~ 2003, and annually by May 15 thereafter, the department, the department

of administration and the legislative fiscal bureau shall jointly certify to the joint committee on finance an estimate of the amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure that the sum of state school aids and the school levy tax credit under s. 79.10 (4) equals two-thirds of partial school revenues.

**SECTION 288.** 121.15 (3m) (c) of the statutes is amended to read:

121.15 (3m) (c) By June 30, ~~1999~~ 2004, and ~~annually~~ biennially by June 30 thereafter, the joint committee on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the following school year.

**SECTION 288m.** 121.90 (1) (intro.) of the statutes is amended to read:

121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1) (a) 1. to 11., and the number of pupils enrolled in the previous school year who were attending the Youth Challenge program in the previous school year, except that "number of pupils enrolled" excludes the number of pupils attending public school under s. 118.145 (4) and except as follows:

**SECTION 289.** 125.075 (2) of the statutes is renumbered 125.075 (2) (a) and amended to read:

125.075 (2) (a) Whoever violates sub. (1) ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).~~

**SECTION 290.** 125.075 (2) (b) of the statutes is created to read:

125.075 (2) (b) Whoever violates sub. (1) is guilty of a Class G felony if the underage person dies.

**SECTION 291.** 125.085 (3) (a) 2. of the statutes is amended to read:

125.085 (3) (a) 2. Any person who violates subd. 1. for money or other consideration ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.~~

**SECTION 292.** 125.105 (2) (b) of the statutes is amended to read:

125.105 (2) (b) Whoever violates sub. (1) to commit, or abet the commission of, a crime ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.~~

**SECTION 293.** 125.66 (3) of the statutes is amended to read:

125.66 (3) Any person manufacturing or rectifying intoxicating liquor without holding appropriate permits under this chapter, or any person who sells such liquor, ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or both. Second or subsequent convictions shall be punished by both the fine and imprisonment is guilty of a Class F felony.~~

Vetoed  
In Part

**SECTION 294.** 125.68 (12) (b) of the statutes is amended to read:

125.68 (12) (b) Whoever violates par. (a) ~~shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more than 15 years or both is guilty of a Class F felony.~~

**SECTION 295.** 125.68 (12) (c) of the statutes is amended to read:

125.68 (12) (c) Any person causing the death of another human being through the selling or otherwise disposing of, for beverage purposes, either denatured alcohol or alcohol or alcoholic liquid redistilled from denatured alcohol, ~~shall be imprisoned for not more than 15 years is guilty of a Class E felony.~~

**SECTION 296.** 132.20 (2) of the statutes is amended to read:

132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic in this state in a counterfeit mark or in any goods or service bearing or provided under a counterfeit mark ~~shall be guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), if the person is an individual, he or she may be fined not more than \$250,000 or imprisoned for not more than 7 years and 6 months or both, or, and if the person is not an individual, the person may be fined not more than \$1,000,000.~~

**SECTION 297.** 133.03 (1) of the statutes is amended to read:

133.03 (1) Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce is illegal. Every person who makes any contract or engages in any combination or conspiracy in restraint of trade or commerce ~~is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000 or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 298.** 133.03 (2) of the statutes is amended to read:

133.03 (2) Every person who monopolizes, or attempts to monopolize, or combines or conspires with any other person or persons to monopolize any part of trade or commerce ~~is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$100,000 if a corporation, or, if any other person, may be fined not more than \$50,000 or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 298n.** 133.16 of the statutes is amended to read:

**133.16 Injunction; pleading; practice.** Any circuit court may prevent or restrain, by injunction or otherwise, any violation of this chapter. The department of justice, any district attorney or any person by complaint may institute actions or proceedings to prevent or restrain a

violation of this chapter, setting forth the cause and grounds for the intervention of the court and praying that such violation, whether intended or continuing be enjoined or prohibited. When the parties informed against or complained of have been served with a copy of the information or complaint and cited to answer it, the court shall proceed, as soon as may be in accordance with its rules, to the hearing and determination of the case; and pending the filing of the answer to such information or complaint may, at any time, upon proper notice, make such temporary restraining order or prohibition as is just. Whenever it appears to the court that the ends of justice require that other persons be made parties to the action or proceeding the court may cause them to be made parties in such manner as it directs. The party commencing or maintaining the action or proceeding may demand and recover the cost of suit including reasonable attorney fees. In an action commenced by the department of justice, the court may award the department of justice the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this section. ~~Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the costs of suit, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~ Copies of all pleadings filed under this section shall be served on the department of justice.

**SECTION 299.** 134.05 (4) of the statutes is amended to read:

134.05 (4) Whoever violates sub. (1), (2) or (3) ~~shall be punished by a fine of not less than \$10 nor more than \$500 or by such fine and by imprisonment for not more than 2 years may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.~~

**SECTION 300.** 134.16 of the statutes is amended to read:

**134.16 Fraudulently receiving deposits.** Any officer, director, stockholder, cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange, brokerage or deposit company, corporation or institution, or of any person, company or corporation engaged in whole or in part in banking, brokerage, exchange or deposit business in any way, or any person engaged in such business in whole or in part, who shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any money, or any bills, notes or other paper circulating as money, or any notes, drafts, bills of exchange, bank checks or other commercial paper for safekeeping or for collection, when he or she knows or has good reason to know that such bank, company or corporation or that such person is unsafe or insolvent ~~shall be imprisoned in the Wisconsin state prisons for not less~~



than one year nor more than 15 years or fined not more than \$10,000 is guilty of a Class F felony.

**SECTION 301.** 134.20 (1) (intro.) of the statutes is amended to read:

134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony:

**SECTION 302.** 134.205 (4) of the statutes is amended to read:

134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt without entering the same in a register as required by this section ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 303.** 134.58 of the statutes is amended to read:

**134.58 Use of unauthorized persons as officers.**

Any person who, individually, in concert with another or as agent or officer of any firm, joint-stock company or corporation, uses, employs, aids or assists in employing any body of armed persons to act as militia, police or peace officers for the protection of persons or property or for the suppression of strikes, not being authorized by the laws of this state to so act, ~~shall be fined not more than \$1,000 or imprisoned for not less than one year nor more than 4 years and 6 months or both~~ is guilty of a Class I felony.

**SECTION 312m.** 134.71 (12) of the statutes is amended to read:

134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and consumer protection, ~~in consultation with the department of justice,~~ shall develop applications and other forms required under subs. (5) (intro.) and (8) (c). The department of agriculture, trade and consumer protection shall print a sufficient number of applications and forms to provide to counties and municipalities for distribution to pawnbrokers, secondhand article dealers and secondhand jewelry dealers at no cost.

**SECTION 313g.** 134.74 of the statutes is created to read:

**134.74 Nondisclosure of information on receipts.**

(1) In this section:

(a) "Credit card" has the meaning given in s. 421.301 (15).

(b) "Debit card" means a plastic card or similar device that may be used to purchase goods or services by providing the purchaser with direct access to the purchaser's account at a depository institution.

(c) "Depository institution" means a bank, savings bank, savings and loan association, or credit union.

(2) Beginning on the first day of the 37th month beginning after the effective date of this subsection ... [revisor inserts date], no person who is in the business of selling goods at retail or selling services and who accepts

a credit card or a debit card for the purchase of goods or services may issue a credit card or debit card receipt, for that purchase, on which is printed more than 5 digits of the credit card or debit card number.

(3) This section does not apply to any person who issues a credit card or debit card receipt that is handwritten or that is manually prepared by making an imprint of the credit card or debit card.

**SECTION 314m.** 136.03 (title) of the statutes is amended to read:

**136.03 (title) Duties of the department of agriculture, trade and consumer protection justice.**

**SECTION 314p.** 136.03 (1) (intro.) of the statutes is amended to read:

136.03 (1) (intro.) The department of ~~agriculture, trade and consumer protection~~ of justice shall investigate violations of this chapter and of rules and orders issued under s. 136.04. The department of justice may subpoena persons and records to facilitate its investigations, and may enforce compliance with such subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of the state:

**SECTION 314r.** 136.04 of the statutes is amended to read:

**136.04 Powers of the department of agriculture, trade and consumer protection justice.** (1) The department of ~~agriculture, trade and consumer protection~~ justice may adopt such rules as may be required to carry out the purposes of this chapter.

(2) The department of ~~agriculture, trade and consumer protection~~ justice after public hearing may issue general or special orders to carry out the purposes of this chapter and to determine and prohibit unfair trade practices in business or unfair methods of competition in business pursuant to s. 100.20 (2) to (4).

**SECTION 316.** 139.44 (1) of the statutes is amended to read:

139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits any stamp or procures or causes the same to be done, or who knowingly utters, publishes, passes or tenders as true any false, altered or counterfeit stamp, or who affixes the same to any package or container of cigarettes, or who possesses with the intent to sell any cigarettes in containers to which false, altered or counterfeit stamps have been affixed ~~shall be imprisoned for not less than one year nor more than 15 years~~ is guilty of a Class G felony.

**SECTION 317.** 139.44 (1m) of the statutes is amended to read:

139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette meter in order to evade the tax under s. 139.31 ~~shall be imprisoned for not less than one year nor more than 15 years~~ is guilty of a Class G felony.

**SECTION 318.** 139.44 (2) of the statutes is amended to read:

Vetoed  
In Part

Vetoed  
In Part

139.44 (2) Any person who makes or signs any false or fraudulent report or who attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the evasion or attempted evasion of that tax shall ~~may~~ be fined not less than \$1,000 nor more than \$5,000 \$10,000 or imprisoned ~~for~~ not less than 90 days nor more than 2 years 9 months or both.

**SECTION 319.** 139.44 (8) (c) of the statutes is amended to read:

139.44 (8) (c) If the number of cigarettes exceeds 36,000, ~~a fine of not more than \$10,000 or imprisonment for not more than 3 years or both~~ the person is guilty of a Class I felony.

**SECTION 320.** 139.85 (1) of the statutes is amended to read:

139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12) apply to this subchapter. In addition, a person who violates s. 139.82 (8) shall ~~may~~ be fined not less than \$1,000 nor more than \$5,000 \$10,000 or imprisoned for not less than 90 days nor more than ~~one year~~ 9 months or both.

**SECTION 321.** 139.95 (2) of the statutes is amended to read:

139.95 (2) A dealer who possesses a schedule I controlled substance, a schedule II controlled substance or ketamine or flunitrazepam that does not bear evidence that the tax under s. 139.88 has been paid ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 322.** 139.95 (3) of the statutes is amended to read:

139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits any stamp or procures or causes the same to be done or who knowingly utters, publishes, passes or tenders as true any false, altered or counterfeit stamp or who affixes a counterfeit stamp to a schedule I controlled substance, a schedule II controlled substance or ketamine or flunitrazepam or who possesses a schedule I controlled substance, a schedule II controlled substance or ketamine or flunitrazepam to which a false, altered or counterfeit stamp is affixed ~~may be fined not more than \$10,000 or imprisoned for not less than one year nor more than 15 years or both~~ is guilty of a Class F felony.

**SECTION 324.** 146.345 (3) of the statutes is amended to read:

146.345 (3) Any person who violates this section is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than \$50,000 ~~or imprisoned for not more than 7 years and 6 months or both.~~

**SECTION 325.** 146.35 (5) of the statutes is amended to read:

146.35 (5) Whoever violates sub. (2) ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 326.** 146.50 (1) (a) of the statutes is renumbered 146.50 (1) (am).

**SECTION 327.** 146.50 (1) (ag) of the statutes is created to read:

146.50 (1) (ag) "Act of terrorism" means a felony under ch. 939 to 951 that is committed with intent to terrorize and is committed under any of the following circumstances:

1. The person committing the felony causes bodily harm, great bodily harm, or death to another.

2. The person committing the felony causes damage to the property of another and the total property damaged is reduced in value by \$25,000 or more. For purposes of this subdivision, property is reduced in value by the amount that it would cost either to repair or replace it, whichever is less.

3. The person committing the felony uses force or violence or the threat of force or violence.

**SECTION 328.** 146.50 (1) (hr) of the statutes is created to read:

146.50 (1) (hr) "Governmental unit" means the United States; the state; any county, city, village, or town; or any political subdivision, department, division, board, or agency of the United States, the state, or any county, city, village, or town.

**SECTION 329.** 146.50 (1) (ig) of the statutes is created to read:

146.50 (1) (ig) "Intent to terrorize" means intent to influence the policy of a governmental unit by intimidation or coercion, to punish a governmental unit for a prior policy decision, to affect the conduct of a governmental unit by homicide or kidnapping, or to intimidate or coerce a civilian population.

**SECTION 329r.** 146.50 (4) (title) of the statutes is amended to read:

146.50 (4) (title) AMBULANCE STAFFING AND OPERATIONAL PLANS; LIMITATIONS; RULES.

**SECTION 329s.** 146.50 (4) (c) of the statutes is renumbered 146.50 (4) (c) (intro.) and amended to read:

146.50 (4) (c) (intro.) Notwithstanding par. (a), the department may promulgate rules that establish standards for approval by the department of operational plans for the staffing of ambulances in which the primary services provided are those which an emergency medical technician – intermediate is authorized to provide or those which an emergency medical technician – paramedic is authorized to provide. Rules promulgated by the department under this paragraph may permit the department to approve an operational plan, for services that an emergency medical technician-paramedic is authorized to provide, that is submitted by an ambulance service provider that provided these services before January 1, 2000, only if the operational plan specifies all of the following for the transport of a patient in a prehospital setting:

Vetoed  
In Part

Vetoed  
In Part

**SECTION 329t.** 146.50 (4) (c) 1. of the statutes is created to read:

146.50 (4) (c) 1. That the ambulance service provider ensures, in writing, that the ambulance is staffed with at least 2 emergency medical technicians—paramedic, licensed registered nurses, licensed physician assistants, or physicians or a combination of any 2 of these, who are trained in the use of all skills authorized by rule for an emergency medical technician—paramedic and are designated by the medical director of the ambulance service. This subdivision does not apply during an emergency when there is an agreement for the sharing of emergency services in place between a town, village, or city and another town, village, or city.

**SECTION 329u.** 146.50 (4) (c) 2. of the statutes is created to read:

146.50 (4) (c) 2. That the ambulance staff, as specified in subd. 1., is dispatched from the same site, together, to the scene of an emergency. This subdivision does not apply if the ambulance service provider, as of October 1, 2001, dispatched ambulance staff from multiple sites to the scene of an emergency.

**SECTION 329v.** 146.50 (4) (c) 3. of the statutes is created to read:

146.50 (4) (c) 3. That if an emergency medical technician—paramedic arrives at the scene of an emergency prior to the arrival of the ambulance staff, as specified in subd. 1., the emergency medical technician—paramedic may provide services using all skills authorized by rule for an emergency medical technician—paramedic.

**SECTION 330.** 146.50 (6) (a) 2. of the statutes is amended to read:

146.50 (6) (a) 2. Have satisfactorily completed a course of instruction and training, including training for response to acts of terrorism, prescribed by the department or have presented evidence satisfactory to the department of sufficient education and training in the field of emergency care.

**SECTION 331.** 146.50 (6) (b) 2. of the statutes is amended to read:

146.50 (6) (b) 2. The department, in conjunction with the technical college system board, shall promulgate rules specifying training, education, or examination requirements, including requirements for training for response to acts of terrorism, for license renewals for emergency medical technicians.

**SECTION 332.** 146.50 (8) (b) 3. of the statutes is amended to read:

146.50 (8) (b) 3. The individual satisfactorily completes a first responder course that meets or exceeds the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5), that includes training for response to acts of terrorism, and that is approved by the department.

**SECTION 333.** 146.50 (8) (c) of the statutes is amended to read:

146.50 (8) (c) To be eligible for a renewal of a certificate as a first responder, except as provided in ss. 146.51 and 146.52, the holder of the certificate shall satisfactorily complete a first responder refresher course that meets or exceeds the guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5), that includes training for response to acts of terrorism, and that is approved by the department.

**SECTION 333h.** 146.50 (13) (a) of the statutes is amended to read:

146.50 (13) (a) The department may promulgate rules necessary for administration of this section, as limited under sub. (4) (c).

**SECTION 334.** 146.55 (1) (a) of the statutes is amended to read:

146.55 (1) (a) “Ambulance service” means the business of transporting sick, disabled, or injured individuals by ambulance, as defined in s. 146.50 (1) ~~(a)~~ (am), to or from facilities or institutions providing health services.

**SECTION 334g.** 146.56 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

146.56 (1) ~~Not later than July 1, 2002, the~~ The department shall develop and implement a statewide trauma care system. The department shall seek the advice of the statewide trauma advisory council under s. 15.197 (25) in developing and implementing the system, and, as part of the system, shall develop regional trauma advisory councils.

**SECTION 335.** 146.60 (9) (am) of the statutes is amended to read:

146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person ~~shall~~ may be fined not ~~less than \$1,000 nor~~ more than \$50,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 336.** 146.70 (10) (a) of the statutes is amended to read:

146.70 (10) (a) Any person who intentionally dials the telephone number “911” to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more than 90 days or both for the first offense and ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony for any other offense committed within 4 years after the first offense.

**SECTION 336f.** 146.83 (1) (b) of the statutes is amended to read:

146.83 (1) (b) Receive a copy of the patient’s health care records upon payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

**SECTION 336g.** 146.83 (1) (c) of the statutes is amended to read:

Vetoed  
In Part



146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have the X-rays referred to another health care provider of the patient's choice upon payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

**SECTION 336h.** 146.83 (3m) of the statutes is created to read:

146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on an approximation of actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge under sub. (1) (b) for duplicate patient health care records and under sub. (1) (c) for duplicate X-ray reports or the referral of X-rays to another health care provider of the patient's choice. The rule shall also permit the health care provider to charge for actual postage or other actual delivery costs. In determining the approximation of actual costs for the purposes of this subsection, the department may consider all of the following factors:

1. Operating expenses, such as wages, rent, utilities, and duplication equipment and supplies.
2. The varying cost of retrieval of records, based on the different media on which the records are maintained.
3. The cost of separating requested patient health care records from those that are not requested.
4. The cost of duplicating requested patient health care records.
5. The impact on costs of advances in technology.

(b) By January 1, 2006, and every 3 years thereafter, the department shall revise the rules under par. (a) to account for increases or decreases in actual costs.

**SECTION 336j.** 146.96 of the statutes is created to read:

**146.96 Uniform claim processing form.** Beginning no later than July 1, 2004, every health care provider, as defined in s. 146.81 (1), shall use the uniform claim processing form developed by the commissioner of insurance under s. 601.41 (9) (b) when submitting a claim to an insurer.

**SECTION 336jc.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage under s. 149.14 (2) (a) set at a rate that is 140% to 150% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan and from eligible persons with coverage under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts received for premium and deductible subsidies under s. 149.144 and under the transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and from premiums collected from eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

**SECTION 336jf.** 149.143 (1) (b) 1. c. of the statutes is amended to read:

149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with coverage under s. 149.14 (2) (a) to more than ~~150%~~ the rate at which premiums were set under subd. 1. a. but not more than 200% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan and from eligible persons with coverage under s. 149.14 (2) (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts received for premium and deductible subsidies under s. 149.144 and under the transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and by increasing premiums from eligible persons with coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under subd. 1. a. and b. are insufficient to pay 60% of plan costs.

**SECTION 336jh.** 149.143 (2) (a) 2. of the statutes is amended to read:

149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in the manner specified in sub. (1) (b) 1. a. and c. and such that a rate for coverage under s. 149.14 (2) (a) is approved by the board and is not less than ~~150%~~ 140% nor more than 200% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan.

**SECTION 336jm.** 149.143 (2m) (b) 1. of the statutes is amended to read:

149.143 (2m) (b) 1. To reduce premiums in succeeding plan years as provided in sub. (1) (b) 1. b. For eligible persons with coverage under s. 149.14 (2) (a), premiums may not be reduced below ~~150%~~ 140% of the rate that a standard risk would be charged under an individual policy providing substantially the same coverage and deductibles as are provided under the plan.

**SECTION 336L.** 150.401 of the statutes is created to read:

**150.401 Redistribution of nursing home beds to replace transferred beds.** (1) Notwithstanding ss. 150.33, 150.35, and 150.39, from the nursing home beds that are available under s. 150.31, the department shall redistribute a number of beds that corresponds to the number of approved beds of a nursing home whose owner has transferred to another location, resulting in the loss of a nursing home within 15 miles of a city with a population of 4,474 in 1990 in a county with a population of 30,226 in 1990.

(2) All of the following apply to the redistributed nursing home beds under sub. (1):

(a) The beds may be redistributed only to a location in a city that is specified in sub. (1).

(b) A person may not receive approval for the beds unless the person submits to the department, on a form



provided by the department, an application that meets the requirements under s. 150.33 (2).

**SECTION 337.** 154.15 (2) of the statutes is amended to read:

154.15 (2) Any person who, with the intent to cause a withholding or withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of the declarant, illegally falsifies or forges the declaration of another or conceals a declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

**SECTION 338.** 154.29 (2) of the statutes is amended to read:

154.29 (2) Any person who, with the intent to cause the withholding or withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or transfers a do-not-resuscitate bracelet to that patient or conceals the revocation under s. 154.21 of a do-not-resuscitate order or any responsible person who withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F felony.

**SECTION 338g.** 157.055 of the statutes is created to read:

**157.055 Disposal of human remains during state of emergency relating to public health.** (1) In this section:

(a) “Funeral establishment” has the meaning given in s. 445.01 (6).

(b) “Public health authority” has the meaning given in s. 250.01 (6g).

(2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4), 979.02, and 979.10, during a period of a state of emergency related to public health declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do all of the following:

(a) Issue and enforce orders that are reasonable and necessary to provide for the safe disposal of human remains, including by embalming, burial, cremation, interment, disinterment, transportation, and other disposal.

(b) Take possession and control of any human remains.

(c) Order the disposal, through burial or cremation, of any human remains of an individual who has died of a communicable disease, within 24 hours after the individual’s death and consider, to the extent feasible, the religious, cultural, or individual beliefs of the deceased individual or his or her family in disposing of the remains.

(d) If reasonable and necessary for emergency response, require a funeral establishment, as a condition of its permit under s. 445.105 (1), to accept human remains or provide the use of its business or facility,

including by transferring the management and supervision of the funeral establishment to the public health authority, for a period of time not to exceed the period of the state of emergency. Reasonable and necessary expenses of a funeral establishment in complying with the requirements under this paragraph may be paid by the department from the appropriation under s. 20.435 (1) (e).

(e) Require the labeling of all human remains before disposal with all available identifying information and information concerning the circumstances of death and, in addition, require that the human remains of an individual with a communicable disease be clearly tagged to indicate that remains contain a communicable disease and, if known, the specific communicable disease.

(f) Maintain or require the maintenance of a written or electronic record of all human remains that are disposed of, including all available identifying information and information concerning the circumstances of death and disposal. If it is impossible to identify human remains prior to disposal, the public health authority may require that a qualified person obtain any fingerprints, photographs, or identifying dental information, and collect a specimen of deoxyribonucleic acid from the human remains and transmit this information to the public health authority.

(g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical examiner or a county coroner to appoint emergency assistant medical examiners or emergency deputy coroners, whichever is applicable, if necessary to perform the duties of the office of medical examiner or coroner, and to prescribe the duties of the emergency assistant medical examiners or emergency deputy coroners. The term of any emergency appointment authorized under this paragraph may not exceed the period of the state emergency. A county medical examiner or county coroner may terminate an emergency appointment before the end of the period of the state emergency, if termination of the appointment will not impede the performance of the duties of his or her office. From the appropriation under s. 20.435 (1) (e), the department shall reimburse counties for the cost of any emergency medical examiners or emergency deputy coroners appointed under this paragraph.

**SECTION 338ge.** 160.257 of the statutes is created to read:

**160.257 Exceptions for aquifer storage and recovery systems.** (1) In this section:

(a) “Aquifer storage and recovery system” means all of the aquifer storage and recovery wells and related appurtenances that are part of a municipal water system.

(b) “Aquifer storage and recovery well” means a well through which treated drinking water is placed underground for the purpose of storing and later recovering the water through the same well for use as drinking water.

Vetoed  
In Part

Vetoed  
In Part

2001 Wisconsin Act 109

(c) "Municipal water system" means a community water system, as defined in s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district, utility district, public inland lake protection and rehabilitation district, or municipal water district, or by a privately owned water utility serving any of the foregoing.

(d) "Specified substance" means one of the following:

1. Chloroform.
2. Bromodichloromethane.
3. Dibromochloromethane.
4. Bromoform.

(e) "Treated drinking water" means potable water that has been treated so that it complies with the primary drinking water standards promulgated under ss. 280.11 and 281.17 (8).

(2) Notwithstanding s. 160.19 (1) and (2), the department is not required to promulgate or amend rules that define design or management criteria for aquifer storage and recovery systems to minimize the amount of a specified substance in groundwater or to maintain compliance with the preventive action limit for a specified substance, however, the department shall promulgate rules that define design or management criteria for aquifer storage and recovery systems to maintain compliance with drinking water standards promulgated under ss. 280.11 and 281.17 (8).

(3) Notwithstanding s. 160.21 (2), the point of standards application for an aquifer storage and recovery well with respect to a specified substance is 1,200 feet from the aquifer storage and recovery well and at any other well that is within 1,200 feet from the aquifer storage and recovery well.

~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779 ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201, 100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and 100.48, together with any other services as are necessarily connected to the legal services.~~

~~SECTION 338r.~~ 165.25 (11) of the statutes is created to read:

~~165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT. Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095, 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704, 707, and 779. The department may issue general or special orders in administering and enforcing these provisions.~~

~~SECTION 338t.~~ 165.70 (1) (b) of the statutes is amended to read:

~~165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.~~

~~SECTION 339.~~ 165.85 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

~~165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law enforcement officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of law enforcement training approved by the board and has been certified by the board as being qualified to be a law enforcement or tribal law enforcement officer. The program shall include 400 hours of training, except the program for law enforcement officers who serve as rangers for the department of natural resources includes 240 hours of training. The board shall promulgate a rule under ch. 227 providing a specific curriculum for a 400-hour conventional program and a 240-hour ranger program. The rule shall ensure that there is an adequate amount of training for each program to enable the person to deal effectively with domestic abuse incidents, including training that addresses the emotional and psychological effect that domestic abuse has on victims. The training under this subdivision shall include training on emergency detention standards and procedures under s. 51.15, emergency protective placement standards and procedures under s. 55.06 (11) and information on mental health and developmental disabilities agencies and other resources that may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements and locating appropriate facilities for the emergency detentions and emergency protective placements of persons. The training under this subdivision shall include at least one hour of instruction on recognizing the symptoms of~~

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~~SECTION 338gf.~~ 165.065 (2) of the statutes is amended to read:

~~165.065 (2) The assistant attorney general in charge of antitrust investigations and prosecutions is to cooperate actively with the antitrust division of the U.S. department of justice in everything that concerns monopolistic practices in Wisconsin, and also to cooperate actively with the department of agriculture, trade and consumer protection in the work which this agency is carrying on under s. 100.20 of the marketing law with regard to monopolistic practices in the field of agriculture and with the federal trade commission on matters arising in or affecting Wisconsin which pertain to its jurisdiction.~~

~~SECTION 338m.~~ 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin Act 16, section 2856b, is amended to read:

~~165.25 (4) (ar) The department of justice shall furnish all legal services required by represent the department of agriculture, trade and consumer protection in any court action relating to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~

Alzheimer's disease or other related dementias and interacting with and assisting persons who have Alzheimer's disease or other related dementias. The training under this subdivision shall include training on police pursuit standards, guidelines and driving techniques established under par. (cm) 2. b. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement and tribal law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement and tribal law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding 3 years. For purposes of this section, a part-time law enforcement or tribal law enforcement officer is a law enforcement or tribal law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employee of the employing agency or unit of government. Law enforcement training programs including municipal, county and state programs meeting standards of the board are acceptable as meeting these training requirements.

**SECTION 340.** 165.85 (4) (b) 1d. of the statutes is created to read:

165.85 (4) (b) 1d. Any training program developed under subd. 1. shall include all of the following:

a. An adequate amount of training to enable the person being trained to deal effectively with domestic abuse incidents, including training that addresses the emotional and psychological effect that domestic abuse has on victims.

b. Training on emergency detention standards and procedures under s. 51.15, emergency protective placement standards and procedures under s. 55.06 (11), and information on mental health and developmental disabilities agencies and other resources that may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements, and locating appropriate facilities for the emergency detentions and emergency protective placements of persons.

c. At least one hour of instruction on recognizing the symptoms of Alzheimer's disease or other related dementias and interacting with and assisting persons who have Alzheimer's disease or other related dementias.

d. Training on police pursuit standards, guidelines, and driving techniques established under par. (cm) 2. b.

e. Training on responding to an act of terrorism, as defined in s. 146.50 (1) (ag).

**SECTION 340g.** 166.02 (1p) of the statutes is created to read:

166.02 (1p) "Biological agent" means any of the following:

(a) A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is specified under 42 CFR 72, Appendix A.

(b) A genetically modified microorganism or genetic element from an organism under par. (a) that is shown to produce or encode for a factor associated with a disease.

(c) A genetically modified microorganism or genetic element that contains nucleic acid sequences coding for a toxin under par. (a) or its toxic subunit.

(d) An agent specified by the department of health and family services by rule.

**SECTION 340h.** 166.02 (1r) of the statutes is created to read:

166.02 (1r) "Bioterrorism" means the intentional use of any biological, chemical, or radiological agent to cause death, disease or biological malfunction in a human, animal, plant, or other living organism in order to influence the policy of a governmental unit or to intimidate or coerce the civilian population.

**SECTION 340i.** 166.02 (1t) of the statutes is created to read:

166.02 (1t) "Chemical agent" means a substance that has chemical properties that produce lethal or serious effects in plants or animals.

**SECTION 340j.** 166.02 (7) of the statutes is created to read:

166.02 (7) "Public health emergency" means the occurrence or imminent threat of an illness or health condition that meets all of the following criteria:

(a) Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.

(b) Poses a high probability of any of the following:

1. A large number of deaths or serious or long-term disabilities among humans.

2. A high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

**SECTION 340k.** 166.02 (8) of the statutes is created to read:

166.02 (8) "Radiological agent" means radiation or radioactive material at a level that is dangerous to human health.

**SECTION 340L.** 166.03 (1) (b) 1. of the statutes is amended to read:

166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion thereof ~~of the state~~ if he or she determines that an emergency resulting from enemy action or natural or man-made disaster exists. If the governor determines that a public health emergency exists, he or she may declare a state of emergency related to public health and may designate the department of health and

family services as the lead state agency to respond to that emergency. The duration of such state of emergency shall not exceed 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disaster, unless either is extended by joint resolution of the legislature. A copy of the proclamation shall be filed with the secretary of state. The proclamation may be revoked at the discretion of either the governor by written order or the legislature by joint resolution.

**SECTION 340m.** 166.03 (1) (b) 8. of the statutes is created to read:

166.03 (1) (b) 8. During a state of emergency related to public health, suspend the provisions of any administrative rule if the strict compliance with that rule would prevent, hinder, or delay necessary actions to respond to the emergency and increase the health threat to the population.

**SECTION 340n.** 166.03 (2) (a) 6. of the statutes is created to read:

166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to public health is declared and the department of health and family services is not designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that emergency and no later than 90 days after the termination of this state of emergency relating to public health, submit to the legislature under s. 13.172 (2) and to the governor a report on all of the following:

a. The emergency powers used by the department of military affairs or its agents.

b. The expenses incurred by the department of military affairs and its agents in acting under the state of emergency related to public health.

**SECTION 341.** 166.20 (11) (b) of the statutes is amended to read:

166.20 (11) (b) Any person who knowingly and willfully fails to report the release of a hazardous substance covered under 42 USC 11004 as required under sub. (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. shall is subject to the following penalties:

1. For the first offense, the person is guilty of a Class I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3 years or both.

2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not more than 3 years or both.

**SECTION 342.** 167.10 (9) (g) of the statutes is amended to read:

167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class G felony.

**SECTION 343.** 175.20 (3) of the statutes is amended to read:

175.20 (3) Any person who violates any of the provisions of this section shall may be fined not ~~less than \$25 nor more than \$1,000 and \$10,000~~ or may be imprisoned for not ~~less than 30 days nor more than 2 years 9 months~~ or both. In addition, the court may revoke the license or licenses of the person or persons convicted.

**SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to read:

177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~ security deposits, refunds, credit memos, unpaid wages, unused airline tickets and unidentified remittances.

**SECTION 343q.** 177.14 of the statutes is amended to read:

**177.14 Gift certificates and credit Credit memos.** (1) ~~A gift certificate or a credit memo issued in the ordinary course of the issuer's business that remains unclaimed by the owner for more than 5 years after becoming payable or distributable is presumed abandoned.~~

(2) ~~In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser of the gift certificate. In the case of a credit memo, the~~ The amount presumed abandoned under sub. (1) is the amount credited to the recipient of the credit memo.

**SECTION 344.** 180.0129 (2) of the statutes is amended to read:

180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

**SECTION 345.** 181.0129 (2) of the statutes is amended to read:

181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

**SECTION 346.** 185.825 of the statutes is amended to read:

**185.825 Penalty for false document.** Whoever causes a document to be filed, knowing it to be false in any material respect, ~~may be fined not more than \$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

**SECTION 346c.** 196.218 (3) (a) 3. b. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

**SECTION 346m.** 196.218 (4t) of the statutes is amended to read:

196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The commission, in consultation with the department of administration and the ~~technology for educational achievement in Wisconsin board~~ department of public instruction, shall

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promulgate rules specifying the telecommunications services eligible for funding through the educational telecommunications access program under s. 44.73 115.9995.

**SECTION 346r.** 196.218 (5) (a) 5. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~46.974~~ 16.971 (13) to (16) to the extent that these costs are not paid under s. 44.73 (2) (d) 115.9995 (2) (d), except that no moneys in the universal service fund may be used to pay installation costs that are necessary for a political subdivision to obtain access to bandwidth under a shared service agreement under s. 44.73 (2r) (a) 115.9995 (2r) (a).

**SECTION 346rh.** 196.218 (5) (a) 6. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

196.218 (5) (a) 6. To pay the department of ~~electronic government administration~~ for telecommunications services provided under s. ~~22.05~~ 16.972 (1) to the campuses of the University of Wisconsin System at River Falls, Stout, Superior and Whitewater.

**SECTION 346rm.** 196.218 (5) (a) 7. of the statutes is amended to read:

196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational achievement in Wisconsin board~~ department of public instruction to school districts and private schools under s. 44.73 (6) 115.9995 (6). This subdivision does not apply after December 31, 2005.

**SECTION 346rt.** 196.218 (5) (a) 10. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

196.218 (5) (a) 10. To make the grant awarded by the ~~technology for educational achievement in Wisconsin board~~ department of public instruction to the Racine Unified School District under s. 44.72 (3) 115.999 (3).

**SECTION 346rs.** 196.858 (1) and (2) of the statutes, as affected by 2001 Wisconsin Act 16, are amended to read:

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

(2) The commission shall assess a sum equal to the annual total amount under sub. (1) to local exchange and interexchange telecommunications utilities in proportion to their gross operating revenues during the last calendar year. If total expenditures for telephone relay service exceeded the payment made under this section in the prior year, the commission shall charge the remainder to assessed telecommunications utilities in proportion to their gross operating revenues during the last calendar year. A telecommunications utility shall pay the assessment within 30 days after the bill has been mailed to the assessed telecommunication utility. The bill constitutes notice of the assessment and demand of

payment. Payments shall be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

**SECTION 347.** 201.09 (2) of the statutes is amended to read:

201.09 (2) Every director, president, secretary or other official or agent of any public service corporation, who shall practice fraud or knowingly make any false statement to secure a certificate of authority to issue any security, or issue under a certificate so obtained and with knowledge of such fraud, or false statement, or negotiate, or cause to be negotiated, any security, in violation of this chapter, shall be fined not less than \$500 or imprisoned for not less than one year nor more than 15 years or both is guilty of a Class I felony.

**SECTION 348.** 214.93 of the statutes is amended to read:

**214.93 False statements.** A person may not knowingly make, cause, or allow another person to make or cause to be made, a false statement, under oath if required by this chapter or on any report or statement required by the division or by this chapter. In addition to any forfeiture under s. 214.935, a person who violates this section may be imprisoned for not more than 30 years is guilty of a Class F felony.

**SECTION 349.** 215.02 (6) (b) of the statutes is amended to read:

215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any debtor of any association or any information about the private account or transactions of such association, discloses any fact obtained in the course of any examination of any association, or discloses examination or other confidential information obtained from any state or federal regulatory authority, including an authority of this state or another state, for financial institutions, mortgage bankers, insurance or securities, except as provided in par. (a), he or she is guilty of a Class I felony and shall forfeit his or her office or position and may be fined not less than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than 3 years or both.

**SECTION 350.** 215.12 of the statutes is amended to read:

**215.12 Penalty for dishonest acts; falsification of records.** Every officer, director, employee or agent of any association who steals, abstracts, or wilfully misapplies any property of the association, whether owned by it or held in trust, or who, without authority, issues or puts forth any certificate of savings accounts, assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry in any book, record, report or statement of the association with intent to injure or defraud the association or any person or corporation, or to deceive any officer or director of the association, or any other person, or any agent appointed to examine the affairs of such association, or any person who, with like intent, aids or abets

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any officer, director, employee or agent in the violation of this section, shall be imprisoned in the Wisconsin state prisons for not more than 30 years is guilty of a Class F felony.

**SECTION 351.** 215.21 (21) of the statutes is amended to read:

215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer, director, employee or agent of any association, or any appraiser making appraisals for any association, who accepts or receives, or offers or agrees to accept or receive anything of value in consideration of its loaning any money to any person; or any person who offers, gives, presents or agrees to give or present anything of value to any officer, director, employee or agent of any association or to any appraiser making appraisals for any association in consideration of its loaning money to the person, shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons for not more than 3 years or both is guilty of a Class I felony. Nothing in this subsection prohibits an association from employing an officer, employee or agent to solicit mortgage loans and to pay the officer, employee or agent on a fee basis.

**SECTION 352.** 218.21 (7) of the statutes is amended to read:

218.21 (7) Any person who knowingly makes a false statement in an application for a motor vehicle salvage dealer license ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 353.** 220.06 (2) of the statutes is amended to read:

220.06 (2) If any employee in the division or any member of the banking review board or any employee thereof discloses the name of any debtor of any bank or licensee, or anything relative to the private account or transactions of such bank or licensee, or any fact obtained in the course of any examination of any bank or licensee, except as herein provided, that person is guilty of a Class I felony and shall be subject, upon conviction, to forfeiture of office or position ~~and may be fined not less than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than 3 years or both.~~

**SECTION 353m.** 221.0320 (3) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

221.0320 (3) (a) In this subsection, "local governmental unit" has the meaning given in s. ~~22.01-16.97~~ (7).

**SECTION 354.** 221.0625 (2) (intro.) of the statutes is amended to read:

221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation of this section, directly or indirectly does any of the following ~~may be imprisoned for not more than 15 years~~ is guilty of a Class F felony:

**SECTION 355.** 221.0636 (2) of the statutes is amended to read:

221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for not more than 30 years~~ is guilty of a Class H felony.

**SECTION 356.** 221.0637 (2) of the statutes is amended to read:

221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

**SECTION 357.** 221.1004 (2) of the statutes is amended to read:

221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more than 15 years or both~~ is guilty of a Class F felony.

**SECTION 359.** 227.01 (13) (sm) of the statutes is created to read:

227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

**SECTION 359f.** 227.43 (1) (bg) of the statutes is amended to read:

227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review under ss. ~~49.45 (2) (a) 10. and 14.,~~ 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116 (2), (4), (7) (a), (8) (a), and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69, and 348.25 (9).

**SECTION 362m.** 230.08 (2) (e) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

230.08 (2) (e) 1. Administration — ~~10 11.~~

**SECTION 362p.** 230.08 (2) (e) 3r. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 362s.** 230.08 (2) (e) 8. of the statutes is amended to read:

230.08 (2) (e) 8. Natural resources — ~~7 6.~~

**SECTION 363.** 230.08 (2) (L) 6. of the statutes is created to read:

230.08 (2) (L) 6. Sentencing commission.

**SECTION 364.** 230.08 (2) (of) of the statutes is created to read:

230.08 (2) (of) The executive director of the sentencing commission.

**SECTION 365d.** 230.35 (1m) (a) 2. of the statutes is amended to read:

230.35 (1m) (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), ~~(7),~~ (8), and (9).

**SECTION 365g.** 230.35 (2) of the statutes is amended to read:

230.35 (2) Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by

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rules of the secretary, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employees appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the secretary.

**SECTION 365j.** 231.03 (6) (intro.) of the statutes is amended to read:

231.03 (6) (intro.) Subject to s. 231.08 (7), issue bonds of the authority, and may refuse to issue bonds of the authority only if it determines that the issuance would not be financially feasible, to do any of the following:

**SECTION 366.** 234.165 (2) (c) (intro.) of the statutes is amended to read:

234.165 (2) (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be expended or encumbered only in accordance with the plan approved under par. (b), except that the authority may transfer from one plan category to another:

**SECTION 366c.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be expended or encumbered only in accordance with the plan approved under par. (b), except that the authority may transfer from one plan category to another:

**SECTION 367.** 234.165 (3) of the statutes is created to read:

234.165 (3) For the purpose of housing grants and loans under s. 16.33 and housing organization grants under s. 16.336, in fiscal year 2001–02 the authority shall transfer to the department of administration \$1,500,000 of its surplus and in fiscal year 2002–03 the authority shall transfer to the department of administration \$3,300,300 of its surplus. The department of administration shall credit all moneys transferred under this subsection to the appropriation account under s. 20.505 (7) (j).

**SECTION 367c.** 234.165 (3) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.

**SECTION 367e.** 236.45 (2) (am) of the statutes is created to read:

236.45 (2) (am) An ordinance adopted under this section by a municipality may require any person, as a condition of obtaining approval of a land division, to dedicate land or pay fees to fund the acquisition of land or the construction of public improvements or facilities for any purpose specified in sub. (1). Any fees that are imposed as a condition of approving a land division shall

bear a rational relationship to the need for the land or new public improvements or facilities that are necessary to serve the land division.

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In Part

**SECTION 367p.** 250.01 (6g) of the statutes is created to read:

250.01 (6g) “Public health authority” means the department, if the governor declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and designates the department as the lead state agency to respond to that emergency.

**SECTION 367q.** 250.01 (6r) of the statutes is created to read:

250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

**SECTION 367r.** 250.03 (3) of the statutes is created to read:

250.03 (3) (a) No later than 90 days after a state of emergency relating to public health is declared and the department is designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that emergency and no later than 90 days after the termination of this state of emergency relating to public health, the department shall submit to the legislature under s. 13.172 (2) and to the governor a report on all of the following:

1. The emergency powers used by the public health authority or its agents.

2. The expenses incurred by the public health authority and its agents in acting under the state of emergency related to public health.

**SECTION 367s.** 250.03 (3) (b) of the statutes is created to read:

250.03 (3) (b) Biennially, beginning on July 1, 2002, after first consulting with the adjutant general, local health departments, health care providers, as defined in s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the department shall submit to the legislature under s. 13.172 (2) and to the governor a report on the preparedness of the public health system to address public health emergencies.

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In Part

**SECTION 367t.** 250.042 of the statutes is created to read:

**250.042 Powers and duties of the department as public health authority.** (1) If the governor declares a state of emergency related to public health under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to respond to that emergency, the department shall act as the public health authority during the period of the state of emergency. During the period of the state of emergency, the secretary may designate a local health department as an agent of the department and confer upon the local health department, acting under that agency, the powers and duties of the public health authority. The department may, from the appropriation under s. 20.435 (1) (e), reimburse a local health department for reasonable and necessary expenses in

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**Vetoed In Part** acting as an agent of the department if designated under this subsection.

(2) As the public health authority, the department may do any of the following:

**Vetoed In Part** (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that the department determines are advisable to control a public health emergency.

(b) Act as specified in s. 252.041.

(3) (a) As the public health authority, the department shall inform state residents of all of the following:

1. When a state of emergency related to public health has been declared or is terminated.

2. How to protect themselves from a public health emergency.

3. What actions the public health authority is taking to control a public health emergency.

(b) The public health authority shall provide the information specified in par. (a) by all available and reasonable means calculated to inform the general public, including reasonable efforts to make the information accessible to individuals with disabilities and to provide the information in the primary languages of individuals who do not understand English.

(c) As the public health authority, the department, to the extent possible, shall consult with local health departments, whether or not designated as agents of the department, and with individual health care providers.

**SECTION 368d.** 251.05 (3) (e) of the statutes is created to read:

251.05 (3) (e) Act as agent of the department, if designated by the secretary under s. 250.042 (1).

**SECTION 368f.** 252.02 (title) of the statutes is amended to read:

**252.02 (title) Powers and duties of department.**

**SECTION 368h.** 252.02 (7) of the statutes is created to read:

252.02 (7) The department shall promulgate rules that specify medical conditions treatable by prescriptions or nonprescription drug products for which pharmacists and pharmacies must report under s. 440.142 (1).

**SECTION 368j.** 252.041 of the statutes is created to read:

**252.041 Compulsory vaccination during a state of emergency.** (1) Except as provided in sub. (2), during the period under which the department is designated as the lead state agency, as specified in s. 250.042 (2), the department, as the public health authority, may do all of the following as necessary to address a public health emergency:

(a) Order any individual to receive a vaccination unless the vaccination is reasonably likely to lead to serious harm to the individual or unless the individual, for

reasons of religion or conscience, refuses to obtain the vaccination.

(b) Isolate or quarantine, under s. 252.06, any individual who is unable or unwilling for reasons specified under sub. (1) to receive vaccination under par. (a).

(2) The department shall promulgate rules that specify circumstances, if any, under which vaccination may not be performed on an individual.

**SECTION 368L.** 252.05 (1) of the statutes is amended to read:

252.05 (1) Any person licensed, permitted, registered or certified under ch. 441 or 448 knowing or having health care provider, as defined in s. 146.81 (1), who knows or has reason to know believe that a person treated or visited by him or her has a communicable disease, or having a communicable disease, has died, shall report the appearance of the communicable disease or the death to the local health officer. The local health officer shall report this information to the department or shall direct the person reporting to report to the department. Any person directed to report shall submit this information to the department.

**SECTION 368n.** 252.06 (1) of the statutes is amended to read:

252.06 (1) The department or the local health officer acting on behalf of the department may require isolation of the patient a patient or of an individual under s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or modified forms of these procedures as may be necessary and which are as are determined by the department by rule.

**SECTION 368p.** 252.06 (4) of the statutes is renumbered 252.06 (4) (a).

**SECTION 368r.** 252.06 (4) (b) of the statutes is created to read:

252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

1. No person, other than a person authorized by the public health authority or agent of the public health authority, may enter an isolation or quarantine premises.

2. A violation of subd. 1. is subject to a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

3. Any person, whether authorized under subd. 1. or not, who enters an isolation or quarantine premises may be subject to isolation or quarantine under this section.

**SECTION 368t.** 252.06 (10) (c) of the statutes is created to read:

252.06 (10) (c) The expense of providing a reasonable means of communication for a person who is quarantined outside his or her home during a state of emergency related to public health shall be paid under either of the following, as appropriate:

**Vetoed In Part**



Vetoed  
In Part

1. If the governor designates the department as the lead state agency under s. 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

2. If the governor does not designate the department as the lead state agency under s. 166.03 (1) (b) 1., from the appropriation under s. 20.465 (3) (e).

**SECTION 369.** 253.06 (4) (b) of the statutes is amended to read:

253.06 (4) (b) A person who violates any provision of this subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty of a Class I felony~~ for the first offense and ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H felony~~ for the 2nd or subsequent offense.

**SECTION 369gh.** 255.06 (2) (h) of the statutes is created to read:

255.06 (2) (h) *Multiple sclerosis education.* Conduct a multiple sclerosis education program to raise public awareness concerning the causes and nature of multiple sclerosis and options for diagnosing and treating multiple sclerosis.

**SECTION 369gm.** 280.25 of the statutes is created to read:

**280.25 Report on aquifer recovery system.** (1) In this section:

(a) "Aquifer storage and recovery system" has the meaning given in s. 160.257 (1).

(b) "Municipal water system" has the meaning given in s. 160.257 (1) (c).

(2) The operator of a municipal water system that uses an aquifer storage and recovery system shall submit a report to the department, no later than the first day of the 60th month after beginning to operate the aquifer storage and recovery system, describing the experience that the operator has had with using the aquifer storage and recovery system.

**SECTION 369kb.** 281.165 (1) of the statutes is amended to read:

281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water quality standards that are applicable to wetlands and that are promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292, or 299 or specified under any rule promulgated, order issued, or ordinance adopted under any of those sections or chapters, if the activity meets all of the requirements under either sub. (2) ~~or (3)~~.

**SECTION 369ke.** 281.165 (2) (title) of the statutes is amended to read:

281.165 (2) (title) ~~TREMPEALEAU COUNTY~~  
**REQUIREMENTS.**

**SECTION 369kg.** 281.165 (2) (am) of the statutes is created to read:

281.165 (2) (am) At least 2 acres of wetland will be restored or created as mitigation for each acre of wetland affected by the activity, and the restored or created wetland shall be located upstream from the site of the activity and located within the same watershed as the wetland area to be affected.

**SECTION 369kj.** 281.165 (2) (c) of the statutes is amended to read:

281.165 (2) (c) The site of the activity is within the corporate limits of a city or village on January 1, 1999.

**SECTION 369km.** 281.165 (2) (d) of the statutes is amended to read:

281.165 (2) (d) The governing body of the city or village adopts a resolution stating that the exemption under this section is necessary to protect jobs that exist in the city or village on the date of the adoption of the resolution or is necessary to promote job creation.

**SECTION 369kp.** 281.165 (2) (e) of the statutes is repealed.

**SECTION 369kq.** 281.165 (2) (f) of the statutes is created to read:

281.165 (2) (f) The governor selects the activity as provided in sub. (4).

**SECTION 369kr.** 281.165 (3) of the statutes is repealed.

**SECTION 369ks.** 281.165 (4) and (5) of the statutes are created to read:

281.165 (4) SELECTION BY GOVERNOR. (a) Any city or village seeking to be selected for the exemption under sub. (1) shall submit the adopted resolution required under sub. (2) (d) to the governor before December 31, 2002.

(b) The governor shall select one activity within the state that the governor determines meets the requirements in sub. (2) (a) to (d) to receive the exemption under sub. (1).

(5) RESTORED OR CREATED WETLANDS. (a) Upon selection of the activity by the governor under sub. (4), the rules under ss. NR 350.05, 350.08, 350.09, and 350.10, Wis. Adm. Code, shall apply to the mitigation project under sub. (2) (am).

(b) The mitigation project under sub. (2) (am) shall include the granting of a conservation easement under s. 700.40 to the department to ensure that the restored or created wetland will not be destroyed or substantially degraded by any subsequent owner of or holder of interest in the property on which the wetland is located. At a minimum, the conservation easement shall include any zone of vegetated upland adjacent to the wetland that the department determines is adequate to filter runoff from entering the restored or created wetland. The department shall modify or release a conservation easement issued under this paragraph if the conditions in s. 281.37 (2m) (b) apply.

(c) Any agent or employee of the department shall, at all times, be given reasonable access to any and all

Vetoed  
In Part

Vetoed  
In Part

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Vetoed  
In Part

parts of a mitigation project site and may enter upon any property to investigate the mitigation project.

**SECTION 369L.** 281.17 (2m) of the statutes is created to read:

281.17 (2m) In permitting under its authority under sub. (2) the chemical treatment of water for the suppression of mosquito larvae in the cities of Brookfield and La Crosse, the department may not impose as a condition to that permission a requirement that monitoring or additional testing be conducted as to the effectiveness or the impact of the treatment.

**SECTION 369m.** 281.65 (12) of the statutes is created to read:

281.65 (12) Notwithstanding sub. (8), during fiscal year 2002-03, the department shall make a payment under this section to a landowner who received a notice of discharge under ch. 283, who entered into a cost-share agreement with the department of agriculture, trade and consumer protection for a grant under s. 92.14 (4) (c), 1997 stats., and who complied with the cost-share agreement but who did not receive the grant under s. 92.14 (4) (c), 1997 stats. The department shall make a payment under this subsection in the amount to which the landowner would have been entitled under the cost-share agreement with the department of agriculture, trade and consumer protection. The department may not require a landowner to file an application to receive payment under this subsection.

**SECTION 369n.** 281.98 (2) of the statutes is amended to read:

281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of a violation of this chapter, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. ~~Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

Vetoed  
In Part

**SECTION 369p.** 283.84 (1) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

283.84 (1) (c) Reaches an agreement with the department or a local governmental unit, as defined in s. ~~22.04~~ 16.97 (7), under which the person pays money to the department or local governmental unit and the department or local governmental unit uses the money to reduce water pollution in the project area.

**SECTION 369q.** 283.91 (5) of the statutes is amended to read:

283.91 (5) In addition to all other civil and criminal penalties prescribed under this chapter, the court may assess as an additional penalty a portion or all of the costs

of the investigation, including monitoring, which led to the establishment of the violation. The court may award the department of justice the reasonable and necessary expenses of the prosecution, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. ~~Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 370.** 285.87 (2) (b) of the statutes is amended to read:

285.87 (2) (b) If the conviction under par. (a) is for a violation committed after another conviction under par. (a), the person ~~shall is guilty of a Class I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may~~ be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than 3 years or both.~~

**SECTION 370j.** 287.23 (5b) (intro.) of the statutes is amended to read:

287.23 (5b) GRANT AWARD FOR 2000 TO 2003. (intro.) ~~The For 2000 to 2003, the department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under sub. (3) (b). The department shall determine the amount of the grants under this subsection as follows:~~

**SECTION 370k.** 287.23 (5d) of the statutes is created to read:

287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2003.

(a) Beginning with grants for the year 2004, the department shall award a grant under this subsection to each eligible responsible unit that submits a complete grant application under sub. (4) for expenses allowable under sub. (3) (b).

(b) Except as provided in pars. (c), (d), and (e) and sub. (5p), the department shall award an eligible responsible unit a grant under this subsection equal to the population of the responsible unit times an amount that is the same for each responsible unit and that the department determines will result in distributing as much as possible of the amount appropriated under s. 20.370 (6) (bu), taking into account pars. (c), (d), and (e) and sub. (5p).

(c) A grant under this subsection may not exceed the allowable expenses under sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for which the grant is made.

(d) For a county that is the responsible unit for at least 75% of the population of the county, the department shall award a grant under this subsection equal to the greater of \$100,000 or the amount determined under par. (a), but not more than the allowable expenses under sub. (3) (b).

Vetoed  
In Part

Vetoed  
In Part

(e) For grants for the year 2004, the department shall award a grant to a responsible unit that received an award in 2003 that is equal to at least 80% of the amount received in 2003.

**SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

289.96 (3) (b) In addition to the penalties provided under par. (a), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this paragraph. ~~Ten percent of the money deposited in the general fund that was awarded under this paragraph for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 371.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall is guilty of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both:

**SECTION 372.** 291.97 (2) (c) 1. and 2. of the statutes are amended to read:

291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall is guilty of a Class I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than 2 years or both.

2. For a 2nd or subsequent violation under par. (b), a person shall is guilty of a Class F felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years or both.

**SECTION 372g.** 292.99 (2) of the statutes is amended to read:

292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. ~~Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

293.87 (4) (b) In addition to the penalties provided under par. (a), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this paragraph. ~~Ten percent of the money deposited in the general fund that was awarded under this paragraph for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subdivision. ~~Ten percent of the money deposited in the general fund that was awarded under this subdivision for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

**SECTION 372s.** 299.41 of the statutes is amended to read:

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

**SECTION 373.** 299.53 (4) (c) 2. of the statutes is amended to read:

299.53 (4) (c) 2. Any person who intentionally makes any false statement or representation in complying with sub. (2) (a) shall be fined not more than \$25,000 or imprisoned for not more than one year in the county jail or both. For a 2nd or subsequent violation, the person shall is guilty of a Class I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be fined not more than \$50,000 ~~or imprisoned for not more than 3 years or both.~~

**SECTION 373n.** 299.97 (2) of the statutes is amended to read:

299.97 (2) In addition to the penalties provided under sub. (1), the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. ~~Ten percent of the money deposited in the general fund that was awarded under this subsection for~~



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the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

**SECTION 374e.** 301.03 (18) (am) of the statutes is created to read:

301.03 (18) (am) Paragraph (a) does not prevent a county department under s. 46.215, 46.22, or 46.23 from charging and collecting the cost of an examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

**SECTION 375.** 301.035 (2) of the statutes is amended to read:

301.035 (2) Assign hearing examiners from the division to preside over hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10 (2) and ch. 304.

**SECTION 376.** 301.035 (4) of the statutes is amended to read:

301.035 (4) Supervise employees in the conduct of the activities of the division and be the administrative reviewing authority for decisions of the division under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and ch. 304.

**SECTION 377.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or 948.30.

**SECTION 377b.** 301.205 (title) of the statutes is repealed and recreated to read:

**301.205 (title) Transportation for visits.**

**SECTION 377c.** 301.205 of the statutes is renumbered 301.205 (2).

**SECTION 377d.** 301.205 (1) of the statutes is created to read:

301.205 (1) (a) Except as provided in par. (b), the department may not use state funds to transport persons visiting inmates in state prisons.

(b) The department may do any of the following to pay for the cost of transporting persons visiting inmates in state prisons:

1. Charge a reasonable fee to persons to whom the transportation is provided.

2. Use money received from gifts, grants, donations, and burial trusts that is provided for the purpose of paying for the cost of such transportation.

**SECTION 377db.** 301.21 (1m) (a) (intro.) of the statutes is amended to read:

301.21 (1m) (a) (intro.) The Subject to sub. (3), the department may enter into one or more contracts with another state or a political subdivision of another state for the transfer and confinement in that state of prisoners who have been committed to the custody of the department. Any such contract shall provide for all of the following:

**SECTION 377dc.** 301.21 (2m) (a) (intro.) of the statutes is amended to read:

301.21 (2m) (a) (intro.) The Subject to sub. (3), the department may enter into one or more contracts with a private person for the transfer and confinement in another state of prisoners who have been committed to the custody of the department. Any such contract shall provide for all of the following:

**SECTION 377df.** 301.21 (3) of the statutes is created to read:

301.21 (3) (a) Subject to par. (b), when contracting for the placement of prisoners in out-of-state facilities, the department shall give preference to a person that does all of the following:

1. Houses prisoners at facilities in close proximity to Wisconsin.

2. Provides alcohol and other drug abuse treatment, education, job preparation, and other elements of treatment designed to prepare prisoners for their return to the community.

3. Provides comprehensive assessment of prisoners in order to establish effective courses of treatment and rehabilitation, including academic and vocational training, with the goal of eventually successfully reintegrating prisoners into the community.

4. Staffs any facility in which prisoners will be confined with trained, certified professionals and manages and supervises the facility through a team of licensed professionals, including educators, certified counselors, vocational specialists, and medical professionals.

(b) The department shall give preference to a person under this subsection only if the person offers a daily rate that is comparable to the lowest good faith rate offered by other persons offering facilities for out-of-state placement of prisoners.

**SECTION 378.** 301.26 (4) (cm) 1. of the statutes is amended to read:

301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured correctional facilities, secured child caring institutions, alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age

Vetoed  
In Part

Vetoed  
In Part



or over who has been placed in a secured correctional facility based on a delinquent act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1), 948.025, (1), or 948.30 (2), ~~948.35 (1) (b) or 948.36~~ and for the care of any juvenile 10 years of age or over who has been placed in a secured correctional facility or secured child caring institution for attempting or committing a violation of s. 940.01 or for committing a violation of s. 940.02 or 940.05.

**SECTION 378p.** 301.45 (1d) (b) of the statutes is amended to read:

301.45 (1d) (b) "Sex offense" means a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person who committed the violation was not the victim's parent.

**SECTION 379.** 301.45 (6) (a) 2. of the statutes is amended to read:

301.45 (6) (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense if, prior to committing the offense, the person has at any time been convicted of knowingly failing to comply with any requirement to provide information under subs. (2) to (4).

**SECTION 379v.** 302.045 (2) (c) of the statutes is amended to read:

302.045 (2) (c) The inmate is incarcerated regarding a violation other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.095.

**SECTION 380.** 302.045 (3) of the statutes is amended to read:

302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department determines that an inmate serving a sentence other than one imposed under s. 973.01 has successfully completed the challenge incarceration program, the parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served, ~~unless the person is serving a sentence imposed under s. 973.01~~. When the parole commission grants parole under this subsection, it must require the parolee to participate in an intensive supervision program for drug abusers as a condition of parole.

**SECTION 381.** 302.095 (2) of the statutes is amended to read:

302.095 (2) Any officer or other person who delivers or procures to be delivered or has in his or her possession with intent to deliver to any inmate confined in a jail or

state prison, or who deposits or conceals in or about a jail or prison, or the precincts of a jail or prison, or in any vehicle going into the premises belonging to a jail or prison, any article or thing whatever, with intent that any inmate confined in the jail or prison shall obtain or receive the same, or who receives from any inmate any article or thing whatever with intent to convey the same out of a jail or prison, contrary to the rules or regulations and without the knowledge or permission of the sheriff or other keeper of the jail, in the case of a jail, or of the warden or superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

**SECTION 382.** 302.11 (1g) (a) 2. of the statutes is amended to read:

302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02, 940.03, 940.05, 940.09 ~~(1) (1c)~~, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) ~~or (1m)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36~~.

**SECTION 384.** 302.11 (1p) of the statutes is amended to read:

302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1999 stats., for a crime committed before December 31, 1999, is entitled to mandatory release, except the inmate may not be released before he or she has complied with s. 961.49 (2), 1999 stats.

**SECTION 385.** 302.11 (1z) of the statutes is amended to read:

302.11 (1z) An inmate who is sentenced to a term of confinement in prison under s. 973.01 for a felony that is committed on or after December 31, 1999, is not entitled under this section to mandatory release on parole under this section that sentence.

**SECTION 386.** 302.11 (3) of the statutes is amended to read:

302.11 (3) All consecutive sentences imposed for crimes committed before December 31, 1999, shall be computed as one continuous sentence.

**SECTION 387.** 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and amended to read:

302.11 (7) (am) The ~~division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the parolee waives a hearing, reviewing authority~~ may return a parolee released under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the remainder of the sentence for a violation of the conditions of parole. The remainder of the sentence is the entire sentence, less time served in custody prior to parole. The revocation order shall provide the parolee with credit in accordance with ss. 304.072 and 973.155.

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**SECTION 388.** 302.11 (7) (ag) of the statutes is created to read:

302.11 (7) (ag) In this subsection “reviewing authority” means the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the parolee waives a hearing.

**SECTION 389.** 302.11 (7) (b) of the statutes is amended to read:

302.11 (7) (b) A parolee returned to prison for violation of the conditions of parole shall be incarcerated for the entire period of time determined by the department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a), reviewing authority unless paroled earlier under par. (c). The parolee is not subject to mandatory release under sub. (1) or presumptive mandatory release under sub. (1g). The period of time determined under par. (a) ~~(am)~~ may be extended in accordance with subs. (1q) and (2).

**SECTION 390.** 302.11 (7) (d) of the statutes is amended to read:

302.11 (7) (d) A parolee who is subsequently released either after service of the period of time determined by the department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a) reviewing authority or by a grant of parole under par. (c) is subject to all conditions and rules of parole until expiration of sentence or discharge by the department.

**SECTION 391.** 302.11 (7) (e) of the statutes is created to read:

302.11 (7) (e) A reviewing authority may consolidate proceedings before it under par. (am) with other proceedings before that reviewing authority under par. (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the parole or extended supervision of the same person.

**SECTION 392.** 302.113 (2) of the statutes is amended to read:

302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this section is entitled to release to extended supervision after he or she has served the term of confinement in prison portion of the sentence imposed under s. 973.01, as modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1. or 973.195 (1r), if applicable.

**SECTION 393.** 302.113 (4) of the statutes is amended to read:

302.113 (4) All consecutive sentences imposed for crimes committed on or after December 31, 1999, shall be computed as one continuous sentence. The person shall serve any term of extended supervision after serving all terms of confinement in prison.

**SECTION 394.** 302.113 (7) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

302.113 (7) Any inmate released to extended supervision under this section is subject to all conditions and rules of extended supervision until the expiration of the term of extended supervision portion of the bifurcated sentence. The department may set conditions of extended supervision in addition to any conditions of extended supervision required under s. 302.116, if applicable, or set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the court’s conditions.

**SECTION 395.** 302.113 (7m) of the statutes is created to read:

302.113 (7m) (a) Except as provided in par. (e), a person subject to this section or the department may petition the sentencing court to modify any conditions of extended supervision set by the court.

(b) If the department files a petition under this subsection, it shall serve a copy of the petition on the person who is the subject of the petition and, if the person is represented by an attorney, on the person’s attorney. If a person who is subject to this section or his or her attorney files a petition under this subsection, the person or his or her attorney shall serve a copy of the petition on the department. The court shall serve a copy of a petition filed under this section on the district attorney. The court may direct the clerk of the court to provide notice of the petition to a victim of a crime committed by the person who is the subject of the petition.

(c) The court may conduct a hearing to consider the petition. The court may grant the petition in full or in part if it determines that the modification would meet the needs of the department and the public and would be consistent with the objectives of the person’s sentence.

(d) A person subject to this section or the department may appeal an order entered by the court under this subsection. The appellate court may reverse the order only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

(e) 1. An inmate may not petition the court to modify the conditions of extended supervision earlier than one year before the date of the inmate’s scheduled date of release to extended supervision or more than once before the inmate’s release to extended supervision.

2. A person subject to this section may not petition the court to modify the conditions of extended supervision within one year after the inmate’s release to extended supervision. If a person subject to this section files a petition authorized by this subsection after his or her release from confinement, the person may not file another petition until one year after the date of filing the former petition.

**SECTION 396.** 302.113 (8m) of the statutes is created to read:

302.113 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation.

(b) If a person released to extended supervision under this section signs a statement admitting a violation of a condition or rule of extended supervision, the department may, as a sanction for the violation, confine the person for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. If the department confines the person in a county jail under this paragraph, the department shall reimburse the county for its actual costs in confining the person from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43, the person is not eligible to earn good time credit on any period of confinement imposed under this subsection.

**SECTION 397.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am) and amended to read:

302.113 (9) (am) If a person released to extended supervision under this section violates a condition of extended supervision, ~~the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing,~~ reviewing authority may revoke the extended supervision of the person ~~and return the person to prison. If the extended supervision of the person is revoked, the person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court shall order the person to be returned to prison, he or she shall be returned to prison~~ for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in eustody confinement under the sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the sentence. ~~The revocation court order returning a person to prison under this paragraph shall provide the person on whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.~~

**SECTION 398.** 302.113 (9) (ag) of the statutes is created to read:

302.113 (9) (ag) In this subsection “reviewing authority” means the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing.

**SECTION 399.** 302.113 (9) (at) of the statutes is created to read:

302.113 (9) (at) When a person is returned to court under par. (am) after revocation of extended supervision, the reviewing authority shall make a recommendation to the court concerning the period of time for which the person should be returned to prison. The recommended time period may not exceed the time remaining on the bifurcated sentence, as calculated under par. (am).

**SECTION 400.** 302.113 (9) (b) of the statutes is amended to read:

302.113 (9) (b) A person who is returned to prison after revocation of extended supervision shall be incarcerated for the entire period of time specified by the ~~department of corrections in the case of a waiver or by the division of hearings and appeals in the department of administration in the case of a hearing court~~ under par. (a) (am). The period of time specified under par. (a) (am) may be extended in accordance with sub. (3). If a person is returned to prison under par. (am) for a period of time that is less than the time remaining on the bifurcated sentence, the person shall be released to extended supervision after he or she has served the period of time specified by the court under par. (am) and any periods of extension imposed in accordance with sub. (3).

**SECTION 401.** 302.113 (9) (c) of the statutes is amended to read:

302.113 (9) (c) A person who is subsequently released to extended supervision after service of the period of time specified by the ~~department of corrections in the case of a waiver or by the division of hearings and appeals in the department of administration in the case of a hearing court~~ under par. (a) (am) is subject to all conditions and rules under sub. subs. (7) and, if applicable, (7m) until the expiration of the term of remaining extended supervision portion of the bifurcated sentence. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.

**SECTION 402.** 302.113 (9) (d) of the statutes is created to read:

302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a person has served in confinement before release to extended supervision and the amount of time a person has served in confinement for a revocation of extended supervision includes any extensions imposed under sub. (3).

**SECTION 403.** 302.113 (9) (e) of the statutes is created to read:

302.113 (9) (e) If a hearing is to be held under par. (am) before the division of hearings and appeals in the department of administration, the hearing examiner may

order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10).

**SECTION 404.** 302.113 (9) (f) of the statutes is created to read:

302.113 (9) (f) A reviewing authority may consolidate proceedings before it under par. (am) with other proceedings before that reviewing authority under par. (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the parole or extended supervision of the same person.

**SECTION 405.** 302.113 (9) (g) of the statutes is created to read:

302.113 (9) (g) In any case in which there is a hearing before the division of hearings and appeals in the department of administration concerning whether to revoke a person's extended supervision, the person on extended supervision may seek review of a decision to revoke extended supervision and the department of corrections may seek review of a decision to not revoke extended supervision. Review of a decision under this paragraph may be sought only by an action for certiorari.

**SECTION 406.** 302.113 (9g) of the statutes is created to read:

302.113 (9g) (a) In this subsection:

1. "Program review committee" means the committee at a correctional institution that reviews the security classifications, institution assignments, and correctional programming assignments of inmates confined in the institution.

2. "Terminal condition" means an incurable condition afflicting a person, caused by injury, disease, or illness, as a result of which the person has a medical prognosis that his or her life expectancy is 6 months or less, even with available life-sustaining treatment provided in accordance with the prevailing standard of medical care.

(b) An inmate who is serving a bifurcated sentence for a crime other than a Class B felony may seek modification of the bifurcated sentence in the manner specified in par. (f) if he or she meets one of the following criteria:

1. The inmate is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence.

2. The inmate is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence.

3. The inmate has a terminal condition.

(c) An inmate who meets the criteria under par. (b) may submit a petition to the program review committee at the correctional institution in which the inmate is confined requesting a modification of the inmate's bifurcated sentence in the manner specified in par. (f). If the inmate alleges in the petition that he or she has a terminal condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has a terminal condition.

(cm) If, after receiving the petition under par. (c), the program review committee determines that the public interest would be served by a modification of the inmate's bifurcated sentence in the manner provided under par. (f), the committee shall approve the petition for referral to the sentencing court and notify the department of its approval. The department shall then refer the inmate's petition to the sentencing court and request the court to conduct a hearing on the petition. If the program review committee determines that the public interest would not be served by a modification of the inmate's bifurcated sentence in the manner specified in par. (f), the committee shall deny the inmate's petition.

(d) When a court is notified by the department that it is referring to the court an inmate's petition for modification of the inmate's bifurcated sentence, the court shall set a hearing to determine whether the public interest would be served by a modification of the inmate's bifurcated sentence in the manner specified in par. (f). The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide a statement concerning the modification of the inmate's bifurcated sentence. The court shall order such notice of the hearing date as it considers adequate to be given to the department, the inmate, the attorney representing the inmate, if applicable, and the district attorney. Victim notification shall be provided as specified under par. (g).

(e) At a hearing scheduled under par. (d), the inmate has the burden of proving by the greater weight of the credible evidence that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest. If the inmate proves that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall modify the inmate's bifurcated sentence in that manner. If the inmate does not prove that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall deny the inmate's petition for modification of the bifurcated sentence.

(f) A court may modify an inmate's bifurcated sentence under this section only as follows:

1. The court shall reduce the term of confinement in prison portion of the inmate's bifurcated sentence in a manner that provides for the release of the inmate to extended supervision within 30 days after the date on which the court issues its order modifying the bifurcated sentence.

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

(g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).



2. When a court sets a hearing date under par. (d), the clerk of the circuit court shall send a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under subd. 3. requesting notification. The notice shall inform the victim that he or she may appear at the hearing scheduled under par. (d) and shall inform the victim of the manner in which he or she may provide a statement concerning the modification of the inmate's bifurcated sentence in the manner provided in par. (f). The clerk of the circuit court shall make a reasonable attempt to send the notice of hearing to the last-known address of the inmate's victim, postmarked at least 10 days before the date of the hearing.

3. The director of state courts shall design and prepare cards for a victim to send to the clerk of the circuit court for the county in which the inmate was convicted and sentenced. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate, and any other information that the director of state courts determines is necessary. The director of state courts shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide the cards, without charge, to victims. Victims may send completed cards to the clerk of the circuit court for the county in which the inmate was convicted and sentenced. All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35 (1).

(h) An inmate may appeal a court's decision to deny the inmate's petition for modification of his or her bifurcated sentence. The state may appeal a court's decision to grant an inmate's petition for a modification of the inmate's bifurcated sentence. In an appeal under this paragraph, the appellate court may reverse a decision granting or denying a petition for modification of a bifurcated sentence only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

(i) If the program review committee denies an inmate's petition under par. (cm), the inmate may not file another petition within one year after the date of the program review committee's denial. If the program review committee approves an inmate's petition for referral to the sentencing court under par. (cm) but the sentencing court denies the petition, the inmate may not file another petition under par. (cm) within one year after the date of the court's decision.

(j) An inmate eligible to seek modification of his or her bifurcated sentence under this subsection has a right to be represented by counsel in proceedings under this subsection. An inmate, or the department on the inmate's behalf, may apply to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm) before or after the filing of a petition with the program review committee under par. (c). If an inmate whose petition has been referred to the court

under par. (cm) is without counsel, the court shall refer the matter to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm).

**SECTION 407.** 302.114 (4) of the statutes is amended to read:

302.114 (4) All consecutive sentences imposed for crimes committed on or after December 31, 1999, shall be computed as one continuous sentence. An inmate subject to this section shall serve any term of extended supervision after serving all terms of confinement in prison.

**SECTION 408.** 302.114 (5) (f) of the statutes is amended to read:

302.114 (5) (f) An inmate may appeal an order denying his or her petition for release to extended supervision. In an appeal under this paragraph, the appellate court may reverse an order denying a petition for release to extended supervision only if it determines that the sentencing court ~~improperly~~ erroneously exercised its discretion in denying the petition for release to extended supervision.

**SECTION 409.** 302.114 (6) (b) of the statutes is amended to read:

302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) ~~(b)~~ (bm) for release to extended supervision under this section, the clerk of the circuit court in which the petition is filed shall send a copy of the petition and, if a hearing is scheduled, a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under par. (e) requesting notification.

**SECTION 410.** 302.114 (6) (c) of the statutes is amended to read:

302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she may appear at the hearing under sub. (5) or (9) ~~(b)~~ (bm), if a hearing is scheduled, and shall inform the victim of the manner in which he or she may provide written statements concerning the inmate's petition for release to extended supervision.

**SECTION 411.** 302.114 (8m) of the statutes is created to read:

302.114 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation.

(b) If a person released to extended supervision under this section signs a statement admitting a violation of a condition or rule of extended supervision, the department may, as a sanction for the violation, confine the person for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. If the department confines the person in a county jail under this paragraph, the department shall reimburse the county for its actual

costs in confining the person from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43, the person is not eligible to earn good time credit on any period of confinement imposed under this subsection.

**SECTION 412.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and amended to read:

302.114 (9) (am) If a person released to extended supervision under this section violates a condition of extended supervision, the ~~division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing,~~ reviewing authority may revoke the extended supervision of the person and ~~return the person to prison.~~ If the extended supervision of the person is revoked, the person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court shall order the person to be returned to prison, he or she shall be returned to prison for a specified period of time, as provided under par. (b) before he or she is eligible for being released again to extended supervision. The period of time specified under this paragraph may not be less than 5 years and may be extended in accordance with sub. (3).

**SECTION 413.** 302.114 (9) (ag) of the statutes is created to read:

302.114 (9) (ag) In this subsection "reviewing authority" has the meaning given in s. 302.113 (9) (ag).

**SECTION 414.** 302.114 (9) (b) of the statutes is amended to read:

302.114 (9) (b) ~~If When~~ a person is returned to ~~prison court~~ under par. (a) ~~(am)~~ after revocation of extended supervision, the ~~department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a)~~ reviewing authority shall specify a make a recommendation to the court concerning the period of time for which the person shall be incarcerated ~~should be returned to prison~~ before being eligible for release to extended supervision. The period of time ~~specified recommended~~ under this paragraph may not be less than 5 years and ~~may be extended in accordance with sub. (3).~~

**SECTION 415.** 302.114 (9) (bm) of the statutes is amended to read:

302.114 (9) (bm) A person who is returned to prison under par. (a) ~~(am)~~ after revocation of extended supervision may, upon petition to the sentencing court, be released to extended supervision after he or she has served the entire period of time specified ~~in~~ by the court under par. (b) ~~(am)~~, including any periods of extension imposed under sub. (3). A person may not file a petition under this paragraph earlier than 90 days before the date on which he or she is eligible to be released to extended supervision. If a person files a petition for release to extended supervision under this paragraph at any time

earlier than 90 days before the date on which he or she is eligible to be released to extended supervision, the court shall deny the petition without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition filed under this paragraph.

**SECTION 416.** 302.114 (9) (c) of the statutes is amended to read:

302.114 (9) (c) A person who is subsequently released to extended supervision under par. ~~(b)~~ (bm) is subject to all conditions and rules under sub. (8) until the expiration of the sentence.

**SECTION 417.** 302.114 (9) (d) of the statutes is created to read:

302.114 (9) (d) If a hearing is to be held under par. (am) before the division of hearings and appeals in the department of administration, the hearing examiner may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10).

**SECTION 418.** 302.114 (9) (e) of the statutes is created to read:

302.114 (9) (e) A reviewing authority may consolidate proceedings before it under par. (am) with other proceedings before that reviewing authority under par. (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the parole or extended supervision of the same person.

**SECTION 419.** 302.114 (9) (f) of the statutes is created to read:

302.114 (9) (f) In any case in which there is a hearing before the division of hearings and appeals in the department of administration concerning whether to revoke a person's extended supervision, the person on extended supervision may seek review of a decision to revoke extended supervision and the department of corrections may seek review of a decision to not revoke extended supervision. Review of a decision under this paragraph may be sought only by an action for certiorari.

**SECTION 420.** 302.33 (1) of the statutes is amended to read:

302.33 (1) The maintenance of persons who have been sentenced to the state penal institutions; persons in the custody of the department, except as provided in sub. (2) and ~~s. ss. 301.048 (7), 302.113 (8m), and 302.114 (8m)~~; persons accused of crime and committed for trial; persons committed for the nonpayment of fines and expenses; and persons sentenced to imprisonment therein, while in the county jail, shall be paid out of the county treasury. No claim may be allowed to any sheriff for keeping or boarding any person in the county jail unless the person was lawfully detained therein.

**SECTION 421.** 303.063 of the statutes is repealed.

**SECTION 422.** 303.065 (1) (b) 1. of the statutes is amended to read:

303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence specified in subd. 2., may be considered for work release only after he or she has

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reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is applicable, or he or she has reached his or her extended supervision eligibility date under s. 302.114 (9) ~~(b)~~ (a) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

**SECTION 423.** 303.08 (1) (intro.) of the statutes is amended to read:

303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment of a fine or forfeiture, or contempt of court, or subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m) may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

**SECTION 424.** 303.08 (2) of the statutes is amended to read:

303.08 (2) Unless such privilege is expressly granted by the court or, in the case of a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m), the department, the ~~prisoner~~ person is sentenced to ordinary confinement. ~~The A prisoner, other than a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m),~~ may petition the court for such privilege at the time of sentence or thereafter, and in the discretion of the court may renew the prisoner's petition. The court may withdraw the privilege at any time by order entered with or without notice.

**SECTION 425.** 303.08 (5) (intro.) of the statutes is amended to read:

303.08 (5) (intro.) By order of the court or, for a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m), by order of the department, the wages, salary and unemployment insurance and employment training benefits received by prisoners shall be disbursed by the sheriff for the following purposes, in the order stated:

**SECTION 426.** 303.08 (6) of the statutes is amended to read:

303.08 (6) The ~~department,~~ for a person subject to a confinement sanction under s. 302.113 (8m) or 302.114 (8m), or the sentencing court may, by order, may authorize the sheriff to whom the prisoner is committed to arrange with another sheriff for the employment or employment training of the prisoner in the other's county, and while so employed or trained to be in the other's custody but in other respects to be and continue subject to the commitment.

**SECTION 427.** 303.08 (12) of the statutes is amended to read:

303.08 (12) In counties having a house of correction, any person violating the privilege granted under sub. (1) may be transferred by the county jailer to the house of correction for the remainder of the term of the person's sentence or, if applicable, the remainder of the person's confinement sanction under s. 302.113 (8m) or 302.114 (8m).

**SECTION 428.** 303.21 (1) (b) of the statutes is amended to read:

303.21 (1) (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 302.15 ~~or a secure work program under s. 303.063.~~ Inmates are not included under par. (a) if they are employed in a prison industry under s. 303.06 (2), participating in a work release program under s. 303.065 (2), participating in employment with a private business under s. 303.01 (2) (em) or participating in the transitional employment program, but they are eligible for worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are eligible for worker's compensation benefits under ch. 102.

**SECTION 429.** 304.06 (1) (b) of the statutes is amended to read:

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

**SECTION 431.** 304.071 (2) of the statutes is amended to read:

304.071 (2) If a prisoner is not eligible for parole under s. 961.49 (2), ~~1999 stats.,~~ or s. 939.62 (2m) (c), ~~961.49 (2),~~ 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he or she is not eligible for parole under this section.

**SECTION 431g.** 304.073 (2) of the statutes is amended to read:

304.073 (2) ~~Beginning on January 1, 1996, the~~ The department shall charge a fee to any probationer, parolee, or person on extended supervision who is under minimum or administrative supervision and is supervised by the department. The fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c). The department shall set the fee sufficient to cover

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**Vetoed In Part** the cost of supervision and may set varying rates, on a case-by-case basis, based on the person's supervision level. The department shall collect moneys for the fee charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (ge).

**SECTION 431k.** 304.074 (2) of the statutes is amended to read:

304.074 (2) ~~Beginning on January 1, 1996, the~~ The department shall charge a fee to probationers, parolees, and persons on extended supervision to partially reimburse the department for the costs of providing supervision and services. The department shall set varying rates for probationers, parolees, or persons on extended supervision based on ability to pay and may set varying rates, on a case-by-case basis, based on the person's supervision level. with the goal of receiving at least \$1 per day, if appropriate, from each probationer, parolee, and person on extended supervision. The department shall not charge a fee while the probationer, parolee, or person on extended supervision is exempt under sub. (3). The department shall collect moneys for the fees charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

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**SECTION 432.** 304.11 (3) of the statutes is amended to read:

304.11 (3) If upon inquiry it further appears to the governor that the convicted person has violated or failed to comply with any of those conditions, the governor may issue his or her warrant remanding the person to the institution from which discharged, and the person shall be confined and treated as though no pardon had been granted, except that the person loses any applicable good time which he or she had earned. If the person is returned to prison, the person is subject to the same limitations as a revoked parolee under s. 302.11 (7). The department shall determine the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines the person has not violated or failed to comply with the conditions, the person shall be discharged subject to the conditional pardon.

**SECTION 432b.** 340.01 (20m) of the statutes is created to read:

340.01 (20m) "Hail-damaged vehicle" means a vehicle less than 7 years old that is not precluded from subsequent registration and titling and which is damaged solely by hail to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.

**SECTION 432d.** 340.01 (55g) of the statutes is amended to read:

340.01 (55g) "Salvage vehicle" means a vehicle less than 7 years old that is not precluded from subsequent registration and titling and which is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle

exceeds 70% of its fair market value. The term does not include a hail-damaged vehicle unless the vehicle is repaired with any replacement part, as defined in s. 632.38 (1) (e).

**SECTION 432g.** 341.09 (8) of the statutes is amended to read:

341.09 (8) The department may issue a temporary operation plate to a person who is eligible for the issuance of a special plate for a motorcycle under s. 341.14 (1e) if the department determines that the person's disability is temporary. The plate shall contain the information specified in sub. (1m) and comply with s. 341.13 (2m), if applicable. The plate shall otherwise be similar to or identical to plates issued under s. 341.14 (1e). No charge in addition to the registration fee may be made for the issuance of a plate under this subsection.

**SECTION 432h.** 341.13 (2m) of the statutes is created to read:

341.13 (2m) A registration plate issued for a motorcycle shall have a white background and black lettering and shall be 4 inches by 7 inches in size.

**SECTION 432j.** 341.14 (4r) of the statutes is amended to read:

341.14 (4r) For reconstructed, replica, street modified, and homemade vehicles as specified in s. 341.268.

**SECTION 432r.** 341.14 (6w) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

341.14 (6w) Upon application to register a motorcycle by any person who is a resident of this state and a veteran of the U.S. armed forces, the department shall issue to the person a special plate whose colors and design shall indicate that the vehicle is owned by a veteran of the U.S. armed forces. The department shall specify the design of the special plate. The special plate shall be colored red, white, and blue ~~and be 4 inches by 7 inches in size.~~ An additional fee of \$15 shall be charged for the issuance or reissuance of the plate.

**SECTION 432w.** 341.14 (6w) of the statutes, as affected by 2001 Wisconsin Act 16 and 2001 Wisconsin Act .... (this act), is amended to read:

341.14 (6w) Upon application to register a motorcycle by any person who is a resident of this state and a veteran of the U.S. armed forces, the department shall issue to the person a special plate whose colors and design shall indicate that the vehicle is owned by a veteran of the U.S. armed forces. The department shall specify the design of the special plate. The Notwithstanding s. 341.13 (2m), the special plate shall be colored red, white, and blue and be 4 inches by 7 inches in size. An additional fee of \$15 shall be charged for the issuance or reissuance of the plate.

**SECTION 432wg.** 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b) (intro.) and amended to read:

341.268 (1) (b) (intro.) "Homemade vehicle" means ~~a~~ any of the following:



1. A motor vehicle which that has been constructed or assembled from new or used parts or both using a body and frame not originating from and not resembling any previously manufactured motor vehicle.

**SECTION 432wh.** 341.268 (1) (b) 2. of the statutes is created to read:

341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally made by another manufacturer and which consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain.

**SECTION 432wi.** 341.268 (1) (e) of the statutes is amended to read:

341.268 (1) (e) “Replica vehicle” means a motor vehicle, other than a motorcycle, that is a reproduction of a vehicle originally made by another manufacturer and which consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain.

**SECTION 432wn.** 341.268 (2) (a) 4. of the statutes is amended to read:

341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

**SECTION 432wnf.** 341.268 (2) (a) 5. of the statutes is created to read:

341.268 (2) (a) 5. A homemade vehicle under sub. (1) (b) 2. that is a reproduction of a motorcycle manufactured 20 years or more prior to the time of making application for registration or transfer of title of the homemade vehicle.

**SECTION 432wt.** 341.268 (4m) of the statutes is created to read:

341.268 (4m) A motorcycle registered as a replica vehicle under s. 341.268, 1999 stats., shall be considered a homemade vehicle for purposes of this section and ss. 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of the motorcycle is not required to replace the distinctive registration plates issued under s. 341.268 (2) (c), 1999 stats., showing that the motorcycle is a replica vehicle.

**SECTION 433.** 341.605 (3) of the statutes is amended to read:

341.605 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is guilty of a Class H felony.

**SECTION 434.** 342.06 (2) of the statutes is amended to read:

342.06 (2) Any person who knowingly makes a false statement in an application for a certificate of title ~~may be fined not more than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 435.** 342.065 (4) (b) of the statutes is amended to read:

342.065 (4) (b) Any person who violates sub. (1) with intent to defraud ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 435m.** 342.10 (3) (h) of the statutes is created to read:

342.10 (3) (h) That the vehicle was a hail-damaged vehicle. This paragraph does not apply to a hail-damaged vehicle that was repaired with any replacement part, as defined in s. 632.38 (1) (e).

**SECTION 436.** 342.155 (4) (b) of the statutes is amended to read:

342.155 (4) (b) Any person who violates this section with intent to defraud may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of Class H felony.

**SECTION 437.** 342.156 (6) (b) of the statutes is amended to read:

342.156 (6) (b) Any person who violates this section with intent to defraud ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 438.** 342.30 (3) (a) of the statutes is amended to read:

342.30 (3) (a) Any person who violates sub. (1g) ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 439.** 342.32 (3) of the statutes is amended to read:

342.32 (3) Whoever violates sub. (1) or (2) ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months, or both, for each violation~~ is guilty of a Class H felony.

**SECTION 439e.** 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.23 (2) (b) The information specified in par. (a) must be filed by the department so that the complete operator’s record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records

entered during the 4-year period immediately preceding the exercise of such power of suspension.

**SECTION 439g.** 343.245 (3) (c) of the statutes is created to read:

343.245 (3) (c) No employer may knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in violation of any federal, state, or local law, rule, or regulation relating to railroad crossings.

**SECTION 439i.** 343.245 (4) (a) of the statutes is amended to read:

343.245 (4) (a) Except as provided in ~~par. pars.~~ (b) and (c), any person who violates sub. (2) or (3) shall forfeit not more than \$2,500.

**SECTION 439j.** 343.245 (4) (c) of the statutes is created to read:

343.245 (4) (c) Any person who violates sub. (3) (c) shall forfeit not more than \$10,000.

**SECTION 440.** 343.31 (1) (i) of the statutes is amended to read:

343.31 (1) (i) Knowingly fleeing or attempting to elude a traffic officer under s. 346.04 (3).

**SECTION 441.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

343.31 (3) (d) (intro.) Any person convicted of knowingly fleeing or attempting to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege revoked as follows:

**SECTION 441m.** 343.315 (2) (j) of the statutes is created to read:

343.315 (2) (j) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or more railroad crossing violations, arising from separate occurrences committed within a 3-year period while driving or operating a commercial motor vehicle. In this paragraph, "railroad crossing violation" means a violation of a federal, state, or local law, rule, or regulation relating to any of the following offenses at a railroad crossing:

1. If the operator is not always required to stop the vehicle, failing to reduce speed and determine that the tracks are clear of any approaching train.

2. If the operator is not always required to stop the vehicle, failing to stop before reaching the crossing if the tracks are not clear.

3. If the operator is always required to stop the vehicle, failing to do so before proceeding onto the crossing.

4. Failing to have sufficient space to proceed completely through the crossing without stopping the vehicle.

5. Failing to obey any official traffic control device or the directions of any traffic officer, railroad employee, or other enforcement official.

6. Failing to successfully proceed through the crossing because of insufficient undercarriage clearance.

**SECTION 441p.** 343.315 (3) (b) of the statutes is amended to read:

343.315 (3) (b) If a person's license or operating privilege is not otherwise revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j), the department shall immediately disqualify the person from operating a commercial motor vehicle for the period required under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j). Upon proper application by the person and payment of a duplicate license fee, the department may issue a separate license authorizing only the operation of vehicles other than commercial motor vehicles. Upon expiration of the period of disqualification, the person may apply for authorization to operate commercial motor vehicles under s. 343.26.

**SECTION 442.** 344.48 (2) of the statutes is amended to read:

344.48 (2) Any person violating this section may be fined not more than \$1,000 ~~\$10,000~~ or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 442g.** 344.576 (3) (a) 5. of the statutes is amended to read:

344.576 (3) (a) 5. The address and telephone number of the department of ~~agriculture, trade and consumer protection~~ justice.

**SECTION 442m.** 344.576 (3) (c) of the statutes is amended to read:

344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~ justice shall promulgate rules specifying the form of the notice required under par. (a), including the size of the paper and the type size and any highlighting of the information described in par. (a). The rule may specify additional information that must be included in the notice and the precise language that must be used.

**SECTION 442r.** 344.579 (2) (intro.) of the statutes is amended to read:

344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1), (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade and consumer protection~~ justice may on behalf of the state:

**SECTION 443.** 346.04 (2t) of the statutes is created to read:

346.04 (2t) No operator of a vehicle, after having received a visible or audible signal to stop his or her vehicle from a traffic officer or marked police vehicle, shall knowingly resist the traffic officer by failing to stop his or her vehicle as promptly as safety reasonably permits.

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**SECTION 444.** 346.04 (4) of the statutes is created to read:

346.04 (4) Subsection (2t) is not an included offense of sub. (3), but a person may not be convicted of violating both subs. (2t) and (3) for acts arising out of the same incident or occurrence.

**SECTION 445.** 346.17 (2t) of the statutes is created to read:

346.17 (2t) Any person violating s. 346.04 (2t) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 446.** 346.17 (3) (a) of the statutes is amended to read:

346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s. 346.04 (3) ~~shall be fined not less than \$600 nor more than \$10,000 and may be imprisoned for not more than 3 years~~ is guilty of a Class I felony.

**SECTION 447.** 346.17 (3) (b) of the statutes is amended to read:

346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4), to another, or causes damage to the property of another, as defined in s. 939.22 (28), the person ~~shall be fined not less than \$1,000 nor more than \$10,000 and may be imprisoned for not more than 3 years~~ is guilty of a Class H felony.

**SECTION 448.** 346.17 (3) (c) of the statutes is amended to read:

346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not more than 3 years~~ is guilty of a Class F felony.

**SECTION 449.** 346.17 (3) (d) of the statutes is amended to read:

346.17 (3) (d) If the violation results in the death of another, the person ~~shall be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not more than 7 years and 6 months~~ is guilty of a Class E felony.

**SECTION 450.** 346.175 (1) (a) of the statutes is amended to read:

346.175 (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.04 (2t) or (3) for fleeing a traffic officer shall be presumed liable for the violation as provided in this section.

**SECTION 451.** 346.175 (1) (b) of the statutes is amended to read:

346.175 (1) (b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 346.04 (2t) or (3) for fleeing a traffic officer may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under s. 346.04 (2t) or (3).

**SECTION 452.** 346.175 (4) (b) of the statutes is amended to read:

346.175 (4) (b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle at the time of the violation, then the owner of the vehicle shall not be liable under this section or under s. 346.04 (2t) or (3).

**SECTION 453.** 346.175 (4) (c) of the statutes is amended to read:

346.175 (4) (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or under s. 346.04 (2t) or (3).

**SECTION 454.** 346.175 (4) (d) of the statutes is amended to read:

346.175 (4) (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle, then that person, and not the dealer, shall be liable under this section or under s. 346.04 (2t) or (3).

**SECTION 455.** 346.175 (5) (intro.) of the statutes is amended to read:

346.175 (5) (intro.) Notwithstanding the penalty otherwise specified under s. 346.17 (2t) or (3) for a violation of s. 346.04 (2t) or (3):

**SECTION 456.** 346.175 (5) (a) of the statutes is amended to read:

346.175 (5) (a) A vehicle owner or other person found liable under this section for a violation of s. 346.04 (2t) or (3) shall be required to forfeit not less than \$300 nor more than \$1,000.

**SECTION 457.** 346.65 (2) (e) of the statutes is amended to read:

346.65 (2) (e) Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than \$600 ~~nor more than \$2,000~~ and imprisoned for not less than 6 months ~~nor more than 5 years~~ if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or more, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.



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SECTION 458. 346.65 (5) of the statutes is amended to read:

346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4) shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for not less than 90 days nor more than 2 years and 3 months is guilty of a Class I felony.

SECTION 459. 346.74 (5) (b) of the statutes is amended to read:

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

SECTION 460. 346.74 (5) (c) of the statutes is amended to read:

346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than 3 years or both Is guilty of a Class I felony if the accident involved injury to a person and the person suffered great bodily harm.

SECTION 461. 346.74 (5) (d) of the statutes is amended to read:

346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than 7 years and 6 months or both Is guilty of a Class H felony if the accident involved death to a person.

SECTION 461m. 347.02 (7) of the statutes is amended to read:

347.02 (7) The vehicle equipment requirements for a street modified vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year that is not a street modified vehicle. The vehicle equipment requirements for a replica vehicle or a homemade vehicle specified in s. 341.268 (1) (b) 2. shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year as the vehicle used for purposes of the reproduction.

SECTION 461u. 349.067 of the statutes is created to read:

**349.067 Traffic control signal emergency preemption devices.** (1) Notwithstanding s. 349.065, any traffic control signal installed by a local authority after the effective date of this section ... [revisor inserts date], that is equipped with an emergency preemption device, as defined in s. 84.02 (15) (a) 4., shall be installed with a confirmation signal, as defined in s. 84.02 (15) (a) 3.

(2) Notwithstanding s. 349.065, any new traffic control signal installed by a local authority after the effective date of this section ... [revisor inserts date], that is not equipped with an emergency preemption device shall include all electrical wiring necessary to equip the traffic control signal with an emergency preemption device and confirmation signal.

SECTION 462. 350.11 (2m) of the statutes is amended to read:

350.11 (2m) Any person who violates s. 350.135 (1) shall be ~~fined not more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another person.

SECTION 463. 351.07 (2) (a) of the statutes is renumbered 351.07 (2).

SECTION 464. 351.07 (2) (b) of the statutes is repealed.

SECTION 464bb. 440.05 (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

**440.05 Standard fees.** (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:

SECTION 464bd. 440.08 (2) (a) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46, the renewal dates and renewal fees for credentials are as follows:

SECTION 464be. 440.142 of the statutes is created to read:

**440.142 Reporting potential causes of public health emergency.** (1) A pharmacist or pharmacy shall report to the department of health and family services all of the following:

(a) An unusual increase in the number of prescriptions dispensed or nonprescription drug products sold for the treatment of medical conditions specified by the department of health and family services by rule under s. 252.02 (7).

(b) An unusual increase in the number of prescriptions dispensed that are antibiotic drugs.

(c) The dispensing of a prescription for treatment of a disease that is relatively uncommon or may be associated with bioterrorism, as defined in s. 166.02 (1r).

(2) (a) Except as provided in par. (b), a pharmacist or pharmacy may not report personally identifying information concerning an individual who is dispensed a prescription or who purchases a nonprescription drug product as specified in sub. (1) (a), (b), or (c).

(b) Upon request by the department of health and family services, a pharmacist or pharmacy shall report to that department personally identifying information other than a social security number concerning an individual who is dispensed a prescription or who purchases a nonprescription drug product as specified in sub. (1) (a), (b), or (c).

SECTION 464bf. 440.23 (1) of the statutes is amended to read:

440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1) or (6), 440.08, 444.03,

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444.05, 444.11 or 459.46 (2) (b) by check or debit or credit card and the check is not paid by the financial institution upon which the check is drawn or if the demand for payment under the debit or credit card transaction is not paid by the financial institution upon which demand is made, the department may cancel the credential on or after the 60th day after the department receives the notice from the financial institution, subject to sub. (2).

**SECTION 464bh.** 444.01 of the statutes is created to read:

**444.01 Definitions.** In this chapter:

(1) "Amateur boxing contest" means a boxing contest or exhibition in which none of the boxers are compensated for participating in the contest or exhibition.

(2) "Professional boxing contest" means a boxing contest or exhibition in which one or more of the boxers is compensated for participating in the contest or exhibition.

**SECTION 464bj.** 444.02 of the statutes is amended to read:

**444.02 Boxing licenses, permits.** The department shall have the sole direction, management and control of, and jurisdiction over, all ~~boxing and sparring exhibitions~~ professional boxing contests conducted within the state by any club. ~~No boxing or sparring exhibitions~~ professional boxing contests may be conducted within the state except under authority granted by the department and in accordance with this chapter and the rules of the department. The department may issue, and for cause limit, suspend, or revoke, a license to conduct ~~boxing and sparring exhibitions~~ professional boxing contests to any incorporated club formed as provided in this chapter. The department may limit the number of ~~sparring or boxing exhibitions~~ professional boxing contests given by any club in any city, village, or town. ~~No boxing or sparring exhibition~~ professional boxing contest may be conducted by any licensed club without a permit from the department. Every license shall be subject to such rules and regulations as the department prescribes. The department may reprimand clubs for violating this chapter or any rules of the department.

**SECTION 464bL.** 444.03 of the statutes is amended to read:

**444.03 Application for license; fee.** ~~No boxing or sparring exhibition~~ professional boxing contest may be conducted by any club except by license granted to it by the department, and no club may be licensed unless it is incorporated under the laws of Wisconsin and its membership ~~is~~ limited to persons who have been continuous residents in the state for at least one year. An application for a license shall be in writing, addressed to the department, and verified by an officer of the club. An application shall be accompanied by an annual fee of \$25 in cities, villages, and towns of not more than 50,000

inhabitants, \$50 in cities of over 50,000 and not more than 150,000 inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is over \$1 and \$50 when the admission charge is \$1 or less. The application must show that the club has entered into a valid agreement for the use of the building, amphitheater, or stadium in which contests are to be held.

**SECTION 464bn.** 444.04 of the statutes is amended to read:

**444.04 Club reports.** Within 24 hours after a club holds ~~an exhibition~~ a professional boxing contest, the club shall furnish to the department a written report, verified by one of its officers, showing the number of tickets sold for the ~~exhibition contest~~, the amount of gross proceeds, and all other information the department requires by rule to be included in the report.

**SECTION 464bp.** 444.05 of the statutes is repealed and recreated to read:

**444.05 Amateur boxing contests.** A person may conduct an amateur boxing contest in this state only if the contest is sanctioned by and conducted under the rules of the national governing body for amateur boxing that is recognized by the United States Olympic Committee under 36 USC 220521.

**SECTION 464br.** 444.06 of the statutes is amended to read:

**444.06 Inspectors.** The department shall appoint official "inspectors", each of whom shall receive a card authorizing the inspector to act wherever the department designates. The department may be, and at least one inspector shall be present at all ~~exhibitions~~ professional boxing contests and see that the rules are strictly observed. An inspector shall also be present at the counting up of the gross receipts and shall immediately mail to the department the official box-office statement received from the club. Inspectors shall be paid a per diem to be set by the department, not to exceed \$25 for each day on which they are actually and necessarily engaged in the performance of their duties, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

**SECTION 464bt.** 444.09 (1) of the statutes is amended to read:

**444.09 (1)** ~~No boxing or sparring exhibition~~ professional boxing contest shall be for more than 10 rounds except that where a championship is to be determined, the ~~exhibition contest~~ shall not be for more than 15 rounds, and no round shall last more than 3 minutes.

**SECTION 464bv.** 444.09 (2) of the statutes is amended to read:

**444.09 (2)** There shall be one minute intermission between rounds of professional boxing contests.

**SECTION 464bx.** 444.09 (3) of the statutes is amended to read:

Vetoed  
In Part

Vetoed  
In Part

444.09 (3) Gloves weighing not less than 5 ounces shall be worn by contestants who are in professional boxing contests and who weigh under 140 pounds, and not less than 6 ounces by other contestants.

SECTION 464bz. 444.09 (4) of the statutes is amended to read:

444.09 (4) No person under the age of 18 years shall participate in any professional boxing or sparring exhibition. Amateur contestants between 14 and 18 years of age may participate in amateur boxing or sparring exhibitions with the consent of their parents or guardians contest.

SECTION 464cb. 444.09 (5) of the statutes is amended to read:

444.09 (5) No betting at any boxing or sparring exhibitions professional boxing contest shall be permitted before, after, or during any such contest, in the building where the contest is held.

SECTION 464cd. 444.09 (6) of the statutes is amended to read:

444.09 (6) Contestants in professional boxing contests shall break clean, and must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part of the contestants. This includes the use of abusive or insulting language.

SECTION 464cf. 444.09 (7) of the statutes is amended to read:

444.09 (7) The department may allow or provide for decisions upon exhibitions professional boxing contests held under this chapter to be made by the referee or by the referee and 2 judges appointed by the department under regulations prescribed by the department.

SECTION 464ch. 444.10 of the statutes is amended to read:

444.10 Physician to examine contestants. Prior to entering the ring, each contestant in a professional boxing contest must be examined by a physician who has been licensed to practice in Wisconsin not less than 5 years and who is appointed by the department and certifies in writing, over his or her signature, as to the contestant's physical and mental fitness to engage in such contest.

SECTION 464cj. 444.11 of the statutes is amended to read:

444.11 Licenses to matchmakers, referees, boxers, etc. The department may grant licenses upon application and the payment of the prescribed fees to matchmakers, managers, referees, examining physicians, boxers and seconds, and trainers in professional boxing contests. The fees to be paid per year shall be: Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other cities and in villages and towns, \$10; managers, \$10; referees, \$15; examining physicians, \$10; boxers, \$5; seconds and trainers, \$5. The department may limit, suspend or revoke any such

license or reprimand the holder thereof upon such cause as it deems sufficient.

SECTION 464cl. 444.12 of the statutes is amended to read:

444.12 Referee to stop contest. The referee must stop the a professional boxing contest when either of the contestants shows a marked superiority or is apparently outclassed.

SECTION 464cn. 444.13 of the statutes is amended to read:

444.13 Sham matches contests, license revoked. Any club which that conducts, holds or, gives, or participates in any sham or fake boxing or sparring match professional boxing contest shall thereby forfeit its license which. That license shall thereupon be revoked by the department; and it the club shall not thereafter be entitled to another license; nor shall any license be issued to any club, which that has a member who belonged to a club which that had its license revoked.

SECTION 464cp. 444.14 of the statutes is amended to read:

444.14 Sham matches contests; contestants penalized; forfeitures; hearing. Any contestant who participates in any sham or fake boxing or sparring exhibition professional boxing contest or violates any rule or regulation of the department shall be penalized as follows: For the first offense the contestant shall be restrained by order of the department for not less than 2 months nor more than one year, the period to begin immediately after the occurrence of the offense, from participation in the exhibition contest to be held or given by any licensed club; for a 2nd offense, the contestant shall be permanently disqualified from further admission or participation in any such exhibition contest held or given by any licensed club and in addition, for each such offense, shall forfeit such amount, out of the share or purse agreed to be paid the contestant for the exhibition contest as the department determines, the forfeit to be paid into the general fund of the state. The department, upon determining the amount of the forfeit, may pay the same out of any guarantee deposited with it for delivery to the contestant or may order it paid to the department by the club employing the contestant out of the purse or share agreed by it to be paid to the contestant. The department shall not determine the forfeit until after due hearing held upon reasonable notice duly served upon the contestant or the contestant's manager and upon the club by whom the contestant is employed. Any member of the department or the secretary or any inspector of the department may order the club to hold the share or purse of the contestant in its possession pending the hearing and determination of the department. For failure to obey any order of the department or the secretary of the department or any inspector of the department given under this section, the license of the club may be limited,

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suspended, canceled, or revoked, and the club may be reprimanded.

**SECTION 464cr.** 444.15 of the statutes is amended to read:

**444.15 Reports; examination of books and officers.** Whenever any club fails to make a report of any professional boxing contest at the time prescribed or whenever a report is unsatisfactory to the department, the secretary of the department may examine the books and records of the club and may subpoena and examine, under oath, the club's officers and other witnesses to determine the total amount of its gross receipts for any exhibition contest. The secretary may require the club to pay the expenses of conducting the examination. If a club fails to pay the amount of expenses determined by the secretary to be due within 20 days after receiving notice of the amount, the club shall forfeit its license, be disqualified from receiving any license under this chapter, and forfeit to the state the sum of \$1,000, which may be recovered by the department of justice in the name of the state.

**SECTION 464ct.** 444.17 of the statutes is repealed.

**SECTION 464cv.** 444.18 of the statutes is amended to read:

**444.18 Insurance on boxers.** Any licensee authorized to conduct ~~boxing matches or exhibitions~~ professional boxing contests shall insure each contestant participating therein for hospital, nursing, and medication expenses and physician's and surgeon's services according to an equitable fee schedule, not to exceed in the aggregate \$500, to be paid to, or for the use of, any contestant to compensate for injuries sustained in any such contest; and shall insure each contestant for not less than \$2,500 to be paid to the contestant's estate in the event of the contestant's death as the result of participation in such ~~boxing match or exhibition~~ professional boxing contest.

**SECTION 465.** 446.07 of the statutes is amended to read:

**446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100 nor more than \$500 ~~\$10,000~~ or imprisoned for not more than 2 years 9 months or both.

**SECTION 465t.** 447.04 (1) (c) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

447.04 (1) (c) 2. A license granted under subd. 1. authorizes the license holder to practice dentistry only within educational facilities and ~~only for the purpose of carrying out the license holder's teaching duties.~~

**SECTION 466.** 447.09 of the statutes is amended to read:

**447.09 Penalties.** Any person who violates this chapter may be fined not more than \$1,000 or imprisoned for not more than one year in the county jail or both for the first offense and ~~may be fined not more than \$2,500 or imprisoned for not more than 3 years or both~~ is guilty

of a Class I felony for the 2nd or subsequent conviction within 5 years.

**SECTION 467.** 450.11 (9) (b) of the statutes is amended to read:

450.11 (9) (b) Any person who delivers, or who possesses with intent to manufacture or deliver, a prescription drug in violation of this section ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 468.** 450.14 (5) of the statutes is amended to read:

450.14 (5) Any person who violates this section ~~may be fined not less than \$100 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 469.** 450.15 (2) of the statutes is amended to read:

450.15 (2) Any person who violates this section ~~may be fined not less than \$100 nor more than \$1,000 or imprisoned for not less than one year nor more than 7 years and 6 months or both~~ is guilty of a Class H felony.

**SECTION 470.** 551.58 (1) of the statutes is amended to read:

551.58 (1) Any person who wilfully violates any provision of this chapter except s. 551.54, or any rule under this chapter, or any order of which the person has notice, or who violates s. 551.54 knowing or having reasonable cause to believe that the statement made was false or misleading in any material respect, ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

**SECTION 471.** 552.19 (1) of the statutes is amended to read:

552.19 (1) Any person, including a controlling person of an offeror or target company, who wilfully violates this chapter or any rule under this chapter, or any order of which the person has notice, ~~may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H felony. Each of the acts specified constitutes a separate offense and a prosecution or conviction for any one of the offenses does not bar prosecution or conviction for any other offense.

**SECTION 472.** 553.52 (1) of the statutes is amended to read:

553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of which the person has notice, or who violates s. 553.41 (1) knowing or having reasonable cause to believe either that the statement made was false or misleading in any material respect or that the failure to report a material event under s. 553.31 (1) was false or misleading in any material respect, ~~may~~



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be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class G felony. Each of the acts specified is a separate offense, and a prosecution or conviction for any one of those offenses does not bar prosecution or conviction for any other offense.

**SECTION 473.** 553.52 (2) of the statutes is amended to read:

553.52 (2) Any person who employs, directly or indirectly, any device, scheme or artifice to defraud in connection with the offer or sale of any franchise or engages, directly or indirectly, in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person in connection with the offer or sale of any franchise ~~shall be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class G felony~~.

**SECTION 475.** 560.17 (5c) (a) 3. of the statutes is amended to read:

560.17 (5c) (a) 3. The grant proceeds will be used to pay for services related to the start-up, modernization, or expansion of the dairy farm or other agricultural business, or for management assistance, ~~as defined in s. 560.20 (1) (ef)~~, continuing after the completion of the start-up, modernization, or expansion of the dairy farm or other agricultural business.

**SECTION 476.** 560.18 (1) of the statutes is renumbered 560.18 (1m) and amended to read:

560.18 (1m) From the appropriation under s. 20.143 (1) (t), the department may award grants to nonprofit organizations, ~~as defined in s. 560.20 (1) (d)~~, to develop forestry educational programs and instructional materials for use in the public schools. The department may not award a grant unless it enters into a memorandum of understanding with the grant recipient and the director of the timber management program at the University of Wisconsin-Stevens Point regarding the use of the funds.

**SECTION 477.** 560.18 (1c) of the statutes is created to read:

560.18 (1c) In this section, “nonprofit organization” means a nonprofit corporation, as defined in s. 181.0103 (17), and any organization described in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

**SECTION 478.** 560.18 (2) of the statutes is amended to read:

560.18 (2) The recipient of a grant under sub. (4) ~~(1m)~~ shall submit the programs and materials developed with the funds to the department and the director of the timber management program at the University of Wisconsin-Stevens Point College of Natural Resources for approval. Upon request, the grant recipient shall provide approved programs and materials to school districts free of charge.

**SECTION 479.** 560.20 (title) of the statutes is repealed.

**SECTION 480.** 560.20 (1) (intro.) of the statutes is repealed.

**SECTION 481.** 560.20 (1) (a) of the statutes is renumbered 560.21 (1) (a).

**SECTION 482.** 560.20 (1) (b) of the statutes is renumbered 560.21 (1) (b).

**SECTION 483.** 560.20 (1) (c) of the statutes is repealed.

**SECTION 484.** 560.20 (1) (cf) of the statutes is renumbered 560.17 (1) (br).

**SECTION 485.** 560.20 (1) (cm) of the statutes is repealed.

**SECTION 486.** 560.20 (1) (d) of the statutes is repealed.

**SECTION 487.** 560.20 (1) (e) of the statutes is repealed.

**SECTION 488.** 560.20 (1) (f) of the statutes is repealed.

**SECTION 489.** 560.20 (1) (g) of the statutes is repealed.

**SECTION 490.** 560.20 (1m) of the statutes is repealed.

**SECTION 491.** 560.20 (2) of the statutes is repealed.

**SECTION 492.** 560.20 (3) (a) of the statutes is repealed.

**SECTION 493.** 560.20 (3) (b) of the statutes is repealed.

**SECTION 494.** 560.20 (3) (c) of the statutes is repealed.

**SECTION 495.** 560.20 (3) (cm) of the statutes is repealed.

**SECTION 496.** 560.20 (3) (d) of the statutes is repealed.

**SECTION 497.** 560.20 (3) (e) of the statutes is repealed.

**SECTION 498.** 560.20 (3) (f) (intro.) and 4. of the statutes are consolidated, renumbered 560.21 (2) and amended to read:

560.21 (2) The department shall ~~do all of the following: 4. Deposit~~ deposit in the appropriation account under s. 20.143 (1) (in) general fund all interest and principal received in repayment of loans under ~~this subsection s. 560.20 (3), 1999 stats.~~, any proceeds from equity investments made by the community development finance company under s. 234.965, 1991 stats., that are received by the department or the community development finance company, and any unencumbered grant funds returned to the department under 1993 Wisconsin Act 437, section 9115 (1t).

**SECTION 499.** 560.20 (3) (f) 1. of the statutes is repealed.

**SECTION 500.** 560.20 (3) (f) 2. of the statutes is repealed.



**SECTION 501.** 560.20 (3) (f) 3. of the statutes is repealed.

**SECTION 502.** 560.20 (3) (g) of the statutes is repealed.

**SECTION 503.** 560.20 (3) (h) of the statutes is renumbered 560.21 (3).

**SECTION 504.** 560.21 of the statutes is created to read:

**560.21 General fund deposit.** (1) In this section:

**SECTION 504c.** 560.62 (1) (intro.) of the statutes is amended to read:

560.62 (1) (intro.) ~~The Subject to subs. (1m) and (2), the board may award any of the following under s. 560.61 to any of the following for any of the following purposes:~~

**SECTION 504m.** 560.62 (1m) of the statutes is created to read:

560.62 (1m) The board shall award in each biennium at least \$364,400 in grants or loans under sub. (1) for projects related to pollution reduction or energy conservation.

**SECTION 505.** 562.13 (3) of the statutes is amended to read:

562.13 (3) Whoever violates s. 562.11 (2) or (3) ~~may be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.~~

**SECTION 506.** 562.13 (4) of the statutes is amended to read:

562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.~~

**SECTION 506r.** 563.93 (4) of the statutes is amended to read:

563.93 (4) Tickets for a proposed raffle may not be offered for sale more than ~~180~~ 270 days before the raffle drawing.

**SECTION 507.** 565.50 (2) of the statutes is amended to read:

565.50 (2) Any person who alters or forges a lottery ticket or share or intentionally utters or transfers an altered or forged lottery ticket or share ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class I felony.~~

**SECTION 508.** 565.50 (3) of the statutes is amended to read:

565.50 (3) Any person who possesses an altered or forged lottery ticket or share with intent to defraud shall be fined not more than \$10,000 or imprisoned for not more than ~~3 years~~ 9 months or both.

**SECTION 508r.** 601.34 of the statutes is created to read:

**601.34 Loan to general fund.** (1) No later than the first day of the 2nd month beginning after the effective date of this subsection .... [revisor inserts date], an amount equal to \$850,000 shall be lapsed from the appropriation account under s. 20.145 (1) (g) to the general fund. The amount lapsed from the appropriation

account shall be considered a loan to the general fund and interest shall accrue on the amount lapsed at the average rate earned by the state on its deposits in the state investment fund during the period of the loan.

(2) The secretary of administration shall pay the principle and interest costs on the loan from the appropriation account under s. 20.855 (1) (ch) as follows:

(a) After the close of the 2002-03 fiscal year, the secretary shall make principle and interest payments equal to the moneys lapsed to the general fund from the appropriation account under s. 20.515 (2) (a) in that year, if any, and from moneys lapsed to the general fund from the appropriation account under s. 20.515 (2) (g) in the amounts specified in s. 40.98 (6m), if any.

(b) After the close of each fiscal year thereafter, the secretary shall make principle and interest payments equal to the moneys lapsed to the general fund from the appropriation account under s. 20.515 (2) (g) in the amounts specified in s. 40.98 (6m), if any.

(c) If the secretary determines during any fiscal year that the moneys paid under pars. (a) and (b) will not be sufficient to repay the loan within a reasonable period of time, as determined by the secretary and the commissioner, the secretary shall pay all remaining principle and interest costs on the loan after the close of that fiscal year.

**SECTION 508s.** 601.41 (8) of the statutes is created to read:

601.41 (8) UNIFORM EMPLOYEE APPLICATION FORM. (a) In this subsection:

1. "Group health benefit plan" has the meaning given in s. 632.745 (9).

2. "Small employer" has the meaning given in s. 635.02 (7).

3. "Small employer insurer" has the meaning given in s. 635.02 (8).

(b) In consultation with the life and disability advisory council established by the commissioner, the commissioner shall by rule develop a uniform employee application form that a small employer insurer must use when a small employer applies for coverage under a group health benefit plan offered by the small employer insurer. The commissioner shall revise the form at least every 2 years.

**SECTION 508t.** 601.41 (9) of the statutes is created to read:

601.41 (9) UNIFORM CLAIM PROCESSING FORM. (a) In this subsection, "health care provider" has the meaning given in s. 146.81 (1).

(b) If the federal government has not developed by July 1, 2003, a uniform claim processing form that must be used by all health care providers for submitting claims to insurers and by all insurers for processing claims submitted by health care providers, the commissioner shall develop, by December 31, 2003, a uniform claim processing form for that purpose.

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SECTION 509. 601.64 (4) of the statutes is amended to read:

601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally permits any person over whom he or she has authority to violate or intentionally aids any person in violating any insurance statute or rule of this state, s. 149.13 or 149.144 or any effective order issued under s. 601.41 (4) ~~may be fined not more than \$10,000 if a corporation or if a natural person be fined not more than \$5,000 or imprisoned for not more than 4 years and 6 months or both.~~ Intent has the meaning expressed under s. 939.23.

SECTION 509c. 609.10 (1) (am) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

609.10 (1) (am) Except as provided in ~~subs. (2) to sub. (4)~~, an employer that offers any of its employees a health maintenance organization or a preferred provider plan that provides comprehensive health care services shall also offer the employees a standard plan that provides at least substantially equivalent coverage of health care expenses and a point-of-service option plan, as provided in pars. (b) and (c).

SECTION 509cm. 609.10 (2) of the statutes is repealed.

SECTION 509d. 609.10 (3) of the statutes, as affected by 1999 Wisconsin Act 9, is repealed.

SECTION 509e. 610.65 of the statutes is created to read:

610.65 Uniform claim processing form. Beginning no later than July 1, 2004, every insurer shall use the uniform claim processing form developed by the commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health care provider, as defined in s. 146.81 (1).

SECTION 509jm. 635.10 of the statutes is created to read:

635.10 Uniform employee application. Beginning no later than the first day of the 13th month beginning after the effective date of this section .... [revisor inserts date], every small employer insurer shall use the uniform employee application form developed by the commissioner by rule under s. 601.41 (8) (b) when a small employer applies for coverage under a group health benefit plan offered by the small employer insurer.

SECTION 510. 641.19 (4) (a) of the statutes is amended to read:

641.19 (4) (a) Any person who wilfully violates or fails to comply with any provision of this chapter or the rules promulgated thereunder or who, knowingly, makes a false statement, a false representation of a material fact, or who fails to disclose a material fact in any registration, examination, statement or report required under this chapter or the rules promulgated thereunder, ~~may be fined not more than \$5,000 or imprisoned for not more~~

~~than 7 years and 6 months or both is guilty of a Class H felony.~~

SECTION 511. 641.19 (4) (b) of the statutes is amended to read:

641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully abstracts or converts to his or her own use or to the use of another, any of the moneys, funds, securities, premiums, credits, property, or other assets of any employee welfare fund, or of any fund connected therewith, ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.~~

SECTION 511bg. 704.90 (9) of the statutes is amended to read:

704.90 (9) RULES. The department of ~~agriculture, trade and consumer protection justice~~ may promulgate rules necessary to carry out the purposes of this section.

SECTION 511br. 704.90 (11) (title) of the statutes is amended to read:

704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND CONSUMER PROTECTION JUSTICE.~~

SECTION 511bz. 704.90 (11) (a) of the statutes is amended to read:

704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture, trade and consumer protection justice~~ shall investigate alleged violations of this section and rules promulgated under sub. (9). To facilitate its investigations, the department may subpoena persons and records and may enforce compliance with the subpoenas as provided in s. 885.12.

SECTION 511h. 707.49 (4) of the statutes is amended to read:

707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an escrow account, a developer may obtain a surety bond issued by a company authorized to do business in this state, an irrevocable letter of credit or a similar arrangement, in an amount which at all times is not less than the amount of the deposits otherwise subject to the escrow requirements of this section. The bond, letter of credit or similar arrangement shall be filed with the department of ~~agriculture, trade and consumer protection justice~~ and made payable to the department of ~~agriculture, trade and consumer protection justice~~ for the benefit of aggrieved parties.

SECTION 511k. 707.57 (2) of the statutes is amended to read:

707.57 (2) DEPARTMENT OF ~~AGRICULTURE, TRADE AND CONSUMER PROTECTION JUSTICE~~ AUTHORITY. (a) The department of ~~agriculture, trade and consumer protection justice~~, or any district attorney upon informing the department of ~~agriculture, trade and consumer protection justice~~, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this chapter. Before entry of final judgment, the court may make such orders or

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judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action if proof of these acts or practices is submitted to the satisfaction of the court.

(b) The department of agriculture, trade and consumer protection justice may conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its investigation of violations of this chapter.

**SECTION 511p.** 707.57 (3) of the statutes is amended to read:

707.57 (3) PENALTY. Any person who violates this chapter shall be required to forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall be enforced by action on behalf of the state by the department of agriculture, trade and consumer protection justice or by the district attorney of the county where the violation occurs.

**SECTION 512.** 753.061 (2m) of the statutes is amended to read:

753.061 (2m) The chief judge of the 1st judicial administrative district is authorized to designate 4 circuit court branches to primarily handle violent crime cases that involve a violation of s. 939.63, if a felony is committed while armed, and of ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). If the circuit court branches are designated under this subsection, 2 shall begin to primarily handle violent crime cases on September 1, 1991, and 2 shall begin to primarily handle violent crime cases on August 1, 1992.

**SECTION 512f.** 755.01 (4) of the statutes is amended to read:

755.01 (4) Two or more cities, towns or villages of this state may enter into an agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.0301 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. If a municipality enters into an agreement with a municipality that already has a municipal court, the municipalities may provide by ordinance or resolution that the judge for the existing municipal court shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county. The Upon entering into or discontinuing such an agreement, the contracting municipalities shall notify each transmit a certified copy of the ordinance or bylaw effecting or discontinuing the agreement to the appropriate filing officer under s. 11.02 (3e) ~~when the joint court is created.~~ When a municipal judge is elected under this subsection, candidates shall be nominated by filing nomination

papers under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

**SECTION 512m.** 758.19 (7) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

758.19 (7) The director of state courts shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy and technology, the governor and the ~~department of electronic government~~ secretary of administration, no later than September 15 of each even-numbered year, a strategic plan for the utilization of information technology to carry out the functions of the courts and judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the business needs of the courts and judicial branch agencies and shall identify all resources relating to information technology which the courts and judicial branch agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the courts and judicial branch agencies under the plan.

**SECTION 513.** 765.30 (1) (intro.) of the statutes is amended to read:

765.30 (1) (intro.) The following shall ~~may~~ be fined not less than \$200 ~~nor~~ more than \$1,000 ~~\$10,000~~ or imprisoned for not more than 2-years 9 months or both:

**SECTION 514.** 765.30 (2) (intro.) of the statutes is amended to read:

765.30 (2) (intro.) The following shall ~~may~~ be fined not less than \$100 ~~nor~~ more than \$1,000 ~~\$10,000~~ or imprisoned for not more than 2-years 9 months or both:

**SECTION 514c.** 767.11 (8) (b) 2. of the statutes is amended to read:

767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

**SECTION 514f.** 767.11 (10) (e) 2. of the statutes is amended to read:

767.11 (10) (e) 2. There is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

**SECTION 514h.** 767.24 (1m) (b) of the statutes is amended to read:

767.24 (1m) (b) Where the parent lives currently and where the parent intends to live during the next 2 years. If there is evidence that the other parent engaged in interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting plan, the parent providing the parenting plan is not required to disclose the specific address but only a general description of where he or she currently lives and intends to live during the next 2 years.

**SECTION 514k.** 767.24 (1m) (c) of the statutes is amended to read:

**Vetoed  
In Part**



767.24 (1m) (c) Where the parent works and the hours of employment. If there is evidence that the other parent engaged in interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the parent providing the parenting plan, the parent providing the parenting plan is not required to disclose the specific address but only a general description of where he or she works.

**SECTION 514m.** 767.24 (1m) (o) of the statutes is amended to read:

767.24 (1m) (o) If there is evidence that either party engaged in interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), with respect to the other party, how the child will be transferred between the parties for the exercise of physical placement to ensure the safety of the child and the parties.

**SECTION 514p.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

767.24 (2) (b) 2. c. The parties will not be able to cooperate in the future decision making required under an award of joint legal custody. In making this finding the court shall consider, along with any other pertinent items, any reasons offered by a party objecting to joint legal custody. Evidence that either party engaged in abuse, as defined in s. 813.122 (1) (a), of the child, as defined in s. 48.02 (2), or evidence of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) ~~(a)~~ (am), creates a rebuttable presumption that the parties will not be able to cooperate in the future decision making required.

**SECTION 514s.** 767.24 (5) (i) of the statutes is amended to read:

767.24 (5) (i) Whether there is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) ~~(a)~~ (am).

**SECTION 515.** 767.242 (8) of the statutes is amended to read:

767.242 (8) PENALTY. Whoever intentionally violates an injunction issued under sub. (5) (b) 2. c. ~~may be fined not more than \$10,000 or imprisoned for not more than 2 years or both~~ is guilty of a Class I felony.

**SECTION 516.** 768.07 of the statutes is amended to read:

**768.07 Penalty.** Any person who violates any provision of this chapter may be fined not ~~less than \$100 nor more than \$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

**SECTION 516g.** 779.41 (1m) of the statutes is amended to read:

779.41 (1m) Annually, on January 1, the department of ~~agriculture, trade and consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1) (intro.), (a), (b) and (c) 1. to 4. by the annual change in the

consumer price index, as determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

**SECTION 516n.** 779.93 (title) of the statutes is amended to read:

**779.93 (title) Duties of the department of agriculture, trade and consumer protection justice.**

**SECTION 516p.** 779.93 (1) of the statutes is amended to read:

779.93 (1) The department of ~~agriculture, trade and consumer protection justice~~ shall investigate violations of this subchapter and attempts to circumvent this subchapter. The department of ~~agriculture, trade and consumer protection justice~~ may subpoena persons and records to facilitate its investigations, and may enforce compliance with such subpoenas as provided in s. 885.12.

**SECTION 516r.** 779.93 (2) (intro.) of the statutes is amended to read:

779.93 (2) (intro.) The department of ~~agriculture, trade and consumer protection justice~~ may ~~in on~~ in on behalf of the state or ~~in on~~ in on behalf of any person who holds a prepaid maintenance lien:

**SECTION 517.** 783.07 of the statutes is amended to read:

**783.07 Fine or imprisonment.** Whenever a peremptory mandamus ~~shall be~~ is directed to any public officer, body, board or person, commanding the performance of any duty specially enjoined by law, ~~if it shall appear to the court that such~~ and the officer or person or any member of ~~such~~ the body or board has, without just excuse, refused or neglected to perform the duty so enjoined ~~the court may impose a fine, not exceeding \$5,000, upon every such, the officer, person or member of such the body or board, or sentence the officer, person or member to imprisonment for not more than 7 years and 6 months is guilty of a Class H felony.~~

**SECTION 518.** 801.50 (5) of the statutes is amended to read:

801.50 (5) Venue of an action for certiorari to review a probation, extended supervision or parole revocation, a denial by a program review committee under s. 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of parole by certiorari shall be the county in which the relator was last convicted of an offense for which the relator was on probation, extended supervision or parole or for which the relator is currently incarcerated.

**SECTION 519.** 801.50 (5c) of the statutes is created to read:

801.50 (5c) Venue of an action for certiorari brought by the department of corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke extended supervision shall be in the county in which the person on extended supervision was convicted of the offense for which he or she is on extended supervision.

Vetoed  
In Part

Vetoed  
In Part



**SECTION 519m.** 806.04 (11m) of the statutes is created to read:

806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to publish, disseminate, or broadcast, or causes to be published, disseminated, or broadcast, any communication may commence a proceeding under this section to determine the application to that person of a registration requirement under s. 11.05 (1), (2), or (2g).

**SECTION 519mb.** 813.12 (1) (a) (intro.), 1., 2. and 3. of the statutes are renumbered 813.12 (1) (am) (intro.), 1., 2. and 3., and 813.12 (1) (am) (intro.), as renumbered, is amended to read:

813.12 (1) (am) (intro.) “Domestic abuse” means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:

**SECTION 519mc.** 813.12 (1) (a) 4. of the statutes is renumbered 813.12 (1) (am) 6. and amended to read:

813.12 (1) (am) 6. A threat to engage in the conduct under subd. 1., 2. ~~or~~ 3., or 5.

**SECTION 519md.** 813.12 (1) (ad) of the statutes is created to read:

813.12 (1) (ad) “Caregiver” means an individual who is a provider of in-home or community care to an individual through regular and direct contact.

**SECTION 519mf.** 813.12 (1) (ag) of the statutes is created to read:

813.12 (1) (ag) “Dating relationship” means a romantic or intimate social relationship between 2 adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.

**SECTION 519mg.** 813.12 (1) (am) 5. of the statutes is created to read:

813.12 (1) (am) 5. A violation of s. 943.01, involving property that belongs to the individual.

**SECTION 519mj.** 813.12 (1) (cg) of the statutes is created to read:

813.12 (1) (cg) “Reasonable grounds” means more likely than not that a specific event has occurred or will occur.

**SECTION 519mL.** 813.12 (1) (cj) of the statutes is created to read:

813.12 (1) (cj) “Regular and direct contact” means face-to-face physical proximity to an individual that is planned, scheduled, expected, or periodic.

**SECTION 519mm.** 813.12 (2) (a) of the statutes is amended to read:

813.12 (2) (a) No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (5) (a). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. If the judge or family court commissioner extends the time for a hearing under sub. (3) (c) and the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise, the judge or family court commissioner shall inform the petitioner that he or she may serve the respondent by publication of a summary of the petition as a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the respondent’s post-office address or facsimile number is known or can with due diligence be ascertained. The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence. A summary of the petition published as a class 1 notice shall include the name of the respondent and of the petitioner, notice of the temporary restraining order, and notice of the date, time, and place of the hearing regarding the injunction.

**SECTION 519mn.** 813.12 (3) (a) (intro.) of the statutes is amended to read:

813.12 (3) (a) (intro.) A judge or family court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner’s residence, except as provided in par. (am), or any premises other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party’s attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

**SECTION 519mo.** 813.12 (3) (a) 2. of the statutes is amended to read:

813.12 (3) (a) 2. The judge or family court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(aj) In determining whether to issue a temporary restraining order, the judge or family court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relationship ended. The judge or family court

commissioner may grant only the remedies requested or approved by the petitioner. The judge or family court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

**SECTION 519mp.** 813.12 (3) (c) of the statutes is amended to read:

813.12 (3) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4). The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or family court commissioner shall hold a hearing on issuance of an injunction within 7 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

**SECTION 519mq.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

813.12 (4) (a) (intro.) A judge or family court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any premises other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

**SECTION 519mr.** 813.12 (4) (a) 2. of the statutes is amended to read:

813.12 (4) (a) 2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.

**SECTION 519ms.** 813.12 (4) (a) 3. of the statutes is amended to read:

813.12 (4) (a) 3. After hearing, the judge or family court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(aj) In determining whether to issue an injunction, the judge or family court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relation-

ship ended. The judge or family court commissioner may grant only the remedies requested by the petitioner. The judge or family court commissioner may not dismiss or deny granting an injunction because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

**SECTION 519mt.** 813.12 (4) (c) 1. of the statutes is amended to read:

813.12 (4) (c) 1. An injunction under this subsection is effective according to its terms, for the period of time that the petitioner requests, but not more than 2 4 years. An injunction granted under this subsection is not voided if the petitioner allows or initiates contact with the respondent or by the admittance of the respondent into a dwelling that the injunction directs him or her to avoid.

**SECTION 519mu.** 813.12 (4) (c) 2. of the statutes is amended to read:

813.12 (4) (c) 2. When an injunction granted for less than 2 4 years expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect him or her. This extension shall remain in effect until 2 4 years after the date the court first entered the injunction.

**SECTION 519mv.** 813.12 (5) (d) of the statutes is created to read:

813.12 (5) (d) A petition may be prepared and filed by the person who alleges that he or she has been the subject of domestic abuse or by the guardian, as defined in s. 880.01 (3), of an incompetent individual, as defined in s. 880.01 (4), who has been the subject of domestic abuse.

**SECTION 519mw.** 813.12 (5m) of the statutes is created to read:

813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5) and the court order under sub. (3) or (4) shall not disclose the address of the alleged victim.

**SECTION 519mx.** 813.12 (6) (d) of the statutes is created to read:

813.12 (6) (d) The issuance of an order under s. 813.12 (3) or (4) is enforceable despite the existence of any other criminal or civil order restricting or prohibiting contact.

**SECTION 519my.** 813.12 (7) (c) of the statutes is created to read:

813.12 (7) (c) A respondent who does not appear at a hearing at which the court orders an injunction under s. 813.12 (4) but who has been served with a copy of the petition and notice of the time for hearing under s. 813.12 (3) has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

**SECTION 519mz.** 814.61 (1) (e) of the statutes is amended to read:

814.61 (1) (e) No fee charged under this subsection in any action commenced under s. 813.122, 813.123<sub>2</sub> or 813.125 may be collected from a petitioner under s. 813.122, 813.123<sub>2</sub> or 813.125 if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. If no fee is collected under this paragraph, the fee charged under this subsection for petitions filed and granted under s. 813.122, 813.123<sub>2</sub> or 813.125 shall be collected from the respondent under s. 813.122, 813.123<sub>2</sub> or 813.125 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.122 (4) or (5), 813.123 (4) or (5)<sub>2</sub> or 813.125 (3) or (4).

**SECTION 520.** 814.634 (1) (a) of the statutes is amended to read:

814.634 (1) (a) Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$40~~ \$52 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3)<sub>2</sub> or (8) (am) or 814.63 (1).

**SECTION 521.** 814.634 (1) (b) of the statutes is amended to read:

814.634 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a ~~\$100~~ \$130 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).

**SECTION 522.** 814.634 (1) (c) of the statutes is amended to read:

814.634 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a ~~\$30~~ \$39 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).

**SECTION 523c.** 814.70 (1) of the statutes is amended to read:

814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena, or any other order, \$12 for each defendant or person. If there is more than one defendant or person to be served at a given address, \$6 for each additional defendant or person. No fee charged under this subsection in any action commenced under s. 813.12, 813.122<sub>2</sub> or 813.123 may be collected from a petitioner under s. 813.12, 813.122<sub>2</sub> or 813.123. The fee charged under this subsection in any action commenced under s. 813.12,

813.122, 813.123<sub>2</sub> or 813.125 shall be collected from the respondent under s. 813.12, 813.122<sub>2</sub> or 813.123 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5)<sub>2</sub> or 813.125 (3) or (4). No fee charged under this subsection in any action commenced under s. 813.125 may be collected from a petitioner under s. 813.125 if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. If no fee is collected under this subsection from a petitioner under s. 813.125, the fee charged under this subsection in any action commenced under s. 813.125 shall be collected from the respondent under s. 813.125 if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4).

**SECTION 523f.** 814.70 (3) (intro.) of the statutes is amended to read:

814.70 (3) (intro.) For travel in serving any summons, writ or other process, except criminal warrants, and except that a fee under this subsection in any action commenced under s. 813.12, 813.122<sub>2</sub> or 813.123 may not be collected from a petitioner but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.12 (3) or (4), 813.122 (4) or (5), 813.123 (4) or (5)<sub>2</sub> or 813.125 (3) or (4), and except that a fee under this subsection in any action commenced under s. 813.125 may not be collected from a petitioner if the petition alleges conduct that is the same as or similar to conduct that is prohibited by s. 940.32 or that is listed in s. 813.12 (1) ~~(a)~~ (am) 1. to ~~4.~~ 6. but shall be collected from the respondent if he or she is convicted of violating a temporary restraining order or injunction issued under s. 813.125 (3) or (4):

**SECTION 523h.** 895.73 (1) (a) of the statutes is amended to read:

895.73 (1) (a) “Abusive conduct” means domestic abuse, as defined under s. 46.95 (1) (a), 813.12 (1) ~~(a)~~ (am), or 968.075 (1) (a), harassment, as defined under s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, child abuse, as defined under s. 813.122 (1) (a)<sub>2</sub> or child abuse under ss. 948.02 to 948.11.

**SECTION 523m.** 905.045 of the statutes is created to read:

**905.045 Domestic violence or sexual assault advocate–victim privilege. (1) DEFINITIONS.** In this section:

(a) “Abusive conduct” means abuse, as defined in s. 813.122 (1) (a), of a child, as defined in s. 48.02 (2), inter-spousal battery, as described under s. 940.19 or 940.20 (1m), domestic abuse, as defined in s. 813.12 (1) (am), or sexual assault under s. 940.225.

(b) “Advocate” means an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.

(c) A communication or information is "confidential" if not intended to be disclosed to 3rd persons other than persons present to further the interest of the person receiving counseling, assistance, or support services, persons reasonably necessary for the transmission of the communication or information, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, including family members of the person receiving counseling, assistance, or support services and members of any group of individuals with whom the person receives counseling, assistance, or support services.

(d) "Victim" means an individual who has been the subject of abusive conduct or who alleges that he or she has been the subject of abusive conduct. It is immaterial that the abusive conduct has not been reported to any government agency.

(2) GENERAL RULE OF PRIVILEGE. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, an advocate who is acting in the scope of his or her duties as an advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of an advocate, if the communication was made or the information was obtained or disseminated for the purpose of providing counseling, assistance, or support services to the victim.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the victim, by the victim's guardian or conservator, or by the victim's personal representative if the victim is deceased. The advocate may claim the privilege on behalf of the victim. The advocate's authority to do so is presumed in the absence of evidence to the contrary.

(4) EXCEPTIONS. Subsection (2) does not apply to any report concerning child abuse that an advocate is required to make under s. 48.981.

(5) RELATIONSHIP TO S. 905.04. If a communication or information that is privileged under sub. (2) is also a communication or information that is privileged under s. 905.04 (2), the provisions of s. 905.04 supersede this section with respect to that communication or information.

**SECTION 523p.** 908.03 (6m) (d) of the statutes is amended to read:

908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health and family services shall, by rule, prescribe uniform fees that are based on an approximation of the actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge under par. (e) 3. for certified duplicate patient health care records. The rule shall also allow the health care provider to charge for actual postage or other actual delivery costs. The commencement of an action is not a prerequisite for the application of this paragraph.

**SECTION 523q.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

908.03 (6m) (d) *Fees.* Before January 1, 2003 After December 31, 2002, the department of health and family services shall, by rule, prescribe uniform fees that are based on an approximation of actual costs. The fees, plus applicable tax, are the maximum amount that a health care provider may charge for certified duplicate patient health care records. The rule shall also allow the health care provider to charge for actual postage or other actual delivery costs. ~~The commencement of an action is not a prerequisite for the application of this paragraph~~ For duplicate patient health care records and duplicate X-ray reports or the referral of X-rays to another health care provider that are requested before commencement of an action, s. 146.83 (1) (b) and (c) and (3m) applies.

**SECTION 524.** 908.08 (1) of the statutes is amended to read:

908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under s. 48.31 or 938.31 or revocation hearing under s. ~~302.113 (9) (am), 302.114 (9) (am),~~ 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the videotaped oral statement of a child who is available to testify, as provided in this section.

**SECTION 528.** 911.01 (4) (c) of the statutes is amended to read:

911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, ~~or~~ granting or revoking probation, modification of a bifurcated sentence under s. 302.113 (9g), adjustment of a bifurcated sentence under s. 973.195 (1r), issuance of arrest warrants, criminal summonses and search warrants; proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969.

**SECTION 529.** 938.208 (1) (a) of the statutes is amended to read:

938.208 (1) (a) Probable cause exists to believe that the juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

**SECTION 529b.** 938.21 (1) (a) of the statutes, as affected by Wisconsin Act 61, is amended to read:

938.21 (1) (a) If a juvenile who has been taken into custody is not released under s. 938.20, a hearing to determine whether the juvenile shall continue to be held in custody under the criteria of ss. 938.205 to 938.209 (1) shall be conducted by the judge or circuit court commissioner within 24 hours after the end of the day that the



decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal holidays. By the time of the hearing a petition under s. 938.25 shall be filed, except that no petition need be filed where a juvenile is taken into custody under s. 938.19 (1) (b) or (d) 2., 6., or 7. or where the juvenile is a runaway from another state, in which case a written statement of the reasons for holding a juvenile in custody shall be substituted if the petition is not filed. If no hearing has been held within 24 hours or if no petition or statement has been filed at the time of the hearing, the juvenile shall be released except as provided in par. (b). A parent not present at the hearing shall be granted a rehearing upon request for good cause shown.

**SECTION 529c.** 938.21 (2) (am) of the statutes is amended to read:

938.21 (2) (am) A juvenile held in a nonsecure place of custody may waive in writing his or her right to participate in the hearing under this section. After any waiver, a hearing rehearing shall be granted upon the request of the juvenile or any other interested party for good cause shown. Any juvenile transferred to a secure detention facility shall thereafter have a hearing rehearing under this section.

**SECTION 529d.** 938.21 (3) (am) of the statutes is amended to read:

938.21 (3) (am) The parent, guardian, or legal custodian may waive his or her right to participate in the hearing under this section. Agreement in writing of the juvenile is required if he or she is over 12. After any waiver, a hearing rehearing shall be granted at the request of any the parent, guardian, legal custodian, or any other interested party for good cause shown.

**SECTION 529e.** 938.21 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 16, is repealed and recreated to read:

938.21 (5) (b) 1. A finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile. Unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall in addition include a finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, and a finding as to whether the person who took the juvenile into custody and the intake worker have made reasonable efforts to make it possible for the juvenile to return safely home or, if for good cause shown sufficient information is not available for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home, a finding as to whether those reasonable efforts were made to make it possible for the juvenile to return safely home and an order for the county department or agency primarily responsible for providing ser-

vices to the juvenile under the custody order to file with the court sufficient information for the judge or circuit court commissioner to make a finding as to whether those reasonable efforts were made to prevent the removal of the juvenile from the home by no later than 5 days after the date of the order.

**SECTION 529f.** 938.21 (5) (b) 3. of the statutes is created to read:

938.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county department or agency primarily responsible for providing services under the custody order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

**SECTION 529g.** 938.21 (5) (c) of the statutes is created to read:

938.21 (5) (c) The judge or circuit court commissioner shall make the findings specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the custody order. A custody order that merely references par. (b) 1. or 3. without documenting or referencing that specific information in the custody order or an amended custody order that retroactively corrects an earlier custody order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 529h.** 938.21 (5) (d) of the statutes is created to read:

938.21 (5) (d) 1. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical

custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 529j.** 938.255 (1) (f) of the statutes is created to read:

938.255 (1) (f) If the juvenile is being held in custody outside of his or her home, reliable and credible information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and credible information showing that the person who took the juvenile into custody and the intake worker have made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, and to make it possible for the juvenile to return safely home.

**SECTION 529k.** 938.255 (2) of the statutes is amended to read:

938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or cannot be ascertained by the petitioner, the petition shall so state.

**SECTION 529km.** 938.295 (2) (a) of the statutes is amended to read:

938.295 (2) (a) If there is probable cause to believe that the juvenile has committed the alleged offense and if there is reason to doubt the juvenile's competency to proceed, or upon entry of a plea under s. 938.30 (4) (c) the court shall order the juvenile to be examined by a psychiatrist or licensed psychologist. The expenses of an cost of the examination, if approved by the court, shall be paid by the county of the court ordering the examination, and the county may recover that cost from the juvenile's parent or guardian as provided in par. (c). Evaluation shall be made on an outpatient basis unless the juvenile presents a substantial risk of physical harm to the juvenile or others; or the juvenile, parent, or guardian, and legal counsel or guardian ad litem, consent to an inpatient evaluation. Any inpatient evaluation shall be for a specified period that is no longer than is necessary to complete the evaluation.

**SECTION 529L.** 938.295 (2) (c) of the statutes is created to read:

938.295 (2) (c) A county that pays the cost of an examination under par. (a) may recover a reasonable contribution toward that cost from the juvenile's parent or guardian, based on the ability of the parent or guardian to pay. If the examination is provided or otherwise funded by the county department under s. 46.215, 46.22, or 46.23, the county department shall collect the contribution of the parent or guardian as provided in s. 301.03 (18). If the examination is provided or otherwise funded by the county department under s. 51.42 or 51.437, the

county department shall collect the contribution of the parent or guardian as provided in s. 46.03 (18).

**SECTION 529m.** 938.315 (2m) of the statutes is created to read:

938.315 (2m) No continuance or extension of a time limit specified in this chapter may be granted and no period of delay specified in sub. (1) may be excluded in computing a time requirement under this chapter if the continuance, extension, or exclusion would result in any of the following:

(a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more than 60 days after the date on which the juvenile was removed from the home.

(b) The court making an initial finding under s. 938.38 (5m) that the agency primarily responsible for providing services to the juvenile has made reasonable efforts to achieve the goals of the juvenile's permanency plan more than 12 months after the date on which the juvenile was removed from the home or making any subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than 12 months after the date of a previous finding as to those reasonable efforts.

**SECTION 529n.** 938.315 (3) of the statutes is amended to read:

938.315 (3) Failure to comply with any time limit specified in this chapter does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction. Failure to object to a period of delay or a continuance waives the time limit that is the subject of the period of delay or continuance. If a party does not comply with a time limit specified in this chapter, the court, while assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss the petition with or without prejudice, release the juvenile from secure or nonsecure custody or from the terms of a custody order, or grant any other relief that the court considers appropriate.

**SECTION 529p.** 938.32 (1) (c) of the statutes is created to read:

938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile is placed outside the home under a voluntary agreement under s. 48.63 or is otherwise living outside the home without a court order and if the consent decree maintains the juvenile in that placement or other living arrangement, the consent decree shall include a finding that placement of the juvenile in his or her home would be contrary to the welfare of the juvenile,

a finding as to whether the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

2. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the consent decree shall include a determination that the county department or agency primarily responsible for providing services under the consent decree is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

3. The judge or circuit court commissioner shall make the findings specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the consent decree. A consent decree that merely references subd. 1. or 2. without documenting or referencing that specific information in the consent decree or an amended consent decree that retroactively corrects an earlier consent decree that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 529q.** 938.32 (1) (d) of the statutes is created to read:

938.32 (1) (d) 1. If the judge or circuit court commissioner finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the

foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 529r.** 938.33 (4) (intro.) of the statutes, as affected by 2001 Wisconsin Act 59, is amended to read:

938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, treatment foster home, group home, or nonsecured residential care center for children and youth or in the home of a relative other than a parent shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

**SECTION 529t.** 938.33 (4) (c) of the statutes is created to read:

938.33 (4) (c) Specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 529v.** 938.335 (3g) of the statutes is created to read:

938.335 (3g) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile, specific information showing that the county department or the agency primarily responsible for providing services to the juvenile has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless any of the cir-

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cumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that the county department or agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 530.** 938.34 (4h) (a) of the statutes is amended to read:

938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1), 948.025, ~~(1) or~~ 948.30 (2), ~~948.35 (1) (b) or~~ 948.36 or the juvenile is 10 years of age or over and has been adjudicated delinquent for attempting or committing a violation of s. 940.01 or for committing a violation of 940.02 or 940.05.

**SECTION 531.** 938.34 (4m) (b) 1. of the statutes is amended to read:

938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 943.02 (1), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025 or 948.03 if committed by an adult.

**SECTION 531b.** 938.34 (15m) (bm) of the statutes is amended to read:

938.34 (15m) (bm) If the juvenile is adjudicated delinquent on the basis of a violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the juvenile was not the victim's parent, the court shall require the juvenile to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the juvenile, that the juvenile is not required to comply under s. 301.45 (1m).

**SECTION 531d.** 938.355 (1) of the statutes, as affected by 2001 Wisconsin Act 69, is amended to read:

938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall decide on a placement and treatment finding based on evidence submitted to the court. The disposition shall employ those means necessary to promote the objectives specified in s. 938.01. ~~If the disposition places a juvenile who has been adjudicated delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. If the judge has determined that any of the conditions speci-~~

fied in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall be prima facie evidence that a less restrictive alternative than placement in a secured correctional facility, a secured child caring institution, or a secured group home is not appropriate. If information under s. 938.331 has been provided in a court report under s. 938.33 (1), the court shall consider that information when deciding on a placement and treatment finding.

**SECTION 531g.** 938.355 (2) (b) 6. of the statutes is amended to read:

938.355 (2) (b) 6. If the juvenile is placed outside the home and if ~~sub. (2d) does not apply, the court's, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile or, if the juvenile has been adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. The court order shall also contain a finding as to whether a~~ the county department which provides social services or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, ~~or, if applicable, the court's unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4. applies, and a finding as to whether the county department or agency primarily responsible for providing services under a court order has made reasonable efforts to make it possible for the juvenile to return safely to his or her home achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.~~

**SECTION 531h.** 938.355 (2) (b) 6r. of the statutes is created to read:

938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county department or agency primarily responsible for providing services under the court order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.



**SECTION 531k.** 938.355 (2b) of the statutes is amended to read:

938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county department ~~that provides social services~~ or the agency primarily responsible for providing services to a juvenile under a court order may, at the same time as the county department or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible for the juvenile to return safely to his or her home, work with the department of health and family services, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement.

**SECTION 531m.** 938.355 (2c) (b) of the statutes is amended to read:

938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether the county department or the agency primarily responsible for providing services to the juvenile under a court order has made reasonable efforts to make it possible for the juvenile to return safely to his or her home achieve the goal of the permanency plan, the court's consideration of reasonable efforts shall include, ~~but not be limited to,~~ the considerations listed under par. (a) 1. to 5. and whether visitation schedules between the juvenile and his or her parents were implemented, unless visitation was denied or limited by the court.

**SECTION 531p.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not~~ is not required to include in a dispositional order a finding as to whether ~~a~~ the county department which provides social services or the agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a juvenile to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, or, if applicable, a finding as to whether the county department or agency primarily responsible for providing services under a court order has made reasonable efforts with respect to a parent of a juvenile to make it possible for the juvenile to return achieve the permanency plan goal of returning the juvenile safely to his or her home, if the court finds, ~~as evidenced by a final judgment of conviction~~, any of the following:

**SECTION 531q.** 938.355 (2d) (b) 1. of the statutes is amended to read:

938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated circumstances, as evidenced by a final judgment of conviction.

**SECTION 531r.** 938.355 (2d) (b) 2. of the statutes is amended to read:

938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the commission of, or has solicited, conspired, or attempted to commit, a violation of s. 940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if committed in this state, as evidenced by a final judgment of conviction, and that the victim of that violation is a child of the parent.

**SECTION 531t.** 938.355 (2d) (b) 3. of the statutes is amended to read:

938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment of conviction, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child of the parent.

**SECTION 532b.** 938.355 (2d) (b) 3. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

938.355 (2d) (b) 3. That the parent has committed a violation of ~~s. 940.19 (3), 1999 stats., or~~ s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment of conviction, and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile or another child of the parent.

**SECTION 532d.** 938.355 (2d) (b) 4. of the statutes is amended to read:

938.355 (2d) (b) 4. That the parental rights of the parent to another child have been involuntarily terminated, as evidenced by a final order of a court of competent jurisdiction terminating those parental rights.

**SECTION 532g.** 938.355 (2d) (bm) of the statutes is created to read:

938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which that finding is based in the dispositional order. A dispositional order that merely references par. (b) 1. to 4. without documenting or referencing that specific information in the dispositional order or an amended dispositional order that retroactively corrects an earlier dispositional order

that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 532j.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c) 1. and amended to read:

938.355 (2d) (c) 1. If the court ~~makes a finding finds~~ that any of the circumstances specified in par. (b) 1., 2., 3., or 4. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this ~~paragraph subdivision,~~ the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

**SECTION 532k.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 532t.** 938.355 (4) (a) of the statutes is amended to read:

938.355 (4) (a) Except as provided under par. (b) or s. 938.368, ~~all orders an order~~ under this section shall terminate at the end of one year unless the court specifies a shorter period of time. ~~Except if s. 938.368 applies, extensions or revisions or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places or continues the placement of the juvenile in his or her home shall terminate at the end of one year after its entry unless the court specifies a shorter period of time. No extension under s. 938.365 of an original dispositional order may be granted for a juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the juvenile is 17 years of age or older when the original dispositional order terminates. Any order made before the juvenile reaches the age of majority shall be effective for a time up to one year after its entry unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368, an order under this~~

section or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places or continues the placement of the juvenile in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the juvenile reaches 18 years of age, at the end of one year after its entry, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the juvenile reaches 19 years of age, whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.

**SECTION 532v.** 938.355 (4) (b) of the statutes is amended to read:

938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile has been adjudicated delinquent is subject to par. (a), except that the judge may make~~ Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until the juvenile's 18th birthdate birthday, whichever is earlier and the judge shall make, unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class B felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall terminate at the end of one year after its entry unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when the original dispositional order terminates.

**SECTION 533b.** 938.355 (4) (b) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

938.355 (4) (b) Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until the juvenile's 18th birthday, whichever is earlier, unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile is adjudicated delinquent for committing a violation of s. 943.10 (2) or for committing an act that would be punishable as

a Class B or C felony if committed by an adult, or until the juvenile reaches 25 years of age, if the juvenile is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult. Except as provided in s. 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before the juvenile reaches 17 years of age shall terminate at the end of one year after its entry unless the court specifies a shorter period of time or the court terminates the order sooner. No extension under s. 938.365 of an original dispositional order under s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age or older when the original dispositional order terminates.

**SECTION 533bb.** 938.355 (6) (a) of the statutes is amended to read:

938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have violated a civil law or ordinance, other than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing under s. 938.335, the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions. If a juvenile who has been found to be in need of protection or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in par. (d), other than placement in a secure detention facility or juvenile portion of a county jail, if, at the dispositional hearing under s. 938.335, the court explained the conditions to the juvenile and informed the juvenile of those possible sanctions or if before the violation the juvenile has acknowledged in writing that he or she has read, or has had read to him or her, those conditions and possible sanctions and that he or she understands those conditions and possible sanctions.

(cm) The court may not order the sanction of placement in a place of nonsecure custody specified in par. (d) 1. unless the court finds that the agency primarily responsible for providing services for the juvenile has made reasonable efforts to prevent the removal of the juvenile from his or her home and that continued placement of the juvenile in his or her home is contrary to the welfare of the juvenile. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which that finding is based in the sanction order. A sanction order that merely references this paragraph without documenting or referencing that specific information in the sanction order or an amended sanction order that retroactively cor-

rects an earlier sanction order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 533bd.** 938.355 (6m) (cm) of the statutes is created to read:

938.355 (6m) (cm) The court may not order the sanction of placement in a place of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency primarily responsible for providing services for the juvenile has made reasonable efforts to prevent the removal of the juvenile from his or her home and that continued placement of the juvenile in his or her home is contrary to the welfare of the juvenile. The court shall make the findings specified in this paragraph on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which that finding is based in the sanction order. A sanction order that merely references this paragraph without documenting or referencing that specific information in the sanction order or an amended sanction order that retroactively corrects an earlier sanction order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 533bf.** 938.357 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 103, and is amended to read:

938.357 (1) (a) The person or agency primarily responsible for implementing the dispositional order or the district attorney may request a change in the placement of the juvenile, whether or not the change requested is authorized in the dispositional order, and as provided in par. (am) or (c), whichever is applicable.

(am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order or the district attorney shall cause written notice of the proposed change in placement to be sent to the juvenile or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

**SECTION 533bh.** 938.357 (1) (am) 3. of the statutes is created to read:

938.357 (1) (am) 3. If the court changes the juvenile's placement from a placement outside the home to another placement outside the home, the change in placement order shall contain one of the statements specified in sub. (2v) (a) 2.



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**SECTION 533bi.** 938.357 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 103, is renumbered 938.357 (1) (am) 2. and amended to read:

938.357 (1) (am) 2. Any person receiving the notice under ~~par. (a) subd. 1.~~ or notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that ~~placement~~ changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under ~~par. (a) subd. 1.~~ In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

**SECTION 533bj.** 938.357 (1) (c) of the statutes is created to read:

938.357 (1) (c) 1. If the proposed change in placement would change the placement of a juvenile placed in the home to a placement outside the home, the person or agency primarily responsible for implementing the dispositional order or the district attorney shall submit a request for the change in placement to the court. The request shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. The request shall also contain specific information showing that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns.

2. The court shall hold a hearing prior to ordering any change in placement requested under subd. 1. Not less than 3 days prior to the hearing, the court shall provide notice of the hearing, together with a copy of the request for the change in placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile, and all parties that are bound by the dispositional order. If all parties consent, the court may proceed immediately with the hearing.

3. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of

the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

**SECTION 533bL.** 938.357 (2) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (2) If emergency conditions necessitate an immediate change in the placement of a juvenile placed outside the home, the person or agency primarily responsible for implementing the dispositional order may remove the juvenile to a new placement, whether or not authorized by the existing dispositional order, without the prior notice provided in sub. (1) ~~(a) (am) 1.~~ The notice shall, however, be sent within 48 hours after the emergency change in placement. Any party receiving notice may demand a hearing under sub. (1) ~~(b) (am) 2.~~ In emergency situations, a juvenile may be placed in a licensed public or private shelter care facility as a transitional placement for not more than 20 days, as well as in any placement authorized under s. 938.34 (3).

**SECTION 533bn.** 938.357 (2m) (a) of the statutes, as affected by 2001 Wisconsin Act 103, and is amended to read:

938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the juvenile, or any person or agency primarily bound by the dispositional order, other than the person or agency responsible for implementing the order, may request a change in placement under this paragraph. The request shall contain the name and address of ~~the~~ place of the new placement requested and shall state what new information is available that affects the advisability of the current placement. If the proposed change in placement would change the placement of a juvenile placed in the home to a placement outside the home, the request shall also contain specific information showing that continued placement of the juvenile in the home would be contrary to the welfare of the juvenile and, unless any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information showing that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns. The request shall be submitted to the court. In addition, the court may propose a change in placement on its own motion.

**SECTION 533bo.** 938.357 (2m) (b) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a juvenile placed in the home to a placement outside the home and



written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) ~~(a)~~ (am) 1. and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

**SECTION 533bp.** 938.357 (2m) (c) of the statutes is created to read:

938.357 (2m) (c) If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, the change in placement order shall contain the findings specified in sub. (2v) (a) 1., one of the statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination specified in sub. (2v) (a) 3.

**SECTION 533br.** 938.357 (2r) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (2r) If a hearing is held under sub. (1) ~~(b)~~ (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home, treatment foster home, or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) ~~(b)~~ (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 533bt.** 938.357 (2v) of the statutes, as affected by 2001 Wisconsin Act 103, is renumbered 938.357 (2v) (a) 2. and amended to read:

938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) (b) or (2m) (b) and the change in placement would place the juvenile outside the home in a placement order would~~ change the placement of the juvenile to a placement outside the home recommended by the person or agency primarily responsible for implementing the dispositional order, ~~the change in placement order shall include whether from a placement in the home or from another~~

placement outside the home, a statement that the court approves the placement recommended by the person or agency or, if the ~~juvenile is placed outside the home in a placement other than~~ change in placement order would change the placement of the juvenile to a placement outside the home that is not a placement recommended by that person or agency, whether from a placement in the home or from another placement outside the home, a statement that the court has given bona fide consideration to the recommendations made by that person or agency and all parties relating to the juvenile's placement.

**SECTION 533bv.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m) shall contain all of the following:

**SECTION 533bx.** 938.357 (2v) (a) 1. of the statutes is created to read:

938.357 (2v) (a) 1. If the court changes the juvenile's placement from a placement in the juvenile's home to a placement outside the juvenile's home, a finding that continued placement of the juvenile in his or her home would be contrary to the welfare of the juvenile and, unless a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible for implementing the dispositional order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns.

**SECTION 533bz.** 938.357 (2v) (a) 3. of the statutes is created to read:

938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the agency primarily responsible for providing services under the change in placement order is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

**SECTION 533c.** 938.357 (2v) (b) of the statutes is created to read:

938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the change in placement order. A change in placement order that merely references par. (a) 1. or 3. without documenting or referencing that specific information in the change in placement order or an amended change in placement order that retroactively corrects an earlier change in placement order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 533cb.** 938.357 (2v) (c) of the statutes is created to read:

938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the circumstances specified in s. 938.355 (2d)

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(b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 533cd.** 938.357 (3) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (3) Subject to subs. (4) (b) and (c) and (5) (e), if the proposed change in placement would involve placing a juvenile in a secured correctional facility, a secured child caring institution, or a secured group home, notice shall be given as provided in sub. (1) (a) (am) 1. A hearing shall be held, unless waived by the juvenile, parent, guardian, and legal custodian, before the judge makes a decision on the request. The juvenile shall be entitled to counsel at the hearing, and any party opposing or favoring the proposed new placement may present relevant evidence and cross-examine witnesses. The proposed new placement may be approved only if the judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been met.

**SECTION 533ce.** 938.357 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (4) (b) 1. If a juvenile whom the department has placed in a Type 2 secured correctional facility operated by a child welfare agency violates a condition of his or her placement in the Type 2 secured correctional facility, the child welfare agency operating the Type 2 secured correctional facility shall notify the department and the department, after consulting with the child welfare agency, may place the juvenile in a Type 1 secured correctional facility under the supervision of the department without a hearing under sub. (1) (b) (am) 2.

**SECTION 533cf.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child caring institution under s. 938.34 (4d) violates a condition of his or her placement in the Type 2 child caring institution, the child welfare agency operating the Type 2 child caring institution shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency shall notify the department, and the department, after consulting with the child welfare agency, may place the juvenile in a Type 1 secured correctional facility under the supervision of the department, without a hearing under sub. (1) (b) (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 secured correctional facility under this subdivision, the county department that has supervision over the juvenile shall reimburse the child welfare agency operating the Type 2 child caring institution in which the juvenile was placed at the rate established under s. 46.037, and that child welfare agency shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the juvenile's care while placed in a Type 1 secured correctional facility.

**SECTION 533ch.** 938.357 (4) (c) 1. of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility operated by a child welfare agency under par. (a) and it appears that a less restrictive placement would be appropriate for the juvenile, the department, after consulting with the child welfare agency that is operating the Type 2 secured correctional facility in which the juvenile is placed, may place the juvenile in a less restrictive placement, and may return the juvenile to the Type 2 secured correctional facility without a hearing under sub. (1) (b) (am) 2. The child welfare agency shall establish a rate for each type of placement in the manner provided in s. 46.037.

**SECTION 533cj.** 938.357 (4) (c) 2. of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate for the juvenile, the child welfare agency operating the Type 2 child caring institution shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency may place the juvenile in a less restrictive placement. A child welfare agency may also, with the agreement of the county department that has supervision over a juvenile who is placed in a less restrictive placement under this subdivision, return the juvenile to the Type 2 child caring institution without a hearing under sub. (1) (b) (am) 2.

The child welfare agency shall establish a rate for each type of placement in the manner provided in s. 46.037.

**SECTION 533cL.** 938.357 (4) (d) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (4) (d) The department may transfer a juvenile who is placed in a Type 1 secured correctional facility to the Racine youthful offender correctional facility named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile offender review in the department has determined that the conduct of the juvenile in the Type 1 secured correctional facility presents a serious problem to the juvenile or others. The factors that the office of juvenile offender review may consider in making that determination shall include, but are not limited to, whether and to what extent the juvenile's conduct in the Type 1 secured correctional facility is violent and disruptive, the security needs of the Type 1 secured correctional facility, and whether and to what extent the juvenile is refusing to cooperate or participate in the treatment programs provided for the juvenile in the Type 1 secured correctional facility. Notwithstanding sub. (1) ~~(b)~~ (am) 2., a juvenile is not entitled to a hearing regarding the department's exercise of authority under this paragraph unless the department provides for a hearing by rule. A juvenile may seek review of a decision of the department under this paragraph only by the common law writ of certiorari. If the department transfers a juvenile under this paragraph, the department shall send written notice of the transfer to the parent, guardian, legal custodian, and committing court.

**SECTION 533cn.** 938.357 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 103, is amended to read:

938.357 (5) (a) The department or a county department, whichever has been designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the aftercare status of that juvenile. Revocation of aftercare supervision shall not require prior notice under sub. (1) ~~(a)~~ (am) 1.

**SECTION 533cp.** 938.357 (6) of the statutes is amended to read:

938.357 (6) No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative who is not a parent, the court may extend the expiration date of the original order to the date on which the juvenile reaches 18 years of age, to the date that is one year after the date of the change in placement order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, to the date on which the juvenile reaches 19 years of age, whichever is later, or for a shorter period of time as specified by the court. If the change in placement is from a

placement in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative to a placement in the juvenile's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court shall shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

**SECTION 533cr.** 938.363 (1m) of the statutes is amended to read:

938.363 (1m) If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. ~~Any written or oral statement made under this subsection shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 533ct.** 938.365 (1) of the statutes is amended to read:

938.365 (1) In this section, a juvenile is considered to have been placed outside of his or her home on the date on which ~~the juvenile was first placed outside of his or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363 or on the date that is 60 days after the date on which the juvenile was first removed from his or her home, whichever is earlier, except that in the case of a juvenile who on removal from his or her home was first placed in a secure detention facility, a secured correctional facility, a secured child caring institution, or a secured group home for 60 days or more and then moved to a nonsecured out-of-home placement, the juvenile is considered to have been placed outside of his or her home on the date on which the juvenile was moved to the nonsecured out-of-home placement.~~

**SECTION 533cv.** 938.365 (2g) (b) 2. of the statutes is amended to read:

938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement and of any progress the juvenile has made, suggestions for amendment of the permanency plan, ~~a description of efforts to return the juvenile safely to his or her home and specific information showing the efforts that have been made to achieve the goal of the permanency plan, including, if applicable, the efforts of the parents to remedy the factors which that contrib-~~

uted to the juvenile's placement and, if continued placement outside of the juvenile's home is recommended, an explanation of why returning the juvenile to his or her home is not safe or feasible, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 533cx.** 938.365 (2g) (b) 3. of the statutes is amended to read:

938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home for 15 of the most recent 22 months, not including any period during which the juvenile was a runaway from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the juvenile. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the juvenile and whether or not the juvenile should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the juvenile be registered with the adoption information exchange or report the reason why registering the juvenile is contrary to the best interest of the juvenile.

**SECTION 533cz.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a) 1. and amended to read:

938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of extension. If the juvenile is placed outside of his or her home, the person or agency primarily responsible for providing services to the juvenile shall present as evidence specific information showing that the agency has made reasonable efforts to achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall include a finding as to whether reasonable efforts were made by the agency primarily responsible for providing services to the juvenile to make it possible for the juvenile to return safely to his or her home achieve the goal of the juvenile's permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and the court

finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies. An order shall be issued under s. 938.355.

**SECTION 533d.** 938.365 (2m) (a) 2. of the statutes is created to read:

938.365 (2m) (a) 2. If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include a determination that the person or agency primarily responsible for providing services to the juvenile is not required to make reasonable efforts with respect to the parent to make it possible for the juvenile to return safely to his or her home.

**SECTION 533db.** 938.365 (2m) (a) 3. of the statutes is created to read:

938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1. relating to reasonable efforts to achieve the goal of the juvenile's permanency plan and the findings specified in subd. 2. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the order issued under s. 938.355. An order that merely references subd. 1. or 2. without documenting or referencing that specific information in the order or an amended order that retroactively corrects an earlier order that does not comply with this subdivision is not sufficient to comply with this subdivision.

**SECTION 533dd.** 938.365 (2m) (ad) of the statutes is created to read:

938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

**SECTION 533df.** 938.365 (2m) (ag) of the statutes is amended to read:

938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) ~~of the juvenile who is notified of a hearing under par. (ad) 2. or sub. (2)~~ an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant



to the issue of extension. ~~Any written or oral statement made under this paragraph shall be made under oath or affirmation.~~ A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

**SECTION 533dh.** 938.365 (5) of the statutes is amended to read:

938.365 (5) Except as provided in s. 938.368, all ~~orders an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n)~~ shall be for a specified length of time not to exceed one year after its date of entry. Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, treatment foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall be for a specified length of time not to exceed the date on which the juvenile reaches 18 years of age, one year after the date of entry of the order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, the date on which the juvenile reaches 19 years of age, whichever is later.

**SECTION 533dj.** 938.38 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 59, is amended to read:

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

**SECTION 533dl.** 938.38 (2) (c) of the statutes is amended to read:

938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court order under s. 938.355.

**SECTION 533dn.** 938.38 (2) (f) of the statutes is amended to read:

938.38 (2) (f) The juvenile's care ~~is paid~~ would be paid for under s. 49.19 ~~but for s. 49.19 (20).~~

**SECTION 533dp.** 938.38 (3) (intro.) of the statutes is amended to read:

938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1., the agency shall file the permanency plan with the court within 60 days after the date on which the juvenile was first ~~held in physical custody or placed outside of removed from~~ his or her home ~~under a court order~~, except under either of the following conditions:

**SECTION 533dr.** 938.38 (4) (intro.) of the statutes is amended to read:

938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a description of~~ all of the following:

**SECTION 533dt.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and amended to read:

938.38 (4) (ar) The A description of the services offered and any ~~service~~ services provided in an effort to prevent ~~holding or placing the juvenile outside of the removal of the juvenile from~~ his or her home, while assuring that the health and safety of the juvenile are the paramount concerns, and to ~~make it possible for the juvenile to return safely home~~ achieve the goal of the permanency plan, except that the permanency plan ~~need not is not required to~~ include a description of ~~those the~~ services offered or provided with respect to a parent of the juvenile to ~~prevent the removal of the juvenile from the home or to achieve the permanency plan goal of returning the juvenile safely to his or her home~~ if any of the circumstances specified in s. 938.355 (2d) (b) ~~1., 2., 3. or to~~ 4. apply to that parent.

**SECTION 533dv.** 938.38 (4) (ag) of the statutes is created to read:

938.38 (4) (ag) The name, address, and telephone number of the juvenile's parent, guardian, and legal custodian.

**SECTION 533dx.** 938.38 (4) (am) of the statutes is created to read:

938.38 (4) (am) The date on which the juvenile was removed from his or her home and the date on which the juvenile was placed in out-of-home care.

**SECTION 533dz.** 938.38 (4) (bm) of the statutes is amended to read:

938.38 (4) (bm) The A statement as to the availability of a safe and appropriate placement with a fit and willing relative of the juvenile and, if a decision is made not to place the juvenile with an available relative, a statement as to why placement with the relative is not safe or appropriate.

**SECTION 533e.** 938.38 (4) (dg) of the statutes is created to read:

938.38 (4) (dg) Information about the juvenile's education, including all of the following:

1. The name and address of the school in which the juvenile is or was most recently enrolled.

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2. Any special education programs in which the juvenile is or was previously enrolled.

3. The grade level in which the juvenile is or was most recently enrolled and all information that is available concerning the juvenile's grade level performance.

4. A summary of all available education records relating to the juvenile that are relevant to any education goals included in the education services plan prepared under s. 938.33 (1) (e).

**SECTION 533eb.** 938.38 (4) (dm) of the statutes is created to read:

938.38 (4) (dm) If as a result of the placement the juvenile has been or will be transferred from the school in which the juvenile is or most recently was enrolled, documentation that a placement that would maintain the juvenile in that school is either unavailable or inappropriate or that a placement that would result in the juvenile's transfer to another school would be in the juvenile's best interests.

**SECTION 533ed.** 938.38 (4) (dr) of the statutes is created to read:

938.38 (4) (dr) Medical information relating to the juvenile, including all of the following:

1. The names and addresses of the juvenile's physician, dentist, and any other health care provider that is or was previously providing health care services to the juvenile.

2. The juvenile's immunization record, including the name and date of each immunization administered to the juvenile.

3. Any known medical condition for which the juvenile is receiving medical care or treatment and any known serious medical condition for which the juvenile has previously received medical care or treatment.

4. The name, purpose, and dosage of any medication that is being administered to the juvenile and the name of any medication that causes the juvenile to suffer an allergic or other negative reaction.

**SECTION 533ef.** 938.38 (4) (e) of the statutes is amended to read:

938.38 (4) (e) ~~The A plan for ensuring the~~ safety and appropriateness of the placement and a description of the services provided to meet the needs of the juvenile and family, including a discussion of services that have been investigated and considered and are not available or likely to become available within a reasonable time to meet the needs of the juvenile or, if available, why such services are not safe or appropriate.

**SECTION 533eh.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 (4) (f) (intro.) ~~The A description of the~~ services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster parent ~~or,~~ the operator of the facility where the juvenile is living, or the relative with whom the juvenile is living to carry out the dispositional order,

including services planned to accomplish all of the following:

**SECTION 533ej.** 938.38 (4) (fg) of the statutes is created to read:

938.38 (4) (fg) The goal of the permanency plan or, if the agency is making concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency plan. If a goal of the permanency plan is any goal other than return of the juvenile to his or her home, the permanency plan shall include the rationale for deciding on that goal. If a goal of the permanency plan is an alternative permanent placement under subd. 5., the permanency plan shall document a compelling reason why it would not be in the best interest of the juvenile to pursue a goal specified in subds. 1. to 4. The agency shall determine one or more of the following goals to be the goal or goals of a juvenile's permanency plan:

1. Return of the juvenile to the juvenile's home.

2. Placement of the juvenile for adoption.

3. Placement of the juvenile with a guardian.

4. Permanent placement of the juvenile with a fit and willing relative.

5. Some other alternative permanent placement, including sustaining care, independent living, or long-term foster care.

**SECTION 533eL.** 938.38 (4) (fm) of the statutes is amended to read:

938.38 (4) (fm) If the goal of the permanency plan ~~calls for placing is to place~~ the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, the efforts made to ~~place the juvenile for adoption, with a guardian or in some other alternative permanent placement~~ achieve that goal.

**SECTION 533en.** 938.38 (4) (h) of the statutes is created to read:

938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the programs and services that are or will be provided to assist the juvenile in preparing for the transition from out-of-home care to independent living. The description shall include all of the following:

1. The anticipated age at which the juvenile will be discharged from out-of-home care.

2. The anticipated amount of time available in which to prepare the juvenile for the transition from out-of-home care to independent living.

3. The anticipated location and living situation of the juvenile on discharge from out-of-home care.

4. A description of the assessment processes, tools, and methods that have been or will be used to determine the programs and services that are or will be provided to assist the juvenile in preparing for the transition from out-of-home care to independent living.

5. The rationale for each program or service that is or will be provided to assist the juvenile in preparing for the transition from out-of-home care to independent living,

the time frames for delivering those programs or services, and the intended outcome of those programs or services.

**SECTION 533ep.** 938.38 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 69, is amended to read:

938.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed under ~~this paragraph~~ par. (ag) shall review the permanency plan every in the manner provided in this subsection not later than 6 months from after the date on which the juvenile was first held in physical custody or placed outside of removed from his or her home and every 12 months after a previous review under this subsection for as long as the juvenile is placed outside the home, except that for the review that is required to be conducted not later than 12 months after the juvenile was first removed from his or her home and the reviews that are required to be conducted every 12 months after that review the court shall hold a hearing under sub. (5m) to review the permanency plan, which hearing may be instead of or in addition to the review under this subsection.

(ag) If the court elects not to review the permanency plan, the court shall appoint a panel to review the permanency plan. The panel shall consist of 3 persons who are either designated by an independent agency that has been approved by the chief judge of the judicial administrative district or designated by the agency that prepared the permanency plan. A voting majority of persons on each panel shall be persons who are not employed by the agency that prepared the permanency plan and who are not responsible for providing services to the juvenile or the parents of the juvenile whose permanency plan is the subject of the review.

**SECTION 533er.** 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the parents of the juvenile, the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent, the juvenile's treatment foster parent or the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record.

**SECTION 533et.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including any period during which the juvenile was a run-away from the out-of-home placement or the first 6 months of any period during which the juvenile was returned to his or her home for a trial home visit, the appropriateness of the permanency plan and the circumstances which prevent the juvenile from any of the following:

**SECTION 533ev.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c) 6. cm. and amended to read:

938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the juvenile.

**SECTION 533ex.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

938.38 (5) (c) 6. cg. Being placed with a guardian.

**SECTION 533ez.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

938.38 (5) (c) 6. d. Being placed in some other alternative permanent placement, including sustaining care, independent living, or long-term foster care.

**SECTION 533f.** 938.38 (5) (c) 7. of the statutes is amended to read:

938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make it possible for the juvenile to return safely to his or her home, except that the court or panel need not determine whether those reasonable efforts were made with respect to a parent of the juvenile if any of the circumstances specified in s. 938.355 (2d) (b) 1., 2., 3. or 4. apply to that parent~~ achieve the goal of the permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

**SECTION 533fb.** 938.38 (5m) of the statutes is created to read:

938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to review the permanency plan and to make the determinations specified in sub. (5) (c) no later than 12 months after the date on which the juvenile was first removed from the home and every 12 months after a previous hearing under this subsection for as long as the juvenile is placed outside the home.

(b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster parent, the operator of the facility in which the juvenile is living, the juvenile's counsel, and the juvenile's guardian ad litem; or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the inter-

ests of the public of the date, time, and place of the hearing.

(c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, treatment foster parent, operator of a facility in which a juvenile is living, or relative with whom a juvenile is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

(d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) to the court, to the juvenile's parent, guardian, and legal custodian, to the person representing the interests of the public, and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person representing the interests of the public and the juvenile's counsel or guardian ad litem may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's records under this paragraph may not disclose any information from the records to any other person.

(e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

(f) If the findings of fact and conclusions of law under par. (e) conflict with the juvenile's dispositional order or provide for any additional services not specified in the dispositional order, the court shall revise the disposi-

tional order under s. 938.363 or order a change in placement under s. 938.357, as appropriate.

**SECTION 533fd.** 938.78 (2) (a) of the statutes is amended to read:

938.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d) or (5m) (d), or 938.51 or by order of the court.

**SECTION 534.** 938.78 (3) of the statutes is amended to read:

938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, child caring institution, secured group home, inpatient facility, as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, institution or jail, or has been allowed to leave a secured correctional facility, child caring institution, secured group home, inpatient facility, secure detention facility or juvenile portion of a county jail for a specified time period and is absent from the facility, institution, home or jail for more than 12 hours after the expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, institution, home or jail. The department of corrections shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

**SECTION 535.** 939.22 (21) (d) of the statutes is amended to read:

939.22 (21) (d) Battery, ~~substantial battery or aggravated battery~~, as prohibited in s. 940.19 or 940.195.

**SECTION 535m.** 939.24 (2) of the statutes is amended to read:

939.24 (2) Except as provided in ss. 940.285, 940.29 ~~and~~, 940.295, and 943.76, if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness is indicated by the term "reckless" or "recklessly".

**SECTION 536.** 939.30 (1) of the statutes is amended to read:



939.30 (1) Except as provided in sub. (2) and ss. 948.35 and s. 961.455, whoever, with intent that a felony be committed, advises another to commit that crime under circumstances that indicate unequivocally that he or she has the intent is guilty of a Class ~~D~~ H felony.

**SECTION 537.** 939.30 (2) of the statutes is amended to read:

939.30 (2) For a solicitation to commit a crime for which the penalty is life imprisonment, the actor is guilty of a Class ~~E~~ F felony. For a solicitation to commit a Class ~~E~~ I felony, the actor is guilty of a Class ~~E~~ I felony.

**SECTION 538.** 939.32 (1) (intro.) of the statutes is amended to read:

939.32 (1) GENERALLY. (intro.) Whoever attempts to commit a felony or a crime specified in s. 940.19, 940.195 or 943.20 may be fined or imprisoned or both ~~not to exceed one-half the maximum penalty for the completed crime; as provided under sub. (1g),~~ except:

**SECTION 539.** 939.32 (1) (b) of the statutes is repealed.

**SECTION 540.** 939.32 (1) (bm) of the statutes is created to read:

939.32 (1) (bm) Whoever attempts to commit a Class I felony, other than one to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being applied, is guilty of a Class A misdemeanor.

**SECTION 541.** 939.32 (1g) of the statutes is created to read:

939.32 (1g) **MAXIMUM PENALTY.** The maximum penalty for an attempt to commit a crime that is punishable under sub. (1) (intro.) is as follows:

(a) The maximum fine is one-half of the maximum fine for the completed crime.

(b) 1. If neither s. 939.62 (1) nor 961.48 is being applied, the maximum term of imprisonment is one-half of the maximum term of imprisonment, as increased by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of imprisonment is determined by the following method:

a. Multiplying by one-half the maximum term of imprisonment, as increased by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

**SECTION 542.** 939.32 (1m) of the statutes is created to read:

939.32 (1m) **BIFURCATED SENTENCES.** If the court imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub. (1) (intro.), the following requirements apply:

(a) *Maximum term of confinement for attempt to commit classified felony.* 1. Subject to the minimum term of extended supervision required under s. 973.01 (2) (d),

if the crime is a classified felony and neither s. 939.62 (1) nor 961.48 is being applied, the maximum term of confinement in prison is one-half of the maximum term of confinement in prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

2. Subject to the minimum term of extended supervision required under s. 973.01 (2) (d), if the crime is a classified felony and either s. 939.62 (1) or 961.48 is being applied, the court shall determine the maximum term of confinement in prison by the following method:

a. Multiplying by one-half the maximum term of confinement in prison specified in s. 973.01 (2) (b), as increased by any penalty enhancement statutes listed in s. 973.01 (2) (c) 2. a. and b., for the classified felony.

b. Applying s. 939.62 (1) or 961.48 to the product obtained under subd. 2. a.

(b) *Maximum term of extended supervision for attempt to commit classified felony.* The maximum term of extended supervision for an attempt to commit a classified felony is one-half of the maximum term of extended supervision for the completed crime under s. 973.01 (2) (d).

(c) *Maximum term of confinement for attempt to commit unclassified felony or misdemeanor.* The court shall determine the maximum term of confinement in prison for an attempt to commit a crime other than a classified felony by applying s. 973.01 (2) (b) 10. to the maximum term of imprisonment calculated under sub. (1g) (b).

**SECTION 543.** 939.32 (2) (title) of the statutes is created to read:

939.32 (2) (title) **MISDEMEANOR COMPUTER CRIMES.**

**SECTION 544.** 939.32 (3) (title) of the statutes is created to read:

939.32 (3) (title) **REQUIREMENTS.**

**SECTION 545.** 939.50 (1) (intro.) of the statutes is amended to read:

939.50 (1) (intro.) ~~Except as provided in ss. 946.43 (2m) (a), 946.83 and 946.85, felonies~~ Felonies in chs. 939 ~~to 951~~ the statutes are classified as follows:

**SECTION 546.** 939.50 (1) (bc) of the statutes is repealed.

**SECTION 547.** 939.50 (1) (f) of the statutes is created to read:

939.50 (1) (f) Class F felony.

**SECTION 548.** 939.50 (1) (g) of the statutes is created to read:

939.50 (1) (g) Class G felony.

**SECTION 549.** 939.50 (1) (h) of the statutes is created to read:

939.50 (1) (h) Class H felony.

**SECTION 550.** 939.50 (1) (i) of the statutes is created to read:

939.50 (1) (i) Class I felony.

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**SECTION 551.** 939.50 (2) of the statutes is amended to read:

939.50 (2) A felony is a Class A, B, ~~BC~~, C, D ~~E~~, E, F, G, H, or I felony when it is so specified in ~~chs. 939 to 954~~ the statutes.

**SECTION 552.** 939.50 (3) (bc) of the statutes is repealed.

**SECTION 553.** 939.50 (3) (c) of the statutes is amended to read:

939.50 (3) (c) For a Class C felony, a fine not to exceed ~~\$10,000~~ \$100,000 or imprisonment not to exceed ~~15~~ 40 years, or both.

**SECTION 554.** 939.50 (3) (d) of the statutes is amended to read:

939.50 (3) (d) For a Class D felony, a fine not to exceed ~~\$10,000~~ \$100,000 or imprisonment not to exceed ~~10~~ 25 years, or both.

**SECTION 555.** 939.50 (3) (e) of the statutes is amended to read:

939.50 (3) (e) For a Class E felony, a fine not to exceed ~~\$10,000~~ \$50,000 or imprisonment not to exceed ~~5~~ 15 years, or both.

**SECTION 556.** 939.50 (3) (f) of the statutes is created to read:

939.50 (3) (f) For a Class F felony, a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, or both.

**SECTION 557.** 939.50 (3) (g) of the statutes is created to read:

939.50 (3) (g) For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

**SECTION 558.** 939.50 (3) (h) of the statutes is created to read:

939.50 (3) (h) For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

**SECTION 559.** 939.50 (3) (i) of the statutes is created to read:

939.50 (3) (i) For a Class I felony, a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both.

**SECTION 559v.** 939.615 (1) (b) 1. of the statutes is amended to read:

939.615 (1) (b) 1. A violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025 (1), 948.05 (1) or (1m), 948.055 (1), 948.06, 948.07, 948.075, 948.08, 948.11 (2) (a), 948.12, or 948.13.

**SECTION 560.** 939.615 (7) (b) 2. of the statutes is amended to read:

939.615 (7) (b) 2. Whoever violates par. (a) is guilty of a Class ~~E~~ I felony if the same conduct that violates par. (a) also constitutes a crime that is a felony.

**SECTION 561.** 939.615 (7) (c) of the statutes is repealed.

**SECTION 562.** 939.62 (1) (a) of the statutes is amended to read:

939.62 (1) (a) A maximum term of imprisonment of one year or less may be increased to not more than ~~3~~ 2 years.

**SECTION 563.** 939.62 (1) (b) of the statutes is amended to read:

939.62 (1) (b) A maximum term of imprisonment of more than one year but not more than 10 years may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than ~~6~~ 4 years if the prior conviction was for a felony.

**SECTION 564.** 939.62 (1) (c) of the statutes is amended to read:

939.62 (1) (c) A maximum term of imprisonment of more than 10 years may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than ~~10~~ 6 years if the prior conviction was for a felony.

**SECTION 565.** 939.62 (2m) (a) 2m. a. of the statutes is amended to read:

939.62 (2m) (a) 2m. a. Any felony under s. 961.41 (1), (1m) or (1x) ~~if the felony is that is a Class A, B, or C felony or, if the felony was committed before the effective date of this subd. 2m. a. .... [revisor inserts date], that is or was~~ punishable by a maximum prison term of 30 years or more.

**SECTION 566d.** 939.62 (2m) (a) 2m. b. of the statutes is amended to read:

939.62 (2m) (a) 2m. b. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08, 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

**SECTION 566f.** 939.62 (2m) (a) 2m. b. of the statutes, as affected by 2001 Wisconsin .... (this act), is amended to read:

939.62 (2m) (a) 2m. b. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m) or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~

**SECTION 567.** 939.622 of the statutes is repealed.

**SECTION 568.** 939.623 (2) of the statutes is amended to read:

939.623 (2) If a person has one or more prior convictions for a serious sex crime and subsequently commits a serious sex crime, the court shall impose a bifurcated

sentence the person to under s. 973.01. The term of confinement in prison portion of a bifurcated sentence imposed under this subsection may not be less than 5 years' imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court shall may not place the defendant on probation.

**SECTION 569.** 939.624 (2) of the statutes is amended to read:

939.624 (2) If a person has one or more prior convictions for a serious violent crime or a crime punishable by life imprisonment and subsequently commits a serious violent crime, the court shall impose a bifurcated sentence the person to under s. 973.01. The term of confinement in prison portion of a bifurcated sentence imposed under this subsection may not be less than 5 years' imprisonment 3 years and 6 months, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court shall may not place the defendant on probation.

**SECTION 570.** 939.625 of the statutes is repealed.

**SECTION 571.** 939.63 (1) of the statutes is renumbered 939.63, and 939.63 (1) (d), (2) and (3), as renumbered, are amended to read:

939.63 (1) (d) The maximum term of imprisonment for a felony not specified in subd. 2. or 3. par (b) or (c) may be increased by not more than 3 years.

(2) The increased penalty provided in this subsection section does not apply if possessing, using or threatening to use a dangerous weapon is an essential element of the crime charged.

(3) This subsection section applies only to crimes specified under chs. 939 to 951 and 961.

**SECTION 572.** 939.63 (2) of the statutes is repealed.

**SECTION 573.** 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 ~~(1) (1c)~~, 940.19 (2), ~~(3)~~, (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~, 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055, 948.07, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c) or 948.36.~~

**SECTION 574.** 939.632 (2) of the statutes is amended to read:

939.632 (2) If a person commits a violent crime in a school zone, the maximum period term of imprisonment is increased as follows:

(a) If the violent crime is a felony, the maximum period term of imprisonment is increased by 5 years.

(b) If the violent crime is a misdemeanor, the maximum period term of imprisonment is increased by 3 months and the place of imprisonment is the county jail.

**SECTION 575.** 939.635 of the statutes is repealed.

**SECTION 576.** 939.64 of the statutes is repealed.

**SECTION 577.** 939.641 of the statutes is repealed.

**SECTION 578.** 939.645 (2) of the statutes is amended to read:

939.645 (2) (a) If the crime committed under sub. (1) is ordinarily a misdemeanor other than a Class A misdemeanor, the revised maximum fine is \$10,000 and the revised maximum period term of imprisonment is one year in the county jail.

(b) If the crime committed under sub. (1) is ordinarily a Class A misdemeanor, the penalty increase under this section changes the status of the crime to a felony and the revised maximum fine is \$10,000 and the revised maximum period term of imprisonment is 2 years.

(c) If the crime committed under sub. (1) is a felony, the maximum fine prescribed by law for the crime may be increased by not more than \$5,000 and the maximum period term of imprisonment prescribed by law for the crime may be increased by not more than 5 years.

**SECTION 579.** 939.646 of the statutes is repealed.

**SECTION 580.** 939.647 of the statutes is repealed.

**SECTION 581.** 939.648 of the statutes is repealed.

**SECTION 582.** 939.72 (1) of the statutes is amended to read:

939.72 (1) Section 939.30, ~~948.35 or 948.36~~ for solicitation and s. 939.05 as a party to a crime which is the objective of the solicitation; or

**SECTION 582p.** 939.74 (2) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a), 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.075, 948.08, or 948.095 shall be commenced before the victim reaches the age of 31 years or be barred, except as provided in sub. (2d) (c).

**SECTION 583.** 939.75 (1) of the statutes is amended to read:

939.75 (1) In this section and ss. 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02 (1m), 940.05 (2g) and (2h), 940.06 (2), 940.08 (2), 940.09 (1) (c) to (e), ~~(1b)~~ and (1g) (c) and (d), 940.10 (2), 940.195, 940.23 (1) (b) and (2) (b), 940.24 (2) and 940.25 (1) (c) to (e) ~~and (1b)~~, "unborn child" means any individual of the human species from fertilization until birth that is gestating inside a woman.

**SECTION 584.** 940.02 (2) (intro.) of the statutes is amended to read:

940.02 (2) (intro.) Whoever causes the death of another human being under any of the following circumstances is guilty of a Class B C felony:

**SECTION 585.** 940.03 of the statutes is amended to read:

**940.03 Felony murder.** Whoever causes the death of another human being while committing or attempting to commit a crime specified in s. 940.225 (1) or (2) (a), 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than ~~20~~ 15 years in excess of the maximum period term of imprisonment provided by law for that crime or attempt.

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**SECTION 586.** 940.04 (1) of the statutes is amended to read:

940.04 (1) Any person, other than the mother, who intentionally destroys the life of an unborn child ~~may be fined not more than \$5,000 or imprisoned not more than 3 years or both~~ is guilty of a Class H felony.

**SECTION 587.** 940.04 (2) (intro.) of the statutes is amended to read:

940.04 (2) (intro.) Any person, other than the mother, who does either of the following ~~may be imprisoned not more than 15 years~~ is guilty of a Class E felony:

**SECTION 588.** 940.04 (4) of the statutes is amended to read:

940.04 (4) Any pregnant woman who intentionally destroys the life of her unborn quick child or who consents to such destruction by another ~~may be imprisoned not more than 2 years~~ is guilty of a Class I felony.

**SECTION 589.** 940.06 (1) of the statutes is amended to read:

940.06 (1) Whoever recklessly causes the death of another human being is guilty of a Class ~~C~~ D felony.

**SECTION 590.** 940.06 (2) of the statutes is amended to read:

940.06 (2) Whoever recklessly causes the death of an unborn child is guilty of a Class ~~C~~ D felony.

**SECTION 591.** 940.07 of the statutes is amended to read:

**940.07 Homicide resulting from negligent control of vicious animal.** Whoever knowing the vicious propensities of any animal intentionally allows it to go at large or keeps it without ordinary care, if such animal, while so at large or not confined, kills any human being who has taken all the precautions which the circumstances may permit to avoid such animal, is guilty of a Class ~~C~~ G felony.

**SECTION 592.** 940.08 (1) of the statutes is amended to read:

940.08 (1) Whoever causes the death of another human being by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~ G felony.

**SECTION 593.** 940.08 (2) of the statutes is amended to read:

940.08 (2) Whoever causes the death of an unborn child by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~D~~ G felony.

**SECTION 594.** 940.09 (1) (intro.) of the statutes is amended to read:

940.09 (1) (intro.) Any person who does any of the following ~~is guilty of a Class B felony~~ may be penalized as provided in sub. (1c):

**SECTION 595.** 940.09 (1b) of the statutes is repealed.

**SECTION 596.** 940.09 (1c) of the statutes is created to read:

940.09 (1c) (a) Except as provided in par. (b), a person who violates sub. (1) is guilty of a Class D felony.

(b) A person who violates sub. (1) is guilty of a Class C felony if the person has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (2).

**SECTION 597.** 940.10 (1) of the statutes is amended to read:

940.10 (1) Whoever causes the death of another human being by the negligent operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

**SECTION 598.** 940.10 (2) of the statutes is amended to read:

940.10 (2) Whoever causes the death of an unborn child by the negligent operation or handling of a vehicle is guilty of a Class ~~E~~ G felony.

**SECTION 599.** 940.11 (1) of the statutes is amended to read:

940.11 (1) Whoever mutilates, disfigures or dismembers a corpse, with intent to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~C~~ F felony.

**SECTION 600.** 940.11 (2) of the statutes is amended to read:

940.11 (2) Whoever hides or buries a corpse, with intent to conceal a crime or avoid apprehension, prosecution or conviction for a crime, is guilty of a Class ~~D~~ G felony.

**SECTION 601.** 940.12 of the statutes is amended to read:

**940.12 Assisting suicide.** Whoever with intent that another take his or her own life assists such person to commit suicide is guilty of a Class ~~D~~ H felony.

**SECTION 602.** 940.15 (2) of the statutes is amended to read:

940.15 (2) Whoever intentionally performs an abortion after the fetus or unborn child reaches viability, as determined by reasonable medical judgment of the woman's attending physician, is guilty of a Class ~~E~~ I felony.

**SECTION 603.** 940.15 (5) of the statutes is amended to read:

940.15 (5) Whoever intentionally performs an abortion and who is not a physician is guilty of a Class ~~E~~ I felony.

**SECTION 604.** 940.15 (6) of the statutes is amended to read:

940.15 (6) Any physician who intentionally performs an abortion under sub. (3) shall use that method of abortion which, of those he or she knows to be available, is in his or her medical judgment most likely to preserve the life and health of the fetus or unborn child. Nothing in this subsection requires a physician performing an abortion to employ a method of abortion which, in his or her medical judgment based on the particular facts of the



case before him or her, would increase the risk to the woman. Any physician violating this subsection is guilty of a Class E I felony.

**SECTION 605.** 940.19 (2) of the statutes is amended to read:

940.19 (2) Whoever causes substantial bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class E I felony.

**SECTION 606.** 940.19 (3) of the statutes is repealed.

**SECTION 607.** 940.19 (4) of the statutes is amended to read:

940.19 (4) Whoever causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class D H felony.

**SECTION 608.** 940.19 (5) of the statutes is amended to read:

940.19 (5) Whoever causes great bodily harm to another by an act done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that person or another is guilty of a Class E I felony.

**SECTION 609.** 940.19 (6) (intro.) of the statutes is amended to read:

940.19 (6) (intro.) Whoever intentionally causes bodily harm to another by conduct that creates a substantial risk of great bodily harm is guilty of a Class D H felony. A rebuttable presumption of conduct creating a substantial risk of great bodily harm arises:

**SECTION 610.** 940.195 (2) of the statutes is amended to read:

940.195 (2) Whoever causes substantial bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another is guilty of a Class E I felony.

**SECTION 611.** 940.195 (3) of the statutes is repealed.

**SECTION 612.** 940.195 (4) of the statutes is amended to read:

940.195 (4) Whoever causes great bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another is guilty of a Class D H felony.

**SECTION 613.** 940.195 (5) of the statutes is amended to read:

940.195 (5) Whoever causes great bodily harm to an unborn child by an act done with intent to cause ~~either substantial bodily harm or~~ great bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another is guilty of a Class E I felony.

**SECTION 614.** 940.195 (6) of the statutes is amended to read:

940.195 (6) Whoever intentionally causes bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm is guilty of a Class D H felony.

**SECTION 615.** 940.20 (1) of the statutes is amended to read:

940.20 (1) **BATTERY BY PRISONERS.** Any prisoner confined to a state prison or other state, county or municipal detention facility who intentionally causes bodily harm to an officer, employee, visitor or another inmate of such prison or institution, without his or her consent, is guilty of a Class D H felony.

**SECTION 616.** 940.20 (1m) of the statutes is amended to read:

940.20 (1m) **BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS.** (a) Any person who is subject to an injunction under s. 813.12 or a tribal injunction filed under s. 806.247 (3) and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class E I felony.

(b) Any person who is subject to an injunction under s. 813.125 and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class E I felony.

**SECTION 617.** 940.20 (2) of the statutes is amended to read:

940.20 (2) **BATTERY TO LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS.** Whoever intentionally causes bodily harm to a law enforcement officer or fire fighter, as those terms are defined in s. 102.475 (8) (b) and (c), acting in an official capacity and the person knows or has reason to know that the victim is a law enforcement officer or fire fighter, by an act done without the consent of the person so injured, is guilty of a Class D H felony.

**SECTION 618.** 940.20 (2m) (b) of the statutes is amended to read:

940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation, extended supervision and parole agent or an aftercare agent, acting in an official capacity and the person knows or has reason to know that the victim is a probation, extended supervision and parole agent or an aftercare agent, by an act done without the consent of the person so injured, is guilty of a Class D H felony.

**SECTION 619.** 940.20 (3) of the statutes is amended to read:

940.20 (3) **BATTERY TO JURORS.** Whoever intentionally causes bodily harm to a person who he or she knows or has reason to know is or was a grand or petit juror, and by reason of any verdict or indictment assented to by the person, without the consent of the person injured, is guilty of a Class D H felony.

**SECTION 620.** 940.20 (4) of the statutes is amended to read:

940.20 (4) **BATTERY TO PUBLIC OFFICERS.** Whoever intentionally causes bodily harm to a public officer in order to influence the action of such officer or as a result of any action taken within an official capacity, without

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the consent of the person injured, is guilty of a Class ~~E~~ I felony.

**SECTION 621.** 940.20 (5) (b) of the statutes is amended to read:

940.20 (5) (b) Whoever intentionally causes bodily harm to a technical college district or school district officer or employee acting in that capacity, and the person knows or has reason to know that the victim is a technical college district or school district officer or employee, without the consent of the person so injured, is guilty of a Class ~~E~~ I felony.

**SECTION 622.** 940.20 (6) (b) (intro.) of the statutes is amended to read:

940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another under any of the following circumstances is guilty of a Class ~~E~~ I felony:

**SECTION 623.** 940.20 (7) (a) 1e. of the statutes is amended to read:

940.20 (7) (a) 1e. "Ambulance" has the meaning given in s. 146.50 (1) ~~(a)~~ (am).

**SECTION 624.** 940.20 (7) (b) of the statutes is amended to read:

940.20 (7) (b) Whoever intentionally causes bodily harm to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver who is acting in an official capacity and who the person knows or has reason to know is an emergency department worker, an emergency medical technician, a first responder or an ambulance driver, by an act done without the consent of the person so injured, is guilty of a Class ~~D~~ H felony.

**SECTION 625.** 940.201 (2) (intro.) of the statutes is amended to read:

940.201 (2) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H felony:

**SECTION 626.** 940.203 (2) (intro.) of the statutes is amended to read:

940.203 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any judge under all of the following circumstances is guilty of a Class ~~D~~ H felony:

**SECTION 627.** 940.205 (2) (intro.) of the statutes is amended to read:

940.205 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any department of revenue official, employee or agent under all of the following circumstances is guilty of a Class ~~D~~ H felony:

**SECTION 628.** 940.207 (2) (intro.) of the statutes is amended to read:

940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any department of commerce or department of workforce development official,

employee or agent under all of the following circumstances is guilty of a Class ~~D~~ H felony:

**SECTION 629.** 940.21 of the statutes is amended to read:

**940.21 Mayhem.** Whoever, with intent to disable or disfigure another, cuts or mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is guilty of a Class ~~B~~ C felony.

**SECTION 630.** 940.22 (2) of the statutes is amended to read:

940.22 (2) **SEXUAL CONTACT PROHIBITED.** Any person who is or who holds himself or herself out to be a therapist and who intentionally has sexual contact with a patient or client during any ongoing therapist-patient or therapist-client relationship, regardless of whether it occurs during any treatment, consultation, interview or examination, is guilty of a Class ~~C~~ F felony. Consent is not an issue in an action under this subsection.

**SECTION 631.** 940.225 (2) (intro.) of the statutes is amended to read:

940.225 (2) **SECOND DEGREE SEXUAL ASSAULT.** (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C C felony:

**SECTION 632.** 940.225 (3) of the statutes is amended to read:

940.225 (3) **THIRD DEGREE SEXUAL ASSAULT.** Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class ~~D~~ G felony. Whoever has sexual contact in the manner described in sub. (5) (b) 2. with a person without the consent of that person is guilty of a Class ~~D~~ G felony.

**SECTION 633.** 940.23 (1) (a) of the statutes is amended to read:

940.23 (1) (a) Whoever recklessly causes great bodily harm to another human being under circumstances which show utter disregard for human life is guilty of a Class ~~C~~ D felony.

**SECTION 634.** 940.23 (1) (b) of the statutes is amended to read:

940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child under circumstances that show utter disregard for the life of that unborn child, the woman who is pregnant with that unborn child or another is guilty of a Class ~~C~~ D felony.

**SECTION 635.** 940.23 (2) (a) of the statutes is amended to read:

940.23 (2) (a) Whoever recklessly causes great bodily harm to another human being is guilty of a Class ~~D~~ F felony.

**SECTION 636.** 940.23 (2) (b) of the statutes is amended to read:

940.23 (2) (b) Whoever recklessly causes great bodily harm to an unborn child is guilty of a Class ~~D~~ F felony.

**SECTION 637.** 940.24 (1) of the statutes is amended to read:

940.24 (1) Whoever causes bodily harm to another by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

**SECTION 638.** 940.24 (2) of the statutes is amended to read:

940.24 (2) Whoever causes bodily harm to an unborn child by the negligent operation or handling of a dangerous weapon, explosives or fire is guilty of a Class ~~E~~ I felony.

**SECTION 639.** 940.25 (1) (intro.) of the statutes is amended to read:

940.25 (1) (intro.) Any person who does any of the following is guilty of a Class ~~D~~ F felony:

**SECTION 640.** 940.25 (1b) of the statutes is repealed.

**SECTION 641.** 940.285 (2) (b) 1g. of the statutes is amended to read:

940.285 (2) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances that cause death is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under circumstances that cause death is guilty of a Class D felony.

**SECTION 642.** 940.285 (2) (b) 1m. of the statutes is amended to read:

940.285 (2) (b) 1m. Any person violating par. (a) under circumstances that cause great bodily harm is guilty of a Class ~~E~~ F felony.

**SECTION 643.** 940.285 (2) (b) 1r. of the statutes is amended to read:

940.285 (2) (b) 1r. Any person violating par. (a) 1. under circumstances that are likely to cause great bodily harm is guilty of a Class ~~D~~ G felony. Any person violating par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is guilty of a Class I felony.

**SECTION 644.** 940.285 (2) (b) 2. of the statutes is amended to read:

940.285 (2) (b) 2. Any person violating par. (a) 1. under circumstances that cause ~~or are likely to cause~~ bodily harm is guilty of a Class ~~E~~ H felony. Any person violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty of a Class I felony.

**SECTION 645.** 940.285 (2) (b) 3. of the statutes is repealed.

**SECTION 646.** 940.29 of the statutes is amended to read:

**940.29 Abuse of residents of penal facilities.** Any person in charge of or employed in a penal or correctional institution or other place of confinement who abuses, neglects or ill-treats any person confined in or a resident of any such institution or place or who knowingly permits another person to do so is guilty of a Class ~~E~~ I felony.

**SECTION 647.** 940.295 (3) (b) 1g. of the statutes is amended to read:

940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances that cause death to a vulnerable

person is guilty of a Class ~~B~~ C felony. Any person violating par. (a) 3. under circumstances that cause death to a vulnerable person is guilty of a Class D felony.

**SECTION 648.** 940.295 (3) (b) 1m. of the statutes is amended to read:

940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that cause great bodily harm to a vulnerable person is guilty of a Class ~~E~~ E felony.

**SECTION 649.** 940.295 (3) (b) 1r. of the statutes is amended to read:

940.295 (3) (b) 1r. Except as provided in subd. 1m., any person violating par. (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty of a Class ~~D~~ F felony. Any person violating par. (a) 1. under circumstances that are likely to cause great bodily harm is guilty of a Class G felony.

**SECTION 650.** 940.295 (3) (b) 2. of the statutes is amended to read:

940.295 (3) (b) 2. Any person violating par. (a) 1. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty of a Class ~~E~~ H felony. Any person violating par. (a) 1. under circumstances that are likely to cause bodily harm is guilty of a Class I felony.

**SECTION 651.** 940.295 (3) (b) 3. of the statutes is amended to read:

940.295 (3) (b) 3. Except as provided in subd. 1m., any person violating par. (a) 2. or 3. under circumstances that cause ~~or are likely to cause~~ great bodily harm is guilty of a Class ~~E~~ H felony. Any person violating par. (a) 2. or 3. under circumstances that are likely to cause great bodily harm is guilty of a Class I felony.

**SECTION 652.** 940.30 of the statutes is amended to read:

**940.30 False imprisonment.** Whoever intentionally confines or restrains another without the person's consent and with knowledge that he or she has no lawful authority to do so is guilty of a Class ~~E~~ H felony.

**SECTION 653.** 940.305 (1) of the statutes is amended to read:

940.305 (1) Except as provided in sub. (2), whoever by force or threat of imminent force seizes, confines or restrains a person without the person's consent and with the intent to use the person as a hostage in order to influence a person to perform or not to perform some action demanded by the actor is guilty of a Class ~~A~~ B felony.

**SECTION 654.** 940.305 (2) of the statutes is amended to read:

940.305 (2) Whoever commits a violation specified under sub. (1) is guilty of a Class ~~B~~ C felony if, before the time of the actor's arrest, each person who is held as a hostage is released without bodily harm.

**SECTION 655.** 940.31 (1) (intro.) of the statutes is amended to read:

940.31 (1) (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C felony:

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**SECTION 656.** 940.31 (2) (a) of the statutes is amended to read:

940.31 (2) (a) Except as provided in par. (b), whoever violates sub. (1) with intent to cause another to transfer property in order to obtain the release of the victim is guilty of a Class ~~A~~ B felony.

**SECTION 657.** 940.31 (2) (b) of the statutes is amended to read:

940.31 (2) (b) Whoever violates sub. (1) with intent to cause another to transfer property in order to obtain the release of the victim is guilty of a Class ~~B~~ C felony if the victim is released without permanent physical injury prior to the time the first witness is sworn at the trial.

**SECTION 657b.** 940.32 (1) (a) of the statutes is renumbered 940.32 (1) (a) (intro.) and amended to read:

940.32 (1) (a) (intro.) “Course of conduct” means ~~repeatedly maintaining a visual or physical proximity to a person, a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:~~

**SECTION 657c.** 940.32 (1) (a) 1. of the statutes is created to read:

940.32 (1) (a) 1. Maintaining a visual or physical proximity to the victim.

**SECTION 657d.** 940.32 (1) (a) 2. of the statutes is created to read:

940.32 (1) (a) 2. Approaching or confronting the victim.

**SECTION 657e.** 940.32 (1) (a) 3. of the statutes is created to read:

940.32 (1) (a) 3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.

**SECTION 657f.** 940.32 (1) (a) 4. of the statutes is created to read:

940.32 (1) (a) 4. Appearing at the victim’s home or contacting the victim’s neighbors.

**SECTION 657g.** 940.32 (1) (a) 5. of the statutes is created to read:

940.32 (1) (a) 5. Entering property owned, leased, or occupied by the victim.

**SECTION 657h.** 940.32 (1) (a) 6. of the statutes is created to read:

940.32 (1) (a) 6. Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.

**SECTION 657i.** 940.32 (1) (a) 7. of the statutes is created to read:

940.32 (1) (a) 7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker, or friend of the victim.

**SECTION 657j.** 940.32 (1) (a) 8. of the statutes is created to read:

940.32 (1) (a) 8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

**SECTION 657k.** 940.32 (1) (a) 9. of the statutes is created to read:

940.32 (1) (a) 9. Delivering an object to a member of the victim’s family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

**SECTION 657m.** 940.32 (1) (a) 10. of the statutes is created to read:

940.32 (1) (a) 10. Causing a person to engage in any of the acts described in subs. 7. to 9.

**SECTION 657n.** 940.32 (1) (am) of the statutes is created to read:

940.32 (1) (am) “Domestic abuse” has the meaning given in s. 813.12 (1) (am).

**SECTION 657no.** 940.32 (1) (ap) of the statutes is created to read:

940.32 (1) (ap) “Domestic abuse offense” means an act of domestic abuse that constitutes a crime.

**SECTION 657p.** 940.32 (1) (b) of the statutes is renumbered 940.32 (1) (cb) and amended to read:

940.32 (1) (cb) “~~Immediate family~~” “Member of a family” means a spouse, parent, child, sibling, or any other person ~~who regularly resides in the household or who within the prior 6 months regularly resided in the household who is related by blood or adoption to another.~~

**SECTION 657q.** 940.32 (1) (cd) of the statutes is created to read:

940.32 (1) (cd) “Member of a household” means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.

**SECTION 657r.** 940.32 (1) (d) of the statutes is repealed.

**SECTION 657s.** 940.32 (2) (intro.) of the statutes is amended to read:

940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class ~~A~~ misdemeanor E ~~felony~~:

**SECTION 658b.** 940.32 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

940.32 (2) (intro.) Whoever meets all of the following criteria is guilty of a Class ~~E~~ I ~~felony~~:

**SECTION 658c.** 940.32 (2) (a) of the statutes is amended to read:

940.32 (2) (a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to fear bodily injury to ~~himself or herself or a member of his or her immediate family~~ or to fear the death of himself or herself or a member of his or her immediate family or household.



**SECTION 658d.** 940.32 (2) (b) of the statutes is amended to read:

940.32 (2) (b) The actor ~~has knowledge or should have knowledge~~ intends that at least one of the acts that constitute the course of conduct will place the specific person ~~will be placed in reasonable fear of bodily injury to himself or herself or a member of his or her immediate family or will be placed in reasonable fear of the death of himself or herself or a member of his or her immediate family or household.~~

**SECTION 658e.** 940.32 (2) (c) of the statutes is amended to read:

940.32 (2) (c) The actor's acts induce fear in the specific person of bodily injury to ~~himself or herself or a member of his or her immediate family~~ or induce fear in the specific person of the death of himself or herself or a member of his or her ~~immediate family~~ or household.

**SECTION 658g.** 940.32 (2e) (intro.) of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

940.32 (2e) (intro.) Whoever meets all of the following criteria is guilty of a Class ~~E~~ I felony:

**SECTION 658i.** 940.32 (2e) of the statutes is created to read:

940.32 (2e) Whoever meets all of the following criteria is guilty of a Class E felony:

(a) After having been convicted of sexual assault under s. 940.225, 948.02, or 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.

(b) The actor intends that the act will place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's act induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

**SECTION 659b.** 940.32 (2m) (intro.) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class ~~D~~ H felony if any of the following applies:

**SECTION 659bm.** 940.32 (2m) of the statutes is renumbered 940.32 (2m) (intro.) and amended to read:

940.32 (2m) (intro.) Whoever violates sub. (2) is guilty of a Class D felony if ~~he or she~~ any of the following applies:

(c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation ~~under sub. (2).~~

**SECTION 659c.** 940.32 (2m) (a) of the statutes is created to read:

940.32 (2m) (a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).

**SECTION 659d.** 940.32 (2m) (b) of the statutes is created to read:

940.32 (2m) (b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

**SECTION 659e.** 940.32 (2m) (d) of the statutes is created to read:

940.32 (2m) (d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.

**SECTION 659f.** 940.32 (2m) (e) of the statutes is created to read:

940.32 (2m) (e) The victim is under the age of 18 years at the time of the violation.

**SECTION 659g.** 940.32 (3) (intro.) of the statutes is amended to read:

940.32 (3) (intro.) Whoever violates sub. (2) ~~under any of the following circumstances~~ is guilty of a Class ~~E~~ C felony if any of the following applies:

**SECTION 660b.** 940.32 (3) (intro.) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

940.32 (3) (intro.) Whoever violates sub. (2) is guilty of a Class ~~E~~ F felony if any of the following applies:

**SECTION 660c.** 940.32 (3) (a) of the statutes is amended to read:

940.32 (3) (a) The act results in bodily harm to the victim or a member of the victim's family or household.

**SECTION 660d.** 940.32 (3) (b) of the statutes is amended to read:

940.32 (3) (b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x) for a violation against the same victim of that crime is the victim of the present violation of sub. (2). and the present violation occurs within 7 years after the prior conviction.

**SECTION 660e.** 940.32 (3) (c) of the statutes is created to read:

940.32 (3) (c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.

**SECTION 661b.** 940.32 (3m) of the statutes is repealed.

**SECTION 662.** 940.43 (intro.) of the statutes is amended to read:

**940.43 Intimidation of witnesses; felony.** (intro.) Whoever violates s. 940.42 under any of the following circumstances is guilty of a Class ~~D~~ G felony:

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**SECTION 663.** 940.45 (intro.) of the statutes is amended to read:

**940.45 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44 under any of the following circumstances is guilty of a Class D G felony:

**SECTION 664.** 941.11 (intro.) of the statutes is amended to read:

**941.11 Unsafe burning of buildings.** (intro.) Whoever does either of the following is guilty of a Class D H felony:

**SECTION 665.** 941.12 (1) of the statutes is amended to read:

941.12 (1) Whoever intentionally interferes with the proper functioning of a fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of a Class E I felony.

**SECTION 666.** 941.20 (2) (intro.) of the statutes is amended to read:

941.20 (2) (intro.) Whoever does any of the following is guilty of a Class E G felony:

**SECTION 667.** 941.20 (3) (a) (intro.) of the statutes is amended to read:

941.20 (3) (a) (intro.) Whoever intentionally discharges a firearm from a vehicle while on a highway, as defined in s. 340.01 (22), or on a vehicle parking lot that is open to the public under any of the following circumstances is guilty of a Class C F felony:

**SECTION 668.** 941.21 of the statutes is amended to read:

**941.21 Disarming a peace officer.** Whoever intentionally disarms a peace officer who is acting in his or her official capacity by taking a dangerous weapon or a device or container described under s. 941.26 (1) (b) or (4) (a) from the officer without his or her consent is guilty of a Class E H felony. This section applies to any dangerous weapon or any device or container described under s. 941.26 (1) (b) or (4) (a) that the officer is carrying or that is in an area within the officer's immediate presence.

**SECTION 669.** 941.235 (1) of the statutes is amended to read:

941.235 (1) Any person who goes armed with a firearm in any building owned or leased by the state or any political subdivision of the state is guilty of a Class B A misdemeanor.

**SECTION 670.** 941.26 (2) (a) of the statutes is amended to read:

941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class E H felony.

**SECTION 671.** 941.26 (2) (b) of the statutes is amended to read:

941.26 (2) (b) Any person violating sub. (1m) is guilty of a Class C F felony.

**SECTION 672.** 941.26 (2) (e) of the statutes is amended to read:

941.26 (2) (e) Any person who violates sub. (1) (b) regarding the sale or commercial transportation of the

bomb, grenade, projectile, shell or container under sub. (1) (b) is guilty of a Class E H felony.

**SECTION 673.** 941.26 (2) (f) of the statutes is amended to read:

941.26 (2) (f) Any person who violates sub. (1) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (b) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a Class D H felony.

**SECTION 674.** 941.26 (2) (g) of the statutes is amended to read:

941.26 (2) (g) Any person who violates sub. (1) (b) regarding the use of the bomb, grenade, projectile, shell or container under sub. (1) (b) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the bomb, grenade, projectile, shell or container during his or her commission of another crime to incapacitate another person is guilty of a Class E H felony.

**SECTION 675.** 941.26 (4) (d) of the statutes is amended to read:

941.26 (4) (d) Whoever intentionally uses a device or container described under par. (a) to cause bodily harm or bodily discomfort to a person who the actor knows, or has reason to know, is a peace officer who is acting in an official capacity is guilty of a Class D H felony.

**SECTION 676.** 941.26 (4) (e) of the statutes is amended to read:

941.26 (4) (e) Whoever uses a device or container described under par. (a) during his or her commission of another crime to cause bodily harm or bodily discomfort to another or who threatens to use the device or container during his or her commission of another crime to incapacitate another person is guilty of a Class E H felony.

**SECTION 677.** 941.28 (3) of the statutes is amended to read:

941.28 (3) Any person violating this section is guilty of a Class E H felony.

**SECTION 678.** 941.29 (2) (intro.) of the statutes is amended to read:

941.29 (2) (intro.) A person specified in sub. (1) is guilty of a Class E G felony if he or she possesses a firearm under any of the following circumstances:

**SECTION 679.** 941.29 (2m) of the statutes is repealed.

**SECTION 680.** 941.295 (1) of the statutes is amended to read:

941.295 (1) Whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class E H felony.

**SECTION 681.** 941.296 (2) (intro.) of the statutes is amended to read:

941.296 (2) (intro.) Whoever uses or possesses a handgun during the commission of a crime under chs. 939 to 948 or 961 is guilty of a Class E H felony under any of the following circumstances.

**SECTION 682.** 941.296 (3) of the statutes is repealed.

**SECTION 683.** 941.298 (2) of the statutes is amended to read:

941.298 (2) Whoever sells, delivers or possesses a firearm silencer is guilty of a Class ~~E~~ H felony.

**SECTION 684.** 941.30 (1) of the statutes is amended to read:

941.30 (1) **FIRST-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly endangers another's safety under circumstances which show utter disregard for human life is guilty of a Class ~~D~~ F felony.

**SECTION 685.** 941.30 (2) of the statutes is amended to read:

941.30 (2) **SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY.** Whoever recklessly endangers another's safety is guilty of a Class ~~E~~ G felony.

**SECTION 686.** 941.31 (1) of the statutes is amended to read:

941.31 (1) Whoever makes, buys, transports, possesses, or transfers any explosive compound or offers to do the same, either with intent to use such explosive to commit a crime or knowing that another intends to use it to commit a crime, is guilty of a Class ~~C~~ F felony.

**SECTION 687.** 941.31 (2) (b) of the statutes is amended to read:

941.31 (2) (b) Whoever makes, buys, sells, transports, possesses, uses or transfers any improvised explosive device, or possesses materials or components with intent to assemble any improvised explosive device, is guilty of a Class ~~E~~ H felony.

**SECTION 688.** 941.315 (3) (intro.) of the statutes is amended to read:

941.315 (3) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H felony:

**SECTION 689.** 941.32 of the statutes is amended to read:

**941.32 Administering dangerous or stupefying drug.** Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic, or anesthetic substance with intent thereby to facilitate the commission of a crime is guilty of a Class ~~C~~ F felony.

**SECTION 690.** 941.325 of the statutes is amended to read:

**941.325 Placing foreign objects in edibles.** Whoever places objects, drugs or other substances in candy or other liquid or solid edibles with the intent to cause bodily harm to another person is guilty of a Class ~~E~~ I felony.

**SECTION 691.** 941.327 (2) (b) 1. of the statutes is amended to read:

941.327 (2) (b) 1. Except as provided in subds. 2. to 4., a person violating par. (a) is guilty of a Class ~~E~~ I felony.

**SECTION 692.** 941.327 (2) (b) 2. of the statutes is amended to read:

941.327 (2) (b) 2. If the act under par. (a) creates a high probability of great bodily harm to another, a person violating par. (a) is guilty of a Class ~~D~~ H felony.

**SECTION 693.** 941.327 (2) (b) 3. of the statutes is amended to read:

941.327 (2) (b) 3. If the act under par. (a) causes great bodily harm to another, a person violating par. (a) is guilty of a Class ~~C~~ F felony.

**SECTION 694.** 941.327 (2) (b) 4. of the statutes is amended to read:

941.327 (2) (b) 4. If the act under par. (a) causes death to another, a person is guilty of a Class ~~A~~ C felony.

**SECTION 695.** 941.327 (3) of the statutes is amended to read:

941.327 (3) Whoever intentionally imparts or conveys false information, knowing the information to be false, concerning an act or attempted act which, if true, would constitute a violation of sub. (2) is guilty of a Class ~~E~~ I felony.

**SECTION 696.** 941.37 (1) (a) of the statutes is amended to read:

941.37 (1) (a) "Ambulance" has the meaning specified in s. 146.50 (1) ~~(a)~~ (am).

**SECTION 697.** 941.37 (3) of the statutes is amended to read:

941.37 (3) Any person who intentionally interferes with any emergency medical personnel in the performance of duties relating to an emergency or rescue and who has reasonable grounds to believe that the interference may endanger another's safety is guilty of a Class ~~E~~ I felony.

**SECTION 698.** 941.37 (4) of the statutes is amended to read:

941.37 (4) Any person who violates sub. (3) and thereby contributes to the death of another is guilty of a Class ~~C~~ E felony.

**SECTION 699.** 941.38 (1) (b) 4. of the statutes is amended to read:

941.38 (1) (b) 4. Battery, ~~substantial battery or aggravated battery~~, as prohibited in s. 940.19 or 940.195.

**SECTION 700.** 941.38 (2) of the statutes is amended to read:

941.38 (2) Whoever intentionally solicits a child to participate in criminal gang activity is guilty of a Class ~~E~~ I felony.

**SECTION 701.** 942.09 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 33, is amended to read:

942.09 (2) (intro.) Whoever does any of the following is guilty of a Class ~~E~~ I felony:

**SECTION 702.** 943.01 (2) (intro.) of the statutes is amended to read:

943.01 (2) (intro.) Any person violating sub. (1) under any of the following circumstances is guilty of a Class ~~D~~ I felony:

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**SECTION 704.** 943.01 (2d) (b) (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

943.01 (2d) (b) (intro.) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E I felony:

**SECTION 705.** 943.01 (2g) (intro.) of the statutes is amended to read:

943.01 (2g) (intro.) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E I felony:

**SECTION 707.** 943.011 (2) (intro.) of the statutes is amended to read:

943.011 (2) (intro.) Whoever does any of the following is guilty of a Class D I felony:

**SECTION 708.** 943.012 (intro.) of the statutes is amended to read:

**943.012 Criminal damage to or graffiti on religious and other property.** (intro.) Whoever intentionally causes damage to, intentionally marks, draws or writes with ink or another substance on or intentionally etches into any physical property of another, without the person's consent and with knowledge of the character of the property, is guilty of a Class E I felony if the property consists of one or more of the following:

**SECTION 709.** 943.013 (2) (intro.) of the statutes is amended to read:

943.013 (2) (intro.) Whoever intentionally causes or threatens to cause damage to any physical property that belongs to a judge or his or her family member under all of the following circumstances is guilty of a Class D I felony:

**SECTION 710.** 943.014 (2) of the statutes is amended to read:

943.014 (2) Whoever intentionally demolishes a historic building without a permit issued by a city, village, town or county or without an order issued under s. 66.0413 shall be fined an amount equal to 2 times the fair market value of the historic building and the land upon which the building is located immediately prior to demolition and may be imprisoned for not more than 9 months is guilty of a Class A misdemeanor.

**SECTION 711.** 943.015 (2) (intro.) of the statutes is amended to read:

943.015 (2) (intro.) Whoever intentionally causes or threatens to cause damage to any physical property which belongs to a department of revenue official, employee or agent or his or her family member under all of the following circumstances is guilty of a Class D I felony:

**SECTION 712.** 943.017 (2) (intro.) of the statutes is amended to read:

943.017 (2) (intro.) Any person violating sub. (1) under any of the following circumstances is guilty of a Class D I felony:

**SECTION 713.** 943.017 (2m) (b) (intro.) of the statutes is amended to read:

943.017 (2m) (b) (intro.) Whoever does any of the following is guilty of a Class D I felony:

**SECTION 715.** 943.02 (1) (intro.) of the statutes is amended to read:

943.02 (1) (intro.) Whoever does any of the following is guilty of a Class B C felony:

**SECTION 716.** 943.03 of the statutes is amended to read:

**943.03 Arson of property other than building.** Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E I felony.

**SECTION 717.** 943.04 of the statutes is amended to read:

**943.04 Arson with intent to defraud.** Whoever, by means of fire, damages any property, other than a building, with intent to defraud an insurer of that property is guilty of a Class D H felony. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.

**SECTION 718.** 943.06 (2) of the statutes is amended to read:

943.06 (2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb is guilty of a Class E H felony.

**SECTION 719.** 943.07 (1) of the statutes is amended to read:

943.07 (1) Whoever intentionally causes damage or who causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel or signal or any railroad property used in providing rail services, which could cause an injury, accident or derailment is guilty of a Class ~~A misdemeanor~~ I felony.

**SECTION 720.** 943.07 (2) of the statutes is amended to read:

943.07 (2) Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose or engine is guilty of a Class ~~A misdemeanor~~ I felony.

**SECTION 721.** 943.10 (1) (intro.) of the statutes is amended to read:

943.10 (1) (intro.) Whoever intentionally enters any of the following places without the consent of the person in lawful possession and with intent to steal or commit a felony in such place is guilty of a Class C F felony:

**SECTION 722.** 943.10 (2) (intro.) of the statutes is amended to read:

943.10 (2) (intro.) Whoever violates sub. (1) under any of the following circumstances is guilty of a Class B E felony:

**SECTION 723.** 943.12 of the statutes is amended to read:

**943.12 Possession of burglarious tools.** Whoever has in personal possession any device or instrumentality



intended, designed or adapted for use in breaking into any depository designed for the safekeeping of any valuables or into any building or room, with intent to use such device or instrumentality to break into a depository, building or room, and to steal therefrom, is guilty of a Class E I felony.

**SECTION 725.** 943.20 (3) (bf) of the statutes is created to read:

943.20 (3) (bf) If the value of the property exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony.

**SECTION 726.** 943.20 (3) (bm) of the statutes is created to read:

943.20 (3) (bm) If the value of the property exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony.

**SECTION 727.** 943.20 (3) (c) of the statutes is amended to read:

943.20 (3) (c) If the value of the property exceeds ~~\$2,500~~ \$10,000, is guilty of a Class E G felony.

**SECTION 728.** 943.20 (3) (d) (intro.) of the statutes is amended to read:

943.20 (3) (d) (intro.) ~~If the value of the property does not exceed \$2,500 and any of the following circumstances exist~~ exists, is guilty of a Class D H felony:

**SECTION 729.** 943.20 (3) (d) 1. of the statutes is amended to read:

943.20 (3) (d) 1. The property is a domestic animal; ~~or.~~

**SECTION 730.** 943.20 (3) (d) 2. of the statutes is renumbered 943.20 (3) (e) and amended to read:

943.20 (3) (e) ~~The~~ If the property is taken from the person of another or from a corpse; ~~or,~~ is guilty of a Class G felony.

**SECTION 731.** 943.20 (3) (d) 3. of the statutes is amended to read:

943.20 (3) (d) 3. The property is taken from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle; ~~or.~~

**SECTION 732.** 943.20 (3) (d) 4. of the statutes is amended to read:

943.20 (3) (d) 4. The property is taken after physical disaster, riot, bombing or the proximity of battle has necessitated its removal from a building; ~~or.~~

**SECTION 733.** 943.201 (2) of the statutes is amended to read:

943.201 (2) Whoever intentionally uses or attempts to use any personal identifying information or personal identification document of an individual to obtain credit, money, goods, services or anything else of value without the authorization or consent of the individual and by representing that he or she is the individual or is acting with the authorization or consent of the individual is guilty of a Class D H felony.

**SECTION 734.** 943.205 (3) of the statutes is amended to read:

943.205 (3) Anyone who violates this section is guilty of a Class E I felony.

**SECTION 735.** 943.207 (3m) (b) (intro.) of the statutes is amended to read:

943.207 (3m) (b) (intro.) Whoever violates this section is guilty of a Class D I felony under any of the following circumstances:

**SECTION 736.** 943.207 (3m) (c) (intro.) of the statutes is amended to read:

943.207 (3m) (c) (intro.) Whoever violates this section is guilty of a Class E H felony under any of the following circumstances:

**SECTION 737.** 943.208 (2) (b) of the statutes is amended to read:

943.208 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the person creates, advertises, offers for sale or rent, sells, rents, transports or possesses fewer than 1,000 recordings embodying sound or fewer than 100 audiovisual recordings in violation of sub. (1) during a 180-day period, and the value of the recordings exceeds \$2,500.

**SECTION 738.** 943.208 (2) (c) of the statutes is amended to read:

943.208 (2) (c) Whoever violates sub. (1) is guilty of a Class E H felony if the person creates, advertises, offers for sale or rent, sells, rents, transports or possesses at least 1,000 recordings embodying sound or at least 100 audiovisual recordings in violation of sub. (1) during a 180-day period or if the violation occurs after the person has been convicted under this section.

**SECTION 739.** 943.209 (2) (b) of the statutes is amended to read:

943.209 (2) (b) Whoever violates sub. (1) is guilty of a Class D I felony if the person advertises, offers for sale or rent, sells, rents, transports or possesses fewer than 100 recordings in violation of sub. (1) during a 180-day period, and the value of the recordings exceeds \$2,500.

**SECTION 740.** 943.209 (2) (c) of the statutes is amended to read:

943.209 (2) (c) Whoever violates sub. (1) is guilty of a Class E H felony if the person advertises, offers for sale or rent, sells, rents, transports or possesses at least 100 recordings in violation of sub. (1) during a 180-day period or if the violation occurs after the person has been convicted under this section.

**SECTION 742.** 943.21 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

943.21 (3) (b) Is guilty of a Class E I felony when the value of any beverage, food, lodging, accommodation, transportation or other service exceeds \$2,500.

**SECTION 743.** 943.23 (1g) of the statutes is amended to read:

943.23 (1g) Whoever, while possessing a dangerous weapon and by the use of, or the threat of the use of, force or the weapon against another, intentionally takes any vehicle without the consent of the owner is guilty of a Class B C felony.

**SECTION 744.** 943.23 (1m) of the statutes is repealed.

**SECTION 745.** 943.23 (1r) of the statutes is repealed.

**SECTION 746.** 943.23 (2) of the statutes is amended to read:

943.23 (2) Whoever Except as provided in sub. (3m), whoever intentionally takes and drives any vehicle without the consent of the owner is guilty of a Class D H felony.

**SECTION 747.** 943.23 (3) of the statutes is amended to read:

943.23 (3) Whoever Except as provided in sub. (3m), whoever intentionally drives or operates any vehicle without the consent of the owner is guilty of a Class E I felony.

**SECTION 748.** 943.23 (3m) of the statutes is created to read:

943.23 (3m) It is an affirmative defense to a prosecution for a violation of sub. (2) or (3) if the defendant abandoned the vehicle without damage within 24 hours after the vehicle was taken from the possession of the owner. An affirmative defense under this subsection mitigates the offense to a Class A misdemeanor. A defendant who raises this affirmative defense has the burden of proving the defense by a preponderance of the evidence.

**SECTION 749.** 943.23 (4m) of the statutes is amended to read:

943.23 (4m) Whoever knows that the owner does not consent to the driving or operation of a vehicle and intentionally accompanies, as a passenger in the vehicle, a person while he or she violates sub. (1g), ~~(1m)~~, ~~(1r)~~, (2) ~~or~~, (3), or (3m) is guilty of a Class A misdemeanor.

**SECTION 750.** 943.23 (5) of the statutes is amended to read:

943.23 (5) Whoever intentionally removes a major part of a vehicle without the consent of the owner is guilty of a Class E I felony. Whoever intentionally removes any other part or component of a vehicle without the consent of the owner is guilty of a Class A misdemeanor.

**SECTION 752.** 943.24 (2) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

943.24 (2) Whoever issues any single check or other order for the payment of more than \$2,500 or whoever within a 15-day period issues more than one check or other order amounting in the aggregate to more than \$2,500 which, at the time of issuance, the person intends shall not be paid is guilty of a Class E I felony.

**SECTION 753.** 943.25 (1) of the statutes is amended to read:

943.25 (1) Whoever, with intent to defraud, conveys real property which he or she knows is encumbered, with-

out informing the grantee of the existence of the encumbrance is guilty of a Class E I felony.

**SECTION 754.** 943.25 (2) (intro.) of the statutes is amended to read:

943.25 (2) (intro.) Whoever, with intent to defraud, does any of the following is guilty of a Class E I felony:

**SECTION 755.** 943.26 (2) of the statutes is amended to read:

943.26 (2) If the security is impaired by more than \$1,000, the mortgagor or vendee is guilty of a Class E I felony.

**SECTION 756.** 943.27 of the statutes is amended to read:

**943.27 Possession of records of certain usurious loans.** Any person who knowingly possesses any writing representing or constituting a record of a charge of, contract for, receipt of or demand for a rate of interest or consideration exceeding \$20 upon \$100 for one year computed upon the declining principal balance of the loan, use or forbearance of money, goods or things in action or upon the loan, use or sale of credit is, if the rate is prohibited by a law other than this section, guilty of a Class E I felony.

**SECTION 757.** 943.28 (2) of the statutes is amended to read:

943.28 (2) Whoever makes any extortionate extension of credit, or conspires to do so, if one or more of the parties to the conspiracy does an act to effect its object, is guilty of a Class C F felony.

**SECTION 758.** 943.28 (3) of the statutes is amended to read:

943.28 (3) Whoever advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, for the purpose of making extortionate extensions of credit, is guilty of a Class C F felony.

**SECTION 759.** 943.28 (4) of the statutes is amended to read:

943.28 (4) Whoever knowingly participates in any way in the use of any extortionate means to collect or attempt to collect any extension of credit, or to punish any person for the nonrepayment thereof, is guilty of a Class C F felony.

**SECTION 760.** 943.30 (1) of the statutes is amended to read:

943.30 (1) Whoever, either verbally or by any written or printed communication, maliciously threatens to accuse or accuses another of any crime or offense, or threatens or commits any injury to the person, property, business, profession, calling or trade, or the profits and income of any business, profession, calling or trade of another, with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do any act against the person's

will or omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

**SECTION 761.** 943.30 (2) of the statutes is amended to read:

943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting commerce or business or the movement of any article or commodity in commerce or business is guilty of a Class ~~D~~ H felony.

**SECTION 762.** 943.30 (3) of the statutes is amended to read:

943.30 (3) Whoever violates sub. (1) by attempting to influence any petit or grand juror, in the performance of his or her functions as such, is guilty of a Class ~~D~~ H felony.

**SECTION 763.** 943.30 (4) of the statutes is amended to read:

943.30 (4) Whoever violates sub. (1) by attempting to influence the official action of any public officer is guilty of a Class ~~D~~ H felony.

**SECTION 764.** 943.30 (5) (b) of the statutes is amended to read:

943.30 (5) (b) Whoever, orally or by any written or printed communication, maliciously uses, or threatens to use, the patient health care records of another person, with intent thereby to extort money or any pecuniary advantage, or with intent to compel the person so threatened to do any act against the person's will or omit to do any lawful act, is guilty of a Class ~~D~~ H felony.

**SECTION 765.** 943.31 of the statutes is amended to read:

**943.31 Threats to communicate derogatory information.** Whoever threatens to communicate to anyone information, whether true or false, which would injure the reputation of the threatened person or another unless the threatened person transfers property to a person known not to be entitled to it is guilty of a Class ~~E~~ I felony.

**SECTION 766.** 943.32 (1) (intro.) of the statutes is amended to read:

943.32 (1) (intro.) Whoever, with intent to steal, takes property from the person or presence of the owner by either of the following means is guilty of a Class ~~E~~ E felony:

**SECTION 767.** 943.32 (2) of the statutes is amended to read:

943.32 (2) Whoever violates sub. (1) by use or threat of use of a dangerous weapon, a device or container described under s. 941.26 (4) (a) or any article used or fashioned in a manner to lead the victim reasonably to believe that it is a dangerous weapon or such a device or container is guilty of a Class ~~B~~ C felony.

**SECTION 769.** 943.34 (1) (bf) of the statutes is created to read:

943.34 (1) (bf) A Class I felony, if the value of the property exceeds \$2,500 but does not exceed \$5,000.

**SECTION 770.** 943.34 (1) (bm) of the statutes is created to read:

943.34 (1) (bm) A Class H felony, if the value of the property exceeds \$5,000 but does not exceed \$10,000.

**SECTION 771.** 943.34 (1) (c) of the statutes is amended to read:

943.34 (1) (c) A Class ~~C~~ G felony, if the value of the property exceeds ~~\$2,500~~ \$10,000.

**SECTION 772.** 943.38 (1) (intro.) of the statutes is amended to read:

943.38 (1) (intro.) Whoever with intent to defraud falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of a Class ~~C~~ H felony:

**SECTION 773.** 943.38 (2) of the statutes is amended to read:

943.38 (2) Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, is guilty of a Class ~~C~~ H felony.

**SECTION 774.** 943.39 (intro.) of the statutes is amended to read:

**943.39 Fraudulent writings.** (intro.) Whoever, with intent to injure or defraud, does any of the following is guilty of a Class ~~D~~ H felony:

**SECTION 776.** 943.395 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

943.395 (2) (b) Is guilty of a Class ~~E~~ I felony if the value of the claim or benefit exceeds \$2,500.

**SECTION 777.** 943.40 (intro.) of the statutes is amended to read:

**943.40 Fraudulent destruction of certain writings.** (intro.) Whoever with intent to defraud does either of the following is guilty of a Class ~~D~~ H felony:

**SECTION 778.** 943.41 (8) (b) of the statutes is amended to read:

943.41 (8) (b) Any person violating any provision of sub. (3) (e), (4) (a), (6) (c) or (6m) is guilty of a Class ~~E~~ I felony.

**SECTION 779.** 943.41 (8) (c) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b),<sub>2</sub> or (d), if the value of the money, goods, services,<sub>2</sub> or property illegally obtained does not exceed \$2,500 is guilty of a Class A misdemeanor. ~~If, if~~ if the value of the money, goods, services,<sub>2</sub> or property exceeds \$2,500 but does not exceed \$5,000, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class ~~C~~ I felony; if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class H felony; or if the value of money, goods, services, or property exceeds \$10,000, in a single transaction or in

separate transactions within a period not exceeding 6 months, the person is guilty of a Class G felony.

**SECTION 780.** 943.45 (3) (c) of the statutes is amended to read:

943.45 (3) (c) Except as provided in par. (d), any person who violates sub. (1) for direct or indirect commercial advantage or private financial gain is guilty of a Class ~~E~~ A ~~felony~~ misdemeanor.

**SECTION 781.** 943.45 (3) (d) of the statutes is amended to read:

943.45 (3) (d) Any person who violates sub. (1) for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class ~~D~~ I felony.

**SECTION 782.** 943.455 (4) (c) of the statutes is amended to read:

943.455 (4) (c) Except as provided in par. (d), any person who violates sub. (2) (a) to (f) for direct or indirect commercial advantage or private financial gain is guilty of a Class ~~E~~ A ~~felony~~ misdemeanor.

**SECTION 783.** 943.455 (4) (d) of the statutes is amended to read:

943.455 (4) (d) Any person who violates sub. (2) (a) to (f) for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class ~~D~~ I felony.

**SECTION 784.** 943.46 (4) (c) of the statutes is amended to read:

943.46 (4) (c) Except as provided in par. (d), any person who violates sub. (2) (a) to (g) for direct or indirect commercial advantage or private financial gain is guilty of a Class ~~E~~ A ~~felony~~ misdemeanor.

**SECTION 785.** 943.46 (4) (d) of the statutes is amended to read:

943.46 (4) (d) Any person who violates sub. (2) (a) to (g) for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class ~~D~~ I felony.

**SECTION 786.** 943.47 (3) (c) of the statutes is amended to read:

943.47 (3) (c) Except as provided in par. (d), any person who violates sub. (2) for direct or indirect commercial advantage or private financial gain is guilty of a Class ~~E~~ A ~~felony~~ misdemeanor.

**SECTION 787.** 943.47 (3) (d) of the statutes is amended to read:

943.47 (3) (d) Any person who violates sub. (2) for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense is guilty of a Class ~~D~~ I felony.

**SECTION 788.** 943.49 (2) (b) 2. of the statutes is amended to read:

943.49 (2) (b) 2. A person who violates par. (a) is guilty of a Class ~~D~~ I felony if the violation occurs after the person has been convicted under this subsection.

**SECTION 790.** 943.50 (4) (bf) of the statutes is created to read:

943.50 (4) (bf) A Class I felony, if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000.

**SECTION 791.** 943.50 (4) (bm) of the statutes is created to read:

943.50 (4) (bm) A Class H felony, if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000.

**SECTION 792.** 943.50 (4) (c) of the statutes is amended to read:

943.50 (4) (c) A Class ~~C~~ G felony, if the value of the merchandise exceeds ~~\$2,500~~ \$10,000.

**SECTION 793.** 943.60 (1) of the statutes is amended to read:

943.60 (1) Any person who submits for filing, entering or recording any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in or title to real or personal property, and who knows or should have known that the contents or any part of the contents of the instrument are false, a sham or frivolous, is guilty of a Class ~~D~~ H felony.

**SECTION 796.** 943.61 (5) (c) of the statutes is amended to read:

943.61 (5) (c) A Class ~~C~~ H felony, if the value of the library materials exceeds \$2,500.

**SECTION 799.** 943.62 (4) (c) of the statutes is amended to read:

943.62 (4) (c) A Class ~~C~~ F felony, if the value of the advance payment or required refund, as applicable, exceeds \$2,500.

**SECTION 800.** 943.70 (2) (b) 2. of the statutes is amended to read:

943.70 (2) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or to obtain property.

**SECTION 801.** 943.70 (2) (b) 3. of the statutes is repealed.

**SECTION 802.** 943.70 (2) (b) 3g. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

943.70 (2) (b) 3g. A Class ~~C~~ F felony if the offense results in damage valued at more than \$2,500.

**SECTION 803.** 943.70 (2) (b) 3r. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

943.70 (2) (b) 3r. A Class ~~C~~ F felony if the offense causes an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service.

**SECTION 804.** 943.70 (2) (b) 4. of the statutes is amended to read:

943.70 (2) (b) 4. A Class ~~C~~ E felony if the offense creates a substantial and unreasonable risk of death or great bodily harm to another.

**SECTION 805.** 943.70 (2) (c) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:



943.70 (2) (c) 1. In the case of a misdemeanor, the maximum fine prescribed by law for the crime may be increased by not more than \$1,000 and the maximum term of imprisonment prescribed by law for the crime may be increased so that the revised maximum term of imprisonment is ~~12 months~~ one year in the county jail.

**SECTION 806.** 943.70 (3) (b) 2. of the statutes is amended to read:

943.70 (3) (b) 2. A Class ~~E~~ I felony if the offense is committed to defraud or obtain property.

**SECTION 807.** 943.70 (3) (b) 3. of the statutes is amended to read:

943.70 (3) (b) 3. A Class ~~D~~ H felony if the damage to the computer, computer system, computer network, equipment or supplies is greater than \$2,500.

**SECTION 808.** 943.70 (3) (b) 4. of the statutes is amended to read:

943.70 (3) (b) 4. A Class ~~C~~ F felony if the offense creates a substantial and unreasonable risk of death or great bodily harm to another.

**SECTION 809.** 943.75 (2) of the statutes is amended to read:

943.75 (2) Whoever intentionally releases an animal that is lawfully confined for companionship or protection of persons or property, recreation, exhibition, or educational purposes, acting without the consent of the owner or custodian of the animal, is guilty of a Class C misdemeanor. A 2nd violation of this subsection by a person is a Class A misdemeanor. A 3rd or subsequent violation of this subsection by a person is a Class ~~E~~ I felony.

**SECTION 810.** 943.75 (2m) of the statutes is amended to read:

943.75 (2m) Whoever intentionally releases an animal that is lawfully confined for scientific, farming, restocking, research or commercial purposes, acting without the consent of the owner or custodian of the animal, is guilty of a Class ~~C~~ H felony.

**SECTION 810g.** 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16, is renumbered 943.76 (1) (intro.) and amended to read:

943.76 (1) (intro.) In this section, “livestock”:

(a) “Livestock” means cattle, horses, swine, sheep, goats, farm-raised deer, as defined in s. 95.001 (1) (a), poultry, and other animals used or to be used in the production of food, fiber, or other commercial products.

**SECTION 810k.** 943.76 (1) (b) of the statutes is created to read:

943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

**SECTION 810n.** 943.76 (1) (c) of the statutes is created to read:

943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor is aware of that risk.

**SECTION 811.** 943.76 (2) (a) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

943.76 (2) (a) Whoever intentionally introduces a contagious or infectious disease into livestock without the consent of the owner of the livestock is guilty of a Class ~~C~~ F felony.

**SECTION 812.** 943.76 (2) (b) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

943.76 (2) (b) Whoever intentionally introduces a contagious or infectious disease into wild deer without the consent of the department of natural resources is guilty of a Class ~~C~~ F felony.

**SECTION 812m.** 943.76 (3) of the statutes is created to read:

943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or infectious disease other than paratuberculosis into livestock without the consent of the owner of the livestock is guilty of a Class A misdemeanor.

(b) Whoever, through reckless conduct, introduces a contagious or infectious disease other than paratuberculosis into wild deer without the consent of the department of natural resources is guilty of a Class A misdemeanor.

(c) This subsection does not apply if the actor’s conduct is undertaken pursuant to a directive issued by the department of agriculture, trade and consumer protection or an agreement between the actor and the department of agriculture, trade and consumer protection, if the purpose of the directive or the agreement is to prevent or control the spread of the disease.

**SECTION 812t.** 943.76 (4) of the statutes is created to read:

943.76 (4) (a) Whoever intentionally threatens to introduce a contagious or infectious disease into livestock located in this state without the consent of the owner of the livestock is guilty of a Class D felony if one of the following applies:

1. The owner of the livestock is aware of the threat and reasonably believes that the actor will attempt to carry out the threat.

2. The owner of the livestock is unaware of the threat, but if the owner were apprised of the threat, it would be reasonable for the owner to believe that the actor would attempt to carry out the threat.

(b) Whoever intentionally threatens to introduce a contagious or infectious disease into wild deer located in this state without the consent of the department of natural resources is guilty of a Class D felony if one of the following applies:

1. The department of natural resources is aware of the threat and reasonably believes that the actor will attempt to carry out the threat.

2. The department of natural resources is unaware of the threat, but if the department were apprised of the threat, it would be reasonable for the department to

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believe that the actor would attempt to carry out the threat.

**SECTION 812u.** 943.76 (4) (a) (intro.) of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

943.76 (4) (a) (intro.) Whoever intentionally threatens to introduce a contagious or infectious disease into livestock located in this state without the consent of the owner of the livestock is guilty of a Class **D H** felony if one of the following applies:

**SECTION 812v.** 943.76 (4) (b) (intro.) of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

943.76 (4) (b) (intro.) Whoever intentionally threatens to introduce a contagious or infectious disease into wild deer located in this state without the consent of the department of natural resources is guilty of a Class **D H** felony if one of the following applies:

**SECTION 813.** 944.05 (1) (intro.) of the statutes is amended to read:

944.05 (1) (intro.) Whoever does any of the following is guilty of a Class **E I** felony:

**SECTION 814.** 944.06 of the statutes is amended to read:

**944.06 Incest.** Whoever marries or has nonmarital sexual intercourse with a person he or she knows is a blood relative and such relative is in fact related in a degree within which the marriage of the parties is prohibited by the law of this state is guilty of a Class **E F** felony.

**SECTION 815.** 944.15 (title) of the statutes is repealed and recreated to read:

**944.15 (title) Public fornication.**

**SECTION 816.** 944.16 (intro.) of the statutes is amended to read:

**944.16 Adultery.** (intro.) Whoever does either of the following is guilty of a Class **E I** felony:

**SECTION 817.** 944.21 (5) (c) of the statutes is amended to read:

944.21 (5) (c) If the person violating sub. (3) or (4) has 2 or more prior convictions under this section, the person is guilty of a Class **D H** felony.

**SECTION 818.** 944.21 (5) (e) of the statutes is amended to read:

944.21 (5) (e) Regardless of the number of prior convictions, if the violation under sub. (3) or (4) is for a wholesale transfer or distribution of obscene material, the person is guilty of a Class **D H** felony.

**SECTION 819.** 944.32 of the statutes is amended to read:

**944.32 Soliciting prostitutes.** Except as provided under s. 948.08, whoever intentionally solicits or causes any person to practice prostitution or establishes any person in a place of prostitution is guilty of a Class **D H** felony.

**SECTION 820.** 944.33 (2) of the statutes is amended to read:

944.33 (2) If the person received compensation from the earnings of the prostitute, such person is guilty of a Class **E F** felony.

**SECTION 821.** 944.34 (intro.) of the statutes is amended to read:

**944.34 Keeping place of prostitution.** (intro.) Whoever intentionally does any of the following is guilty of a Class **D H** felony:

**SECTION 822.** 945.03 (1m) (intro.) of the statutes is amended to read:

945.03 (1m) (intro.) Whoever intentionally does any of the following is engaged in commercial gambling and, except as provided in sub. (2m), is guilty of a Class **E I** felony:

**SECTION 823.** 945.05 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever manufactures, transfers commercially or possesses with intent to transfer commercially either of the following is guilty of a Class **E I** felony:

**SECTION 824.** 945.08 (1) of the statutes is amended to read:

945.08 (1) Any person who, with intent to influence any participant to refrain from exerting full skill, speed, strength or endurance, transfers or promises any property or any personal advantage to or on behalf of any participant in a contest of skill, speed, strength or endurance is guilty of a Class **D H** felony.

**SECTION 825.** 946.02 (1) (intro.) of the statutes is amended to read:

946.02 (1) (intro.) Whoever does any of the following is guilty of a Class **E F** felony:

**SECTION 826.** 946.03 (1) (intro.) of the statutes is amended to read:

946.03 (1) (intro.) Whoever does any of the following is guilty of a Class **E F** felony:

**SECTION 827.** 946.03 (2) of the statutes is amended to read:

946.03 (2) Whoever permits any premises under his or her care, control or supervision to be used by an assembly with knowledge that the purpose of the assembly is to advocate or teach the duty, necessity, desirability or propriety of overthrowing the government of the United States or this state by the use or threat of physical violence with intent that such government be overthrown or, after learning that the premises are being so used, permits such use to be continued is guilty of a Class **E I** felony.

**SECTION 828.** 946.05 (1) of the statutes is amended to read:

946.05 (1) Whoever intentionally and publicly mutilates, defiles, or casts contempt upon the flag is guilty of a Class **E I** felony.

**SECTION 829.** 946.10 (intro.) of the statutes is amended to read:

**946.10 Bribery of public officers and employees.** (intro.) Whoever does either of the following is guilty of a Class **D H** felony:

**SECTION 830.** 946.11 (1) (intro.) of the statutes is amended to read:

946.11 **(1)** (intro.) Whoever does the following is guilty of a Class **E I** felony:

**SECTION 831.** 946.12 (intro.) of the statutes is amended to read:

**946.12 Misconduct in public office.** (intro.) Any public officer or public employee who does any of the following is guilty of a Class **E I** felony:

**SECTION 832.** 946.13 (1) (intro.) of the statutes is amended to read:

946.13 **(1)** (intro.) Any public officer or public employee who does any of the following is guilty of a Class **E I** felony:

**SECTION 833.** 946.14 of the statutes is amended to read:

**946.14 Purchasing claims at less than full value.** Any public officer or public employee who in a private capacity directly or indirectly intentionally purchases for less than full value or discounts any claim held by another against the state or a political subdivision thereof or against any public fund is guilty of a Class **E I** felony.

**SECTION 834.** 946.15 (1) of the statutes is amended to read:

946.15 **(1)** Any employer, or any agent or employee of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to give up, waive or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 103.49 (3), 103.50 (3) or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class **E I** felony.

**SECTION 835.** 946.15 (3) of the statutes is amended to read:

946.15 **(3)** Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any person who seeks to be or is

employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 103.49 (3), 103.50 (3) or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class **E I** felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276c.

**SECTION 836.** 946.31 (1) (intro.) of the statutes is amended to read:

946.31 **(1)** (intro.) Whoever under oath or affirmation orally makes a false material statement which the person does not believe to be true, in any matter, cause, action or proceeding, before any of the following, whether legally constituted or exercising powers as if legally constituted, is guilty of a Class **D H** felony:

**SECTION 837.** 946.32 (1) (intro.) of the statutes is amended to read:

946.32 **(1)** (intro.) Whoever does either of the following is guilty of a Class **D H** felony:

**SECTION 838.** 946.41 (2m) (intro.) of the statutes is amended to read:

946.41 **(2m)** (intro.) Whoever violates sub. (1) under all of the following circumstances is guilty of a Class **D H** felony:

**SECTION 839.** 946.415 (2) (intro.) of the statutes is amended to read:

946.415 **(2)** (intro.) Whoever intentionally does all of the following is guilty of a Class **E I** felony:

**SECTION 840.** 946.42 (3) (intro.) of the statutes is amended to read:

946.42 **(3)** (intro.) A person in custody who intentionally escapes from custody under any of the following circumstances is guilty of a Class **D H** felony:

**SECTION 841.** 946.42 (4) of the statutes is repealed.

**SECTION 842.** 946.425 (1) of the statutes is amended to read:

946.425 **(1)** Any person who is subject to a series of periods of imprisonment under s. 973.03 (5) (b) and who intentionally fails to report to the county jail as required under the sentence is guilty of a Class **D H** felony.

**SECTION 843.** 946.425 (1m) (b) of the statutes is amended to read:

946.425 **(1m)** (b) Any person who receives a stay of execution of a sentence of imprisonment of 10 or more days to a county jail under s. 973.15 (8) (a) and who intentionally fails to report to the county jail as required under the sentence is guilty of a Class **D H** felony.

**SECTION 844.** 946.425 (1r) (b) of the statutes is amended to read:

946.425 **(1r)** (b) Any person who is subject to a confinement order under s. 973.09 (4) as the result of a con-

viction for a felony and who intentionally fails to report to the county jail or house of correction as required under the order is guilty of a Class ~~D~~ H felony.

**SECTION 845.** 946.425 (2) of the statutes is repealed.

**SECTION 846.** 946.43 (1m) (intro.) of the statutes is amended to read:

946.43 (1m) (intro.) Any prisoner confined to a state prison or other state, county or municipal detention facility who intentionally does any of the following is guilty of a Class ~~E~~ F felony:

**SECTION 847.** 946.43 (2m) (a) (intro.) of the statutes is amended to read:

946.43 (2m) (a) (intro.) Any prisoner confined to a state prison or other state, county or municipal detention facility who throws or expels blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility under all of the following circumstances ~~may be fined not more than \$10,000 or imprisoned for not more than 2 years or both~~ is guilty of a Class I felony:

**SECTION 848.** 946.44 (1) (intro.) of the statutes is amended to read:

946.44 (1) (intro.) Whoever does the following is guilty of a Class ~~D~~ H felony:

**SECTION 849.** 946.44 (1g) of the statutes is amended to read:

946.44 (1g) Any public officer or public employee who violates sub. (1) (a) or (b) is guilty of a Class ~~E~~ F felony.

**SECTION 850.** 946.44 (1m) of the statutes is amended to read:

946.44 (1m) Whoever intentionally introduces into an institution where prisoners are detained or transfers to a prisoner any firearm, whether loaded or unloaded, or any article used or fashioned in a manner to lead another person to believe it is a firearm, is guilty of a Class ~~E~~ F felony.

**SECTION 851.** 946.47 (1) (intro.) of the statutes is amended to read:

946.47 (1) (intro.) Whoever does either of the following is guilty of a Class ~~E~~ I felony:

**SECTION 852.** 946.48 (1) of the statutes is amended to read:

946.48 (1) Whoever sends, delivers, or causes to be transmitted to another any written or oral communication with intent to induce a false belief that the sender has knowledge of the whereabouts, physical condition, or terms imposed upon the return of a kidnapped or missing person is guilty of a Class ~~D~~ H felony.

**SECTION 853.** 946.49 (1) (b) of the statutes is amended to read:

946.49 (1) (b) If the offense with which the person is charged is a felony, guilty of a Class ~~D~~ H felony.

**SECTION 854.** 946.49 (2) of the statutes is amended to read:

946.49 (2) A witness for whom bail has been required under s. 969.01 (3) is guilty of a Class ~~E~~ I felony for failure to appear as provided.

**SECTION 855.** 946.50 (5d) of the statutes is created to read:

946.50 (5d) A Class F felony, if the person was adjudicated delinquent for committing an act that would be a Class F felony if committed by an adult.

**SECTION 856.** 946.50 (5h) of the statutes is created to read:

946.50 (5h) A Class G felony, if the person was adjudicated delinquent for committing an act that would be a Class G felony if committed by an adult.

**SECTION 857.** 946.50 (5p) of the statutes is created to read:

946.50 (5p) A Class H felony, if the person was adjudicated delinquent for committing an act that would be a Class H felony if committed by an adult.

**SECTION 858.** 946.50 (5t) of the statutes is created to read:

946.50 (5t) A Class I felony, if the person was adjudicated delinquent for committing an act that would be a Class I felony if committed by an adult.

**SECTION 859.** 946.60 (1) of the statutes is amended to read:

946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals, removes, withholds or transfers possession of a document, knowing that the document has been subpoenaed by a court or by or at the request of a district attorney or the attorney general, is guilty of a Class ~~E~~ I felony.

**SECTION 860.** 946.60 (2) of the statutes is amended to read:

946.60 (2) Whoever uses force, threat, intimidation or deception, with intent to cause or induce another person to destroy, alter, mutilate, conceal, remove, withhold or transfer possession of a subpoenaed document, knowing that the document has been subpoenaed by a court or by or at the request of a district attorney or the attorney general, is guilty of a Class ~~E~~ I felony.

**SECTION 861.** 946.61 (1) (intro.) of the statutes is amended to read:

946.61 (1) (intro.) Whoever does any of the following is guilty of a Class ~~D~~ H felony:

**SECTION 862.** 946.64 of the statutes is amended to read:

**946.64 Communicating with jurors.** Whoever, with intent to influence any person, summoned or serving as a juror, in relation to any matter which is before that person or which may be brought before that person, communicates with him or her otherwise than in the regular course of proceedings in the trial or hearing of that matter is guilty of a Class ~~E~~ I felony.

**SECTION 863.** 946.65 (1) of the statutes is amended to read:



946.65 (1) Whoever for a consideration knowingly gives false information to any officer of any court with intent to influence the officer in the performance of official functions is guilty of a Class E I felony.

**SECTION 864.** 946.68 (1r) (a) of the statutes is amended to read:

946.68 (1r) (a) Except as provided in pars. (b) and (c), whoever sends or delivers to another any document which simulates legal process is guilty of a Class E I felony.

**SECTION 865.** 946.68 (1r) (b) of the statutes is amended to read:

946.68 (1r) (b) If the document under par. (a) is sent or delivered with intent to induce payment of a claim, the person is guilty of a Class D H felony.

**SECTION 866.** 946.68 (1r) (c) of the statutes is amended to read:

946.68 (1r) (c) If the document under par. (a) simulates any criminal process, the person is guilty of a Class D H felony.

**SECTION 867.** 946.69 (2) (intro.) of the statutes is amended to read:

946.69 (2) (intro.) Whoever does any of the following is guilty of a Class E I felony:

**SECTION 868.** 946.70 (2) of the statutes is amended to read:

946.70 (2) Any person violating sub. (1) with the intent to commit or aid or abet the commission of a crime other than the crime under this section is guilty of a Class D H felony.

**SECTION 869.** 946.72 (1) of the statutes is amended to read:

946.72 (1) Whoever with intent to injure or defraud destroys, damages, removes or conceals any public record is guilty of a Class D H felony.

**SECTION 870.** 946.74 (2) of the statutes is amended to read:

946.74 (2) Whoever violates sub. (1) with intent to commit a crime against sexual morality with or upon the inmate of the institution is guilty of a Class D H felony.

**SECTION 871.** 946.76 of the statutes is amended to read:

**946.76 Search warrant; premature disclosure.** Whoever discloses prior to its execution that a search warrant has been applied for or issued, except so far as may be necessary to its execution, is guilty of a Class E I felony.

**SECTION 872.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43,

551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (e) and (d) (bf) to (e), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

**SECTION 873.** 946.84 (1) of the statutes is amended to read:

946.84 (1) Any person convicted of engaging in racketeering activity in violation of s. 946.83 is guilty of a Class E felony.

**SECTION 874.** 946.85 (1) of the statutes is amended to read:

946.85 (1) Any person who engages in a continuing criminal enterprise shall be imprisoned for not less than 10 years nor more than 30 years, and fined not more than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than the presumptive minimum sentence, it shall place its reasons for doing so on the record is guilty of a Class E felony.

**SECTION 874x.** 947.013 (1t) of the statutes is amended to read:

947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E felony if the person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2), (2e), (2m), or (3) or (3m) involving the same victim and the present violation occurs within 7 years of the prior conviction.

**SECTION 875b.** 947.013 (1t) of the statutes, as affected by 2001 Wisconsin Act ... (this act), is amended to read:

947.013 (1t) Whoever violates sub. (1r) is guilty of a Class E I felony if the person has a prior conviction under this subsection or sub. (1r), (1v), or (1x) or s. 940.32 (2), (2e), (2m), or (3) involving the same victim and the present violation occurs within 7 years of the prior conviction.

**SECTION 876.** 947.013 (1v) of the statutes is amended to read:

947.013 (1v) Whoever violates sub. (1r) is guilty of a Class D H felony if he or she intentionally gains access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation under sub. (1r).

**SECTION 877.** 947.013 (1x) (intro.) of the statutes is amended to read:

947.013 (1x) (intro.) Whoever violates sub. (1r) under all of the following circumstances is guilty of a Class ~~D~~ H felony:

**SECTION 877g.** 947.013 (1x) (a) of the statutes is amended to read:

947.013 (1x) (a) The person has a prior conviction under sub. (1r), (1t) or (1v) or this subsection or s. 940.32 (2), ~~(2e)~~, (2m), or (3) ~~or (3m)~~.

**SECTION 878.** 947.015 of the statutes is amended to read:

**947.015 Bomb scares.** Whoever intentionally conveys or causes to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives is guilty of a Class E ~~I~~ felony.

**SECTION 879.** 948.02 (2) of the statutes is amended to read:

948.02 (2) **SECOND DEGREE SEXUAL ASSAULT.** Whoever has sexual contact or sexual intercourse with a person who has not attained the age of 16 years is guilty of a Class ~~B~~ C felony.

**SECTION 880.** 948.02 (3) of the statutes is amended to read:

948.02 (3) **FAILURE TO ACT.** A person responsible for the welfare of a child who has not attained the age of 16 years is guilty of a Class E ~~F~~ felony if that person has knowledge that another person intends to have, is having or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.

**SECTION 881.** 948.02 (3m) of the statutes is repealed.

**SECTION 882.** 948.025 (1) of the statutes is renumbered 948.025 (1) (intro.) and amended to read:

948.025 (1) (intro.) Whoever commits 3 or more violations under s. 948.02 (1) or (2) within a specified period of time involving the same child is guilty of ~~a~~:

(a) A Class B felony if at least 3 of the violations were violations of s. 948.02 (1).

**SECTION 883.** 948.025 (1) (b) of the statutes is created to read:

948.025 (1) (b) A Class C felony if fewer than 3 of the violations were violations of s. 948.02 (1).

**SECTION 884.** 948.025 (2) of the statutes is renumbered 948.025 (2) (b) and amended to read:

948.025 (2) (b) If an action under sub. (1) (b) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02 (1) or (2) occurred within the time specified period applicable ~~under sub. (1) of time~~ but need

not agree on which acts constitute the requisite number and need not agree on whether a particular violation was a violation of s. 948.02 (1) or (2).

**SECTION 885.** 948.025 (2) (a) of the statutes is created to read:

948.025 (2) (a) If an action under sub. (1) (a) is tried to a jury, in order to find the defendant guilty the members of the jury must unanimously agree that at least 3 violations of s. 948.02 (1) occurred within the specified period of time but need not agree on which acts constitute the requisite number.

**SECTION 886.** 948.025 (2m) of the statutes is repealed.

**SECTION 886f.** 948.025 (3) of the statutes is amended to read:

948.025 (3) The state may not charge in the same action a defendant with a violation of this section and with a felony violation involving the same child under ch. 944 or a violation involving the same child under s. 948.02, 948.05, 948.06, 948.07, 948.075, 948.08, 948.10, 948.11, or 948.12, unless the other violation occurred outside of the time period applicable under sub. (1). This subsection does not prohibit a conviction for an included crime under s. 939.66 when the defendant is charged with a violation of this section.

**SECTION 887.** 948.03 (2) (a) of the statutes is amended to read:

948.03 (2) (a) Whoever intentionally causes great bodily harm to a child is guilty of a Class E ~~E~~ felony.

**SECTION 888.** 948.03 (2) (b) of the statutes is amended to read:

948.03 (2) (b) Whoever intentionally causes bodily harm to a child is guilty of a Class ~~D~~ H felony.

**SECTION 889.** 948.03 (2) (c) of the statutes is amended to read:

948.03 (2) (c) Whoever intentionally causes bodily harm to a child by conduct which creates a high probability of great bodily harm is guilty of a Class E ~~F~~ felony.

**SECTION 890.** 948.03 (3) (a) of the statutes is amended to read:

948.03 (3) (a) Whoever recklessly causes great bodily harm to a child is guilty of a Class ~~D~~ G felony.

**SECTION 891.** 948.03 (3) (b) of the statutes is amended to read:

948.03 (3) (b) Whoever recklessly causes bodily harm to a child is guilty of a Class E ~~I~~ felony.

**SECTION 892.** 948.03 (3) (c) of the statutes is amended to read:

948.03 (3) (c) Whoever recklessly causes bodily harm to a child by conduct which creates a high probability of great bodily harm is guilty of a Class ~~D~~ H felony.

**SECTION 893.** 948.03 (4) (a) of the statutes is amended to read:

948.03 (4) (a) A person responsible for the child's welfare is guilty of a Class E ~~F~~ felony if that person has knowledge that another person intends to cause, is caus-

ing or has intentionally or recklessly caused great bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of great bodily harm by the other person or facilitates the great bodily harm to the child that is caused by the other person.

**SECTION 894.** 948.03 (4) (b) of the statutes is amended to read:

948.03 (4) (b) A person responsible for the child's welfare is guilty of a Class ~~D~~ H felony if that person has knowledge that another person intends to cause, is causing or has intentionally or recklessly caused bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk of bodily harm by the other person or facilitates the bodily harm to the child that is caused by the other person.

**SECTION 895.** 948.03 (5) of the statutes is repealed.

**SECTION 896.** 948.04 (1) of the statutes is amended to read:

948.04 (1) Whoever is exercising temporary or permanent control of a child and causes mental harm to that child by conduct which demonstrates substantial disregard for the mental well-being of the child is guilty of a Class ~~C~~ F felony.

**SECTION 897.** 948.04 (2) of the statutes is amended to read:

948.04 (2) A person responsible for the child's welfare is guilty of a Class ~~C~~ F felony if that person has knowledge that another person has caused, is causing or will cause mental harm to that child, is physically and emotionally capable of taking action which will prevent the harm, fails to take that action and the failure to act exposes the child to an unreasonable risk of mental harm by the other person or facilitates the mental harm to the child that is caused by the other person.

**SECTION 898.** 948.05 (1) (intro.) of the statutes is amended to read:

948.05 (1) (intro.) Whoever does any of the following with knowledge of the character and content of the sexually explicit conduct involving the child is guilty of a Class ~~C~~ F felony:

**SECTION 899.** 948.05 (1m) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

948.05 (1m) Whoever produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct is guilty of a Class ~~C~~ F felony if the person knows the character and content of the sexually explicit conduct involving the child and if the person knows or reasonably should know that the child engaging

in the sexually explicit conduct has not attained the age of 18 years.

**SECTION 900.** 948.05 (2) of the statutes is amended to read:

948.05 (2) A person responsible for a child's welfare who knowingly permits, allows or encourages the child to engage in sexually explicit conduct for a purpose proscribed in sub. (1) (a) or (b) or (1m) is guilty of a Class ~~C~~ F felony.

**SECTION 901.** 948.055 (2) (a) of the statutes is amended to read:

948.055 (2) (a) A Class ~~C~~ F felony if the child has not attained the age of 13 years.

**SECTION 902.** 948.055 (2) (b) of the statutes is amended to read:

948.055 (2) (b) A Class ~~D~~ H felony if the child has attained the age of 13 years but has not attained the age of 18 years.

**SECTION 903.** 948.06 (intro.) of the statutes is amended to read:

**948.06 Incest with a child.** (intro.) Whoever does any of the following is guilty of a Class ~~B~~ C felony:

**SECTION 904.** 948.07 (intro.) of the statutes is amended to read:

**948.07 Child enticement.** (intro.) Whoever, with intent to commit any of the following acts, causes or attempts to cause any child who has not attained the age of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class ~~B~~ C felony:

**SECTION 904m.** 948.075 of the statutes is created to read:

**948.075 Use of a computer to facilitate a child sex crime.** (1) Whoever uses a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent have sexual contact or sexual intercourse with the individual in violation of s. 948.02 (1) or (2) is guilty of a Class ~~BC~~ BC felony.

(2) This section does not apply if, at the time of the communication, the actor reasonably believed that the age of the person to whom the communication was sent was no more than 24 months less than the age of the actor.

(3) Proof that the actor did an act, other than use a computerized communication system to communicate with the individual, to effect the actor's intent under sub. (1) shall be necessary to prove that intent.

**SECTION 904n.** 948.075 (1) of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

948.075 (1) Whoever uses a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent have sexual contact or sexual intercourse with the individual in violation of s. 948.02 (1) or (2) is guilty of a Class ~~BC~~ Class D felony.



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**SECTION 905.** 948.08 of the statutes is amended to read:

**948.08 Soliciting a child for prostitution.** Whoever intentionally solicits or causes any child to practice prostitution or establishes any child in a place of prostitution is guilty of a Class **B** **C** felony.

**SECTION 906.** 948.095 (2) (intro.) of the statutes is amended to read:

948.095 (2) (intro.) Whoever has sexual contact or sexual intercourse with a child who has attained the age of 16 years and who is not the defendant's spouse is guilty of a Class **D** **H** felony if all of the following apply:

**SECTION 907.** 948.11 (2) (a) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

948.11 (2) (a) (intro.) Whoever, with knowledge of the character and content of the material, sells, rents, exhibits, plays, distributes, or loans to a child any harmful material, with or without monetary consideration, is guilty of a Class **E** **I** felony if any of the following applies:

**SECTION 908.** 948.11 (2) (am) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with knowledge of the character and content of the description or narrative account, verbally communicates, by any means, a harmful description or narrative account to a child, with or without monetary consideration, is guilty of a Class **E** **I** felony if any of the following applies:

**SECTION 909.** 948.12 (1m) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic negative, photograph, motion picture, videotape, or other recording of a child engaged in sexually explicit conduct under all of the following circumstances is guilty of a Class **E** **I** felony:

**SECTION 910.** 948.12 (2m) (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

948.12 (2m) (intro.) Whoever exhibits or plays a recording of a child engaged in sexually explicit conduct, if all of the following apply, is guilty of a Class **E** **I** felony:

**SECTION 910v.** 948.13 (1) (a) of the statutes is amended to read:

948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1), 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~, 948.07 (1), (2), (3), or (4), or 948.075.

**SECTION 911.** 948.13 (2) of the statutes is amended to read:

948.13 (2) Whoever has been convicted of a serious child sex offense and subsequently engages in an occupation or participates in a volunteer position that requires him or her to work or interact primarily and directly with children under 16 years of age is guilty of a Class **E** **F** fel-

ony. This subsection does not apply to a person who is exempt under a court order issued under sub. (2m).

**SECTION 912.** 948.20 of the statutes is amended to read:

**948.20 Abandonment of a child.** Whoever, with intent to abandon the child, leaves any child in a place where the child may suffer because of neglect is guilty of a Class **D** **G** felony.

**SECTION 913.** 948.21 (1) of the statutes is amended to read:

948.21 (1) Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of a Class **A** misdemeanor or, if death is a consequence, a Class **E** **D** felony.

**SECTION 914.** 948.22 (2) of the statutes is amended to read:

948.22 (2) Any person who intentionally fails for 120 or more consecutive days to provide spousal, grandchild or child support which the person knows or reasonably should know the person is legally obligated to provide is guilty of a Class **E** **I** felony. A prosecutor may charge a person with multiple counts for a violation under this subsection if each count covers a period of at least 120 consecutive days and there is no overlap between periods.

**SECTION 915.** 948.23 of the statutes is amended to read:

**948.23 Concealing death of child.** Any person who conceals the corpse of any issue of a woman's body with intent to prevent a determination of whether it was born dead or alive is guilty of a Class **E** **I** felony.

**SECTION 916.** 948.24 (1) (intro.) of the statutes is amended to read:

948.24 (1) (intro.) Whoever does any of the following is guilty of a Class **D** **H** felony:

**SECTION 917.** 948.30 (1) (intro.) of the statutes is amended to read:

948.30 (1) (intro.) Any person who, for any unlawful purpose, does any of the following is guilty of a Class **E** **E** felony:

**SECTION 918.** 948.30 (2) (intro.) of the statutes is amended to read:

948.30 (2) (intro.) Any person who, for any unlawful purpose, does any of the following is guilty of a Class **B** **C** felony:

**SECTION 919.** 948.31 (1) (b) of the statutes is amended to read:

948.31 (1) (b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class **E** **F** felony. This paragraph is not applicable if the court has



entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

**SECTION 920.** 948.31 (2) of the statutes is amended to read:

948.31 (2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.60, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class ~~E~~ I felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

**SECTION 921.** 948.31 (3) (intro.) of the statutes is amended to read:

948.31 (3) (intro.) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class ~~E~~ F felony:

**SECTION 922.** 948.35 of the statutes is repealed.

**SECTION 923.** 948.36 of the statutes is repealed.

**SECTION 924.** 948.40 (4) (a) of the statutes is amended to read:

948.40 (4) (a) If death is a consequence, the person is guilty of a Class ~~E~~ D felony; or

**SECTION 925.** 948.40 (4) (b) of the statutes is amended to read:

948.40 (4) (b) If the child's act which is encouraged or contributed to is a violation of a state or federal criminal law which is punishable as a felony, the person is guilty of a Class ~~D~~ H felony.

**SECTION 926.** 948.51 (3) (b) of the statutes is amended to read:

948.51 (3) (b) A Class ~~E~~ H felony if the act results in great bodily harm ~~or death~~ to another.

**SECTION 927.** 948.51 (3) (c) of the statutes is created to read:

948.51 (3) (c) A Class G felony if the act results in the death of another.

**SECTION 928.** 948.60 (2) (b) of the statutes is amended to read:

948.60 (2) (b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a person under 18 years of age is guilty of a Class ~~E~~ I felony.

**SECTION 929.** 948.60 (2) (c) of the statutes is amended to read:

948.60 (2) (c) Whoever violates par. (b) is guilty of a Class ~~D~~ H felony if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

**SECTION 930.** 948.605 (2) (a) of the statutes is amended to read:

948.605 (2) (a) Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone is guilty of a Class ~~A misdemeanor~~ I felony.

**SECTION 931.** 948.605 (3) (a) of the statutes is amended to read:

948.605 (3) (a) Any individual who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place the individual knows is a school zone is guilty of a Class ~~D~~ G felony.

**SECTION 932.** 948.605 (4) of the statutes is repealed.

**SECTION 933.** 948.61 (2) (b) of the statutes is amended to read:

948.61 (2) (b) A Class ~~E~~ I felony, if the violation is the person's 2nd or subsequent violation of this section within a 5-year period, as measured from the dates the violations occurred.

**SECTION 934.** 948.62 (1) (a) of the statutes is amended to read:

948.62 (1) (a) A Class ~~E~~ A ~~felony~~ misdemeanor, if the value of the property does not exceed \$500.

**SECTION 935.** 948.62 (1) (b) of the statutes is amended to read:

948.62 (1) (b) A Class ~~D~~ I felony, if the value of the property exceeds \$500 but does not exceed \$2,500.

**SECTION 936.** 948.62 (1) (bm) of the statutes is created to read:

948.62 (1) (bm) A Class H felony, if the value of the property exceeds \$2,500 but does not exceed \$5,000.

**SECTION 937.** 948.62 (1) (c) of the statutes is amended to read:

948.62 (1) (c) A Class ~~E~~ G felony, if the value of the property exceeds ~~\$2,500~~ \$5,000.

**SECTION 938.** 949.03 (1) (b) of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.24, 940.25, 940.285, 940.29, 940.30, 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), ~~(1m)~~ ~~or~~ ~~(1r)~~, 943.32, 948.02, 948.025, 948.03, 948.04, 948.07, 948.095, 948.20, 948.30 or 948.51.

**SECTION 939.** 950.04 (1v) (g) of the statutes is amended to read:

950.04 (1v) (g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. ~~302.113 (9g) (g) 2., 302.114 (6), 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).~~

**SECTION 939m.** 950.04 (1v) (gm) of the statutes is created to read:

950.04 (1v) (gm) To have reasonable attempts made to notify the victim of petitions for sentence adjustment as provided under s. 973.195 (1r) (d).

**SECTION 940.** 950.04 (1v) (nt) of the statutes is created to read:

950.04 (1v) (nt) To attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence, as provided under s. 302.113 (9g) (d).

**SECTION 941.** 951.18 (1) of the statutes is amended to read:

951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05, 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years after a humane officer issues an abatement order under s. 173.11 prohibiting the violation of that provision is subject to a Class A forfeiture. Any person who intentionally or negligently violates any of those sections is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class E I felony. Any person who intentionally violates s. 951.02 or 951.06, knowing that the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class E I felony.

**SECTION 942.** 951.18 (2) of the statutes is amended to read:

951.18 (2) Any person who violates s. 951.08 (2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08 (1) or (2) is guilty of a Class E I felony for the first violation and is guilty of a Class D H felony for the 2nd or subsequent violation.

**SECTION 943.** 951.18 (2m) of the statutes is amended to read:

951.18 (2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class E I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class D H felony.

**SECTION 944.** 961.41 (1) (intro.) of the statutes is amended to read:

961.41 (1) MANUFACTURE, DISTRIBUTION OR DELIVERY. (intro.) Except as authorized by this chapter, it is unlawful for any person to manufacture, distribute or deliver a controlled substance or controlled substance

analog. Any person who violates this subsection with respect to is subject to the following penalties:

**SECTION 945.** 961.41 (1) (a) of the statutes is amended to read:

961.41 (1) (a) Schedule I and II narcotic drugs generally. Except as provided in par. (d), if a person violates this subsection with respect to a controlled substance included in schedule I or II which is a narcotic drug, or a controlled substance analog of a controlled substance included in schedule I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than 22 years and 6 months or both the person is guilty of a Class E felony.

**SECTION 946.** 961.41 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect to any other controlled substance included in schedule I, II, or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both the person is guilty of a Class H felony.

**SECTION 947.** 961.41 (1) (cm) (intro.) of the statutes is amended to read:

961.41 (1) (cm) Cocaine and cocaine base. (intro.) Cocaine If the person violates this subsection with respect to cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine base, is subject to the following penalties if and the amount manufactured, distributed, or delivered is:

**SECTION 948.** 961.41 (1) (cm) 1. of the statutes is renumbered 961.41 (1) (cm) 1r. and amended to read:

961.41 (1) (cm) 1r. Five grams or less More than one gram but not more than 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned for not more than 15 years is guilty of a Class F felony.

**SECTION 949.** 961.41 (1) (cm) 1g. of the statutes is created to read:

961.41 (1) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

**SECTION 950.** 961.41 (1) (cm) 2. of the statutes is amended to read:

961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 951.** 961.41 (1) (cm) 3. of the statutes is amended to read:

961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 30 years is guilty of a Class D felony.

**SECTION 952.** 961.41 (1) (cm) 4. of the statutes is amended to read:

961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 5 years nor more than 45 years is guilty of a Class C felony.

**SECTION 953.** 961.41 (1) (cm) 5. of the statutes is repealed.

**SECTION 954.** 961.41 (1) (d) (intro.) of the statutes is amended to read:

961.41 (1) (d) Heroin. (intro.) Heroin If the person violates this subsection with respect to heroin or a controlled substance analog of heroin is subject to the following penalties if and the amount manufactured, distributed or delivered is:

**SECTION 955.** 961.41 (1) (d) 1. of the statutes is amended to read:

961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 22 years and 6 months is guilty of a Class F felony.

**SECTION 956.** 961.41 (1) (d) 2. of the statutes is amended to read:

961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 957.** 961.41 (1) (d) 3. of the statutes is amended to read:

961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 958.** 961.41 (1) (d) 4. of the statutes is amended to read:

961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 959.** 961.41 (1) (d) 5. of the statutes is repealed.

**SECTION 960.** 961.41 (1) (d) 6. of the statutes is repealed.

**SECTION 961.** 961.41 (1) (e) (intro.) of the statutes is amended to read:

961.41 (1) (e) Phencyclidine, amphetamine, methamphetamine, and methcathinone. (intro.) Phencyclidine If the person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, or methcathinone, is subject to the following penalties if and the amount manufactured, distributed, or delivered is:

**SECTION 962.** 961.41 (1) (e) 1. of the statutes is amended to read:

961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 963.** 961.41 (1) (e) 2. of the statutes is amended to read:

961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 964.** 961.41 (1) (e) 3. of the statutes is amended to read:

961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 965.** 961.41 (1) (e) 4. of the statutes is amended to read:

961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 966.** 961.41 (1) (e) 5. of the statutes is repealed.

**SECTION 967.** 961.41 (1) (e) 6. of the statutes is repealed.

**SECTION 968.** 961.41 (1) (em) of the statutes is repealed.

**SECTION 969.** 961.41 (1) (f) (intro.) of the statutes is amended to read:

961.41 (1) (f) Lysergic acid diethylamide. (intro.) Lysergic If the person violates this subsection with respect to lysergic acid diethylamide or a controlled substance analog of lysergic acid diethylamide is subject to the following penalties if and the amount manufactured, distributed, or delivered is:

**SECTION 970.** 961.41 (1) (f) 1. of the statutes is amended to read:

961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class G felony.

**SECTION 971.** 961.41 (1) (f) 2. of the statutes is amended to read:

961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 972.** 961.41 (1) (f) 3. of the statutes is amended to read:

961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 973.** 961.41 (1) (g) (intro.) of the statutes is amended to read:

961.41 (1) (g) *Psilocin and psilocybin.* (intro.) Psilocin If the person violates this subsection with respect to psilocin or psilocybin, or a controlled substance analog of psilocin or psilocybin, is subject to the following penalties if and the amount manufactured, distributed or delivered is:

**SECTION 974.** 961.41 (1) (g) 1. of the statutes is amended to read:

961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class G felony.

**SECTION 975.** 961.41 (1) (g) 2. of the statutes is amended to read:

961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 976.** 961.41 (1) (g) 3. of the statutes is amended to read:

961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 977.** 961.41 (1) (h) (intro.) of the statutes is amended to read:

961.41 (1) (h) *Tetrahydrocannabinols.* (intro.) Tetrahydrocannabinols If the person violates this subsection with respect to tetrahydrocannabinols, included under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is subject to the following penalties if and the amount manufactured, distributed or delivered is:

**SECTION 978.** 961.41 (1) (h) 1. of the statutes is amended to read:

961.41 (1) (h) 1. ~~Five~~ Two hundred grams or less, or ~~10~~ 4 or fewer plants containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than \$25,000 and may be imprisoned for not more than 4 years and 6 months is guilty of a Class I felony.

**SECTION 979.** 961.41 (1) (h) 2. of the statutes is amended to read:

961.41 (1) (h) 2. More than ~~500~~ 200 grams but not more than 2,500 ~~1,000~~ grams, or more than ~~10~~ 4 plants containing tetrahydrocannabinols but not more than ~~50~~ 20 plants containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor

~~more than 7 years and 6 months~~ is guilty of a Class H felony.

**SECTION 980.** 961.41 (1) (h) 3. of the statutes is amended to read:

961.41 (1) (h) 3. More than ~~2,500~~ 1,000 grams ~~but not more than 2,500 grams,~~ or more than ~~50~~ 20 plants containing tetrahydrocannabinols ~~but not more than 50 plants containing tetrahydrocannabinols,~~ the person shall be fined not less than \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year nor more than 15 years is guilty of a Class G felony.

**SECTION 981.** 961.41 (1) (h) 4. of the statutes is created to read:

961.41 (1) (h) 4. More than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing tetrahydrocannabinols but not more than 200 plants containing tetrahydrocannabinols, the person is guilty of a Class F felony.

**SECTION 982.** 961.41 (1) (h) 5. of the statutes is created to read:

961.41 (1) (h) 5. More than 10,000 grams, or more than 200 plants containing tetrahydrocannabinols, the person is guilty of a Class E felony.

**SECTION 983.** 961.41 (1) (hm) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (hm) *Certain other schedule I controlled substances and ketamine.* (intro.) Gamma-hydroxybutyric If the person violates this subsection with respect to gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is subject to the following penalties if and the amount manufactured, distributed, or delivered is:

**SECTION 984.** 961.41 (1) (hm) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (hm) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 985.** 961.41 (1) (hm) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (hm) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 986.** 961.41 (1) (hm) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:



961.41 (1) (hm) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 987.** 961.41 (1) (hm) 4. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (hm) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 988.** 961.41 (1) (hm) 5. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 989.** 961.41 (1) (hm) 6. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 990.** 961.41 (1) (i) of the statutes is amended to read:

961.41 (1) (i) Schedule IV drugs generally. Except as provided in par. (im), if a person violates this subsection with respect to a substance included in schedule IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months or both the person is guilty of a Class H felony.

**SECTION 991.** 961.41 (1) (im) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (im) Flunitrazepam. (intro.) Flunitrazepam is subject to the following penalties if a person violates this subsection with respect to flunitrazepam and the amount manufactured, distributed, or delivered is:

**SECTION 992.** 961.41 (1) (im) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 993.** 961.41 (1) (im) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (im) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 994.** 961.41 (1) (im) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (im) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 995.** 961.41 (1) (im) 4. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1) (im) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned

for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 996.** 961.41 (1) (im) 5. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 997.** 961.41 (1) (im) 6. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 998.** 961.41 (1) (j) of the statutes is amended to read:

961.41 (1) (j) Schedule V drugs. ~~A~~ If a person violates this subsection with respect to a substance included in schedule V, may be fined not more than \$5,000 or imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

**SECTION 999.** 961.41 (1m) (intro.) of the statutes is amended to read:

961.41 (1m) POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE OR DELIVER. (intro.) Except as authorized by this chapter, it is unlawful for any person to possess, with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog. Intent under this subsection may be demonstrated by, without limitation because of enumeration, evidence of the quantity and monetary value of the substances possessed, the possession of manufacturing implements or paraphernalia, and the activities or statements of the person in possession of the controlled substance or a controlled substance analog prior to and after the alleged violation. Any person who violates this subsection with respect to is subject to the following penalties:

**SECTION 1000.** 961.41 (1m) (a) of the statutes is amended to read:

961.41 (1m) (a) Schedule I and II narcotic drugs generally. Except as provided in par. (d), if a person violates this subsection with respect to a controlled substance included in schedule I or II which is a narcotic drug or a controlled substance analog of a controlled substance included in schedule I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than 22 years and 6 months or both the person is guilty of a Class E felony.

**SECTION 1001.** 961.41 (1m) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (b) Schedule I, II, and III nonnarcotic drugs generally. Except as provided in pars. (cm) and (e) to (hm), if a person violates this subsection with respect to any other controlled substance included in schedule I, II, or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both the person is guilty of a Class H felony.

**SECTION 1002.** 961.41 (1m) (cm) (intro.) of the statutes is amended to read:

961.41 (1m) (cm) Cocaine and cocaine base. (intro.) Cocaine If a person violates this subsection with respect to cocaine or cocaine base, or a controlled substance ana-

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log of cocaine or cocaine base, is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute or deliver, is:

**SECTION 1003.** 961.41 (1m) (cm) 1. of the statutes is renumbered 961.41 (1m) (cm) 1r. and amended to read:

961.41 (1m) (cm) 1r. Five grams or less More than one gram but not more than 5 grams, the person shall be fined not more than \$500,000 and may be imprisoned for not more than 15 years is guilty of a Class F felony.

**SECTION 1004.** 961.41 (1m) (cm) 1g. of the statutes is created to read:

961.41 (1m) (cm) 1g. One gram or less, the person is guilty of a Class G felony.

**SECTION 1005.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

961.41 (1m) (cm) 2. More than 5 grams but not more than 15 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 1006.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

961.41 (1m) (cm) 3. More than 15 grams but not more than 40 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 30 years is guilty of a Class D felony.

**SECTION 1007.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

961.41 (1m) (cm) 4. More than 40 grams but not more than 100 grams, the person shall be fined not more than \$500,000 and shall be imprisoned for not less than 5 years nor more than 45 years is guilty of a Class C felony.

**SECTION 1008.** 961.41 (1m) (cm) 5. of the statutes is repealed.

**SECTION 1009.** 961.41 (1m) (d) (intro.) of the statutes is amended to read:

961.41 (1m) (d) Heroin. (intro.) Heroin If a person violates this subsection with respect to heroin or a controlled substance analog of heroin is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute or deliver, is:

**SECTION 1010.** 961.41 (1m) (d) 1. of the statutes is amended to read:

961.41 (1m) (d) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 22 years and 6 months is guilty of a Class F felony.

**SECTION 1011.** 961.41 (1m) (d) 2. of the statutes is amended to read:

961.41 (1m) (d) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 1012.** 961.41 (1m) (d) 3. of the statutes is amended to read:

961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 1013.** 961.41 (1m) (d) 4. of the statutes is amended to read:

961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 1014.** 961.41 (1m) (d) 5. of the statutes is repealed.

**SECTION 1015.** 961.41 (1m) (d) 6. of the statutes is repealed.

**SECTION 1016.** 961.41 (1m) (e) (intro.) of the statutes is amended to read:

961.41 (1m) (e) Phencyclidine, amphetamine, methamphetamine, and methcathinone. (intro.) Phencyclidine If a person violates this subsection with respect to phencyclidine, amphetamine, methamphetamine, or methcathinone, or a controlled substance analog of phencyclidine, amphetamine, methamphetamine, or methcathinone, is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute, or deliver, is:

**SECTION 1017.** 961.41 (1m) (e) 1. of the statutes is amended to read:

961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 1018.** 961.41 (1m) (e) 2. of the statutes is amended to read:

961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 1019.** 961.41 (1m) (e) 3. of the statutes is amended to read:

961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 1020.** 961.41 (1m) (e) 4. of the statutes is amended to read:

961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 1021.** 961.41 (1m) (e) 5. of the statutes is repealed.

**SECTION 1022.** 961.41 (1m) (e) 6. of the statutes is repealed.

**SECTION 1023.** 961.41 (1m) (em) of the statutes is repealed.

**SECTION 1024.** 961.41 (1m) (f) (intro.) of the statutes is amended to read:

961.41 (1m) (f) Lysergic acid diethylamide. (intro.) Lysergie If a person violates this subsection with respect to lysergic acid diethylamide or a controlled substance analog of lysergic acid diethylamide is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute or deliver, is:

**SECTION 1025.** 961.41 (1m) (f) 1. of the statutes is amended to read:

961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class G felony.

**SECTION 1026.** 961.41 (1m) (f) 2. of the statutes is amended to read:

961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 1027.** 961.41 (1m) (f) 3. of the statutes is amended to read:

961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 1028.** 961.41 (1m) (g) (intro.) of the statutes is amended to read:

961.41 (1m) (g) Psilocin and psilocybin. (intro.) Psilocin If a person violates this subsection with respect to psilocin or psilocybin, or a controlled substance analog of psilocin or psilocybin, is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute or deliver, is:

**SECTION 1029.** 961.41 (1m) (g) 1. of the statutes is amended to read:

961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class G felony.

**SECTION 1030.** 961.41 (1m) (g) 2. of the statutes is amended to read:

961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the person shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 1031.** 961.41 (1m) (g) 3. of the statutes is amended to read:

961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class E felony.

**SECTION 1032.** 961.41 (1m) (h) (intro.) of the statutes is amended to read:

961.41 (1m) (h) Tetrahydrocannabinols. (intro.) Tetrahydrocannabinols If a person violates this subsection with respect to tetrahydrocannabinols, included under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, is subject to the following penalties if and the amount possessed, with intent to manufacture, distribute, or deliver, is:

**SECTION 1033.** 961.41 (1m) (h) 1. of the statutes is amended to read:

961.41 (1m) (h) 1. Five Two hundred grams or less, or 10 4 or fewer plants containing tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than \$25,000 and may be imprisoned for not more than 4 years and 6 months is guilty of a Class I felony.

**SECTION 1034.** 961.41 (1m) (h) 2. of the statutes is amended to read:

961.41 (1m) (h) 2. More than 500 200 grams but not more than 2,500 1,000 grams, or more than 10 4 plants containing tetrahydrocannabinols but not more than 50 20 plants containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than \$50,000 and shall be imprisoned for not less than 3 months nor more than 7 years and 6 months is guilty of a Class H felony.

**SECTION 1035.** 961.41 (1m) (h) 3. of the statutes is amended to read:

961.41 (1m) (h) 3. More than 2,500 1,000 grams but not more than 2,500 grams, or more than 50 20 plants containing tetrahydrocannabinols but not more than 50 plants containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than \$100,000 and shall be imprisoned for not less than one year nor more than 15 years is guilty of a Class G felony.

**SECTION 1036.** 961.41 (1m) (h) 4. of the statutes is created to read:

961.41 (1m) (h) 4. More than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing tetrahydrocannabinols but not more than 200 plants containing tetrahydrocannabinols, the person is guilty of a Class F felony.

**SECTION 1037.** 961.41 (1m) (h) 5. of the statutes is created to read:

961.41 (1m) (h) 5. More than 10,000 grams, or more than 200 plants containing tetrahydrocannabinols, the person is guilty of a Class E felony.



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**SECTION 1038.** 961.41 (1m) (hm) (intro.) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (hm) Certain other schedule I controlled substances and ketamine. (intro.) Gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is subject to the following penalties if the amount possessed, with intent to manufacture, distribute, or deliver is:

**SECTION 1039.** 961.41 (1m) (hm) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (hm) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 1040.** 961.41 (1m) (hm) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (hm) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 1041.** 961.41 (1m) (hm) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (hm) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 1042.** 961.41 (1m) (hm) 4. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (hm) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 1043.** 961.41 (1m) (hm) 5. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 1044.** 961.41 (1m) (hm) 6. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 1045.** 961.41 (1m) (i) of the statutes is amended to read:

961.41 (1m) (i) Schedule IV drugs generally. Except as provided in par. (im), if a person violates this subsection with respect to a substance included in schedule IV, may be fined not more than \$10,000 or imprisoned for not more than 4 years and 6 months or both the person is guilty of a Class H felony.

**SECTION 1046.** 961.41 (1m) (im) (intro.) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (im) Flunitrazepam. (intro.) Flunitrazepam is subject to the following penalties if if a person violates this subsection with respect to flunitrazepam and the amount possessed, with intent to manufacture, distribute, or deliver, is:

**SECTION 1047.** 961.41 (1m) (im) 1. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 7 years and 6 months is guilty of a Class F felony.

**SECTION 1048.** 961.41 (1m) (im) 2. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (im) 2. More than 3 grams but not more than 10 grams, the person shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months is guilty of a Class E felony.

**SECTION 1049.** 961.41 (1m) (im) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (im) 3. More than 10 grams but not more than 50 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months is guilty of a Class D felony.

**SECTION 1050.** 961.41 (1m) (im) 4. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

961.41 (1m) (im) 4. More than 50 grams but not more than 200 grams, the person shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months is guilty of a Class C felony.

**SECTION 1051.** 961.41 (1m) (im) 5. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 1052.** 961.41 (1m) (im) 6. of the statutes, as created by 2001 Wisconsin Act 16, is repealed.

**SECTION 1053.** 961.41 (1m) (j) of the statutes is amended to read:

961.41 (1m) (j) Schedule V drugs. A. If a person violates this subsection with respect to a substance included in schedule V, may be fined not more than \$5,000 or imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

**SECTION 1054.** 961.41 (1n) (c) of the statutes is amended to read:

961.41 (1n) (c) A person who violates par. (a) or (b) may be fined not more than \$250,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

**SECTION 1055.** 961.41 (1q) of the statutes is amended to read:



961.41 (1q) PENALTY RELATING TO TETRAHYDROCANNABINOLS IN CERTAIN CASES. Under s. 961.49 (2), 1999 stats., and subs. (1) (h) and (1m) (h) and s. 961.49 (2), if different penalty provisions apply to a person depending on whether the weight of tetrahydrocannabinols or the number of plants containing tetrahydrocannabinols is considered, the greater penalty provision applies.

**SECTION 1056.** 961.41 (1r) of the statutes is amended to read:

961.41 (1r) DETERMINING WEIGHT OF SUBSTANCE. In determining amounts under s. 961.49 (2) (b), 1999 stats., and subs. (1) and (1m) and s. 961.49 (2) (b), an amount includes the weight of cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, methcathinone or tetrahydrocannabinols or any controlled substance analog of any of these substances together with any compound, mixture, diluent, plant material or other substance mixed or combined with the controlled substance or controlled substance analog. In addition, in determining amounts under subs. (1) (h) and (1m) (h), the amount of tetrahydrocannabinols means anything included under s. 961.14 (4) (t) and includes the weight of any marijuana.

**SECTION 1057.** 961.41 (2) (intro.) of the statutes is amended to read:

961.41 (2) COUNTERFEIT SUBSTANCES. (intro.) Except as authorized by this chapter, it is unlawful for any person to create, manufacture, distribute, deliver or possess with intent to distribute or deliver, a counterfeit substance. Any person who violates this subsection with respect to is subject to the following penalties:

**SECTION 1058.** 961.41 (2) (a) of the statutes is amended to read:

961.41 (2) (a) Counterfeit schedule I and II narcotic drugs. ~~A~~ If a person violates this subsection with respect to a counterfeit substance included in schedule I or II which is a narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than 22 years and 6 months or both the person is guilty of a Class E felony.

**SECTION 1059.** 961.41 (2) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

961.41 (2) (b) Counterfeit schedule I, II, III, and IV drugs. Except as provided in pars. (a) and (bm); and (cm), if a person violates this subsection with respect to any other counterfeit substance included in schedule I, II or, III, may be fined not more than \$15,000 or imprisoned for not more than 7 years and 6 months or both or IV, the person is guilty of a Class H felony.

**SECTION 1060.** 961.41 (2) (c) of the statutes is repealed.

**SECTION 1061.** 961.41 (2) (cm) (title) of the statutes is created to read:

961.41 (2) (cm) (title) Counterfeit flunitrazepam.

**SECTION 1062.** 961.41 (2) (d) of the statutes is amended to read:

961.41 (2) (d) Counterfeit schedule V drugs. ~~A~~ If a person violates this subsection with respect to a counterfeit substance included in schedule V, may be fined not more than \$5,000 or imprisoned for not more than 2 years or both the person is guilty of a Class I felony.

**SECTION 1063.** 961.41 (3g) (a) 1. of the statutes is renumbered 961.41 (3g) (am) and amended to read:

961.41 (3g) (am) Schedule I and II narcotic drugs. Except as provided in subd. 2., if the ~~If~~ a person possesses a controlled substance included in schedule I or II which is a narcotic drug, or possesses a controlled substance analog of a controlled substance included in schedule I or II which is a narcotic drug, the person may, upon a first conviction, be fined not more than \$5,000 or imprisoned for not more than 2 years or both, and, for a 2nd or subsequent offense, the person may be fined not more than \$10,000 or imprisoned for not more than 3 years or both is guilty of a Class I felony.

**SECTION 1064.** 961.41 (3g) (a) 2. of the statutes is repealed.

**SECTION 1065.** 961.41 (3g) (a) 3. of the statutes is repealed.

**SECTION 1066.** 961.41 (3g) (b) of the statutes is amended to read:

961.41 (3g) (b) Other drugs generally. Except as provided in pars. (c), (d), ~~(dm)~~, (e) and (f), if the person possesses or attempts to possess a controlled substance or controlled substance analog, other than a controlled substance included in schedule I or II that is a narcotic drug or a controlled substance analog of a controlled substance included in schedule I or II that is a narcotic drug, the person is guilty of a misdemeanor, punishable under s. 939.61.

**SECTION 1067.** 961.41 (3g) (c) of the statutes is amended to read:

961.41 (3g) (c) Cocaine and cocaine base. If a person possess or attempts to possess cocaine or cocaine base, or a controlled substance analog of cocaine or cocaine base, the person shall be fined not more than \$5,000 and may be imprisoned for not more than one year in the county jail upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

**SECTION 1068.** 961.41 (3g) (d) of the statutes is amended to read:

961.41 (3g) (d) Certain hallucinogenic and stimulant drugs. If a person possesses or attempts to possess lysergic acid diethylamide, phencyclidine, amphetamine, methamphetamine, methcathinone, psilocin or psilocy-

bin, or a controlled substance analog of lysergic acid diethylamide, phencyclidine, amphetamine, methamphetamine, methcathinone, psilocin or psilocybin, the person may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

**SECTION 1069.** 961.41 (3g) (dm) of the statutes is repealed.

**SECTION 1070.** 961.41 (3g) (e) of the statutes is amended to read:

961.41 (3g) (e) *Tetrahydrocannabinols.* If a person possesses or attempts to possess tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled substance analog of tetrahydrocannabinols, the person may be fined not more than \$1,000 or imprisoned for not more than 6 months or both upon a first conviction and is guilty of a Class I felony for a 2nd or subsequent offense. For purposes of this paragraph, an offense is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor under this chapter or under any statute of the United States or of any state relating to controlled substances, controlled substance analogs, narcotic drugs, marijuana, or depressant, stimulant, or hallucinogenic drugs.

**SECTION 1071.** 961.41 (3g) (f) of the statutes is amended to read:

961.41 (3g) (f) *Gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine, or flunitrazepam.* If a person possesses or attempts to possess gamma-hydroxybutyric acid, gamma-butyrolactone, ketamine or flunitrazepam, the person may be fined not more than \$5,000 or imprisoned for not more than 2 years or both is guilty of a Class H felony.

**SECTION 1072.** 961.41 (4) (am) 3. of the statutes is amended to read:

961.41 (4) (am) 3. A person convicted of violating who violates this paragraph may be fined not more than \$5,000 or imprisoned for not more than 2 years or both is guilty of a Class I felony.

**SECTION 1073.** 961.42 (2) of the statutes is amended to read:

961.42 (2) Any person who violates this section may be fined not more than \$25,000 or imprisoned not more than 2 years or both is guilty of a Class I felony.

**SECTION 1074.** 961.43 (2) of the statutes is amended to read:

961.43 (2) Any person who violates this section may be fined not more than \$30,000 or imprisoned not more than 6 years or both is guilty of a Class H felony.

**SECTION 1075.** 961.437 (4) (a) of the statutes is amended to read:

961.437 (4) (a) For a first offense, the person shall be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony.

**SECTION 1076.** 961.437 (4) (b) of the statutes is amended to read:

961.437 (4) (b) For a 2nd or subsequent offense, the person shall be fined not less than \$5,000 nor more than \$150,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

**SECTION 1077.** 961.438 of the statutes is repealed.

**SECTION 1078.** 961.455 (1) of the statutes is amended to read:

961.455 (1) Any person who has attained the age of 17 years who knowingly solicits, hires, directs, employs or uses a person who is under the age of 17 years of age or under for the purpose of violating s. 961.41 (1) may be fined not more than \$50,000 or imprisoned for not more than 15 years or both is guilty of a Class F felony.

**SECTION 1079.** 961.455 (3) of the statutes is amended to read:

961.455 (3) Solicitation under sub. (1) occurs in the manner described under s. 939.30, but the penalties under sub. (1) apply instead of the penalties under s. 939.30 or 948.35.

**SECTION 1080.** 961.46 (1) of the statutes is renumbered 961.46 and amended to read:

**961.46 Distribution to persons under age 18.** Except as provided in sub. (3), any if a person 17 years of age or over who violates s. 961.41 (1) by distributing or delivering a controlled substance included in schedule I or II which is a narcotic drug or a controlled substance analog of a controlled substance included in schedule I or II which is a narcotic drug to a person 17 years of age or under who is at least 3 years his or her junior is punishable by the fine authorized by s. 961.41 (1) (a) or a term of imprisonment of up to twice that authorized by s. 961.41 (1) (a), or both, the applicable maximum term of imprisonment prescribed under s. 961.41 (1) for the offense may be increased by not more than 5 years.

**SECTION 1081.** 961.46 (2) of the statutes is repealed.

**SECTION 1082.** 961.46 (3) of the statutes is repealed.

**SECTION 1083.** 961.465 of the statutes is repealed.

**SECTION 1084.** 961.472 (2) of the statutes is amended to read:

961.472 (2) Except as provided in sub. (5), if a person pleads guilty or is found guilty of possession or attempted possession of a controlled substance or controlled substance analog under s. 961.41 (3g) (a) 2. (am), (c), or (d) or (dm), the court shall order the person to comply with an assessment of the person's use of controlled sub-

stances. The court's order shall designate a facility that is operated by or pursuant to a contract with the county department established under s. 51.42 and that is certified by the department of health and family services to provide assessment services to perform the assessment and, if appropriate, to develop a proposed treatment plan. The court shall notify the person that noncompliance with the order limits the court's ability to determine whether the treatment option under s. 961.475 is appropriate. The court shall also notify the person of the fee provisions under s. 46.03 (18) (fm).

**SECTION 1085.** 961.48 (1) of the statutes is renumbered 961.48 (1) (intro.) and amended to read:

961.48 (1) (intro.) ~~Except as provided in subs. (2) and (4), any~~ If a person who is charged under sub. (2m) with a felony offense under this chapter that is a 2nd or subsequent offense as provided under this chapter sub. (3) and the person is convicted of that 2nd or subsequent offense may be fined an amount up to twice that otherwise authorized or imprisoned for a term up to twice the term otherwise authorized or both, the maximum term of imprisonment for the offense may be increased as follows:

**SECTION 1086.** 961.48 (1) (a) and (b) of the statutes are created to read:

961.48 (1) (a) By not more than 6 years, if the offense is a Class C or D felony.

(b) By not more than 4 years, if the offense is a Class E, F, G, H, or I felony.

**SECTION 1087.** 961.48 (2) of the statutes is repealed.

**SECTION 1088.** 961.48 (2m) (a) of the statutes is amended to read:

961.48 (2m) (a) Whenever a person charged with ~~an~~ a felony offense under this chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is not subject to an enhanced penalty under sub. (1) ~~or (2)~~ unless any applicable prior convictions are alleged in the complaint, indictment or information or in an amended complaint, indictment or information that is filed under par. (b) 1. A person is not subject to an enhanced penalty under sub. (1) ~~or (2)~~ for an offense if an allegation of applicable prior convictions is withdrawn by an amended complaint filed under par. (b) 2.

**SECTION 1089.** 961.48 (3) of the statutes is amended to read:

961.48 (3) For purposes of this section, ~~an~~ a felony offense under this chapter is considered a 2nd or subsequent offense if, prior to the offender's conviction of the offense, the offender has at any time been convicted of any felony or misdemeanor offense under this chapter or under any statute of the United States or of any state relating to controlled substances or controlled substance analogs, narcotic drugs, marijuana or depressant, stimulant or hallucinogenic drugs.

**SECTION 1090.** 961.48 (4) of the statutes is repealed.

**SECTION 1091.** 961.49 (1) of the statutes is renumbered 961.49, and 961.49 (intro.), as renumbered, is amended to read:

**961.49 Distribution of or possession with intent to deliver a controlled substance on or near certain places.** (intro.) If any person violates s. 961.41 (1) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by delivering or distributing, or violates s. 961.41 (1m) (cm), (d), (e), ~~(em)~~, (f), (g) or (h) by possessing with intent to deliver or distribute, cocaine, cocaine base, heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine, methcathinone or any form of tetrahydrocannabinols or a controlled substance analog of any of these substances and the delivery, distribution or possession takes place under any of the following circumstances, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years:

**SECTION 1092.** 961.49 (2) of the statutes is repealed.

**SECTION 1093.** 961.49 (3) of the statutes is repealed.

**SECTION 1094.** 961.492 of the statutes is repealed.

**SECTION 1095.** 961.55 (1) (d) 3. of the statutes is amended to read:

961.55 (1) (d) 3. A vehicle is not subject to forfeiture for a violation of s. 961.41 (3g) (b), (c), (d), ~~(dm)~~, (e) or (f); and

**SECTION 1096.** 961.573 (3) of the statutes is amended to read:

961.573 (3) No person may use, or possess with the primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class H felony.

**SECTION 1097.** 961.574 (3) of the statutes is amended to read:

961.574 (3) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this subsection ~~may be fined not more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class H felony.

**SECTION 1098.** 961.575 (3) of the statutes is amended to read:

961.575 (3) Any person 17 years of age or over who violates s. 961.574 (3) by delivering drug paraphernalia to a person 17 years of age or under ~~may be fined not more~~

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than \$50,000 or imprisoned for not more than 10 years or both is guilty of a Class G felony.

**SECTION 1099.** 967.04 (9) of the statutes is amended to read:

967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken under subs. (7) and (8) without an additional hearing under s. 908.08. In any proceeding under s. ~~302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2)~~, the hearing examiner may order and preside at the taking of a videotaped deposition using the procedure provided in subs. (7) and (8) and may admit the videotaped deposition into evidence without an additional hearing under s. 908.08.

**SECTION 1100.** 968.255 (1) (a) 2. of the statutes is amended to read:

968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30, 940.19, 941.20 (1), 941.23, 941.237, 941.24, 948.60, ~~948.605 (2) (a) or 948.61.~~

**SECTION 1101.** 968.31 (1) (intro.) of the statutes is amended to read:

968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or 968.28 to 968.30, whoever commits any of the acts enumerated in this section ~~may be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both is guilty of a Class H felony:~~

**SECTION 1102.** 968.34 (3) of the statutes is amended to read:

968.34 (3) Whoever knowingly violates sub. (1) ~~shall~~ may be fined not more than \$10,000 or imprisoned for not more than ~~2 years 9 months~~ or both.

**SECTION 1103.** 968.43 (3) of the statutes is amended to read:

968.43 (3) Any person who violates an oath or affirmation required by sub. (2) ~~may be imprisoned for not more than 7 years and 6 months is guilty of a Class H felony.~~

**SECTION 1104.** 969.08 (10) (a) of the statutes is amended to read:

969.08 (10) (a) “Commission of a serious crime” includes a solicitation, conspiracy or attempt, under ~~s. 948.35, 1999 stats., or s. 939.30, 939.31, or 939.32 or 948.35,~~ to commit a serious crime.

**SECTION 1105.** 969.08 (10) (b) of the statutes is amended to read:

969.08 (10) (b) “Serious crime” means any crime specified in s. ~~943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g),~~

~~(1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.~~

**SECTION 1106.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and amended to read:

971.17 (1) (a) Felonies committed before the effective date of this paragraph .... [revisor inserts date]. ~~When~~ Except as provided in par. (c), when a defendant is found not guilty by reason of mental disease or mental defect of a felony committed before the effective date of this paragraph .... [revisor inserts date], the court shall commit the person to the department of health and family services for a specified period not exceeding two-thirds of the maximum term of imprisonment that could be imposed ~~under s. 973.15 (2) (a)~~ against an offender convicted of the same ~~crime or crimes~~ felony, including imprisonment authorized by ~~ss. 346.65 (2) (f), (2j) (d) or (3m), 939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b) and 961.48~~ and any applicable penalty enhancement statutes, ~~as applicable,~~ subject to the credit provisions of s. 973.155.

(c) Felonies punishable by life imprisonment. ~~If the maximum term of imprisonment is a defendant is found not guilty by reason of mental disease or mental defect of a felony that is punishable by life imprisonment,~~ the commitment period specified by the court may be life, subject to termination under sub. (5).

**SECTION 1107.** 971.17 (1) (b) of the statutes is created to read:

971.17 (1) (b) Felonies committed on or after the effective date of this paragraph .... [revisor inserts date]. Except as provided in par. (c), when a defendant is found not guilty by reason of mental disease or mental defect of a felony committed on or after the effective date of this paragraph .... [revisor inserts date], the court shall commit the person to the department of health and family services for a specified period not exceeding the maximum term of confinement in prison that could be imposed on an offender convicted of the same felony, plus imprisonment authorized by any applicable penalty enhancement statutes, subject to the credit provisions of s. 973.155.

**SECTION 1108.** 971.17 (1) (d) of the statutes is created to read:

971.17 (1) (d) Misdemeanors. When a defendant is found not guilty by reason of mental disease or mental defect of a misdemeanor, the court shall commit the person to the department of health and family services for a specified period not exceeding two-thirds of the maximum term of imprisonment that could be imposed against an offender convicted of the same misdemeanor, including imprisonment authorized by any applicable penalty enhancement statutes, subject to the credit provisions of s. 973.155.

**SECTION 1108d.** 971.17 (1m) (b) 2m. of the statutes is amended to read:



971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for a violation, or for the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's parent, the court shall require the defendant to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the defendant, that the defendant is not required to comply under s. 301.45 (1m).

**SECTION 1109.** 971.365 (1) (a) of the statutes is amended to read:

971.365 (1) (a) In any case under s. 961.41 (1) (em), 1999 stats., or s. 961.41 (1) (cm), (d), (e), (em), (f), (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

**SECTION 1110.** 971.365 (1) (b) of the statutes is amended to read:

971.365 (1) (b) In any case under s. 961.41 (1m) (em), 1999 stats., or s. 961.41 (1m) (cm), (d), (e), (em), (f), (g) or (h) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

**SECTION 1111.** 971.365 (1) (c) of the statutes is amended to read:

971.365 (1) (c) In any case under s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats., or s. 961.41 (3g) (a) 2. (am), (c), (d), (dm) or (e) involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

**SECTION 1112.** 971.365 (2) of the statutes is amended to read:

971.365 (2) An acquittal or conviction under sub. (1) does not bar a subsequent prosecution for any acts in violation of s. 961.41 (1) (em), 1999 stats., s. 961.41 (1m) (em), 1999 stats., s. 961.41 (3g) (a) 2., 1999 stats., or s. 961.41 (3g) (dm), 1999 stats., or s. 961.41 (1) (cm), (d), (e), (em), (f), (g), or (h), (1m) (cm), (d), (e), (em), (f), (g), or (h) or (3g) (a) 2. (am), (c), (d), (dm) or (e) on which no evidence was received at the trial on the original charge.

**SECTION 1113.** 972.15 (2c) of the statutes is amended to read:

972.15 (2c) If the defendant is subject to being sentenced under s. 973.01 and he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing the presentence investigation report shall include in the report a recommendation as to whether the defendant should be eligible for the challenge incarceration program under s. 302.045.

**SECTION 1114.** 973.01 (1) of the statutes is amended to read:

973.01 (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3), whenever a court sentences a person to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999, or a misdemeanor committed on or after the effective date of this subsection .... [revisor inserts date], the court shall impose a bifurcated sentence ~~that consists of a term of confinement in prison followed by a term of extended supervision under s. 302.113~~ this section.

**SECTION 1115.** 973.01 (2) (intro.) of the statutes is amended to read:

973.01 (2) STRUCTURE OF BIFURCATED SENTENCES. (intro.) ~~The court shall ensure that a~~ A bifurcated sentence is a sentence that consists of a term of confinement in prison followed by a term of extended supervision under s. 302.113. The total length of a bifurcated sentence equals the length of the term of confinement in prison plus the length of the term of extended supervision. An order imposing a bifurcated sentence imposed under sub. (1) complies this section shall comply with all of the following:

**SECTION 1116.** 973.01 (2) (a) of the statutes is amended to read:

973.01 (2) (a) *Total length of bifurcated sentence.* Except as provided in par. (c), the total length of the bifurcated sentence may not exceed the maximum period of imprisonment ~~for the specified in s. 939.50 (3), if the crime is a classified felony, or the maximum term of imprisonment provided by statute for the crime, if the crime is not a classified felony, plus additional imprisonment authorized by any applicable penalty enhancement statutes.~~

**SECTION 1117.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

973.01 (2) (b) ~~Imprisonment~~ Confinement portion of bifurcated sentence. (intro.) The portion of the bifurcated sentence that imposes a term of confinement in prison may not be less than one year, ~~subject to any minimum sentence prescribed for the felony, and,~~ except as provided in par. (c), ~~may not exceed~~ is subject to whichever of the following limits is applicable:

**SECTION 1118.** 973.01 (2) (b) 2. of the statutes is repealed.

**SECTION 1119.** 973.01 (2) (b) 3. of the statutes is amended to read:

973.01 (2) (b) 3. For a Class C felony, the term of confinement in prison may not exceed ~~40~~ 25 years.

**SECTION 1120.** 973.01 (2) (b) 4. of the statutes is amended to read:

973.01 (2) (b) 4. For a Class D felony, the term of confinement in prison may not exceed ~~5~~ 15 years.

**SECTION 1121.** 973.01 (2) (b) 5. of the statutes is amended to read:

973.01 (2) (b) 5. For a Class E felony, the term of confinement in prison may not exceed ~~2~~ 10 years.

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**SECTION 1122.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 10. (intro.) and amended to read:

973.01 (2) (b) 10. (intro.) For any felony crime other than a felony specified in subds. 1. to 5. one of the following, the term of confinement in prison may not exceed 75% of the total length of the bifurcated sentence.;

**SECTION 1123.** 973.01 (2) (b) 6m. of the statutes is created to read:

973.01 (2) (b) 6m. For a Class F felony, the term of confinement in prison may not exceed 7 years and 6 months.

**SECTION 1124.** 973.01 (2) (b) 7. of the statutes is created to read:

973.01 (2) (b) 7. For a Class G felony, the term of confinement in prison may not exceed 5 years.

**SECTION 1125.** 973.01 (2) (b) 8. of the statutes is created to read:

973.01 (2) (b) 8. For a Class H felony, the term of confinement in prison may not exceed 3 years.

**SECTION 1126.** 973.01 (2) (b) 9. of the statutes is created to read:

973.01 (2) (b) 9. For a Class I felony, the term of confinement in prison may not exceed one year and 6 months.

**SECTION 1127.** 973.01 (2) (b) 10. a. and b. of the statutes are created to read:

973.01 (2) (b) 10. a. A felony specified in subds. 1. to 9.

b. An attempt to commit a classified felony if the attempt is punishable under s. 939.32 (1) (intro.).

**SECTION 1128.** 973.01 (2) (c) of the statutes is renumbered 973.01 (2) (c) 1. and amended to read:

973.01 (2) (c) 1. The Subject to the minimum period of extended supervision required under par. (d), the maximum term of confinement in prison specified in par. (b) may be increased by any applicable penalty enhancement statute. If the maximum term of confinement in prison specified in par. (b) is increased under this paragraph, the total length of the bifurcated sentence that may be imposed is increased by the same amount.

**SECTION 1129.** 973.01 (2) (c) 2. of the statutes is created to read:

973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes apply to a crime, the court shall apply them in the order listed in calculating the maximum term of imprisonment for that crime:

a. Sections 939.621, 939.632, 939.645, 961.46, and 961.49.

b. Section 939.63.

c. Section 939.62 (1) or 961.48.

**SECTION 1130.** 973.01 (2) (d) of the statutes is renumbered 973.01 (2) (d) (intro.) and amended to read:

973.01 (2) (d) Minimum and maximum term of extended supervision. (intro.) The term of extended supervision ~~that follows the term of confinement in~~

~~prison~~ may not be less than 25% of the length of the term of confinement in prison imposed under par. (b); and, for a classified felony, is subject to whichever of the following limits is applicable:

**SECTION 1131.** 973.01 (2) (d) 1. to 6. of the statutes are created to read:

973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not exceed 20 years.

2. For a Class C felony, the term of extended supervision may not exceed 15 years.

3. For a Class D felony, the term of extended supervision may not exceed 10 years.

4. For a Class E, F, or G felony, the term of extended supervision may not exceed 5 years.

5. For a Class H felony, the term of extended supervision may not exceed 3 years.

6. For a Class I felony, the term of extended supervision may not exceed 2 years.

**SECTION 1131m.** 973.01 (3m) of the statutes is amended to read:

973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing a bifurcated sentence under this section on a person convicted of a crime other than a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing discretion, decide whether the person being sentenced is eligible or ineligible for the challenge incarceration program under s. 302.045 during the term of confinement in prison portion of the bifurcated sentence.

**SECTION 1132.** 973.01 (4) of the statutes is amended to read:

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

**SECTION 1133.** 973.01 (6) of the statutes is amended to read:

973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under sub. (1) is not eligible for release on parole under that sentence.

**SECTION 1134f.** 973.0135 (1) (b) 2. of the statutes is amended to read:

973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08, 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

**SECTION 1134g.** 973.0135 (1) (b) 2. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m) or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s. 940.01, 940.02, 940.03, 940.05, 940.09 (4) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m), or (1r)~~, 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), ~~948.35 (1) (b) or (c), or 948.36.~~

**SECTION 1135.** 973.017 of the statutes is created to read:

**973.017 Bifurcated sentences; use of guidelines; consideration of aggravating and mitigating factors.**

(1) **DEFINITION.** In this section, “sentencing decision” means a decision as to whether to impose a bifurcated sentence under s. 973.01 or place a person on probation and a 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.

(2) **GENERAL REQUIREMENT.** When a court makes a sentencing decision concerning a person convicted of a criminal offense committed on or after the effective date of this subsection .... [revisor inserts date], the court shall consider all of the following:

(a) If the offense is a felony, the sentencing guidelines adopted by the sentencing commission under s. 973.30 or, if the sentencing commission has not adopted a guideline for the offense, any applicable temporary sentencing guideline adopted by the criminal penalties study committee created under 1997 Wisconsin Act 283.

(ad) The protection of the public.

(ag) The gravity of the offense.

(ak) The rehabilitative needs of the defendant.

(b) Any applicable mitigating factors and any applicable aggravating factors, including the aggravating factors specified in subs. (3) to (8).

(3) **AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for any crime, the court shall consider all of the following as aggravating factors:

(a) The fact that the person committed the crime while his or her usual appearance was concealed, disguised, or altered, with the intent to make it less likely that he or she would be identified with the crime.

(b) The fact that the person committed the crime using information that was disclosed to him or her under s. 301.46.

(c) The fact that the person committed the crime for the benefit of, at the direction of, or in association with any criminal gang, as defined in s. 939.22 (9), with the specific intent to promote, further, or assist in any crimi-

nal conduct by criminal gang members, as defined in s. 939.22 (9g).

(d) The fact that the person committed the felony while wearing a vest or other garment designed, redesigned, or adapted to prevent bullets from penetrating the garment.

(e) 1. Subject to subd. 2., the fact that the person committed the felony with the intent to influence the policy of a governmental unit or to punish a governmental unit for a prior policy decision, if any of the following circumstances also applies to the felony committed by the person:

a. The person caused bodily harm, great bodily harm, or death to another.

b. The person caused damage to the property of another and the total property damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1. b., property is reduced in value by the amount that it would cost either to repair or to replace it, whichever is less.

c. The person used force or violence or the threat of force or violence.

2. a. In this subdivision, “labor dispute” includes any controversy concerning terms, tenure, or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

b. Subdivision 1. does not apply to conduct arising out of or in connection with a labor dispute.

(4) **AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH CERTAIN DISEASES.** (a) In this subsection:

1. “HIV” means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.

2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), or 948.025.

3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B, hepatitis C, or chlamydia.

4. “Significantly exposed” means sustaining a contact which carries a potential for transmission of a sexually transmitted disease or HIV by one or more of the following:

a. Transmission, into a body orifice or onto mucous membrane, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid; or other body fluid that is visibly contaminated with blood.

b. Exchange, during the accidental or intentional infliction of a penetrating wound, including a needle puncture, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or



amniotic fluid; or other body fluid that is visibly contaminated with blood.

c. Exchange, into an eye, an open wound, an oozing lesion, or other place where a significant breakdown in the epidermal barrier has occurred, of blood; semen; vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid; or other body fluid that is visibly contaminated with blood.

(b) When making a sentencing decision concerning a person convicted of a serious sex crime, the court shall consider as an aggravating factor the fact that the serious sex crime was committed under all of the following circumstances:

1. At the time that he or she committed the serious sex crime, the person convicted of committing the serious sex crime had a sexually transmitted disease or acquired immunodeficiency syndrome or had had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

2. At the time that he or she committed the serious sex crime, the person convicted of committing the serious sex crime knew that he or she had a sexually transmitted disease or acquired immunodeficiency syndrome or that he or she had had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

3. The victim of the serious sex crime was significantly exposed to HIV or to the sexually transmitted disease, whichever is applicable, by the acts constituting the serious sex crime.

(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON. (a) In this subsection:

1. “Elder person” means any individual who is 62 years of age or older.

2. “Violent felony” means any felony under s. 940.19 (2), (4), (5), or (6), 940.225 (1), (2), or (3), 940.23, or 943.32.

(b) When making a sentencing decision concerning a person convicted of a violent felony, the court shall consider as an aggravating factor the fact that the victim of the violent felony was an elder person. This paragraph applies even if the person mistakenly believed that the victim had not attained the age of 62 years.

(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN PERSONS. (a) In this subsection, “person responsible for the welfare the child” includes the child’s parent, stepparent, guardian, foster parent, or treatment foster parent; an employee of a public or private residential home, institution, or agency; any other person legally responsible for the child’s welfare in a residential setting; or a person employed by one who is legally responsible for the child’s welfare to exercise temporary control or care for the child.

(b) When making a sentencing decision concerning a person convicted of a violation of s. 948.02 (1) or (2), 948.025 (1), or 948.03 (2) or (3), the court shall consider

as an aggravating factor the fact that the person was a person responsible for the welfare of the child who was the victim of the violation.

(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE. When making a sentencing decision concerning a person convicted of a violation of s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact that, at the time of the violation, there was a minor passenger under 16 years of age or an unborn child in the person’s motor vehicle.

(8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution or delivery to prisoners.* 1. In this paragraph, “precinct” means a place where any activity is conducted by a prison, jail, or house of correction.

2. When making a sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the fact that the violation involved delivering, distributing, or possessing with intent to deliver or distribute a controlled substance or controlled substance analog to a prisoner within the precincts of any prison, jail, or house of correction.

(b) *Distribution or delivery on public transit vehicles.* When making a sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the fact that the violation involved delivering, distributing, or possessing with intent to deliver or distribute a controlled substance included in schedule I or II or a controlled substance analog of any controlled substance included in schedule I or II and that the person knowingly used a public transit vehicle during the violation.

(9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME. The aggravating factors listed in this section are not elements of any crime. A prosecutor is not required to charge any aggravating factor or otherwise allege the existence of an aggravating factor in any pleading for a court to consider the aggravating factor when making a sentencing decision.

(10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement under sub. (2) (a) that a court consider sentencing guidelines adopted by the sentencing commission or the criminal penalties study committee does not require a court to make a sentencing decision that is within any range or consistent with a recommendation specified in the guidelines, and there is no right to appeal a court’s sentencing decision based on the court’s decision to depart in any way from any guideline. In any appeal from a court’s sentencing decision, the appellate court may reverse the sentencing decision if it determines that the sentencing court erroneously exercised its discretion in making the sentencing decision or there is not substantial evidence in the record to support the sentencing decision.

Vetoed  
In Part



**(10m)** STATEMENT OF REASONS FOR SENTENCING DECISION. (a) The court shall state the reasons for its sentencing decision and, except as provided in par. (b), shall do so in open court and on the record.

(b) If the court determines that it is not in the interest of the defendant for it to state the reasons for its sentencing decision in the defendant's presence, the court shall state the reasons for its sentencing decision in writing and include the written statement in the record.

**SECTION 1136.** 973.03 (3) (e) 1. and 2. of the statutes are amended to read:

973.03 (3) (e) 1. A crime which is a Class A ~~or~~ B, or C felony.

2. A crime which is a Class D, E, F, or G felony listed in s. 969.08 (10) (b), but not including any crime specified in s. 943.10.

**SECTION 1137.** 973.03 (3) (e) 3. of the statutes is repealed.

**SECTION 1138.** 973.032 (4) (c) 2. of the statutes is amended to read:

973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~ to a sentence of imprisonment concurrent with the sentence to the intensive sanctions program.

**SECTION 1138k.** 973.034 of the statutes is amended to read:

**973.034 Sentencing; restriction on child sex offender working with children.** Whenever a court imposes a sentence or places a defendant on probation regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1), 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~ 948.07 (1), (2), (3), or (4), ~~or 948.075~~, the court shall inform the defendant of the requirements and penalties under s. 948.13.

**SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

973.048 (2m) If a court imposes a sentence or places a person on probation for a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent, the court shall require the person to comply with the reporting requirements under s. 301.45 unless the court determines, after a hearing on a motion made by the person, that the person is not required to comply under s. 301.45 (1m).

**SECTION 1141.** 973.09 (2) (b) 1. of the statutes is amended to read:

973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one year nor more than either the

statutory maximum term of imprisonment ~~confinement in prison~~ for the crime or 3 years, whichever is greater.

**SECTION 1142.** 973.15 (2m) of the statutes is created to read:

973.15 (2m) (a) *Definitions.* In this subsection:

1. "Determinative sentence" means a bifurcated sentence imposed under s. 973.01 or a life sentence under which a person is eligible for release to extended supervision under s. 973.014 (1g) (a) 1. or 2.

2. "Indeterminate sentence" means a sentence to the Wisconsin state prisons other than one of the following:

a. A determinative sentence.

b. A sentence under which the person is not eligible for release on parole under s. 939.62 (2m) (c) or 973.014 (1) (c).

3. "Period of confinement in prison," with respect to any sentence to the Wisconsin state prisons, means any time during which a person is incarcerated under that sentence, including any extensions imposed under s. 302.11 (3), 302.113 (3), or 302.114 (3) and any period of confinement in prison required to be served under s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

(b) *Determinative sentences imposed to run concurrent with or consecutive to determinative sentences.* 1. If a court provides that a determinative sentence is to run concurrent with another determinative sentence, the person sentenced shall serve the periods of confinement in prison under the sentences concurrently and the terms of extended supervision under the sentences concurrently.

2. If a court provides that a determinative sentence is to run consecutive to another determinative sentence, the person sentenced shall serve the periods of confinement in prison under the sentences consecutively and the terms of extended supervision under the sentences consecutively and in the order in which the sentences have been pronounced.

(c) *Determinative sentences imposed to run concurrent with or consecutive to indeterminate sentences.* 1. If a court provides that a determinative sentence is to run concurrent with an indeterminate sentence, the person sentenced shall serve the period of confinement in prison under the determinative sentence concurrent with the period of confinement in prison under the indeterminate sentence and the term of extended supervision under the determinative sentence concurrent with the parole portion of the indeterminate sentence.

2. If a court provides that a determinative sentence is to run consecutive to an indeterminate sentence, the person sentenced shall serve the period of confinement in prison under the determinative sentence consecutive to the period of confinement in prison under the indeterminate sentence ~~and the parole portion of the indeterminate sentence consecutive to the term of extended supervision under the determinative sentence.~~

Vetoed  
In Part

(d) *Indeterminate sentences imposed to run concurrent with or consecutive to determinate sentences.* 1. If a court provides that an indeterminate sentence is to run concurrent with a determinate sentence, the person sentenced shall serve the period of confinement in prison under the indeterminate sentence concurrent with the period of confinement in prison under the determinate sentence and the parole portion of the indeterminate sentence concurrent with the term of extended supervision required under the determinate sentence.

2. If a court provides that an indeterminate sentence is to run consecutive to a determinate sentence, the person sentenced shall serve the period of confinement in prison under the indeterminate sentence consecutive to the period of confinement in prison under the determinate sentence and the parole portion of the indeterminate sentence consecutive to the term of extended supervision under the determinate sentence.

Vetoed  
In Part

(e) *Revocation in multiple sentence cases.* If a person is serving concurrent determinate sentences and extended supervision is revoked in each case, or if a person is serving a determinate sentence concurrent with an indeterminate sentence and both extended supervision and parole are revoked, the person shall concurrently serve any periods of confinement in prison required under those sentences under s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

**SECTION 1143.** 973.155 (1) (b) of the statutes is amended to read:

973.155 (1) (b) The categories in par. (a) include custody of the convicted offender which is in whole or in part the result of a probation, extended supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed upon the person for the same course of conduct as that resulting in the new conviction.

**SECTION 1143m.** 973.195 of the statutes is created to read:

**973.195 Sentence adjustment. (1g) DEFINITION.** In this section, “applicable percentage” means 85% for a Class C to E felony and 75% for a Class F to I felony.

**(1r) CONFINEMENT IN PRISON.** (a) An inmate who is serving a sentence imposed under s. 973.01 for a crime other than a Class B felony may petition the sentencing court to adjust the sentence if the inmate has served at least the applicable percentage of the term of confinement in prison portion of the sentence. If an inmate is subject to more than one sentence imposed under this section, the sentences shall be treated individually for purposes of sentence adjustment under this subsection.

(b) Any of the following is a ground for a petition under par. (a):

1. The inmate’s conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced.

3. A change in law or procedure related to sentencing or revocation of extended supervision effective after the inmate was sentenced that would have resulted in a shorter term of confinement in prison or, if the inmate was returned to prison upon revocation of extended supervision, a shorter period of confinement in prison upon revocation, if the change had been applicable when the inmate was sentenced.

4. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported.

5. Sentence adjustment is otherwise in the interests of justice.

(c) Upon receipt of a petition filed under par. (a), the sentencing court may deny the petition or hold the petition for further consideration. If the court holds the petition for further consideration, the court shall notify the district attorney of the inmate’s petition. If the district attorney objects to adjustment of the inmate’s sentence within 45 days of receiving notification under this paragraph, the court shall deny the inmate’s petition.

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

(e) Notwithstanding the confidentiality of victim address information obtained under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a victim under par. (d) may obtain from the clerk of the circuit court victim address information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

(f) If the sentencing court receives no objection to sentence adjustment from the district attorney under par. (c) or the victim under par. (d) and the court determines that sentence adjustment is in the public interest, the court may adjust the inmate’s sentence as provided under par. (g). The court shall include in the record written reasons for any sentence adjustment granted under this subsection.

(g) Except as provided under par. (h), the only sentence adjustments that a court may make under this subsection are as follows:

1. If the inmate is serving the term of confinement in prison portion of the sentence, a reduction in the term of confinement in prison by the amount of time remaining in the term of confinement in prison portion of the sen-

tence, less up to 30 days, and a corresponding increase in the term of extended supervision.

2. If the inmate is confined in prison upon revocation of extended supervision, a reduction in the amount of time remaining in the period of confinement in prison imposed upon revocation, less up to 30 days, and a corresponding increase in the term of extended supervision.

(h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in law or procedure as provided under par. (b) 3. and the total sentence length of the adjusted sentence is greater than the maximum sentence length that the offender could have received if the change in law or procedure had been applicable when the inmate was originally sentenced, the court may reduce the length of the term of extended supervision so that the total sentence length does not exceed the maximum sentence length that the offender could have received if the change in law or procedure had been applicable when the inmate was originally sentenced.

2. If the court adjusts a sentence under par. (g) on the basis of a change in law or procedure as provided under par. (b) 3. and the adjusted term of extended supervision is greater than the maximum term of extended supervision that the offender could have received if the change in law or procedure had been applicable when the inmate was originally sentenced, the court may reduce the length of the term of extended supervision so that the term of extended supervision does not exceed the maximum term of extended supervision that the offender could have received if the change in law or procedure had been applicable when the inmate was originally sentenced.

(i) An inmate may submit only one petition under this subsection for each sentence imposed under s. 973.01.

**SECTION 1144.** 973.30 of the statutes is created to read:

**973.30 Sentencing commission.** (1) DUTIES. The sentencing commission shall do all of the following:

(a) Select an executive director having appropriate training and experience to study sentencing practices and prepare proposed sentencing guidelines.

(b) Monitor and compile data regarding sentencing practices in the state.

(c) Adopt advisory sentencing guidelines for felonies committed on or after the effective date of this paragraph ... [revisor inserts date], to promote public safety, to reflect changes in sentencing practices and to preserve the integrity of the criminal justice and correctional systems.

(d) Provide information to the legislature, state agencies, and the public regarding the costs to and other needs of the department which result from sentencing practices.

(e) Provide information to judges and lawyers about the sentencing guidelines.

(f) Publish and distribute to all circuit judges hearing criminal cases an annual report regarding its work, which shall include all sentencing guidelines and all changes in

existing sentencing guidelines adopted during the 12 months preceding the report.

(g) Study whether race is a basis for imposing sentences in criminal cases and submit a report and recommendations on this issue to the governor, to each house of the legislature under s. 13.172 (2), and to the supreme court.

(h) Assist the legislature in assessing the cost of enacting new or revising existing statutes affecting criminal sentencing.

(i) At least semiannually, submit reports to all circuit judges, and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), containing statistics regarding criminal sentences imposed in this state. Each report shall have a different focus and need not contain statistics regarding every crime. Each report shall contain information regarding sentences imposed statewide and in each of the following geographic areas:

1. Milwaukee County.
2. Dane and Rock counties.
3. Brown, Outagamie, Calumet, and Winnebago counties.
4. Racine and Kenosha counties.
5. All other counties.

(j) Study how sentencing options affect various types of offenders and offenses.

(2) STAFF. Subject to authorization under s. 16.505, the sentencing commission may hire staff to assist it in the performance of its duties.

(3) SUNSET. This section does not apply after December 31, 2007.

**SECTION 1145.** 977.05 (4) (jm) of the statutes is created to read:

977.05 (4) (jm) At the request of an inmate determined by the state public defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent the inmate in proceedings for modification of a bifurcated sentence under s. 302.113 (9g) before a program review committee and the sentencing court, if the state public defender determines the case should be pursued.

**SECTION 1146.** 977.06 (2) (b) of the statutes is amended to read:

977.06 (2) (b) A person who makes a false representation that he or she does not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

**SECTION 1147.** 978.13 (1) (intro.) of the statutes is amended to read:

978.13 (1) (intro.) ~~The Subject to sub. (1m), the~~ state shall assume financial responsibility for all of the following:

**SECTION 1148.** 978.13 (1) (b) of the statutes is amended to read:

2001 Wisconsin Act 109

978.13 (1) (b) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving felony violations under ch. 961. The state treasurer shall pay the amount authorized under this ~~paragraph~~ subsection to the county treasurer pursuant to a voucher submitted by the district attorney to the department of administration from the appropriation under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed \$75,200 in the 1999-2000 fiscal year and \$77,500 in the 2000-01 fiscal year.~~

**SECTION 1149.** 978.13 (1) (c) of the statutes is amended to read:

978.13 (1) (c) In counties having a population of 500,000 or more, the salary and fringe benefit costs of clerk positions in the district attorney's office necessary for the prosecution of violent crime cases primarily involving felony violations under s. 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall pay the amount authorized under this ~~paragraph~~ subsection to the county treasurer pursuant to a voucher submitted by the district attorney to the secretary of administration from the appropriation under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed \$94,400 in the 1999-2000 fiscal year and \$97,200 in the 2000-01 fiscal year.~~

**SECTION 1150.** 978.13 (1) (d) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

978.13 (1) (d) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms. The state treasurer shall pay the amount authorized under this ~~paragraph~~ subsection to the county treasurer from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the department of administration. ~~The amount paid under this paragraph may not exceed the amount appropriated under s. 20.475 (1) (f).~~

**SECTION 1151.** 978.13 (1m) of the statutes is created to read:

978.13 (1m) The amount paid under sub. (1) (b) and (c) combined may not exceed the amount appropriated under s. 20.475 (1) (i). The amount paid under sub. (1) (d) may not exceed the amount appropriated under s. 20.475 (1) (f).

**SECTION 1151r.** 979.012 of the statutes is created to read:

**979.012 Reporting deaths of public health concern.** (1) If a coroner or medical examiner is aware of the death of a person who, at the time of his or her death, had an illness or a health condition that satisfies s. 166.02

(7) (a), the coroner or medical examiner shall report the illness or health condition to the department of health and family services and to the local health department, as defined in s. 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing or by electronic transmission within 24 hours of learning of the deceased's illness or health condition.

(2) In a report under sub. (1), the coroner or medical examiner shall include all of the following information if such information is available:

(a) The illness or health condition of the deceased.

(b) The name, date of birth, gender, race, occupation, and home and work addresses of the deceased.

(c) The name and address of the coroner or medical examiner.

(d) If the illness or health condition was related to an animal or insect bite, the suspected location where the bite occurred and the name and address of the owner of the animal or insect, if an owner is identified.

**SECTION 1157.** 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

[1997 Wisconsin Act 283] Section 454 (1) (f) ~~Not later than April 30, 1999, the~~ The committee shall submit a report of its findings and recommendations to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor. The report shall include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

**SECTION 1157s.** 1999 Wisconsin Act 9, section 9158 (8w) (e) is amended to read:

[1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures for dissolution of a regional planning commission that are specified under section 66.945 (15) of the statutes, the Dane County regional planning commission shall be dissolved on October 1, ~~2002~~ 2004. All unexpended funds of the commission on that date shall be applied to any outstanding indebtedness of the commission. If any outstanding indebtedness of the commission remains after the application of the unexpended funds to such debts, the remaining indebtedness shall be assessed to Dane County. If the commission has no outstanding indebtedness and has unexpended funds, such funds shall be returned to the cities, villages, towns or county that supplied them.

**SECTION 1158b.** 1999 Wisconsin Act 113, section 32 (7) is repealed.

**SECTION 1160m.** 2001 Wisconsin Act 16, section 9137 (6f) is amended to read:

[2001 Wisconsin Act 16] Section 9137 (6f) STUDY ON WILD CRANES. From the appropriation under section 20.370 (1) (kk) of the statutes, as created by this act, the department of natural resources shall provide in fiscal year 2001-02 a total of ~~\$20,000~~ \$30,000 and in fiscal year 2002-03 a total of \$30,000 to the University of Wisconsin System and the International Crane Foundation



jointly for a study of crop damage caused in this state by wild cranes.

**SECTION 1160p.** 2001 Wisconsin Act 16, section 9157 (7e) is amended to read:

[2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION SERVICES FOR VETERANS. The department of veterans affairs and the department of administration, jointly, shall determine the most cost-effective methods for providing statewide transportation services to disabled veterans under section 45.43 (7m) of the statutes, as created by this act.

**SECTION 1160q.** 2001 Wisconsin Act 16, section 9158 (8x) is amended to read:

[2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS. Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this act, the department of workforce development shall provide grants in each fiscal year of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs of America to improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq. The total amount of grants that are provided under this subsection in each fiscal year of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.

**SECTION 1160r.** 2001 Wisconsin Act 16, section 9315 (1k) is amended to read:

[2001 Wisconsin Act 16] Section 9315 (1k) TRAINING AND CERTIFICATION OF CHIEF INSPECTORS. The treatment of sections 7.03 (1) (a), 7.15 (1) (e), 7.30 (1) and (6) (b), and 7.31 (2) of the statutes first applies with respect to elections held on September 1, ~~2002~~ 2004.

**SECTION 1160rd.** 2001 Wisconsin Act 16, section 9323 (18k), (18m), (18n), (18pk), (18pm) and (18pn) are repealed.

**SECTION 1160ut.** 2001 Wisconsin Act 16, section 9423 (18k) is repealed.

**SECTION 9101. Nonstatutory provisions; administration.**

(1) COMMISSION ON LOCAL GOVERNMENT.

(a) There is created a special committee to be called the commission on local government, which shall consist of members appointed by the governor.

(b) The governor shall appoint or determine the method of appointment of the officers of the commission and shall call the first meeting of the commission.

(c) The department of administration shall provide necessary administrative support services to the commission.

(d) The department of administration shall reimburse members of the commission for their actual and necessary expenses incurred in carrying out their functions from the appropriation under section 20.505 (4) (ba) of the statutes, within the budget of the committee authorized under section 16.40 (14) of the statutes.

(e) The commission shall:

1. Examine the organization, authority, and efficiency of local governments, the services provided by each type of local government, and the services required of local governments by the state.

2. Review the relationship of local governments with the state, examine spending by local governments, and identify ways to increase efficiency in the delivery of local governmental services.

(f) No later than February 1, 2003, the commission shall report its findings and recommendations to the governor, and to the legislature in the manner provided in section 13.172 (2) of the statutes. Upon submittal of its report, the commission ceases to exist.

(2) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding section 15.105 (27) (c) 1. of the statutes, as created by this act, the initial members of the sentencing commission shall be appointed for the following terms:

(a) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as created by this act, one of whom is not employed by any unit of federal, state, or local government, one circuit judge, and one prosecutor, for terms expiring on January 1, 2004.

(b) Three members appointed under section 15.105 (27) (a) 3. of the statutes, as created by this act, one of whom is not employed by any unit of federal, state, or local government, and one circuit judge, for terms expiring on January 1, 2005.

(c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as created by this act, one representative of crime victims, and one attorney in private practice, for terms expiring on January 1, 2006.

(3) POSITION AUTHORIZATION. There is authorized for the sentencing commission 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and 4.0 FTE GPR other positions to be funded from the appropriation under section 20.505 (4) (dr) of the statutes, as created by this act.

(4) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing commission created under section 973.30 of the statutes, as created by this act, are appointed, the criminal penalties study committee shall provide information to lawyers, judges, the legislature, and the public regarding changes made in the substance and structure of criminal penalties to be imposed under this act.

(6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP DUES IN NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

(a) In this subsection:

1. “Secretary” means the secretary of administration.

2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

(b) The secretary shall determine for each state agency the amount expended by the state agency for membership dues for any national, state, or local

Vetoed  
In Part

2001 Wisconsin Act 109

Vetoed  
In Part

nongovernmental organization in the 2000-01 fiscal year that was funded from general purpose revenue and the appropriation from which the dues were paid.

Vetoed  
In Part

(c) From each sum certain appropriation of general purpose revenue identified in paragraph (b), the secretary shall lapse to the general fund in the 2002-03 fiscal year an amount that equals 20% of the amount specified in paragraph (b) for that appropriation. After the secretary makes the lapse, each of the sum certain appropriations is decreased by the amount of the lapse.

Vetoed  
In Part

(d) For each sum sufficient appropriation of general purpose revenue identified in paragraph (b), the expenditure estimate for the appropriation during the 2002-03 fiscal year is reestimated to subtract an amount that equals 20% of the amount specified in paragraph (b) for that appropriation.

(6v) REALLOCATION OF CERTAIN APPROPRIATION REDUCTIONS.

(a) In this subsection, "state operations" means any purpose other than aids to individuals and organizations.

(b) The secretary of administration may submit a request to the cochairpersons of the joint committee on finance to reallocate any portion of the appropriation reduction under SECTION 9201 (4v) of this act to one or more other appropriations to the department of administration for state operations made from general purpose revenue. If the committee approves such a request, the amounts in the schedule for the affected appropriations are adjusted to reflect the the approved reallocation.

(6z) HOUSING GRANTS AND LOANS FUNDING DECREASE. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2003-05 biennial budget bill, the department of administration shall submit information concerning the appropriation under section 20.505 (7) (b) of the statutes as though the decreases in that appropriation by SECTION 9201 (1) of this act had not been made.

(7) ELIMINATION OF CERTAIN UNFUNDED STATE AGENCY POSITIONS.

(a) In this subsection:

1. "Secretary" means the secretary of administration.
2. "State agency" has the meaning given in section 20.001 (1) of the statutes.

(b) No later than September 30, 2002, the secretary shall determine the number of positions in each state agency that were not funded as a result of any reduction in state agency operations appropriations under 2001 Wisconsin Act 16 for the 2001-03 fiscal biennium and any reduction in such appropriations required under this act.

(c) After making the determination under paragraph (b), the secretary shall notify the joint committee on finance in writing of the determination. If the cochairpersons of the committee do not notify the secretary within 14 working days after the date of the secretary's notifica-

tion that the committee has scheduled a meeting to review the determination, the secretary shall reduce each state agency's authorized positions for the 2002-03 fiscal year by the number of unfunded positions for that state agency as determined under paragraph (b). If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting to review the determination, the secretary may make the reductions in the authorized positions only upon approval of the committee.

(7q) SALE OF CERTAIN STATE-OWNED AIRCRAFT. In addition to the aircraft that are directed to be sold under 2001 Wisconsin Act 16, section 9101 (20j), the department of administration shall, no later than June 30, 2003, offer for sale 21 aircraft selected by the department that are owned by the state on the effective date of this subsection. The department of administration shall credit the proceeds of any sales to offset any liabilities created for the aircraft under section 20.903 (2) (b) of the statutes. The department of administration shall deposit any remaining proceeds of the sales in the general fund as general purpose revenue — earned.

(8w) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE. When amending the schedule under section 20.004 (2) of the statutes, in addition to making any other reduction required by law, the department of administration shall increase the estimated expenditure amount that appears in the schedule for the appropriation account under section 20.285 (1) (im) of the statutes by \$6,700,000 to reflect additional academic fees and tuition that may be received under section 36.27 (1) (cm) of the statutes, as created by this act.

(8y) FUNDING FOR LENGTH-OF-SERVICE PAYMENTS. Notwithstanding section 20.928 (1) of the statutes, during the 2001-03 fiscal biennium, no state agency, as defined in section 20.001 (1) of the statutes, may include in any certification to the department of administration under section 20.928 (1) of the statutes, and the department of administration may not include in any determination forwarded to the joint committee on finance under section 20.928 (2m) of the statutes, any sum to pay the cost of a length-of-service payment for classified employees.

(8z) PRINTED PUBLICATIONS.

(a) In this subsection:

1. "Department" has the meaning given for "executive branch agency" in section 16.70 (4) of the statutes.
2. "Federal revenues" has the meaning given in section 20.001 (2) (e) of the statutes.
3. "General purpose revenues" has the meaning given in section 20.001 (2) (a) of the statutes.
4. "Program revenues" has the meaning given in section 20.001 (2) (b) or (c) of the statutes.

Vetoed  
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In Part

Vetoed  
In Part

5. "Segregated fund revenues" has the meaning given in section 20.001 (2) (d) or (da) of the statutes.

(b) Notwithstanding section 16.50 (1) of the statutes, the secretary of administration shall require submission of an expenditure estimate under section 16.50 (2) of the statutes for each department that proposes to expend moneys that are not encumbered on the effective date of this paragraph from any revenue source other than federal revenues for printing of any publication during the 2001-03 fiscal biennium that is not required to be printed by the constitution or by law. Notwithstanding section 16.50 (2) of the statutes, the secretary shall disapprove any such estimate for printing of a publication unless the secretary finds that printing of the publication is essential.

(c) The secretary of administration shall, during the fiscal year for which an expenditure estimate is submitted under paragraph (b), lapse to the general fund the amount of any estimate disapproved under paragraph (b) for expenditure of moneys that are appropriated from any appropriation, other than a sum sufficient appropriation, made from general purpose revenues. The secretary shall, during the fiscal year for which an expenditure estimate is submitted under paragraph (b), transfer to the general fund the amount of any estimate disapproved under paragraph (b) for the expenditure of moneys that are appropriated from any appropriation, other than a sum sufficient appropriation, made from program revenues or segregated fund revenues. The secretary shall reestimate to subtract from the expenditure estimate published in the acts of 2001 under section 20.005 (3) of the statutes the amount of any estimate disapproved under paragraph (b) for expenditure of moneys that are appropriated from any sum sufficient appropriation. The secretary shall include any reestimate under this paragraph in his or her submission under section 20.004 (2) of the statutes.

(d) If the secretary of administration disapproves an expenditure estimate for the printing of any publication under paragraph (b), the department submitting the estimate shall post the content of the publication that would have been printed on the Internet.

(e) The secretary of administration shall submit a report to the cochairpersons of the joint committee on finance no later than July 1, 2002, identifying the amount and sources of any savings achieved as a result of implementation of this subsection.

(9b) SALE OR LEASE OF STATE SURPLUS PROPERTY.

(a) In this subsection:

1. "State agency" has the meaning given in section 20.001 (1) of the statutes.

2. "State property" means land and improvements thereto that are owned by this state.

3. "Surplus property" means state property under the jurisdiction of the building commission or any other state agency that is not used or needed to carry out the program

Vetoed  
In Part

responsibilities of a state agency and is not included in the plan of a state agency for construction or development.

(b) The department of administration shall compile an inventory of surplus property that has the potential to be sold or leased by the state no later than March 15, 2003.

(c) No later than October 1, 2003, the department of administration shall submit to the cochairpersons of the joint committee on finance a report containing a list of surplus property that the department recommends be offered for sale or lease. In the report, the department shall specify, for each property listed, whether a sale or lease is recommended. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or lease of a particular surplus property that is included in the report, the department shall direct the building commission to proceed with the sale or lease. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed sale or lease of a particular surplus property, the department and the building commission shall not proceed with the proposed sale or lease unless the sale or lease is approved by the committee.

**SECTION 9104. Nonstatutory provisions; agriculture, trade and consumer protection.**

(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

(a) *Assets and liabilities.* All assets and liabilities of the department of agriculture, trade and consumer protection that are primarily related to programs or functions transferred to the department of justice under this act shall become the assets and liabilities of the department of justice. The departments of justice and agriculture, trade and consumer protection shall jointly determine these assets and liabilities and shall jointly develop and implement a plan for their orderly transfer. In the event of any disagreement between the departments, the secretary of administration shall decide the question. If either department is dissatisfied with the secretary's decision, the department may bring the matter to the cochairpersons of the joint committee on finance for consideration by the committee, and the committee shall affirm or modify the decision.

(b) *Employee transfers.* In the department of agriculture, trade and consumer protection 21.0 FTE positions that are primarily related to programs or functions that are transferred to the department of justice under this act, and the incumbents holding these positions are transferred to the department of justice. The secretary of administration shall determine which incumbents will be transferred. If either department is dissatisfied with the secretary's decision, the department may bring the

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matter to the cochairpersons of the joint committee on finance for consideration by the committee, and the committee shall affirm or modify the decision.

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

(d) *Supplies and equipment.* All tangible personal property, including records, of the department of agriculture, trade and consumer protection that are primarily related to programs or functions that are transferred to the department of justice under this act are transferred to the department of justice. The departments of justice and agriculture, trade and consumer protection shall jointly identify the tangible personal property, including records, and shall jointly develop and implement a plan for their orderly transfer. In the event of any disagreement between the departments, the secretary of administration shall decide the question. If either department is dissatisfied with the secretary's decision, the department may bring the matter to the cochairpersons of the joint committee on finance for consideration by the committee, and the committee shall affirm or modify the decision.

(e) *Pending matters.* Any matter pending with the department of agriculture, trade and consumer protection that is primarily related to a program or function that is transferred to the department of justice under this act is transferred to the department of justice. All materials submitted or actions taken by the department of agriculture, trade and consumer protection with respect to the pending matter are considered as having been submitted to or taken by the department of justice.

(f) *Contracts.* All contracts entered into by the department of agriculture, trade and consumer protection or the department of justice that are primarily related to programs or functions transferred to the department of justice under this act, and that are in effect on the effective date of this paragraph, remain in effect and those contracts entered into by the department of agriculture, trade and consumer protection are transferred to the department of justice. The departments of justice and agriculture, trade and consumer protection shall jointly identify these contracts and shall jointly develop and implement a plan for their orderly transfer. In the event of any disagreement between the departments, the secretary of administration shall decide the question. If either department is dissatisfied with the secretary's decision, the department may bring the matter to the cochairpersons of the joint committee on finance for consideration by the committee, and the committee shall

affirm or modify the decision. The department of justice shall carry out the obligations under these contracts until the obligations are modified or rescinded by the department of justice to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions that are transferred to the department of justice under this act remain in effect until their specified expiration date or until amended or repealed by the department of justice. All orders issued by the department of agriculture, trade and consumer protection that are in effect on the effective date of this paragraph and that are primarily related to programs or functions transferred to the department of justice under this act remain in effect until their specified expiration date or until modified or rescinded by the department of justice.

(h) *Decrease in positions.* The authorized FTE positions for the department of agriculture, trade and consumer protection, funded from the appropriation under section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.

**SECTION 9105. Nonstatutory provisions; arts board.**

(1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the appropriation account under section 20.215 (1) (cm) of the statutes, as created by this act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the Milwaukee Art Museum.

**SECTION 9107. Nonstatutory provisions; building commission.**

(1) PROCEEDS FROM THE SALE OF CERTAIN STATE OFFICE BUILDINGS.

(a) Notwithstanding section 13.48 (14) (c) of the statutes, if the building commission sells any or all of the state office buildings located at 123 West Washington Avenue, 121 East Wilson Street, and 149 East Wilson Street in the city of Madison, the commission shall deposit any net proceeds from the sale, after depositing any amount required to be deposited into the bond security and redemption fund, into the general fund.

(b) If the building commission sells any state office building specified in paragraph (a) during the period beginning on July 1, 2001, and ending on the day before the effective date of this paragraph, and any portion of the proceeds of that sale is transferred to the appropriation account under section 20.865 (4) (a) of the statutes, the lesser of the amount transferred or any unencumbered balance in that account is transferred on the effective date of this paragraph from the appropriation account under section 20.865 (4) (a) of the statutes to the general fund.

(c) This subsection does not apply after June 30, 2003.

Vetoed  
In Part

Vetoed  
In Part



Vetoed  
In Part

(1b) SALE OR LEASE OF STATE SURPLUS PROPERTY. Notwithstanding section 13.48 (14) (am) of the statutes, the building commission shall offer for sale or lease the surplus property authorized under SECTION 9101 (9b) of this act in accordance with section 13.48 (14) (b) of the statutes. Notwithstanding section 13.48 (14) (c) of the statutes, the commission shall deposit any net proceeds from sales or leases of those properties, after depositing any amount required to be deposited into the bond security and redemption fund, into the budget stabilization fund. Section 13.48 (14) (d) of the statutes does not apply to that property.

**SECTION 9109. Nonstatutory provisions; circuit courts.**

(1z) RELATIVE PLACEMENT PERMANENCY PLANS.

(a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on the day before the effective date of this paragraph, the agency assigned primary responsibility for providing services to those children or juveniles shall file a permanency plan with that court with respect to not less than 33% of those children or juveniles by September 1, 2002, with respect to not less than 67% of those children or juveniles by November 1, 2002, and with respect to all of those children or juveniles by January 1, 2003, giving priority to those children or juveniles who have been living in the home of a relative for the longest period of time.

(b) The agency shall request the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act, to make a finding under section 48.363 or 938.363 of the statutes that reasonable efforts have been made to prevent the removal of the child or juvenile from the home or that those efforts are not required to be made because a circumstance specified in section 48.355 (2d) (b) 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the statutes, as affected by this act, applies, not more than 60 days after the date on which the permanency plan is filed.

(c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act, section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created by this act, a permanency plan filed under this subsection shall be reviewed within 6 months after the date on which the permanency plan is filed and a permanency plan hearing shall be had to review a permanency plan filed under this subsection within 12 months after the date on which the permanency plan is filed.

**SECTION 9110. Nonstatutory provisions; commerce.**

(1c) GRANT TO FORWARD WISCONSIN, INC., FOR STUDY AND PROPOSAL ON BRAND IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes, as created by this act, the department of commerce shall provide a grant of \$50,000 in fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the creation of a proposal for a national brand image for the state related to technology and biotechnology. The department of commerce shall enter into an agreement with Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this subsection and reporting and auditing requirements. No later than December 31, 2003, the department of commerce shall submit to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes a report that includes the results of the study and the conclusions and recommendations of Forward Wisconsin, Inc., with respect to a proposal for a national brand image for the state.

(1v) PROPOSAL FOR RURAL FINANCE AUTHORITY. The department of commerce shall work with the department of administration, the department of agriculture, trade and consumer protection, and the Wisconsin Housing and Economic Development Authority to develop a proposal, to be included in the department of commerce's budget request that is submitted to the department of administration, for the 2003–05 biennium for the creation of a rural finance authority. In developing the proposal, the departments and the authority shall do all of the following:

(a) Consider proposing that the rural finance authority be created to offer low-interest loans to agricultural producers in this state.

(b) Include a governing board to head the authority and consider the feasibility of an 11-member board consisting of 3 agricultural producers; 3 commercial bankers; 2 other members appointed by the governor; the secretary of commerce and the secretary of agriculture, trade and consumer protection or their designees; and the executive director of the Wisconsin Housing and Economic Development Authority or his or her designee.

(c) Consider including programs such as farm purchase assistance loans, including seller assisted loans; beginning farmer loans for the purchase of animals, machinery, and real estate; an agricultural improvement program to finance physical improvements of farm operations; a livestock modernization program; and a program to finance purchases by agricultural producers of stock in cooperatives that engage in agricultural processing.

(d) Consider transferring agricultural programs administered by the Wisconsin Housing and Economic Development Authority to the rural finance authority.

Vetoed  
In Part

Vetoed  
In Part

(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The authorized FTE positions for the department of commerce are increased by 2.5 PR positions on July 1, 2002, or on the day after publication, whichever is later, to be funded from the appropriation under section 20.143 (1) (g) of the statutes, for the division of international and export services.

**SECTION 9111. Nonstatutory provisions; corrections.**

(2) EMERGENCY RULES REGARDING FEES FROM PERSONS ON PROBATION, PAROLE, OR EXTENDED SUPERVISION. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 304.074 (5) of the statutes and that set rates under section 304.074 (2) of the statutes. The rules shall take effect on July 1, 2002, but may not remain effective for longer than the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 304.074 (2) of the statutes, the rules shall require the department to have a goal of receiving at least \$2 per day, if appropriate, from each person who is on probation, parole, or extended supervision and who is not under administrative supervision, as defined in section 304.74 (1) (a) of the statutes, or minimum supervision, as defined in section 304.74 (1) (b) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) EMERGENCY RULES REGARDING PRISONER COPAYMENTS FOR MEDICAL AND DENTAL CARE. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance, copayment, or similar charge that must be imposed under section 302.386 (3) (b) of the statutes. The rules shall take effect on July 1, 2002, but may not remain effective for longer than the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall require the department to require that, subject to the exception and waiver provisions under section 302.386 (3) (c) of the statutes, each person to whom section 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or similar charge of at least \$7.50 for each request that the person makes for medical or dental services. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Vetoed  
In Part

(4q) SUPERMAX CONVERSION. The department of corrections, in cooperation with the department of administration, shall conduct a study of the conversion of the correctional institution established under section 301.16 (1n) of the statutes from a supermax-level security institution to an institution with supermax-level security beds and maximum security beds. The study shall include a discussion of the operational costs for the redesigned institution. The department of corrections shall report its findings, conclusions, and recommendations to the building commission for potential inclusion in the commission's biennial budget recommendations under section 13.48 (7) of the statutes for 2003.

**SECTION 9115. Nonstatutory provisions; elections board.**

(2v) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balances in all accounts within the Wisconsin election campaign fund on the effective date of this subsection are credited to the general account of the Wisconsin election campaign fund established under section 11.50 (2w) of the statutes, as created by this act.

(2w) RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION STATIONS.

(a) Using the procedure under section 227.24 of the statutes, the elections board may promulgate the rules required under section 11.21 (17) of the statutes, as created by this act, for the period before the effective date of the permanent rules, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections board is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for any rule promulgated under this paragraph.

(b) The elections board shall submit in proposed form the rules required under section 11.21 (17) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 10th month beginning after the effective date of this paragraph.

(2x) STATEWIDE VOTER REGISTRATION LIST.

(a) Notwithstanding section 16.42 (1) of the statutes, the elections board shall submit as a part of its budget request for the 2003-05 fiscal biennium under section 16.42 of the statutes a proposal to finance the creation of a statewide, centralized voter registration list system, together with proposed legislation required to initially implement the system for the 2004 September primary election. In developing the system, the elections board shall consider at least each of the following issues:

1. How the list should be created and maintained.
2. The fiscal impact upon the state and local governments of maintaining the list.

3. How accuracy of the list should be ensured.
4. Whether, to use the list, an electronic connection would need to be established between each polling place in the state and the board and how such a connection would be established and maintained.
5. How registrations on election day would be integrated into the list.
6. How procedures for corroboration of the identities of electors would be affected by maintenance of the list.
7. How absentee balloting would be affected by the creation of the list.
8. The impact of maintenance of the list upon transient populations, such as college students.
9. How the list could be accurately purged of the names of convicted felons who are ineligible to vote while ensuring that no eligible electors are disenfranchised.
10. How the list should be purged of the names of ineligible or inactive electors while ensuring that no eligible electors are disenfranchised.
11. Whether the list should be publicly maintained or a private entity should be retained to maintain the list.
12. If a private entity were retained to maintain the list, the standards to which the entity should be held to account.
13. Whether and how provisional voting of challenged electors could be facilitated after the list is established.

(b) The elections board shall study and prepare specific recommendations for implementing the proposal submitted under paragraph (c) for creation of a statewide voter registration list system. In conducting its study, the board shall address each of the issues specified in paragraph (a). The board shall submit the results of its study and recommendations to the legislature in the manner provided in section 13.172 (2) of the statutes no later than the first day of the 10th month beginning after the effective date of this paragraph.

(2y) NONSEVERABILITY.

(a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that all or any portion of sections 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as created by this act, or SECTION 9115 (2w) of this act are unconstitutional, then sections 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as created by this act, and SECTION 9115 (2w) of this act are void in their entirety.

(b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30

(2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment of those provisions by this act is void.

**SECTION 9116. Nonstatutory provisions; employee trust funds.**

(1v) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or the secretary of administration under section 16.505 (3) of the statutes before the effective date of this subsection, the department of employee trust funds may fill 3.5 FTE GPR positions that are vacant on the effective date of this subsection, that are authorized to the department under section 16.505 of the statutes, and that are funded from the appropriation under section 20.512 (2) (a) of the statutes.



**SECTION 9123. Nonstatutory provisions; health and family services.**

(1x) UNDERAGE TOBACCO ENFORCEMENT. The department of health and family services shall identify \$3,012,200 in appropriated moneys in the appropriation accounts of that department, other than sum sufficient appropriation accounts, to fund activities conducted under section 254.916 of the statutes to achieve compliance with the requirements under 42 USC 300x-26 (a) and (b) that the state enact and enforce a law prohibiting the sale or distribution of tobacco products to persons under 18 years of age and with the certification required under P.L. 107-116, section 214, that the state commit additional state funds to enforce that law. In identifying appropriated moneys to fund activities conducted under section 254.916 of the statutes as described in this subsection, the department may not identify any appropriated moneys to fund those activities if funding those activities would change legislative intent with respect to the program funded by those appropriated moneys. By September 30, 2002, the department shall submit a plan to the joint committee on finance for funding the activities described in this subsection and a report on the status of the negotiations that the department is conducting with the federal department of health and human services relating to the certification required under P. L. 107-116, section 214.

(1z) RURAL HEALTH DENTAL CLINICS.

(a) Notwithstanding the amounts specified for expenditure in state fiscal year 2001-02 under section 146.65 (1) (a) and (b) of the statutes, the department of health and family services shall, in state fiscal year 2002-03, distribute moneys under section 146.65 (1) (a) of the statutes that were unexpended under that paragraph on July 1, 2002, and distribute moneys under section 146.65 (1) (b) of the statutes that were unexpended under that paragraph on July 1, 2002.

(b) Notwithstanding section 16.42 of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2003-2005 biennial budget bill, the department of health and family services shall submit information concerning the appropriation under section 20.435 (5) (dm) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 9329 (18z) of this act had not been made.

(2g) BIOTERRORISM RESPONSE AND PREPAREDNESS.

(a) In this subsection:

1. "Emergency medical technician" has the meaning given in section 146.50 (1) (e) of the statutes.
2. "Fire fighter" has the meaning given in section 38.24 (5) (a) 1m. of the statutes.
3. "First responder" has the meaning given in section 146.50 (1) (hm) of the statutes.
4. "Law enforcement officer" has the meaning given in section 165.85 (2) (c) of the statutes.

Vetoed  
In Part

(b) By April 15, 2002, before submitting a plan for expenditure of federal funds for bioterrorism response and preparedness for which Wisconsin is eligible under Public Law 107-117, to the federal department of health and human services, the department of health and family services shall submit the plan to the joint committee on finance for review and approval.

Vetoed  
In Part

(c) The plan specified under paragraph (b) shall include, to the extent permitted under Public Law 107-117, all of the following:

1. A proposal to allocate up to \$3,600,000 of Wisconsin's total allocation to fund all of the following:

- a. Communications equipment.
- b. Safety or protective equipment for law enforcement officers, fire fighters, emergency medical technicians, first responders, or local emergency response team members under section 166.22 of the statutes, who respond to emergencies.
- c. Training related to investigation of, prevention of, or response to acts of terrorism that pose a threat to the environment.
- d. Information systems, software, or computer equipment for investigating acts of terrorism that pose a threat to the environment.
- e. Training for specific special events where heightened security risks exist.
- f. Regional emergency response teams under section 166.215 (1) of the statutes or their expansion.
- g. Volunteer emergency medical service entities under section 146.50 of the statutes, as affected by this act, that are short of staff or are in need of additional training.

2. A proposal to fund all of the following:

- a. An increase of 2.5 FED positions in the department of health and family services to perform surveillance of and respond to communicable and infectious diseases and biological and chemical potential threats to the state.
- b. The statewide trauma care system under section 146.56 of the statutes, as affected by this act.
- c. An increase of 1.0 FED microbiologist position for the state laboratory of hygiene and all bioterrorism-related laboratory expenses.

(2v) DISEASE MANAGEMENT.

(a) In this subsection, "disease management" has the meaning given in section 49.45 (50) (a) of the statutes, as created by this act.

(b) By January 1, 2003, the department of health and family services shall invite proposals, under the department's request-for-proposals procedures, from entities to engage in activities of disease management on behalf of recipients of medical assistance.

Vetoed  
In Part

(2w) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE; RULES. The department of health and family services shall submit in proposed form the rules required under section 49.45 (2) (a) 9. of the statutes, as affected

Vetoed  
In Part



**Vetoed  
In Part**

by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection.

(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

(a) The department of health and family services shall submit in proposed form the rules required under section 252.041 (2) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

(b) Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate rules required under section 252.041 (2) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health and family services is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR SOLD; RULES.

(a) The department of health and family services shall submit in proposed form the rules required under section 252.02 (7) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

(b) Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate rules required under section 252.02 (7) of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department of health and family services is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

**Vetoed  
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(3f) STUDY OF FEDERAL PRIMARY HEALTH CARE FUNDING.

(a) In this subsection, "federally qualified health center" has the meaning given in 42 USC 1396d (L) (2) (B).

(b) The department of health and family services shall, in consultation with the Wisconsin Primary Health Care Association, Inc., study aspects of federal primary

health care funding that is available to public and private nonprofit entities under 42 USC 254b. The study shall include all of the following:

1. A review of statutory, regulatory, and policy requirements for grantees and potential grant applicants.

2. Suggestions for expanding the number of federally qualified health centers in Wisconsin; the number of sites operated by entities currently funded under 42 USC 254b; and other ways to increase the amount of federal funding for Wisconsin health care clinics.

(c) By June 30, 2002, the department of health and family services shall submit a report of the study under paragraph (b) to the legislature in the manner provided under section 13.172 (3) of the statutes and to the joint committee on finance.

(3xz) STATE CENTERS TASK FORCE.

(a) The department of health and family services shall create a task force that shall develop a plan for the state centers for the developmentally disabled. The plan, which shall be completed by the first day of the 7th month beginning after the effective date of this paragraph, shall include any recommended statutory language changes needed to implement the plan. The department shall submit this recommended statutory language to the department of administration as part of the department of health and family services' 2003-05 biennial budget request and to the legislature. The plan shall do the following:

1. Specify the future role of the state and the state centers for the developmentally disabled in providing services for persons with developmental disabilities.

2. Attempt to maximize the potential for independent living in the most appropriate setting and ensure quality care and services for each person residing in the state centers for the developmentally disabled, according to the person's wishes.

3. If the task force recommends closing a state center for the developmentally disabled, define and recommend changes in the role of one or more of the state centers for the developmentally disabled, including functioning other than as a state center for the developmentally disabled.

4. Ensure the provision of quality community-based services for persons who are able to be relocated from the state centers.

5. Provide for transitional employment opportunities and services for existing staff of the state centers for the developmentally disabled, in the event that one or more of the state centers close or are assigned new functions.

(b) The department of health and family services shall appoint the membership of the task force described in paragraph (a). The task force shall include representatives of all of the following:

1. The department of health and family services.

2. The department of veterans affairs.

3. The department of corrections.

**Vetoed  
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**Vetoed  
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- 4. The governor's office.
- 5. The American Federation of State, County and Municipal Employees union, the Service Employees International union, District 1199, and other labor unions.
- 6. Parents or guardians of current residents of the state centers for the developmentally disabled.
- 7. Former and current residents of the state centers for the developmentally disabled.
- 8. Advocates for persons with developmental disabilities.
- 9. A member of the board of an intermediate care facility for the mentally retarded.
- 10. Organizations that provide services to persons with developmental disabilities in the community.
- 11. County departments that provide services to persons with developmental disabilities.

(4g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES.

(a) The department of health and family services shall submit in proposed form the rules required under section 146.83 (3m) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 10th month beginning after the effective date of this subsection.

(b) To develop the rules under paragraph (a), the secretary of health and family services shall establish an advisory committee composed of members who represent a balance of persons who maintain patient health care records and persons who request patient health care records.

(4r) PROHIBITING RECOVERY OF PHARMACY OVERPAYMENTS.

(a) The department of health and family services may not recover any part of a payment to which all of the following apply:

1. The payment was made by the department between July 1, 1998, and January 29, 2001, for a prescription drug under the health insurance risk-sharing plan under chapter 149 of the statutes.

2. In December 2001, the department issued a notice of intent to recover all or part of the payment.

3. The intended recovery of all or part of the payment is based on a determination by the department that the amount paid was incorrect due to the transition of the administration of the health insurance risk-sharing plan under chapter 149 of the statutes from the office of the commissioner of insurance to the department.

(b) The department of health and family services shall return to any person, as defined in section 990.01 (26) of the statutes, any amount that is prohibited from recovery under this subsection that was recovered by the department before the effective date of this paragraph.

**SECTION 9125. Nonstatutory provisions; historical society.**

(1d) HISTORICAL SOCIETY. The historical society shall allocate \$100,000 in fiscal year 2001-02 and \$100,000 in

Vetoed  
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fiscal year 2002-03 for the office of local history and the historical society library.

Vetoed  
In Part

**SECTION 9127. Nonstatutory provisions; insurance.**

(1x) UNIFORM EMPLOYEE APPLICATION FORM RULES. The commissioner of insurance shall submit in proposed form the rules required under section 601.41 (8) (b) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 5th month beginning after the effective date of this subsection.

**SECTION 9131. Nonstatutory provisions; justice.**

(2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION FOR CITY OF RACINE. From the appropriation under section 20.455 (2) (cr) of the statutes, as created by this act, the department of justice shall award \$63,200 to the city of Racine police department in fiscal year 2002-03 for the purchase of an automated fingerprint identification system work station and for the installation of a Badgernet line for the work station. The city of Racine police department and the department of justice shall enter into an agreement regarding the duties and obligations of the police department and the department of justice with respect to the use of the automated fingerprint identification system work station and regarding the use of, and access to, the state automated fingerprint identification system and to other criminal record databases.

(2xz) INCREASE IN POSITIONS. The authorized FTE positions for the department of justice, funded from the appropriation under section 20.455 (1) (j) of the statutes, as created by this act, are increased by 5.5 PR positions.

Vetoed  
In Part

**SECTION 9132. Nonstatutory provisions; legislature.**

(1c) PROGRAM EVALUATION AND MANAGEMENT AUDIT OF DEPARTMENT OF ADMINISTRATION.

Vetoed  
In Part

(a) The joint legislative audit committee is requested to direct the legislative audit bureau to conduct a program evaluation and management audit of the department of administration to determine whether state government could function effectively without the department. If the audit is undertaken, the bureau is requested to include each of the following elements to the extent they are considered appropriate by the bureau:

1. A comparison of the functions and responsibilities of the department at the time that it was created and the current functions and responsibilities of the department.

2. A review of whether any administrative functions have been removed from the department since the time that it was created and whether the administrative functions that the department retains are significant enough to justify a separate department.

3. A comparison of the department's central administrative functions, efficiencies, and related budgetary impacts with the central administrative

**Vetoed  
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functions, efficiencies, and budgetary impacts associated with similar agencies in other states.

4. A comparison of the budgeted and per capita costs of the department at the time of its creation with the current budgeted and per capita costs of the department, together with the costs of any other agencies or subunits thereof to which original functions or responsibilities of the department have been transferred.

5. A review of the policy-making responsibilities that have been assigned to the department, including an assessment of whether such responsibilities could be more effectively administered by other state agencies.

6. An assessment of whether any functions or responsibilities of the department duplicate those of other state agencies and could therefore be reduced or eliminated.

7. A review of whether the efficiencies and cost savings intended by the legislature and governor when the department was created have been realized.

8. An assessment of whether there are any impediments to decentralizing those responsibilities and functions that are currently assigned to the department by assigning these functions and responsibilities to the office of the governor or to other state agencies.

9. A review of the costs charged by the department to other state agencies or to local governments and an assessment of whether the responsibilities and functions funded by these charges could be effectively undertaken by this state if the department did not exist.

(b) If the bureau undertakes the audit, the bureau is requested to submit a report of its findings and recommendations to the distributees specified in section 13.94 (1) (b) of the statutes no later than the first day of the 9th month beginning after the effective date of this paragraph.

(3q) STUDY OF CERTAIN ELECTION ADMINISTRATION SERVICES. The joint legislative council is requested to conduct a study of election administration services performed by municipalities and counties and prepare recommendations for the consolidation of those services. If the joint legislative council conducts the study and prepares the recommendations, it shall report its findings, conclusions, and recommendations, in the manner provided under section 13.172 (2) of the statutes, to the 2003 legislature when that legislature convenes.

(4v) DECLARATORY JUDGMENT. The legislature directs the attorney general to promptly commence an action seeking a declaratory judgment that the treatment of chapter 11 of the statutes by this act, including specifically the treatment of sections 11.01 (16) (a) 3., 11.06 (2), 11.12 (6) (am) and (c), 11.24 (1w), 11.26 (1) (intro.), (1m), (2) (a), (ae), (am), (as), and (av), (2m), (8), (8n), (8r), (9) (a), and (9m), 11.31 (3p), 11.50 (2s) (f) and (4) (bg) and (br), and 11.60 (3r) of the statutes are constitutional. The legislature directs the attorney general to petition for leave to commence the action as an original

action before the Wisconsin supreme court. If such a petition is denied, the legislature directs the attorney general to commence the action in the circuit court for Dane County. If the attorney general fails to commence an action under this subsection by the 61st day following the effective date of this subsection, the joint committee on legislative organization shall, within 30 days thereafter, retain counsel for the purpose of commencing such an action.

**SECTION 9136. Nonstatutory provisions; military affairs.**

(1) YOUTH CHALLENGE PROGRAM. The authorized FTE positions for the department of military affairs are decreased by 17.2 GPR positions on July 1, 2002, and increased by 17.2 PR positions on July 1, 2002, to be funded from the appropriation under section 20.465 (4) (ka) of the statutes, as affected by this act, for the Youth Challenge program.

**SECTION 9137. Nonstatutory provisions; natural resources.**

(1q) WHEELCHAIR RECYCLING PROJECT. From the appropriation under section 20.370 (6) (bw), as created by this act, the department of natural resources shall provide funding to the Wheelchair Recycling Project, of the Madison Chapter of the National Spinal Cord Injury Association, to provide recycled wheelchairs and other medical equipment to individuals and programs in need and for costs of equipment, parts, maintenance, and distribution.

(1v) COUNCIL ON FORESTRY. Notwithstanding the length of term specified in section 15.347 (19) (c) of the statutes, as created in this act, of the members first appointed to the council on forestry under section 15.347 (19) (a) 6. to 19. of the statutes, as created by this act, the governor shall designate 4 members to serve for terms expiring on July 1, 2005, 3 members to serve for terms expiring on July 1, 2006, 4 members to serve for terms expiring on July 1, 2007, and 3 members to serve for terms expiring on July 1, 2008.

(1w) ANIMAL HEALTH PROTECTION. The department of natural resources and the department of agriculture, trade and consumer protection shall enter into a contract for the purpose of enhancing the protection of the health of wild and domestic animals in this state. Under the contract, the department of natural resources may provide the department of agriculture, trade and consumer protection with \$150,000 in fiscal year 2002-03 from the appropriation under section 20.370 (1) (mu) of the statutes, as affected by this act, for purposes related to animal health regulation, including improving its livestock farm location and livestock tracking databases and studying the implementation of an electronic system for certification of veterinary inspection.

(1x) COASTER BROOK TROUT STUDY AND REINTRODUCTION. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the

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statutes for purposes of the 2003-2005 biennial budget bill, the department of natural resources shall submit information concerning the appropriation under section 20.370 (4) (mu) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 9237 (27x) of this act had not been made.

(2fxq) INVASIVE SPECIES COUNCIL STAGGERED TERMS. Notwithstanding the length of term specified in section 15.347 (18) (b) 7. of the statutes, as created in this act, of the members first appointed to the invasive species council under section 15.347 (18) (b) 7. of the statutes, as created by this act, the governor shall designate 2 members to serve for terms expiring on July 1, 2007, 2 members to serve for terms expiring on July 1, 2008, and 3 members to serve for terms expiring on July 1, 2009.

(2x) RECREATIONAL BOATING AIDS, FISH, MUD, AND CRYSTAL LAKES.

(a) From the appropriation under section 20.370 (5) (cq) of the statutes, and before applying the percentages under section 30.92 (4) (b) 6. of the statutes, the department of natural resources in fiscal year 2002-03 shall provide financial aid to Dane County for water-quality and lake-level improvements for Fish Lake and Mud Lake located in Dane County and for Crystal Lake located in both Dane County and Columbia County. The amount provided to Dane County under this paragraph shall equal the total amount contributed by local entities for the improvements or \$200,000, whichever is less. Notwithstanding section 30.92 (4) (b) 7. of the statutes, the improvements specified under this paragraph qualify as a recreational boating project for the purpose of providing moneys under this paragraph. This improvement project need not be placed on the priority list under section 30.92 (3) (a) of the statutes.

(b) Contributions by local entities under paragraph (a) may be made by Dane County, Columbia County, the town of Roxbury in Dane County, the town of West Point in Columbia County, any public inland lake protection and rehabilitation district organized for Fish, Mud, and Crystal lakes, any other local governmental unit, as defined in section 66.0131 (1) (a) of the statutes, that seeks contributions for the improvements specified under paragraph (a), and any other organization that seeks such contributions.

**SECTION 9139. Nonstatutory provisions; public defender board.**

(1z) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or the secretary of administration under section 16.505 (3) of the statutes during the 2001-03 fiscal biennium, the public defender board may fill any vacant position for trial or appellate representation that is authorized to the board under section 16.505 of the statutes during the 2001-03 fiscal biennium and for which funds have been appropriated.

**SECTION 9140. Nonstatutory provisions; public instruction.**

(2x) HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS. To the extent permitted under federal law, in the 2002-03 fiscal year, the department of public instruction shall award a subgrant under 20 USC 6368 or other applicable federal programs of at least \$250,000 to the home instruction program for preschool youngsters from the appropriation under section 20.255 (3) (ms) of the statutes.

**(3q) TRANSFER OF DUTIES FROM THE TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD.**

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration primarily related to the functions of the technology for educational achievement in Wisconsin board, as determined by the secretary of administration, shall become the assets and liabilities of the department of public instruction.

(b) *Position and employee transfers.* All positions authorized for the technology for educational achievement in Wisconsin board on the day before the effective date of this paragraph, except for the position of executive director, are, on the effective date of this paragraph, transferred to the department of public instruction, and the incumbent employees in those positions are transferred on the effective date of this paragraph to the department of public instruction.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of public instruction that they enjoyed in the technology for educational achievement in Wisconsin board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no transferred employee who has attained permanent status in class is required to serve a probationary period.

(cm) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the functions of the technology for educational achievement in Wisconsin board, as determined by the secretary of administration, is transferred to the department of public instruction.

(d) *Contracts.* 1. All contracts entered into by the technology for educational achievement in Wisconsin board in effect on the effective date of this paragraph remain in effect and are transferred to the department of public instruction. The department of public instruction shall carry out any obligations under a transferred contract until the department of public instruction modifies or rescinds the contract.

2. All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the functions of the technology for educational achievement in Wisconsin board, as determined by the secretary of administration, remain in effect and are transferred to the department of

Vetoed  
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In Part

public instruction. The department of public instruction shall carry out any obligations under a transferred contract until the department of public instruction modifies or rescinds the contract.

(e) *Rules and orders.* All rules promulgated by the technology for educational achievement in Wisconsin board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until the department of public instruction amends or repeals them. All orders issued by the technology for educational achievement in Wisconsin board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until the department of public instruction modifies or rescinds them.

(f) *Pending matters.* Any matter pending with the technology for educational achievement in Wisconsin board on the effective date of this paragraph is transferred to the department of public instruction, and all materials submitted to or actions taken by the technology for educational achievement in Wisconsin board concerning the pending matter are considered to have been submitted to or taken by the department of public instruction.

**SECTION 9141. Nonstatutory provisions; public lands, board of commissioners of.**

(2f) ESTABLISHMENT OF LOAN PROGRAM.

(a) In this subsection:

1. "Board" means the board of commissioners of public lands.

2. "Federal discretionary grant" has the meaning given by the board.

3. "Municipality" has the meaning given in section 24.60 (2) of the statutes.

4. "State discretionary grant" has the meaning given by the board.

(b) No later than 90 days after the effective date of this paragraph, the board shall establish a loan program to provide matching funds to a municipality for any state or federal discretionary grant that requires the municipality to provide matching funds as a condition of receiving the grant. The only municipalities that may participate in the loan program are municipalities eligible to receive such a loan under section 24.61 (3) of the statutes. No loan may be made under the loan program for any term exceeding 5 years and no loan may be extended for any period of time.

(c) No later than 30 days after establishing the loan program, but before implementing the loan program, the board shall submit a report to the governor, the secretary of administration, and the joint committee on finance on the proposed structure and operation of the loan program.

**SECTION 9142. Nonstatutory provisions; public service commission.**

(1v) ENERGY CONSERVATION.

(a) In this subsection:

Vetoed  
In Part

1. "Commission" means the public service commission.

2. "Utility" has the meaning given in section 196.374 (1) (c) of the statutes.

(b) Notwithstanding the requirement under section 196.374 (3) of the statutes for a utility to make specified contributions to the commission in a fiscal year of the amounts determined by the commission under section 196.374 (2) of the statutes, the commission may allow a utility to retain, until December 31, 2004, a portion of the amounts determined by the commission under section 196.374 (2) (b), (c), and (d) of the statutes, instead of contributing the portion to the commission, if the commission determines that the portion is attributable to energy conservation programs for industrial, commercial, and agricultural customers in the utility's service area. If the commission allows a utility to retain a portion under this paragraph, the utility must contribute 1.75% of the portion to the commission for research and development for energy conservation and efficiency and must contribute 4.5% of the portion to the commission for renewable resource programs.

(1x) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor or the secretary of administration under section 16.505 (3) of the statutes before the effective date of this subsection, the public service commission may fill 3.0 FTE PR positions that are vacant on the effective date of this subsection, that are related to the performance of environmental analyses and engineering reviews, that are authorized to the commission under section 16.505 of the statutes, and that are funded from the appropriation under section 20.155 (1) (g) of the statutes. If the public service commission does not fill the positions by the first day of the 6th month beginning after the effective date of this subsection, the commission shall, no later than the first day of the 7th month beginning after the effective date of this subsection, submit a report to the joint committee on finance of the legislature that explains the reasons for not filling the positions.

**SECTION 9144. Nonstatutory provisions; revenue.**

(1) ADOPTION OF FEDERAL INCOME TAX LAW CHANGES. Changes to the Internal Revenue Code made by P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, apply to the definitions of the "Internal Revenue Code" in chapter 71 of the statutes at the time that those changes apply for federal income tax purposes.

(1m) PENALTY FOR CONVERTING AGRICULTURAL LAND. Notwithstanding section 70.32 (2s) (c) of the statutes, as created by this act, and section 74.485 of the statutes, as created by this act, land assessed as agricultural land for the property tax assessments as of January 1, 2002, that may no longer be assessed as agricultural land for the property tax assessments as of January 1, 2003, because the land is not used as a farm, as defined under section

Vetoed  
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Vetoed  
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**Vetoed In Part** 70.32 (2s) (a) 2. of the statutes, is not subject to the penalty under section 74.485 of the statutes with regard to the property tax assessments as of January 1, 2002, and January 1, 2003.

**Vetoed In Part** (1vv) ALCOHOL AND TOBACCO ENFORCEMENT AGENTS. The department of revenue shall retain 13 agents in the department's alcohol and tobacco enforcement section at least until July 1, 2003.

(1vw) Large-case field auditors. The department of revenue shall retain 10 large-case field auditors in New York at least until July 1, 2003.

**SECTION 9151. Nonstatutory provisions; tourism.**

(1x) HERITAGE TOURISM PROGRAM COORDINATOR. The authorized FTE positions for the department of tourism, funded from the appropriation under section 20.380 (1) (kg) of the statutes, are decreased by 1.0 PR heritage tourism program coordinator position.

**SECTION 9152. Nonstatutory provisions; transportation.**

(1) REPORT ON LAPSING MONEYS TO THE TRANSPORTATION FUND.

(a) During fiscal year 2001-02, the department of transportation shall submit a report to the department of administration for the lapsing of \$4,333,600 in fiscal year 2001-02 from segregated revenue appropriations to the department of transportation for state operations from the transportation fund. With respect to the proposed lapse, the report shall specify applicable appropriation accounts, the amount of the proposed lapse from each appropriation account, and anticipated actions by the department of transportation. The department of transportation shall avoid adverse impacts on activities related to highway planning and programming, design, and construction.

(b) No later than December 31, 2002, the department of transportation shall submit a report to the department of administration for the lapsing of \$6,190,900 in fiscal year 2002-03 from segregated revenue appropriations to the department of transportation for state operations from the transportation fund. With respect to the proposed lapse, the report shall specify applicable appropriation accounts, the amount of the proposed lapse from each appropriation account, and anticipated actions by the department of transportation. The department of transportation shall avoid adverse impacts on activities related to highway planning and programming, design, and construction.

**Vetoed In Part** (2f) IMPROVEMENTS TO USH 51 IN CITY OF MADISON. Notwithstanding section 85.07 of the statutes, during the 2001-03 fiscal biennium, the department of transportation shall expend funds not to exceed \$300,000 from federal funds available under 23 USC 152 for a highway improvement project on USH 51 at the intersection of Rieder Road in the city of Madison in Dane County, if the project is consistent with the requirements of 23 USC 152 and regulations

promulgated under 23 USC 152. The project shall include reconstruction of the southbound lanes of USH 51 at Rieder Road to incorporate a divided deceleration and turn lane on USH 51 for southbound traffic turning east onto Rieder Road from USH 51 and a divided acceleration lane on USH 51 for traffic traveling west on Rieder Road turning south onto USH 51. The project shall also include installation of any traffic control signals necessary to allow traffic traveling west on Rieder Road to turn onto southbound USH 51 without requiring southbound traffic on USH 51 to stop.

(4q) REQUEST ON SOUTHEAST WISCONSIN FREEWAY REHABILITATION. By the date specified by the cochairpersons of the joint committee on finance for the submission of requests for consideration at the next quarterly meeting of the committee occurring after the effective date of this subsection, the department of transportation shall submit a request for the transfer of moneys from the appropriations under section 20.395 (3) (cq), (cv), and (cx) of the statutes, as affected by this act, to the appropriations under section 20.395 (3) (cr), (cw), and (cy) of the statutes to allocate funds for rehabilitation of the southeast Wisconsin freeways. The department's request, and the committee's action on the request, may not include funding now allocated for projects in other parts of the state or other funding that is not currently allocated to rehabilitation of southeast Wisconsin freeways.

**SECTION 9153. Nonstatutory provisions; treasurer.**

(1k) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The treatment of sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to any property paid or delivered to the state treasurer under section 177.17 (4) (a) 2. of the statutes or section 177.19 (1), 1999 stats., before the effective date of this subsection.

**SECTION 9156. Nonstatutory provisions; University of Wisconsin System.**

(1) TUITION-INCREASE RESTRICTIONS. Notwithstanding section 36.27 (1) (a) and (am) 1. to 5. of the statutes, the board of regents of the University of Wisconsin System may not increase the average of academic fees charged an undergraduate student in the 2002-03 academic year compared to the average academic fees charged an undergraduate student in the 2001-02 academic year by more than 8% unless the board obtains the approval of the joint committee on finance under section 13.10 of the statutes and the approval of the secretary of administration. The board of regents shall determine average academic fees under this subsection on a full-time equivalent basis. The board may not increase differential tuition under section 36.27 (1) (am) 6. of the statutes for the 2002-03 academic year to offset decreases in the appropriations under section 20.285 (1) (a) and (3) (a) of the statutes.

(1q) ORDER OF STATE EMPLOYEE LAYOFFS.

**Vetoed In Part**

**Vetoed In Part**

Vetoed  
In Part

(a) In this subsection, "state agency" has the meaning given in section 16.375 (1) of the statutes, but does not include the board of regents of the University of Wisconsin System.

(b) If a state agency is required to lay off any of its employees as a result of any appropriation reduction required under this act, no employee of the state agency who is in the classified service of the state civil service system may be laid off until all employees of the state agency who are in the unclassified service of the state civil service system are laid off other than the chief administrative officer of the state agency.

(2z) COGENERATION FACILITY.

(f) In this subsection:

1. "Board" means the board of regents of the University of Wisconsin System.

2. "Department" means the department of administration.

3. "Public utility" means the public utility that provides electric service to the University of Wisconsin-Madison or an affiliate of that public utility.

(g) To further the energy conservation and efficiency goals of section 1.12 (5) of the statutes and to meet the needs of the University of Wisconsin System for electric, steam, and chilled-water services in a cost-effective and technically feasible manner, the board and department shall negotiate an agreement with the public utility for the public utility to construct a centralized cogeneration facility with a nominal output of 150 megawatts at the campus of the University of Wisconsin-Madison for the purpose of providing, no later than July 1, 2004, electric, steam, and chilled-water services. This paragraph does not affect the authority of the public service commission under chapter 196 of the statutes with respect to such a facility.

Vetoed  
In Part

(3q) CHILD-PARENT CENTER DEMONSTRATION PROJECT INCREASE. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2003-05 biennial budget bill, the board of regents of the University of Wisconsin System shall submit information concerning the appropriation under section 20.285 (1) (a) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 9256 (3q) of this act had not been made.

(5m) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE OPERATIONS.

(a) On the effective date of this paragraph, the assets and liabilities of the board of regents of the University of Wisconsin System that are primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison, as determined by the secretary of administration, shall become assets and liabilities of the department of administration.

(b) On the effective date of this paragraph, all tangible personal property, including records, of the board of

regents of the University of Wisconsin System that is primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison, as determined by the secretary of administration, is transferred to the department of administration.

(c) All contracts entered into by the board of regents of the University of Wisconsin System in effect on the effective date of this paragraph that are primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison, as determined by the secretary of administration, are transferred to the department of administration. The department of administration shall carry out any contractual obligations under such a contract until the contract is modified or rescinded by the department of administration to the extent allowed under the contract.

(d) All rules promulgated by the board of regents of the University of Wisconsin System that are primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration. All orders issued by the board of regents of the University of Wisconsin System that are primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of administration.

(e) Any matter pending with the board of regents of the University of Wisconsin System that is primarily related to its vehicle fleet maintenance functions at the University of Wisconsin-Madison on the effective date of this paragraph is transferred to the department of administration, and all materials submitted to or actions taken by the board of regents of the University of Wisconsin System with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(f) Notwithstanding section 16.42 of the statutes, the board of regents of the University of Wisconsin System shall submit information under section 16.42 of the statutes for purposes of the 2003-05 biennial budget bill reflecting any savings incurred by the board of regents from consolidation of vehicle fleet maintenance functions under this subsection.

(g) The board of regents of the University of Wisconsin System shall fully cooperate with the department of administration in implementing this subsection.

**SECTION 9159. Nonstatutory provisions; other.**

(3x) SUSPENSION OF PAYMENT OF EMPLOYER CONTRIBUTIONS FOR CERTAIN BENEFITS PROVIDED TO STATE EMPLOYEES.

(a) The definitions in section 20.001 of the statutes are applicable in this subsection, except that "state



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agency” does not include the department of employee trust funds or the investment board.

(b) Notwithstanding any requirement under section 40.05 (4) (br) and (by) of the statutes that state agencies pay certain contributions to the department of employee trust funds relating to accumulated unused sick leave credits and supplemental health insurance premium credits, state agencies shall not pay any employer contributions under section 40.05 (4) (br) and (by) of the statutes during the period that begins on July 1, 2002, and ends on June 30, 2003.

(c) The secretary of administration shall determine for each state agency the amount that the agency would have been required to expend under section 40.05 (4) (br) and (by) of the statutes during the period that begins on July 1, 2002, and ends on June 30, 2003, and from each appropriation from which the moneys would have been expended, other than appropriations of federal revenues.

(d) From each sum certain appropriation of general purpose revenue identified in paragraph (c), the secretary of administration shall lapse to the general fund the amount specified in paragraph (c) that would otherwise have been expended from each of the appropriations. The secretary shall make the lapse on the day on which the state agency would have been required to make the expenditure. After the secretary makes the lapse, each of the sum certain appropriations is decreased by the amount specified in paragraph (c) for that appropriation.

(dm) For each sum sufficient appropriation of general purpose revenue identified in paragraph (c) the expenditure estimate for the appropriation during the 2001–03 fiscal biennium is reestimated to subtract the amount specified in paragraph (c) for that appropriation.

(e) From each appropriation of program revenues or program revenues–service identified in paragraph (c), the secretary of administration shall lapse to the general fund the amount specified in paragraph (c) that would otherwise have been expended from each of the appropriations. The secretary shall make the lapse on the day on which the state agency would have been required to make the expenditure. After the secretary makes the lapse, each of the sum certain program revenues or program revenues–service appropriations is decreased by the amount specified in paragraph (c) for that appropriation.

(f) From each appropriation of segregated fund revenues or segregated fund revenues — service identified in paragraph (c), the secretary of administration shall lapse to the underlying fund the amount specified in paragraph (c) that would otherwise have been expended from each of the appropriations. The secretary shall make the lapse on the day on which the state agency would have been required to make the expenditure. After the secretary makes the lapse, each of the sum certain segregated revenues or segregated revenues — service appropriations is decreased by the amount specified in paragraph (c) for that appropriation and the expenditure estimate for each

of the appropriations that are not sum certain appropriations is reestimated to subtract the amount specified in paragraph (c) for that appropriation. The secretary shall then transfer the lapsed amounts and an amount equal to the amount subtracted from the estimates to the general fund.

(4z) VOLUNTARY EMPLOYEE FURLOUGH. Any chief administrative officer of a state agency, as defined in section 20.001 (1) of the statutes, may permit any employee of that agency, other than an employee who is an elected official or is nominated or appointed by the governor for a fixed term to his or her position, to take a voluntary unpaid leave of absence during the 2001–03 fiscal biennium for a period not to exceed 8 weeks. During any time in which an employee is on a leave of absence granted under this subsection, the chief administrative officer shall continue to make all required employer contributions for that employee, as well as any required employee contributions that the employer is required to make on behalf of that employee in accordance with a collective bargaining agreement under subchapter V of chapter 111 or section 230.12 of the statutes, for benefits provided under chapter 40 of the statutes, but not including any such contributions under section 40.05 (1) and (2) of the statutes. During the leave of absence, the employee’s employment shall be considered not to have been interrupted for all purposes relating to wages, hours, and conditions of employment, except that the employee shall not be paid a salary nor accrue creditable service, as defined in section 40.02 (17) of the statutes, for purposes of the Wisconsin retirement system. The timing of any leave of absence granted under this subsection shall be at the discretion of the chief administrative officer. Notwithstanding section 111.91 (1) of the statutes, for employees who are included in a collective bargaining unit for which a representative is recognized or certified under subchapter V of chapter 111 of the statutes, this subsection shall apply except as otherwise provided in a collective bargaining agreement.

(5c) PROHIBITING CERTAIN COST ALLOCATIONS AND FEE OR ASSESSMENT INCREASES.

(a) In this subsection, “state agency” has the meaning given in section 20.001 (1) of the statutes.

(b) Before July 1, 2003, no state agency that has the authority to increase fees or assessments or allocate costs within the state agency or between one or more state agencies for the payment of goods or services may increase any fee or assessment or allocate costs if the fee or assessment is credited to, or the cost is charged against, a program revenue or segregated revenue appropriation from which moneys are lapsed or transferred under this act and the fee, assessment, or cost allocation is to replace the moneys required to be lapsed or transferred under this act, unless the state agency submits a plan for the increase or allocation to the joint committee on finance. If the cochairpersons of the committee do not notify the state

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agency within 14 working days after the date on which the state agency submitted the plan that the committee intends to schedule a meeting to review the plan, the state agency may implement the plan. If, within 14 working days after the date on which the state agency submitted the plan, the cochairpersons of the committee notify the state agency that the committee intends to schedule a meeting to review the plan, the state agency may implement the plan only as approved by the committee.

Vetoed  
In Part

(5t) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

(a) *Assets and liabilities.* Except as provided in SECTION 9259 (9r) of this act, on the effective date of this paragraph, the assets and liabilities of the department of electronic government shall become assets and liabilities of the department of administration.

(b) *Positions and employees.*

1. On the effective date of this subdivision, all full-time equivalent positions in the department of electronic government, except the positions occupied by the secretary, the deputy secretary, the executive assistant, and 2 division administrator positions determined by the secretary of administration, are transferred to the department of administration.

2. All incumbent employees holding positions specified in subdivision 1. are transferred on the effective date of this subdivision to the department of administration.

3. Employees transferred under subdivision 2. have all of the rights and the same status under subch. V of ch. 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of electronic government immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of electronic government is transferred to the department of administration.

(d) *Contracts.* All contracts entered into by the department of electronic government that are in effect on the effective date of this paragraph are transferred to the department of administration. The department of administration shall carry out any contractual obligations under such a contract until the contract is modified or rescinded by the department of administration to the extent allowed under the contract.

(e) *Rules and orders.* All rules promulgated by the department of electronic government that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of administration. All orders issued by the department of electronic government that are in effect on the effective date of this paragraph remain

in effect until their specified expiration dates or until modified or rescinded by the department of administration.

(f) *Pending matters.* Any matter pending with the department of electronic government on the effective date of this paragraph is transferred to the department of administration, and all materials submitted to or actions taken by the department of electronic government with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(5z) IMPLEMENTATION OF APPROPRIATION DECREASES.

(a) In this subsection, "department" has the meaning given for "executive branch agency" under section 16.70 (4) of the statutes.

(b) In implementing appropriation decreases made by or under this act for the 2002-03 fiscal year, each department shall ensure that any reduction of services provided by the department under each affected appropriation is equitably apportioned between residents of rural areas and residents of urban areas.

(c) Notwithstanding section 16.50 (1) of the statutes, the secretary of administration shall require each department to submit an expenditure estimate for any expenditure to be made from an appropriation that is decreased by or under this act for the 2002-03 fiscal year. Notwithstanding section 16.50 (2) of the statutes, the secretary shall disapprove any such estimate that provides for any reallocation of services provided by the department in contravention of the requirement under paragraph (b).

**SECTION 9201. Appropriation changes; administration.**

(1) HOUSING GRANTS AND LOANS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (7) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,500,000 for fiscal year 2001-02 and the dollar amount is decreased by \$3,300,300 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(4) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$200,000 for fiscal year 2001-02 and the dollar amount is decreased by \$250,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(4v) GENERAL PROGRAM OPERATIONS; SUPPLEMENTAL REDUCTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$224,900 for fiscal year 2001-02 and the dollar amount is decreased by \$182,700 for fiscal year

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2002-03 to decrease funding for the purposes for which the appropriation is made.

(6) COMPREHENSIVE PLANNING; ADMINISTRATIVE SUPPORT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (cn) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,700 for fiscal year 2001-02 and the dollar amount is decreased by \$2,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

Vetoed  
In Part

(7q) TELECOMMUNICATIONS AND VETERANS SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (ke) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$102,500 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(8) ADJUDICATION OF TAX APPEALS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$20,800 for fiscal year 2001-02 and the dollar amount is decreased by \$30,000 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(9) COMMITTEES AND INTERSTATE BODIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (4) (ba) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$135,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(10) WOMEN'S COUNCIL OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (4) (ea) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,600 for fiscal year 2001-02 and the dollar amount is decreased by \$5,200 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

Vetoed  
In Part

(10d) PERFORMANCE EVALUATION OFFICE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (kj) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$672,800 for fiscal year 2002-03 to decrease the authorized FTE positions for the department by 8.0 PR positions for the performance of the duties of the performance evaluation office, attached administratively to the office of the secretary of administration.

(11) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN AWARD OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (4) (ec) of the statutes, as affected by the acts of

2001, the dollar amount is decreased by \$700 for fiscal year 2001-02 and the dollar amount is decreased by \$1,100 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(12) OFFICE OF JUSTICE ASSISTANCE GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (6) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$13,600 for fiscal year 2001-02 and the dollar amount is decreased by \$19,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(13) DIVISION OF GAMING; RACING AND PARI-MUTUEL WAGERING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (8) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$164,100 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

**SECTION 9202. Appropriation changes; adolescent pregnancy prevention and pregnancy services board.**

(1) GENERAL PROGRAM OPERATIONS DECREASES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the adolescent pregnancy prevention and pregnancy services board under section 20.434 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$800 for fiscal year 2001-02 and the dollar amount is decreased by \$1,300 for fiscal year 2002-03 for the purpose for which the appropriation is made.

(2) GRANTS TO ORGANIZATIONS DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the adolescent pregnancy prevention and pregnancy services board under section 20.434 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,100 for fiscal year 2001-02 and the dollar amount is decreased by \$4,400 for fiscal year 2002-03 for the purpose for which the appropriation is made.

**SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.**

(1) SOIL AND WATER RESOURCE MANAGEMENT, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (qd) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$123,100 for fiscal year 2001-02 and the dollar amount is decreased by \$246,200 for fiscal year 2002-03 to reduce funding for the purpose for which the appropriation is made.

(2) FOOD SAFETY AND CONSUMER PROTECTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and

consumer protection under section 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$175,900 for fiscal year 2001–02 and the dollar amount is increased by \$93,400 for fiscal year 2002–03 to reflect consolidation with the appropriation for automobile repair regulation.

(3) PAYMENTS TO ETHANOL PRODUCERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$55,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) ANIMAL HEALTH SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$27,100 for fiscal year 2001–02 and the dollar amount is decreased by \$112,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(5) MARKETING SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$203,900 for fiscal year 2001–02 and the dollar amount is decreased by \$275,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(6) AID TO WISCONSIN LIVESTOCK BREEDERS ASSOCIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(7) AIDS TO COUNTY AND DISTRICT FAIRS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (4) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$20,500 for fiscal year 2001–02 and the dollar amount is decreased by \$29,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(8) AGRICULTURAL INVESTMENT AIDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (4) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$15,400 for fiscal year 2001–02 and the dollar amount is decreased by \$20,000 for fiscal year

2002–03 to decrease funding for the purposes for which the appropriation is made.

(9) FARMER TUITION ASSISTANCE GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (4) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$200 for fiscal year 2001–02 and the dollar amount is decreased by \$300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(10) AIDS TO WORLD DAIRY EXPO, INC. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (4) (e) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$900 for fiscal year 2001–02 and the dollar amount is decreased by \$1,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(11) AGRICULTURAL RESOURCE MANAGEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$22,400 for fiscal year 2001–02 and the dollar amount is decreased by \$36,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(12) SOIL AND WATER RESOURCE MANAGEMENT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$205,600 for fiscal year 2001–02 and the dollar amount is decreased by \$293,800 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(13) DRAINAGE BOARD GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (7) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$17,500 for fiscal year 2001–02 and the dollar amount is decreased by \$25,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(14) CENTRAL ADMINISTRATIVE SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$83,200 for fiscal year 2001–02 and the dollar amount is decreased by \$135,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.



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Vetoed  
In Part

(14xz) CONSUMER PROTECTION TRANSFER.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,292,100 for fiscal year 2002–03 to reflect the transfer of certain consumer protection programs, functions, and enforcement activities to the department of justice and to decrease the authorized FTE positions for the department of agriculture, trade and consumer protection by 41.25 GPR positions related to those consumer protection programs, functions, and enforcement activities.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$292,400 for fiscal year 2002–03 to reflect the transfer of certain consumer protection programs, functions, and enforcement activities to the department of justice and to decrease the authorized FTE positions for the department of agriculture, trade and consumer protection by 2.5 GPR positions related to those consumer protection programs, functions, and enforcement activities.

**SECTION 9205. Appropriation changes; arts board.**

(1) SUPPORT OF ARTS PROJECT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$12,400 for fiscal year 2001–02 and the dollar amount is decreased by \$19,400 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(2) STATE AID FOR THE ARTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$43,400 for fiscal year 2001–02 and the dollar amount is decreased by \$62,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(3) CHALLENGE GRANT PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$28,700 for fiscal year 2001–02 and the dollar amount is decreased by \$41,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) WISCONSIN REGRANTING PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$5,300 for fiscal year 2001–02

and the dollar amount is decreased by \$7,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(5f) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the arts board under section 20.215 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,500 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9210. Appropriation changes; commerce.**

(2) SAFETY AND BUILDINGS OPERATIONS, PETROLEUM INSPECTION FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (3) (r) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$365,500 for fiscal year 2001–02 and the dollar amount is decreased by \$665,000 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(3) PETROLEUM STORAGE REMEDIAL ACTION ADMINISTRATION, PETROLEUM INSPECTION FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (3) (w) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$63,000 for fiscal year 2001–02 and the dollar amount is decreased by \$90,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the petroleum inspection fund to the general fund \$428,500 in fiscal year 2001–02 and \$755,000 in fiscal year 2002–03.

(5) GENERAL PROGRAM OPERATIONS; ECONOMIC AND COMMUNITY DEVELOPMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$111,100 for fiscal year 2001–02 and the dollar amount is decreased by \$187,500 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(6) ECONOMIC DEVELOPMENT PROMOTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$13,100 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(7) AID TO FORWARD WISCONSIN, INC. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (bm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$25,000 for fis-



cal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(8) MAIN STREET PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (dr) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$15,000 for fiscal year 2001-02 and the dollar amount is decreased by \$21,900 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(9) GENERAL PROGRAM OPERATIONS; TECHNOLOGY-BASED ECONOMIC DEVELOPMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (e) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,300 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(10) PRIVATE SEWAGE SYSTEM REPLACEMENT AND REHABILITATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (3) (de) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$330,900 for fiscal year 2001-02 and the dollar amount is decreased by \$501,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

Vetoed  
In Part

(10w) WISCONSIN DEVELOPMENT FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,000,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(11) GENERAL PROGRAM OPERATIONS; EXECUTIVE AND ADMINISTRATIVE SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$103,800 for fiscal year 2001-02 and the dollar amount is decreased by \$87,500 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(11z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of commerce under section 20.143 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$500,000 for fiscal year 2002-03 to decrease funding for the division of international and export services and to decrease the authorized FTE positions for the department by 2.5 GPR positions on July 1, 2002, or on the day after publication, whichever is later, for the division of international and export services.

Vetoed  
In Part

SECTION 9211. Appropriation changes; corrections.

(1) INMATE SECURE WORK PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$171,500 for fiscal year 2002-03 to decrease the authorized FTE positions for the department by 3.0 GPR positions for the inmate secure work program.

(2) JAIL REIMBURSEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (bn) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$466,600 for fiscal year 2001-02 and the dollar amount is increased by \$915,300 for fiscal year 2002-03 for the purpose for which the appropriation is made.

(2c) LAPSE TO THE GENERAL FUND. In fiscal year 2001-02, the secretary of administration shall lapse to the general fund \$2,267,800 from the appropriation account under s. 20.410 (1) (kx) of the statutes.

Vetoed  
In Part

(3) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,229,400 for fiscal year 2001-02 and the dollar amount is decreased by \$2,534,800 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(4) INSTITUTIONAL REPAIR AND MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (aa) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$201,300 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(5) CORRECTIONS CONTRACTS AND AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,225,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(6) SERVICES FOR COMMUNITY CORRECTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$7,293,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(7) PURCHASED SERVICES FOR OFFENDERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$76,200 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

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(8) ENERGY COSTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$617,000 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(9) PAROLE PROGRAM; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$5,600 for fiscal year 2002–03 to decrease funding for the purpose for the which the appropriation is made.

(10) JUVENILE CORRECTIONS SERVICES; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$14,700 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(11) INSTITUTION DELAYS; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$229,900 for fiscal year 2001–02 and the dollar amount is decreased by \$13,776,800 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 460.02 GPR positions on July 1, 2002, as the result of delaying the opening of the New Lisbon Correctional Institution, Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(11f) INSTITUTIONAL DELAYS; STANLEY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,448,800 for fiscal year 2001–02 and \$3,712,700 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 73.79 GPR positions for fiscal year 2001–02 and delay the opening of the Stanley Correctional Institution.

(12) INSTITUTION DELAYS; INSTITUTIONAL REPAIR AND MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (aa) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$4,700 for fiscal year 2001–02 and the dollar amount is decreased by \$242,000 for fiscal year 2002–03 for the purpose of delaying the opening of the

New Lisbon Correctional Institution, the Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(13) INSTITUTION DELAYS; CORRECTIONS CONTRACTS AND AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$275,600 for fiscal year 2001–02 and the dollar amount is increased by \$4,828,800 for fiscal year 2002–03 as a result of delaying the opening of the New Lisbon Correctional Institution, the Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(13vo) STANLEY DELAY; CORRECTIONS CONTRACTS AND AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$8,558,900 for fiscal year 2002–03 as a result of delaying the opening of the Stanley Correctional Institution.

(14) INSTITUTION DELAYS; SERVICES FOR COMMUNITY CORRECTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$948,000 for fiscal year 2001–02 and the dollar amount is decreased by \$5,310,200 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 25.0 GPR positions on the effective date of this subsection and 100.0 GPR positions on July 1, 2002, as the result of delaying the opening of the New Lisbon Correctional Institution, Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(15) INSTITUTION DELAYS; PURCHASED SERVICES FOR OFFENDERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$20,600 for fiscal year 2001–02 and the dollar amount is decreased by \$214,000 for fiscal year 2002–03 for the purpose of delaying the opening of the New Lisbon Correctional Institution, the Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole hold-

ing facilities that are authorized in 2001 Wisconsin Act 16.

(15vo) STANLEY DELAY; PURCHASED SERVICES FOR OFFENDERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$30,600 for fiscal year 2002–03 as a result of delaying the opening of the Stanley Correctional Institution.

(16) INSTITUTION DELAYS; ENERGY COSTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$9,700 for fiscal year 2001–02 and the dollar amount is decreased by \$44,700 for fiscal year 2002–03 for the purpose of delaying the opening of the New Lisbon Correctional Institution, the Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(17) INSTITUTION DELAYS; INSTITUTIONAL OPERATIONS AND CHARGES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$23,200 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 0.4 PR position on July 1, 2002, as the result of delaying the opening of the New Lisbon Correctional Institution, Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(17vo) STANLEY DELAY; INSTITUTIONAL OPERATIONS AND CHARGES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,200 for fiscal year 2001–02 and the dollar amount is decreased by \$1,400 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 0.8 PR position for fiscal year 2001–02 and delay the opening of the Stanley Correctional Institution.

(18) INSTITUTION DELAYS; PRISON INDUSTRIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (km) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$98,100 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 3.0 PR positions on July 1, 2002, as the result of delaying the opening of the New Lisbon Correctional Institution, Highview Correctional

Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that are authorized in 2001 Wisconsin Act 16.

(18vo) STANLEY DELAY; PRISON INDUSTRIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (km) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$32,800 for fiscal year 2002–03 as a result of delaying the opening of the Stanley Correctional Institution.

(19) ADULT CORRECTIONS; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,566,100 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 3.0 GPR chaplains, 6.0 GPR teachers, 3.0 GPR teaching assistants, 50.0 GPR unit supervisors, 39.25 GPR officers, and 20.0 GPR positions that are vacant on July 1, 2002.

(20) ADULT CORRECTIONS; SERVICES FOR COMMUNITY CORRECTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,698,700 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 3.0 GPR community corrections officers, 55.5 GPR probation and parole staff, by 3.0 GPR unit supervisors, and 8.0 GPR positions that are vacant on July 1, 2002.

(21) PROBATION, PAROLE, AND EXTENDED SUPERVISION FEES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (gf) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$5,884,800 for fiscal year 2002–03 to increase funding for the purpose for which the appropriation is made.

(22) INMATE ROOM AND BOARD; INMATE MEDICAL AND DENTAL COPAYMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (gi) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$1,635,500 for fiscal year 2002–03 to increase funding for the purposes for which the appropriation is made.

**SECTION 9213. Appropriation changes; district attorneys.**

**Vetoed  
In Part**

(1f) SALARIES AND FRINGE BENEFITS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.475 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$541,700



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**Vetoed In Part** for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9214. Appropriation changes; educational communications board.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the educational communications board under section 20.225 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$134,500 for fiscal year 2001-02 and the dollar amount is decreased by \$192,200 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(2) MILWAUKEE AREA TECHNICAL COLLEGE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the educational communications board under section 20.225 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$11,600 for fiscal year 2001-02 and the dollar amount is decreased by \$16,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(3) TRANSMITTER OPERATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the educational communications board under section 20.225 (1) (er) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$900 for fiscal year 2001-02 and the dollar amount is decreased by \$1,300 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(4) PROGRAMMING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the educational communications board under section 20.225 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$56,400 for fiscal year 2001-02 and the dollar amount is decreased by \$80,700 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

**SECTION 9215. Appropriation changes; elections board.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$32,400 for fiscal year 2001-02 and the dollar amount is decreased by \$46,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(2) TRAINING OF CHIEF INSPECTORS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the elections board under section 20.510 (1) (bm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,600 for fiscal year 2001-02 to decrease funding for the purpose for which the appropriation is made.

(2v) CHIEF INSPECTOR TRAINING AND CERTIFICATION IMPLEMENTATION FUNDING. There is transferred from the appropriation to the elections board under section 20.510 (1) (bm) of the statutes, as affected by the acts of 2001, to the appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the acts of 2001, \$38,400 in fiscal year 2001-02 to reflect delayed implementation of chief inspector training and certification, and the amount in the schedule for section 20.510 (1) (a) of the statutes in fiscal year 2001-02 is increased by the amount transferred.

(3v) POSITION INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$85,100 for fiscal year 2002-03 to increase the authorized FTE positions for the elections board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position and to fund supporting expenses for these positions.

**SECTION 9216. Appropriation changes; employee trust funds.**

(1) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of employee trust funds under section 20.515 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,000 for fiscal year 2001-02 to reduce spending for the purpose for which the appropriation is made.

(1v) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of employee trust funds under section 20.515 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$850,000 for fiscal year 2001-02 to increase funding for the purpose for which the appropriation is made.

**SECTION 9217. Appropriation changes; employment relations commission.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the employment relations commission under section 20.425 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$92,800 for fiscal year 2001-02 and the dollar amount is decreased by \$172,300 for fiscal year 2002-03 to reduce spending for the purpose for which the appropriation is made.

**SECTION 9218. Appropriation changes; employment relations department.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of employment relations under section 20.512 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$205,000



for fiscal year 2001-02 and the dollar amount is decreased by \$380,800 for fiscal year 2002-03 to reduce spending for the purpose for which the appropriation is made.

**SECTION 9219. Appropriation changes; ethics board.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the ethics board under section 20.521 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$8,700 for fiscal year 2001-02 and the dollar amount is decreased by \$16,100 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

**SECTION 9220. Appropriation changes; financial institutions.**

(1e) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of financial institutions under section 20.144 (1) (g) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$531,400 for fiscal year 2001-02 and the dollar amount is decreased by \$759,100 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9221. Appropriation changes; governor.**

(1) LITERACY IMPROVEMENT AIDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the governor under section 20.525 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,400 for fiscal year 2001-02 and the dollar amount is decreased by \$2,800 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(1z) APPROPRIATION LAPSES AND REESTIMATES. The governor shall take actions during the 2001-03 fiscal biennium to ensure that from general purpose revenue appropriations for state operations to the office of the governor under section 20.525 of the statutes an amount equal to \$539,100 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

**SECTION 9223. Appropriation changes; health and family services.**

(1) STATEWIDE TRAUMA CARE SYSTEM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$398,000 for fiscal year 2002-03 to increase the authorized FTE positions for the department by 2.0 GPR project positions for the period ending on June 30, 2003, and to increase funding for the statewide trauma care system under section 146.56 of the statutes.

(3) GENERAL PROGRAM OPERATIONS; PUBLIC HEALTH. In the schedule under section 20.005 (3) of the statutes for

the appropriation to the department of health and family services under section 20.435 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$185,900 for fiscal year 2001-02 and the dollar amount is decreased by \$265,500 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(4) GENERAL PROGRAM OPERATIONS; CARE AND TREATMENT FACILITIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$44,000 for fiscal year 2001-02 and the dollar amount is decreased by \$62,800 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(5) GENERAL PROGRAM OPERATIONS; CHILDREN AND FAMILY SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$178,400 for fiscal year 2001-02 and the dollar amount is decreased by \$265,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(6) STATE FOSTER CARE AND ADOPTION SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (dd) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$1,866,100 for fiscal year 2001-02 and the dollar amount is increased by \$2,500,000 for fiscal year 2002-03 to increase funding for the purposes for which the appropriation is made.

(7) GENERAL PROGRAM OPERATIONS; HEALTH CARE FINANCING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$584,200 for fiscal year 2001-02 and the dollar amount is decreased by \$834,600 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(8) HEALTH INSURANCE RISK-SHARING PLAN; TRANSFER FOR COSTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (af) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$500,000 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(9) HEALTH INSURANCE RISK-SHARING PLAN; TRANSFER FOR SUBSIDIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (ah) of the statutes, as affected by the acts of 2001, the dollar

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amount is decreased by \$39,000 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(10) MEDICAL ASSISTANCE PROGRAM BENEFITS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$22,018,700 for fiscal year 2001-02 and the dollar amount is decreased by \$13,933,100 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(11) MEDICAL ASSISTANCE PROGRAM BENEFITS; INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$37,187,100 for fiscal year 2001-02 and the dollar amount is increased by \$37,187,100 for fiscal year 2002-03 to increase funding for the purposes for which the appropriation is made.

(12) COMMUNITY INTEGRATION PROGRAMS FUNDING DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$50,000,000 for fiscal year 2001-02 to decrease funding for the community integration programs under sections 46.275, 46.277, and 46.278 of the statutes.

(13) BADGER CARE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$4,116,400 for fiscal year 2001-02 and the dollar amount is decreased by \$834,800 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(14) COMMUNITY INTEGRATION PROGRAMS FUNDING INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$50,000,000 for fiscal year 2001-02 to increase funding for the community integration programs under sections 46.275, 46.277, and 46.278 of the statutes.

(15) GENERAL PROGRAM OPERATIONS; DISABILITIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (6) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$505,200 for fiscal year 2001-02 and the dollar amount is decreased by \$718,900 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(16) STATE COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$133,200 for fiscal year 2001-02 and the dollar amount is increased by \$37,600 for fiscal year 2002-03 to increase funding for the purposes for which the appropriation is made.

(17) FEDERAL COMMUNITY AIDS TRANSFER. There is transferred from the appropriation to the department of health and family services under section 20.435 (7) (o) of the statutes, as affected by the acts of 2001, to the appropriation account to the department of workforce development under section 20.445 (3) (md) of the statutes, as affected by the acts of 2001, \$133,200 in fiscal year 2001-02 and \$37,600 in fiscal year 2002-03 to increase funding for the purposes for which the appropriation under section 20.445 (3) (md) of the statutes is made.

(18) GENERAL PROGRAM OPERATIONS; GENERAL ADMINISTRATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (8) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$634,200 for fiscal year 2001-02 and the dollar amount is decreased by \$894,500 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(18w) MEDICAL ASSISTANCE AUDITS AND INVESTIGATIONS; LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on January 1, 2003, there is lapsed to the general fund the unencumbered balance in the appropriation under section 20.435 (4) (iL) of the statutes immediately before the effective date of the repeal of section 20.435 (4) (iL) of the statutes.

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(18z) RURAL HEALTH DENTAL CLINICS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (5) (dm) of the statutes, as affected by the acts of 2001, the dollar amount for fiscal year 2002-03 is increased by an amount equal to the amount, if any, of the moneys under that appropriation that were allocated for the purpose of providing grants to rural health dental clinics under section 146.65 of the statutes and that lapsed to the general fund on July 1, 2002, for the purpose of providing grants to rural health dental clinics under section 146.65 of the statutes.

(20x) MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE LABOR REGIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$513,900 for fiscal year 2002-03 to provide under section 49.45 (6m) (ar) 1. a. of the statutes, as affected by this act, for direct care costs in Douglas,

Pierce, and St. Croix counties under the medicare hospital reimbursement wage index.

**SECTION 9224. Appropriation changes; higher educational aids board.**

(1) WISCONSIN HIGHER EDUCATION GRANTS; UNIVERSITY OF WISCONSIN SYSTEM STUDENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the higher educational aids board under section 20.235 (1) (fe) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$1,200,000 for fiscal year 2002–03 to increase funding for the purpose for which the appropriation is made.

(2) WISCONSIN HIGHER EDUCATION GRANTS; TECHNICAL COLLEGE STUDENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the higher educational aids board under section 20.235 (1) (ff) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$800,000 for fiscal year 2002–03 to increase funding for the purpose for which the appropriation is made.

(3) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the higher educational aids board under section 20.235 (2) (aa) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$28,100 for fiscal year 2001–02 and the dollar amount is decreased by \$52,100 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9225. Appropriation changes; historical society.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the historical society under section 20.245 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$251,400 for fiscal year 2001–02 and the dollar amount is decreased by \$359,200 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(2) GENERAL PROGRAM OPERATIONS; HISTORIC SITES AND MUSEUM SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the historical society under section 20.245 (1) (ag) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$102,800 for fiscal year 2001–02 to decrease funding for the purposes for which the appropriation is made.

(3f) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the historical society under section 20.245 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$2,639,500 for fiscal year 2002–03 to increase the authorized FTE positions for the historical society by 36.5 GPR positions.

**SECTION 9229. Appropriation changes; joint committee on finance.**

(1k) SUPPLEMENTAL APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$232,300 for fiscal year 2001–02 to increase funding for the purposes for which the appropriation is made.

**SECTION 9231. Appropriation changes; justice.**

(1) LEGAL SERVICES; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$436,800 for fiscal year 2001–02 and the dollar amount is decreased by \$625,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(2) LEGAL EXPENSES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$31,000 for fiscal year 2001–02 and the dollar amount is decreased by \$44,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(3) LAW ENFORCEMENT SERVICES; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$480,400 for fiscal year 2001–02 and the dollar amount is decreased by \$705,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) COMPUTERS FOR TRANSACTION INFORMATION FOR MANAGEMENT OF ENFORCEMENT SYSTEM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (cm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$36,400 for fiscal year 2001–02 and the dollar amount is decreased by \$51,900 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(5) WEED AND SEED AND LAW ENFORCEMENT TECHNOLOGY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (dg) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$17,500 for fiscal year 2001–02 and the dollar amount is decreased by \$25,000 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(7) ADMINISTRATIVE SERVICES; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (3) (a) of the statutes, as



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affected by the acts of 2001, the dollar amount is decreased by \$154,000 for fiscal year 2001-02 and the dollar amount is decreased by \$220,200 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(8) VICTIMS AND WITNESSES; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (5) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$31,900 for fiscal year 2001-02 and the dollar amount is decreased by \$45,700 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(9) AWARDS FOR VICTIMS OF CRIMES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (5) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$46,300 for fiscal year 2001-02 and the dollar amount is decreased by \$66,200 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(10) REIMBURSEMENT FOR VICTIM AND WITNESS SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (5) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$52,400 for fiscal year 2001-02 and the dollar amount is decreased by \$74,900 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(10xo) CONSUMER PROTECTION TRANSFER. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$1,502,200 for fiscal year 2002-03 to reflect the transfer of certain consumer protection programs, functions, and enforcement activities from the department of agriculture, trade and consumer protection and to increase the authorized FTE positions for the department of justice by 26.0 GPR positions related to those consumer protection programs, functions, and enforcement activities.

(11f) GAMING LAW ENFORCEMENT; RACING REVENUES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (g) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$8,800 for fiscal year 2002-03 for the purpose for which the appropriation is made.

**SECTION 9232. Appropriation changes; legislature.**

(8z) APPROPRIATION LAPSES AND REESTIMATES. The cochairpersons of the joint committee on legislative organization shall take actions during the 2001-03 fiscal

biennium to ensure that from general purpose revenue appropriations for state operations to the legislature under section 20.765 of the statutes an amount equal to \$5,384,800 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

**SECTION 9233. Appropriation changes; lieutenant governor.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the office of the lieutenant governor under section 20.540 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$19,700 for fiscal year 2001-02 and the dollar amount is decreased by \$36,600 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

**SECTION 9237. Appropriation changes; natural resources.**

(1) NONPOINT SOURCE RESEARCH AND EVALUATION, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (mt) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$9,800 for fiscal year 2001-02 and the dollar amount is decreased by \$19,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(2) TRADING WATER POLLUTION CREDITS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (as) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,300 for fiscal year 2001-02 and the dollar amount is decreased by \$2,500 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(3) NONPOINT SOURCE CONTRACTS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (at) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$81,700 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(4) WATER OPERATIONS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$8,600 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(5) NONPOINT SOURCE OPERATIONS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mr) of the statutes, as affected by the acts of 2001, the dollar amount is

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decreased by \$44,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(6) RIVER PROTECTION AIDS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (au) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,800 for fiscal year 2001–02 and the dollar amount is decreased by \$7,600 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(7) URBAN NONPOINT SOURCE AND MUNICIPAL FLOOD CONTROL AIDS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (dq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$50,500 for fiscal year 2001–02 and the dollar amount is decreased by \$101,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(8) ADMINISTRATION AND TECHNOLOGY, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (8) (mv) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$18,200 for fiscal year 2001–02 and the dollar amount is decreased by \$36,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(9) CUSTOMER ASSISTANCE, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (mv) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,000 for fiscal year 2001–02 and the dollar amount is decreased by \$4,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(10) ENVIRONMENTAL FUND TRANSFER IN FISCAL YEAR 2001–02. There is transferred from the environmental fund to the general fund \$385,000 in fiscal year 2001–02.

(10e) RECYCLING POSITION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (is) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$46,600 for fiscal year 2002–03 to increase the authorized FTE positions for the department by 1.0 SEG position to perform recycling communication and education activities.

(11) ENFORCEMENT AND SCIENCE, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (mq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$39,800 for fiscal year 2001–02 and the

dollar amount is decreased by \$56,900 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(12) WATER ADMINISTRATION, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$87,900 for fiscal year 2001–02 and the dollar amount is decreased by \$125,600 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(13) NONPOINT SOURCE ADMINISTRATION, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mr) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$15,600 for fiscal year 2001–02 and the dollar amount is decreased by \$22,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(14) RECYCLING ADMINISTRATION, RECYCLING FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (8) (iw) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,900 for fiscal year 2001–02 and the dollar amount is decreased by \$4,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(15) MOBILE AIR POLLUTION SOURCE ADMINISTRATION, PETROLEUM INSPECTION FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (8) (mq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,800 for fiscal year 2001–02 and the dollar amount is decreased by \$2,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(16) ADMINISTRATION AND TECHNOLOGY OPERATIONS, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the natural resources under section 20.370 (8) (mv) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$134,300 for fiscal year 2001–02 and the dollar amount is decreased by \$191,900 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(17) CUSTOMER SERVICE, ENVIRONMENTAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the natural resources under section 20.370 (9) (mv) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$21,200 for fiscal year 2001–02 and the dollar amount is decreased by \$30,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

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(18) ENVIRONMENTAL FUND TRANSFER. There is transferred from the environmental fund to the general fund \$298,800 in fiscal year 2001–02 and \$427,000 in fiscal year 2002–03.

(19) RECYCLING FUND TRANSFER. There is transferred from the recycling fund to the general fund \$2,900 in fiscal year 2001–02 and \$3,004,200 in fiscal year 2002–03.

(20) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the petroleum inspection fund to the general fund \$1,800 in fiscal year 2001–02 and \$2,500 in fiscal year 2002–03.

(22) ENDANGERED RESOURCES, NATURAL HERITAGE INVENTORY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (fd) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$8,800 for fiscal year 2001–02 and the dollar amount is decreased by \$12,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(23) GENERAL PROGRAM OPERATIONS, LAND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$21,400 for fiscal year 2001–02 and the dollar amount is decreased by \$30,600 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(24) MOTOR VEHICLE EMISSION INSPECTION AND MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (2) (cf) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,400 for fiscal year 2001–02 and the dollar amount is decreased by \$3,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(25) GENERAL PROGRAM OPERATIONS, SOLID WASTE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (2) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$149,300 for fiscal year 2001–02 and the dollar amount is decreased by \$176,100 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(26) GENERAL PROGRAM OPERATIONS, ENFORCEMENT AND SCIENCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$170,400 for fiscal year 2001–02 and the dollar amount is decreased by \$303,000 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(26g) CONSERVATION WARDEN POSITIONS, GENERAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$910,700 for fiscal year 2001–02 and the dollar amount is decreased by \$910,700 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 13.0 GPR conservation warden positions.

(26h) CONSERVATION WARDEN POSITIONS, CONSERVATION FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (mu) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$910,700 for fiscal year 2001–02 and the dollar amount is increased by \$910,700 for fiscal year 2002–03 to increase the authorized FTE positions for the department by 13.0 SEG conservation warden positions.

(27) WATER RESOURCES, REMEDIAL ACTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (af) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$5,300 for fiscal year 2001–02 and the dollar amount is decreased by \$7,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(27x) COASTER BROOK TROUT STUDY AND REINTRODUCTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (mu) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$90,000 for fiscal year 2002–03 to provide funding for costs associated with the study of coaster brook trout and the reintroduction of coaster brook trout into this state.

(28) GENERAL PROGRAM OPERATIONS, WATER AND FISHERIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (4) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$965,200 for fiscal year 2001–02 and the dollar amount is decreased by \$1,325,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(28k) RESOURCE AIDS, NONPROFIT CONSERVATION ORGANIZATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (aw) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$300,000 for fiscal year 2001–02 to decrease funding for the purpose for which the appropriation is made.

(28L) RECREATION AIDS, RECREATIONAL BOATING, AND OTHER PROJECTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of

natural resources under section 20.370 (5) (cq) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$130,000 for fiscal year 2001–02 to decrease funding for the purpose for which the appropriation is made.

(29) ENVIRONMENTAL AIDS, NONPOINT SOURCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (aa) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$30,900 for fiscal year 2001–02 and the dollar amount is decreased by \$44,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(30) ENVIRONMENTAL PLANNING AIDS, LOCAL WATER QUALITY PLANNING. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (6) (da) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$9,900 for fiscal year 2001–02 and the dollar amount is decreased by \$14,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(31) RESOURCE MAINTENANCE AND DEVELOPMENT, DEBT SERVICE AND DEVELOPMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (7) (fa) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$44,700 for fiscal year 2001–02 and the dollar amount is decreased by **\$58,200** **\$363,300** for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

Vetoed  
In Part

(32) FACILITIES ACQUISITION, DEBT SERVICE AND DEVELOPMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (7) (ha) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,400 for fiscal year 2001–02 and the dollar amount is decreased by \$9,100 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(34) GENERAL PROGRAM OPERATIONS, ADMINISTRATION AND TECHNOLOGY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (8) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$270,500 for fiscal year 2001–02 and the dollar amount is decreased by \$392,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(35) GENERAL PROGRAM OPERATIONS, CUSTOMER SERVICE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (9) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$84,700 for fiscal year 2001–02 and the

dollar amount is decreased by \$122,400 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(35w) ANIMAL HEALTH PROTECTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (mu) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$150,000 for fiscal year 2002–03 to enhance the protection of animal health.

(36c) WILD CRANE STUDY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (kk) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$10,000 for fiscal year 2001–02 and the dollar amount is increased by \$30,000 for fiscal year 2002–03 for the purpose for which the appropriation is made.

(36vv) RECREATION AREAS IN STATE FORESTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (7) (fa) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$114,600 for fiscal year 2002–03 to increase funding for the purposes related to forestry for which the appropriation is made.

(36vw) ROADS IN STATE FORESTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (7) (mc) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$190,500 for fiscal year 2002–03 to increase funding for state forest roads.

(37g) POSITION DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (ma) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$86,200 for fiscal year 2002–03 to decrease the authorized FTE positions for the department by 1.0 GPR position .

Vetoed  
In Part

**SECTION 9238. Appropriation changes; personnel commission.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the personnel commission under section 20.547 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$30,100 for fiscal year 2001–02 and the dollar amount is decreased by \$56,000 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

**SECTION 9239. Appropriation changes; public defender board.**

(1) PROGRAM ADMINISTRATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the public defender board under section 20.550 (1) (a) of the statutes, as affected by the acts of 2001, the dollar



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amount is decreased by \$83,100 for fiscal year 2001-02 and the dollar amount is decreased by \$119,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(1z) PRIVATE BAR AND INVESTIGATOR REIMBURSEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the public defender board under section 20.550 (1) (d) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$10,721,200 \$9,688,200 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made.

**SECTION 9240. Appropriation changes; public instruction.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$412,300 for fiscal year 2001-02 and the dollar amount is decreased by \$598,800 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(1q) GENERAL PROGRAM OPERATIONS; SCHOOL FOR THE DEAF AND CENTER FOR THE BLIND AND VISUALLY IMPAIRED. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$365,200 for fiscal year 2001-02 and the dollar amount is decreased by \$521,700 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(1r) FUNDING FOR TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$498,800 for fiscal year 2002-03 to fund the positions transferred from the technology for educational achievement in Wisconsin board under SECTION 9140 (3q) of this act and the supporting expenses.

(2) PUPIL ASSESSMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (dw) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,083,400 for fiscal year 2001-02 and the dollar amount is decreased by \$2,683,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(3) AID TO PUBLIC LIBRARY SYSTEMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (e) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$553,100 for

fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(4) LIBRARY SERVICE CONTRACTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (ea) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$15,600 for fiscal year 2002-03 to decrease funding for library service contracts, other than the contract with the Wisconsin Regional Library for the Blind and Physically Handicapped.

(4f) MINORITY GROUP PUPIL SCHOLARSHIPS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (fz) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$500,000 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made.

**SECTION 9244. Appropriation changes; revenue.**

(1) GENERAL PROGRAM OPERATIONS; TAX COLLECTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,616,300 for fiscal year 2001-02 and the dollar amount is decreased by \$636,600 \$1,532,800 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(1j) GENERAL PROGRAM OPERATIONS; DEBT COLLECTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (h) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$60,000 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made.

(2) GENERAL PROGRAM OPERATIONS; STATE AND LOCAL FINANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$354,800 for fiscal year 2001-02 and the dollar amount is decreased by \$497,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(3) GENERAL PROGRAM OPERATIONS; ADMINISTRATIVE SERVICES AND SPACE RENTAL. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$717,400 for fiscal year 2001-02 and the dollar amount is decreased by \$1,032,000 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(4) INTEGRATED TAX SYSTEM TECHNOLOGY. In the schedule under section 20.005 (3) of the statutes for the

Vetoed  
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In Part

appropriation to the department of revenue under section 20.566 (3) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$179,500 for fiscal year 2001–02 and the dollar amount is decreased by \$256,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(5) EXPERT PROFESSIONAL SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (3) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,100 for fiscal year 2001–02 and the dollar amount is decreased by \$1,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(6v) APPROPRIATION INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of revenue under section 20.566 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$96,500 for fiscal year 2002–03 to increase funding for the cost of changing income tax forms.

**SECTION 9247. Appropriation changes; supreme court.**

(2z) APPROPRIATION LAPSES AND REESTIMATES. The chief justice of the supreme court, acting as the administrative head of the judicial system, shall take actions during the 2001–03 fiscal biennium to ensure that from general purpose revenue appropriations for state operations to the circuit courts under section 20.625 of the statutes, to the court of appeals under section 20.660 of the statutes, and to the supreme court under section 20.680 of the statutes an amount equal to \$2,375,900 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

**SECTION 9248. Appropriation changes; technical college system.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$34,900 for fiscal year 2001–02 and the dollar amount is decreased by \$156,900 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

Vetoed  
In Part

(1x) ADVERTISING AND TRAVEL. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system board under section 20.292 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$40,000 for fiscal year 2002–03 to decrease funding for advertising and travel.

Vetoed  
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Vetoed  
In Part

(2) FEE REMISSIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (am) of the statutes, as affected by the acts of 2001, the dollar amount

is decreased by \$700 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(3) DISPLACED HOMEOWNERS' PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$38,300 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) MINORITY STUDENT PARTICIPATION AND RETENTION GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$27,800 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(6) INCENTIVE GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (dc) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$355,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(7) FARM TRAINING PROGRAM TUITION GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (dd) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,800 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(8) SERVICES FOR HANDICAPPED STUDENTS; LOCAL ASSISTANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (de) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$18,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(9) AID FOR SPECIAL COLLEGIATE TRANSFER PROGRAMS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (dm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$50,600 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(10) TECHNICAL COLLEGE INSTRUCTOR OCCUPATIONAL COMPETENCY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (e) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,200 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

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(11) **FACULTY DEVELOPMENT GRANTS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (eg) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$37,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(12) **APPRENTICESHIP CURRICULUM DEVELOPMENT.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (em) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,400 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(14) **ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND INTERVENTION.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (f) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$23,600 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(15) **DRIVER EDUCATION, LOCAL ASSISTANCE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (fc) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$14,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(16) **CHAUFFEUR TRAINING GRANTS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (fg) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$9,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(17) **SUPPLEMENTAL AID.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (fm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$67,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(18) **AGRICULTURAL EDUCATION CONSULTANT.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technical college system under section 20.292 (1) (q) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$600 for fiscal year 2001–02 and the dollar amount is decreased by \$2,700 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

**SECTION 9249. Appropriation changes; technology for educational achievement in Wisconsin board.**

(1) **GENERAL PROGRAM OPERATIONS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technology for educational achievement in

Wisconsin board under section 20.275 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$23,200 for fiscal year 2001–02 to decrease funding for the purposes for which the appropriation is made.

(2g) **GENERAL PROGRAM OPERATIONS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the technology for educational achievement in Wisconsin board under section 20.275 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,200 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9251. Appropriation changes; tourism.**

(1) **STATE OPERATIONS LAPSES.** Notwithstanding section 20.001 (3) (a) and (b) of the statutes, the secretary of administration shall lapse to the general fund \$147,200 in the aggregate before June 30, 2002, and \$210,200 in the aggregate in fiscal year 2002–03, from one or more of the appropriation accounts to the department of tourism under section 20.380 (1) (a), (b), and (bm) and (2) (c) of the statutes, as affected by the acts of 2001. Subject to the aggregate amount required to be lapsed, the amount lapsed from any of the specified appropriations shall be determined by the secretary of tourism.

(1x) **TOURISM MARKETING.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of tourism under section 20.380 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$57,700 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(2d) **TOURISM MARKETING DECREASE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of tourism under section 20.380 (1) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$42,300 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

**SECTION 9252. Appropriation changes; transportation.**

(1e) **MOTORCYCLE, MOPED, AND MOTOR BICYCLE SAFETY PROGRAM.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$200,000 for fiscal year 2002–03 to increase funding for the Type 1 motorcycle, moped, and motor bicycle safety program.

**SECTION 9253. Appropriation changes; treasurer.**

(1) **COLLEGE TUITION AND EXPENSES PROGRAM.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the office of state treasurer under section 20.585 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$1,900 for fiscal year 2001–02 and the dollar amount is decreased by

\$1,800 for fiscal year 2002-03 to reduce spending for the purpose for which the appropriation is made.

**SECTION 9256. Appropriation changes; University of Wisconsin System.**

(2) UNIVERSITY EDUCATION, RESEARCH, AND PUBLIC SERVICE; GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$10,000,000 for fiscal year 2001-02 and the dollar amount is decreased by \$27,000,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(2x) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,700,000 for fiscal year 2002-03 to reflect the increased expenditure estimate under SECTION 9101 (8w) of this act.

(3) UNIVERSITY OF WISCONSIN SYSTEM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$97,000 for fiscal year 2001-02 and the dollar amount is decreased by \$436,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(3c) GRADUATE STUDENT FINANCIAL AID. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (4) (b) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$200,000 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made.

(3cb) LAWTON GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (4) (dd) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$200,000 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made.

(3q) CHILD-PARENT CENTER DEMONSTRATION PROJECT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$300,000 for fiscal year 2002-03 to increase funding for the child-parent center demonstration project at the University of Wisconsin-Madison Waisman Center.

(4r) EXTENSION RECYCLING EDUCATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (tb) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$336,900 for fiscal year 2001-02 and the dollar amount is increased by \$336,900 for fiscal year 2002-03 to increase funding for the purpose for which the appropriation is made and to provide funding for 4.0 FTE SEG positions previously authorized.

(4s) SOLID WASTE RESEARCH AND EXPERIMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the board of regents of the University of Wisconsin System under section 20.285 (1) (tm) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$154,900 for fiscal year 2001-02 and the dollar amount is increased by \$154,900 for fiscal year 2002-03 to increase funding for the purposes for which the appropriation is made and to provide funding for 0.5 FTE SEG position previously authorized.

**SECTION 9257. Appropriation changes; veterans affairs.**

(1) VETERANS MUSEUM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (c) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$9,200 for fiscal year 2002-03 for the purpose for which the appropriation is made.

**SECTION 9258. Appropriation changes; workforce development.**

(1) WORKFORCE DEVELOPMENT GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$255,100 for fiscal year 2001-02 and the dollar amount is decreased by \$364,400 for fiscal year 2002-03 to decrease funding for the purpose for which the appropriation is made.

(2) WISCONSIN SERVICE CORPS MEMBER COMPENSATION AND SUPPORT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (1) (cm) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$3,300 for fiscal year 2001-02 and the dollar amount is decreased by \$4,700 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(3) EMPLOYMENT TRANSIT AIDS; STATE FUNDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (1) (fg) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$20,300 for fiscal year 2001-02 and the dollar amount is decreased by \$29,000 for fiscal year

**Vetoed  
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2002–03 to decrease funding for the purpose for which the appropriation is made.

(4) LABOR AND INDUSTRY REVIEW COMMISSION GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$7,000 for fiscal year 2001–02 and the dollar amount is decreased by \$10,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(5) ECONOMIC SUPPORT GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$420,400 for fiscal year 2001–02 and the dollar amount is decreased by \$573,000 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(6) STATE SUPPLEMENT TO EMPLOYMENT OPPORTUNITY DEMONSTRATION PROJECTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (cr) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$8,800 for fiscal year 2001–02 and the dollar amount is decreased by \$12,500 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(7) GOVERNOR'S WORK-BASED LEARNING BOARD GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (7) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$105,500 for fiscal year 2001–02 and the dollar amount is decreased by \$50,700 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(8) LOCAL YOUTH APPRENTICESHIP GRANTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (7) (b) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$100,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(9) SCHOOL-TO-WORK PROGRAMS FOR CHILDREN AT RISK. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (7) (ef) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$10,500 for fiscal year 2001–02 and the dollar amount is decreased by \$15,000 for fiscal year 2002–03 to decrease funding for the purpose for which the appropriation is made.

(10) STATE PUBLIC ASSISTANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (dz) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$133,200 for fiscal year 2001–02 and the dollar amount is decreased by \$37,600 for fiscal year 2002–03 to decrease funding for the purposes for which the appropriation is made.

(11) FEDERAL PUBLIC ASSISTANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (md) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$133,200 for fiscal year 2001–02 and the dollar amount is increased by \$37,600 for fiscal year 2002–03 to increase funding for the purposes for which the appropriation is made.

(12q) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TRANSFER FOR EARNED INCOME TAX CREDIT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (md) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$2,960,000 for fiscal year 2002–03 to increase funding for the transfer of moneys to the appropriation account under section 20.835 (2) (kf) of the statutes.

(13c) COMMUNITY YOUTH GRANT FOR BOYS AND GIRLS CLUBS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (md) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$250,000 for fiscal year 2001–02 to increase funding for the purpose of providing grants to the Wisconsin chapters of the Boys and Girls Clubs of America.

(14d) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TRANSFER TO JOINT COMMITTEE ON FINANCE.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.445 (3) (md) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$10,000,000 for fiscal year 2001–02 to increase funding for the transfer of moneys to the appropriation account under section 20.865 (4) (k) of the statutes.

(b) On the effective date of this paragraph, there is transferred from the appropriation account to the department of workforce development under section 20.445 (3) (md) of the statutes to the appropriation account to the joint committee on finance under section 20.865 (4) (k) of the statutes, as affected by this act, \$10,000,000 to supplement appropriations for any purpose that is allowable under the federal temporary assistance for needy families program under 42 USC 601 to 619.

Vetoed  
In Part



**SECTION 9259. Appropriation changes; other.**

(1) STATE AGENCY APPROPRIATION LAPSES AND TRANSFERS TO THE GENERAL FUND.

(a) *Appropriation lapses and transfers to the general fund.* Subject to paragraph (b), in the 2001-02 fiscal year and the 2002-03 fiscal year, from the following appropriation accounts, the secretary of administration shall lapse to the general fund or transfer to the general fund, whichever is appropriate, the amounts indicated for that fiscal year:

Agency	2001-02 Fiscal Year	2002-03 Fiscal Year
<b>20.505</b> <i>Administration, department of</i>		
(1) (im)	50,000	50,000
(1) (ka)	87,500	125,000
(1) (ke)	-0-	1,250,000
(1) (kj)	140,000	200,000
(2) (ki)	140,000	200,000
(4) (k)	20,000	50,000
(5) (ka)	700,000	1,000,000
(5) (kb)	42,000	60,000
<b>20.115</b> <i>Agriculture, trade and consumer protection, department of</i>		
(1) (g)	5,000	-0-
(1) (gb)	-0-	118,100
(1) (hm)	22,100	31,600
(1) (i)	4,000	-0-
(1) (jb)	4,000	-0-
(2) (j)	4,700	-0-
(3) (i)	10,000	-0-
(3) (L)	5,000	-0-
(7) (h)	35,000	-0-
(7) (ja)	24,300	34,700
(8) (ha)	7,600	10,800
(8) (ks)	15,000	-0-
<b>20.143</b> <i>Commerce, department of</i>		
(1) (g)	100,000	-0-
(1) (gm)	50,000	-0-
(1) (kg)	50,000	-0-
(3) (ga)	35,000	50,000
(3) (j)	207,500	439,300
(4) (k)	70,000	100,000
<b>20.530</b> <i>Electronic government, department of</i>		
(1) (ke)	875,000	-0-

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<b>20.144</b>	<i>Financial institutions, department of</i>		
(1) (g)		531,400	759,100
<b>20.435</b>	<i>Health and family services, department of</i>		
(8) (mb)		332,700	475,300
<b>20.245</b>	<i>Historical society</i>		
(1) (g)		21,900	74,200
<b>20.145</b>	<i>Insurance, office of the commissioner of</i>		
(1) (g)		5,457,500	653,500
<b>20.370</b>	<i>Natural resources, department of</i>		
(2) (dv)		153,000	218,600
<b>20.255</b>	<i>Public instruction, department of</i>		
(1) (hg)		47,500	67,800
(1) (kd)		47,400	67,700
<b>20.155</b>	<i>Public service commission</i>		
(1) (g)		–0–	707,700
(1) (q)		140,000	200,000
(2) (g)		35,000	50,000
<b>20.165</b>	<i>Regulation and licensing, department of</i>		
(1) (g)		348,500	497,800
<b>20.575</b>	<i>Secretary of state</i>		
(1) (g)		–0–	3,500
<b>20.190</b>	<i>State fair park board</i>		
(1) (h)		447,000	638,600

(b) *Prohibited appropriation lapses and transfers.* The secretary of administration may not lapse or transfer moneys to the general fund from any appropriation account specified in paragraph (a) if the lapse or transfer would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse or transfer would violate the federal or state constitution. **In addition, the secretary of administration may not lapse the amounts specified in paragraph (a) from the appropriation account under section 20.155 (1) (g) of the statutes to the general fund unless the public service commission fills the positions that are described in SECTION 9142 (1x) of this act no later than the first day of the 6th month beginning after the effective date of this subsection.**

(1f) **COMPENSATION AND RELATED EXPENSES.** In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (1) (cc) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$194,400 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(2) **FINANCIAL SERVICES.** In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (1) (em) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$6,000 for fiscal year 2001–02 and the dollar amount is decreased by \$29,400 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(2f) **PHYSICALLY HANDICAPPED SUPPLEMENTS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (1) (fn) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$100 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(3) **PRIVATE FACILITY RENTAL INCREASES.** In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$42,700 for fiscal year 2001–02 and the dollar amount is decreased by

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\$123,300 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(4) STATE-OWNED OFFICE RENT SUPPLEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (ag) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$72,900 for fiscal year 2001–02 and the dollar amount is decreased by \$188,300 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(4f) SPACE MANAGEMENT AND CHILD CARE. In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (am) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$98,000 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(5) MAINTENANCE OF CAPITOL AND EXECUTIVE RESIDENCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (e) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$218,500 for fiscal year 2001–02 and the dollar amount is decreased by \$412,200 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(5e) PERMANENT ENDOWMENT FUND TRANSFER TO GENERAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.855 (4) (rc) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$231,000,000 for fiscal year 2001–02 to increase spending for the purpose for which the appropriation is made.

(6) EXECUTIVE RESIDENCE FURNISHINGS REPLACEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (eb) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$900 for fiscal year 2001–02 and the dollar amount is decreased by \$1,700 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(6z) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR STATE EMPLOYEES WHO ELECT TO TAKE VOLUNTARY FURLONGHS DURING THE 2001–03 FISCAL BIENNIUM.

(a) The definitions in section 20.001 of the statutes are applicable in this subsection, except that “state agency” does not include the department of employee trust funds or the investment board.

(b) The secretary of administration shall determine for each state agency the amount that the agency would have been required to expend for compensation and contributions under section 40.05 (1) and (2) of the statutes for state employees who elect to take a voluntary furlough under SECTION 9159 (4z) of this act and each appropriation from which the moneys would have been expended, other than appropriations of federal revenues.

(c) From each sum certain appropriation of general purpose revenue identified in paragraph (b), the secretary of administration shall lapse to the general fund the amount specified in paragraph (b) that would otherwise have been expended from each of the appropriations. After the secretary of administration makes the lapse, each of the sum certain appropriations is decreased by the amount specified in paragraph (b) for that appropriation.

(d) For each sum sufficient appropriation of general purpose revenue identified in paragraph (b), the expenditure estimate for the appropriation during the 2001–03 fiscal biennium is reestimated to subtract the amount specified in paragraph (b) for that appropriation.

(e) From each appropriation of program revenues or program revenues–service identified in paragraph (b), the secretary of administration shall lapse to the general fund the amount specified in paragraph (b) that would otherwise have been expended from each of the appropriations. After the secretary of administration makes the lapse, each of the sum certain program revenues or program revenues–service appropriations is decreased by the amount specified in paragraph (b) for that appropriation.

(f) From each sum certain appropriation of segregated fund revenues or segregated fund revenues — service identified in paragraph (b), the secretary of administration shall lapse to the underlying fund the amount specified in paragraph (b) that would otherwise have been expended from each of the appropriations. After the secretary of administration makes the lapse, each of the sum certain segregated revenues or segregated revenues — service appropriations is decreased by the amount specified in paragraph (b) for that appropriation. For each appropriation of segregated fund revenues or segregated fund revenues — service identified in paragraph (b) that is not a sum certain appropriation, the expenditure estimate for each appropriation is reestimated to subtract the amount specified in paragraph (b) for that appropriation. The secretary of administration shall transfer from the underlying fund the lapsed amounts and an amount equal to the amount subtracted from the estimates to the general fund.

(7) GROUNDWATER SURVEY AND ANALYSIS. In the schedule under section 20.005 (3) of the statutes for the appropriation to various state agencies under section 20.865 (2) (em) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$8,100 for fiscal year 2001–02 and the dollar amount is decreased by \$15,100 for fiscal year 2002–03 to reduce spending for the purpose for which the appropriation is made.

(7f) GENERAL PURPOSE REVENUE FUNDS GENERAL PROGRAM SUPPLEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$15,800 for fiscal year 2002–03 to reduce

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spending for the purpose for which the appropriation is made.

(7z) STATE AGENCY APPROPRIATIONS REDUCTIONS.

(a) *Appropriations reductions.* Except as provided in paragraph (b), in addition to any other reduction required by law, the largest sum certain appropriation for state operations made to the following state agencies from general purpose revenue in the 2002-03 fiscal year is reduced by the amount indicated:

State Agency	Amount of Reduction	
	2002-03 Fiscal Year	
Administration, department of	\$	114,200
Agriculture, trade and consumer protection, department of		295,000
Commerce, department of		116,900
Educational communications board		82,200
Elections board		13,900
Health and family services, department of		2,806,500
Judicial commission		3,300
Justice, department of		521,400
Military affairs, department of		63,300
Natural resources, department of		686,800
Public instruction, department of		444,300
Revenue, department of		830,100
Technical college system board		53,200
Tourism, department of		168,800
Veterans affairs, department of		11,100
Workforce development, department of		525,000

(b) *Submission of requests to the joint committee on finance for reallocating appropriations reductions.* Any state agency specified in paragraph (a) may submit a request to the joint committee on finance under section

13.10 of the statutes to reallocate any of the reductions under paragraph (a) to other sum certain appropriations for state operations made to the agency from general purpose revenue.

(8) SUM SUFFICIENT APPROPRIATION EXPENDITURE ESTIMATE REDUCTIONS. When amending the schedule under section 20.004 (2) of the statutes, in addition to making any other reduction required by law, the department of administration shall reduce the estimated expenditure amount that appears in the schedule under section 20.005 (3) of the statutes in 2001 Wisconsin Act 16 for each of the following appropriation accounts by the amounts indicated for that fiscal year:

Appropriation		2001-02 Fiscal Year	2002-03 Fiscal Year
20.505	<i>Administration, department of</i>		
(4) (d)		900	1,300
20.455	<i>Justice, department of</i>		
(1) (b)		29,800	42,500



(2) (am)		1,800	2,500
<b>20.765</b>	<b>Legislature</b>		
(1) (a)		1,000,000	1,000,000
(1) (b)		1,000,000	1,000,000
(1) (d)		275,500	511,700
(3) (fa)		5,600	10,300
<b>20.855</b>	<b>Miscellaneous appropriations</b>		
(1) (a)		–0–	6,100,000
(3) (a)		2,806,600	71,700
<b>20.865</b>	<b>Program supplements</b>		
(1) (a)		1,800	3,300
(1) (d)		–0–	186,000
<b>20.835</b>	<b>Shared revenue and tax relief</b>		
(1) (b)		–0–	6,839,700
(1) (d)		–0–	578,549,600
(1) (f)		–0–	12,910,700

(8y) COMPENSATION RESERVE REDUCTIONS. When amending the schedule and summaries under section 20.004 (2) of the statutes, in addition to making any other reduction required by law, the department of administration shall reduce the amount that appears in the summary table entitled “Summary of Compensation Reserves — All Funds” under section 20.005 (1) of the statutes in 2001 Wisconsin Act 16, and adjust all totals accordingly, for each of the following types of revenue by the amounts indicated for that fiscal year:

Revenue Type	2001–02 Fiscal Year	2002–03 Fiscal Year
General purpose revenue	2,511,200	2,684,500
Federal revenue	680,700	727,600
Program revenue	1,842,100	1,969,100
Segregated revenue	428,800	458,400

(9q) EARNED INCOME TAX CREDIT FUNDING INCREASE; TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. In the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.835 (2) (kf) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$2,960,000 for fiscal year 2002–03 to increase funding for the purpose for which the appropriation is made.

(9r) APPROPRIATION ACCOUNT BALANCE TRANSFERS; ELECTRONIC GOVERNMENT.

(a) Notwithstanding section 20.001 (3) (c) of the statutes, there is lapsed to the general fund from the appropriation account of the department of electronic government under section 20.530 (1) (g) , 1999 stats., \$5,286,800

immediately prior to the transfers to be effected under paragraphs (b) to (g) .

(b) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to gifts, grants and bequests received by the department of electronic government, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (j) of the statutes.

(c) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources specified in sections 16.972 (2) (b) and (c) and 16.974 (2)

**Vetoed  
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Vetoed  
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of the statutes, as affected by this act, and section 44.73 (2) (d) of the statutes, for the provision of computer services, telecommunications services, and supercomputer services to state authorities, units of the federal government, local governmental units, and entities in the private sector, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (is) of the statutes, as created by this act.

(d) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source specified in section 16.974 (3) of the statutes, as affected by this act, for the provision of electronic communications services to state authorities, units of the federal government, local governmental units, and entities in the private sector, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (it) of the statutes, as created by this act.

(e) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source specified in section 16.974 (3) of the statutes, as affected by this act, for the provision of electronic communications services to state agencies, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (kg) of the statutes, as created by this act.

(f) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the sources specified in sections 16.972 and 16.973 of the statutes, as affected by this act, for the provision of printing, mail processing, and information technology processing services to state agencies, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (kL) of the statutes, as created by this act.

(g) The unencumbered balance in the appropriation account under section 20.530 (1) (g) of the statutes, as affected by this act, that is attributable to the source specified in section 16.971 (11) of the statutes, as affected by this act, for the provision of information technology development and management services to executive branch agencies, as determined by the secretary of administration, is transferred to the appropriation account under section 20.505 (1) (kr) of the statutes, as created by this act.

(h) The unencumbered balance in the appropriation account under section 20.530 (1) (m) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.505 (1) (mb) of the statutes.

**SECTION 9301. Initial applicability; administration.**

Vetoed  
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(1c) REVIEW OF PROPOSED CONTRACTUAL SERVICE CONTRACTS. The treatment of sections 16.705 (2m) and 16.71 (1) of the statutes first applies with respect to contracts for contractual services entered into on the effective date of this subsection.

Vetoed  
In Part

**SECTION 9309. Initial applicability; circuit courts.**

(1) COURT SUPPORT SERVICES FEE. The treatment of section 814.634 (1) (a), (b), and (c) of the statutes first applies to actions commenced on the effective date of this subsection.

(1vv) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c), and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3. (by SECTION 101z), 4., and 5. and (bm), and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c), and (d), 938.32 (1) (c) and (d), 938.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3. (by SECTION 531t), and 4., and (bm), (4) (a) and (b) (by SECTION 532v), (6) (a), and (6m) (cm), 938.357 (6), and 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m) (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2. and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m) (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent decree, dispositional order, change in placement order, extension order, sanction order, or guardianship order entered on the effective date of this subsection.

(1vw) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c), 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g) (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this subsection.

(1vx) JUVENILE COURT HEARINGS. The treatment of sections 48.21 (1) (a) and (3) (am), 48.335 (3g), 48.363 (1m), 938.21 (1) (a), (2) (am), and (3) (am), 938.335 (3g), and 938.363 (1m) of the statutes first applies to hearings held by the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this subsection.

(1vy) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4) (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the statutes first applies to permanency plans filed on the effective date of this subsection.

(1vz) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to permanency plan reviews

and hearings for which notice is provided on the effective date of this subsection.

(1wv) CHANGES IN PLACEMENT. The treatment of sections 48.357 (1) (a), (2), (2m) (a) and (b), and (2r) and 938.357 (1) (a), (2), (2m) (a) and (b), (2r), (3), (4) (b) 1. and 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the renumbering and amendment of sections 48.357 (1) (b) and (2v) and 938.357 (1) (b) and (2v) of the statutes, and the creation of sections 48.357 (1) (am) 3. and (c), (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) (am) 3. and (c), (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes in placement requested or proposed on the effective date of this subsection.

(1ww) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) and (3) of the statutes first applies to continuances and extensions granted, and periods of delay that begin, on the effective date of this subsection.

(1wx) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m) (f), and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes on the effective date of this subsection.

(2zy) DOMESTIC VIOLENCE PRIVILEGE. The treatment of section 905.045 of the statutes first applies to communications made or information obtained or disseminated on the effective date of this subsection.

(2zz) DOMESTIC ABUSE INJUNCTIONS. The treatment of sections 106.50 (5m) (d), 767.11 (8) (b) 2. and (10) (e) 2., 767.24 (1m) (b), (c), and (o), (2) (b) 2. c., and (5) (i), 813.12 (1) (a) (intro.) 1., 2., 3., and 4., (ad), (ag), (am) 5., (cg), and (cj), (2) (a), (3) (a) (intro.) and 2. and (c), (4) (a) (intro.), 2., and 3. and (c) 1. and 2., (5) (d), (5m), (6) (d), and (7) (c), 814.61 (1) (e), 814.70 (1) and (3) (intro.), and 895.73 (1) (a) of the statutes first applies to actions commenced on the effective date of this subsection.

**SECTION 9311. Initial applicability; corrections.**

(2f) LIABILITY OF PARENT OR GUARDIAN FOR JUVENILE COMPETENCY OR MENTAL DEFECT EXAMINATIONS. The treatment of sections 46.03 (18) (am), 301.03 (18) (am), and 938.295 (2) (a) and (c) of the statutes first applies to examinations ordered under section 938.295 (2) (a) of the statutes on the effective date of this subsection.

**SECTION 9315. Initial applicability; elections board.**

(2v) NONRESIDENT REGISTRANT REPORTING. The treatment of sections 11.06 (1) (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes first applies with respect to reporting periods which begin on or after the effective date of this subsection.

(2w) COST-OF-LIVING ADJUSTMENTS. The treatment of sections 11.26 (10a) and 11.31 (9) of the statutes first applies to adjustments for the 2-year period beginning on January 1, 2006.

**SECTION 9323. Initial applicability; health and family services.**

(1) TERRORISM RESPONSE TRAINING. The treatment of sections 146.50 (1) (a), (ag), (hr), and (ig), (6) (a) 2. and (b) 2., and (8) (b) 3. and (c), 146.55 (1) (a), 940.20 (7) (a) 1e., and 941.37 (1) (a) of the statutes first applies to applications for initial licensure or licensure renewal of emergency medical technicians and applications for initial certification or renewal of certification of first responders submitted on January 1, 2003.

(2x) MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE LABOR REGIONS. The treatment of section 49.45 (6m) (ar) 1. a. of the statutes first applies to payment made for direct care services provided by a facility on July 1, 2002.

(3yo) LIABILITY FOR TRANSFER OF BUSINESS. The treatment of section 49.45 (2) (b) 8. and (21) (title), (ag), (ar), (b), and (e) of the statutes first applies to sales or other transfers completed on the effective date of this subsection.

(3yv) ASSESSMENT FOR REPEATED RECOVERIES AGAINST PROVIDERS OF MEDICAL ASSISTANCE. The treatment of section 49.45 (2) (b) 9. of the statutes first applies to repeated recoveries from the identical provider that are made on the effective date of this subsection.

(3yw) DECERTIFICATION OR SUSPENSION OF PROVIDERS OF MEDICAL ASSISTANCE. The treatment of section 49.45 (2) (a) 12. a. and b. and 14. of the statutes first applies to violations of federal statutes or regulations or state statutes or rules committed on the effective date of this subsection.

(3yx) CERTIFICATION OF PROVIDERS OF MEDICAL ASSISTANCE. The treatment of section 49.45 (2) (a) 11. a. and b. and (b) 7. of the statutes first applies to applications for certification received on the effective date of this subsection.

(3yy) RECOVERIES AGAINST PROVIDERS OF MEDICAL ASSISTANCE. The treatment of sections 49.45 (2) (a) 9. and 10. a., b., and c., 49.85 (2) (a) and (3) (a) 1., and 71.93 (1) (a) 3. of the statutes first applies to recoveries imposed on the effective date of this subsection.

(3yz) AUDITS AND ACCESS TO RECORDS OF PROVIDERS OF MEDICAL ASSISTANCE. The treatment of section 49.45 (3) (g) 1. and 2. and (h) 1., 1m., 1n., and 2. of the statutes first applies to audits or investigations performed on or access requested on the effective date of this subsection.

(3yzv) LIMIT ON NUMBER OF CERTIFIED MEDICAL ASSISTANCE PROVIDERS. The treatment of section 49.45 (2) (b) 6m. of the statutes first applies to certifications made on the effective date of this subsection.

**SECTION 9332. Initial applicability; legislature.**

(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section 13.525 (5) of the statutes first applies to bills introduced on the effective date of this subsection.

Vetoed  
In Part

2001 Wisconsin Act 109

**SECTION 9337. Initial applicability; natural resources.**

(1z) STURGEON SPEARING. The treatment of sections 29.235 (2) and (2m) and 29.237 (3) of the statutes first applies to conservation patron licenses issued on the effective date of this subsection.

**SECTION 9340. Initial applicability; public instruction.**

(1) PRIMARY GUARANTEED VALUATION. The treatment of section 121.07 (7) (a) of the statutes first applies to school aid paid in the 2002-03 school year.

(2e) SALE OF SOFT DRINKS. The treatment of section 118.12 (4) of the statutes first applies to contracts entered into, modified, extended, or renewed on the effective date of this subsection.

**SECTION 9344. Initial applicability; revenue.**

(1b) DEPRECIATION DEDUCTIONS. The treatment of sections 71.01 (7r), 71.26 (3) (y), 71.365 (1m), and 71.45 (2) (a) 13. of the statutes first applies to property placed in service in taxable years beginning on January 1, 2001, except that changes made to section 168 of the Internal Revenue Code by P.L. 107-147 do not apply.

(1f) SALE OF MOBILE TELECOMMUNICATIONS SERVICES. The treatment of sections 77.52 (3m) (intro.) and (3n), 77.523, 77.525, and 77.72 (3) (b) of the statutes, the renumbering and amendment of section 77.52 (2) (a) 5. of the statutes, and the creation of section 77.52 (2) (a) 5. b. of the statutes first apply to customer bills issued after August 1, 2002.

(1m) TAXATION OF AGRICULTURAL LAND. The treatment of sections 70.32 (2) (c) 1. and 1m. and (2s), 74.48, and 74.485 of the statutes first applies to the property tax assessments as of, and the penalties imposed on, January 1, 2003.

(2v) CAMPAIGN FUND TAX CREDIT. The treatment of sections 71.07 (6s), 71.08 (1) (intro.), and 71.10 (3) (a), (ac), and (b) and (4) (gw) of the statutes first applies to taxable years beginning on January 1, 2002.

(5f) INCOME TAX DEDUCTIONS; COLLEGE SAVINGS. The treatment of sections 71.05 (6) (b) 32. (intro.) and a. and 33. (intro.) and a. of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.05 (6) (b) 32. (intro.) and a. and 33. (intro.) and a. of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

**SECTION 9352. Initial applicability; transportation.**

(1g) TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE PROGRAM. The treatment of section 84.185 (3m) of the statutes first applies to applications submitted to the department of transportation in fiscal year 2002-03.

(1h) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of sections 343.23 (2) (b), 343.245

(3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3) (b) of the statutes first applies to offenses committed on the effective date of this subsection.

(1j) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. The treatment of section 84.02 (15) and 349.067 of the statutes first applies to traffic control signals that are installed on the effective date of this subsection.

(1jh) HOMEMADE AND REPLICA VEHICLES. The treatment of sections 341.14 (4r), 341.268 (1) (e), (2) (a) 4. and 5., and (4m), and 347.02 (7) of the statutes, the renumbering and amendment of section 341.268 (1) (b) of the statutes, and the creation of section 341.268 (1) (b) 2. of the statutes first apply to applications for registration received by the department of transportation on the effective date of this subsection.

(1z) LOCAL ROADS FOR JOB PRESERVATION PROGRAM. The treatment of section 86.312 (2) (a) of the statutes first applies to contracts in furtherance of a grant awarded under section 86.312 of the statutes that are entered into on the effective date of this subsection.

**SECTION 9358. Initial applicability; workforce development.**

(2f) FAIR HEARING PROCESS FOR REVIEW OF WISCONSIN WORKS AGENCY DECISIONS. The treatment of sections 49.152 (title), (1), (2), and (3) (title), (a), and (b), 49.195 (3), and 49.26 (1) (h) 1. as. of the statutes first applies to petitions filed under section 49.16 (1) of the statutes, as affected by this act, on the effective date of this subsection.

**SECTION 9359. Initial applicability; other.**

(3) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 943.70 (2) (b) 3., 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1) (em), 961.41 (1) (hm) 5., 961.41 (1) (hm) 6., 961.41 (1) (im) 5., 961.41 (1) (im) 6., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (1m) (hm) 5., 961.41 (1m) (hm) 6., 961.41 (1m) (im) 5., 961.41 (1m) (im) 6., 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering and amendment of sections 49.95 (1), 125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a) 1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of

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In Part



the statutes; the amendment of sections 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n) (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 49.688 (9) (b), 49.688 (9) (c), 49.795 (8) (a) 2., 49.795 (8) (b) 2., 49.795 (8) (c), 51.15 (12), 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.10 (4) (b), 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 114.20 (18) (c), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.45 (6) (a) 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07, 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3. (by SECTION 532b), 938.355 (4) (b) (by SECTION 533b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62 (1) (a), 939.62 (1) (b), 939.62 (1) (c), 939.623 (2), 939.624 (2), 939.632 (1) (e) 1., 939.632 (2), 939.645 (2), 939.72 (1), 939.75 (1), 940.02 (2) (intro.), 940.03, 940.04 (1), 940.04 (2) (intro.), 940.04 (4), 940.06 (1), 940.06 (2), 940.07, 940.08 (1), 940.08 (2), 940.09 (1) (intro.), 940.10 (1), 940.10 (2), 940.11 (1), 940.11 (2), 940.12, 940.15 (2), 940.15 (5), 940.15 (6), 940.19 (2), 940.19 (4), 940.19 (5), 940.19 (6) (intro.), 940.195 (2), 940.195 (4), 940.195 (5), 940.195 (6), 940.20 (1), 940.20 (1m), 940.20 (2), 940.20 (2m) (b), 940.20 (3), 940.20 (4), 940.20 (5) (b), 940.20

(6) (b) (intro.), 940.20 (7) (b), 940.201 (2) (intro.), 940.203 (2) (intro.), 940.205 (2) (intro.), 940.207 (2) (intro.), 940.21, 940.22 (2), 940.225 (2) (intro.), 940.225 (3), 940.23 (1) (a), 940.23 (1) (b), 940.23 (2) (a), 940.23 (2) (b), 940.24 (1), 940.24 (2), 940.25 (1) (intro.), 940.285 (2) (b) 1g., 940.285 (2) (b) 1m., 940.285 (2) (b) 1r., 940.285 (2) (b) 2., 940.29, 940.295 (3) (b) 1g., 940.295 (3) (b) 1m., 940.295 (3) (b) 1r., 940.295 (3) (b) 2., 940.295 (3) (b) 3., 940.30, 940.305 (1), 940.305 (2), 940.31 (1) (intro.), 940.31 (2) (a), 940.31 (2) (b), 940.32 (2) (intro.) (by SECTION 658b), 940.32 (2e) (intro.) (by SECTION 658g), 940.32 (2m) (intro.) (by SECTION 659b), 940.32 (3) (intro.) (by SECTION 660b), 940.43 (intro.), 940.45 (intro.), 941.11 (intro.), 941.12 (1), 941.20 (2) (intro.), 941.20 (3) (a) (intro.), 941.21, 941.235 (1), 941.26 (2) (a), 941.26 (2) (b), 941.26 (2) (e), 941.26 (2) (f), 941.26 (2) (g), 941.26 (4) (d), 941.26 (4) (e), 941.28 (3), 941.29 (2) (intro.), 941.295 (1), 941.296 (2) (intro.), 941.298 (2), 941.30 (1), 941.30 (2), 941.31 (1), 941.31 (2) (b), 941.315 (3) (intro.), 941.32, 941.325, 941.327 (2) (b) 1., 941.327 (2) (b) 2., 941.327 (2) (b) 3., 941.327 (2) (b) 4., 941.327 (3), 941.37 (3), 941.37 (4), 941.38 (1) (b) 4., 941.38 (2), 942.09 (2) (intro.), 943.01 (2) (intro.), 943.01 (2d) (b) (intro.), 943.01 (2g) (intro.), 943.011 (2) (intro.), 943.012 (intro.), 943.013 (2) (intro.), 943.014 (2), 943.015 (2) (intro.), 943.017 (2) (intro.), 943.017 (2m) (b) (intro.), 943.02 (1) (intro.), 943.03, 943.04, 943.06 (2), 943.07 (1), 943.07 (2), 943.10 (1) (intro.), 943.10 (2) (intro.), 943.12, 943.20 (3) (c), 943.20 (3) (d) (intro.), 943.20 (3) (d) 1., 943.20 (3) (d) 3., 943.20 (3) (d) 4., 943.201 (2), 943.205 (3), 943.207 (3m) (b) (intro.), 943.207 (3m) (c) (intro.), 943.208 (2) (b), 943.208 (2) (c), 943.209 (2) (b), 943.209 (2) (c), 943.21 (3) (b), 943.23 (1g), 943.23 (2), 943.23 (3), 943.23 (4m), 943.23 (5), 943.24 (2), 943.25 (1), 943.25 (2) (intro.), 943.26 (2), 943.27, 943.28 (2), 943.28 (3), 943.28 (4), 943.30 (1), 943.30 (2), 943.30 (3), 943.30 (4), 943.30 (5) (b), 943.31, 943.32 (1) (intro.), 943.32 (2), 943.34 (1) (c), 943.38 (1) (intro.), 943.38 (2), 943.39 (intro.), 943.395 (2) (b), 943.40 (intro.), 943.41 (8) (b), 943.41 (8) (c), 943.45 (3) (c), 943.45 (3) (d), 943.455 (4) (c), 943.455 (4) (d), 943.46 (4) (c), 943.46 (4) (d), 943.47 (3) (c), 943.47 (3) (d), 943.49 (2) (b) 2., 943.50 (4) (c), 943.60 (1), 943.61 (5) (c), 943.62 (4) (c), 943.70 (2) (b) 2., 943.70 (2) (b) 3g., 943.70 (2) (b) 3r., 943.70 (2) (b) 4., 943.70 (2) (c) 1., 943.70 (3) (b) 2., 943.70 (3) (b) 3., 943.70 (3) (b) 4., 943.75 (2), 943.75 (2m), 943.76 (2) (a), 943.76 (2) (b), 943.76 (4) (a) (intro.), 943.76 (4) (b) (intro.), 944.05 (1) (intro.), 944.06, 944.16 (intro.), 944.21 (5) (c), 944.21 (5) (e), 944.32, 944.33 (2), 944.34 (intro.), 945.03 (1m) (intro.), 945.05 (1) (intro.), 945.08 (1), 946.02 (1) (intro.), 946.03 (1) (intro.), 946.03 (2), 946.05 (1), 946.10 (intro.), 946.11 (1) (intro.), 946.12 (intro.), 946.13 (1) (intro.), 946.14, 946.15 (1), 946.15 (3), 946.31 (1) (intro.), 946.32 (1) (intro.), 946.41 (2m) (intro.), 946.415 (2) (intro.), 946.42 (3) (intro.), 946.425 (1),

946.425 (1m) (b), 946.425 (1r) (b), 946.43 (1m) (intro.), 946.43 (2m) (a) (intro.), 946.44 (1) (intro.), 946.44 (1g), 946.44 (1m), 946.47 (1) (intro.), 946.48 (1), 946.49 (1) (b), 946.49 (2), 946.60 (1), 946.60 (2), 946.61 (1) (intro.), 946.64, 946.65 (1), 946.68 (1r) (a), 946.68 (1r) (b), 946.68 (1r) (c), 946.69 (2) (intro.), 946.70 (2), 946.72 (1), 946.74 (2), 946.76, 946.82 (4), 946.84 (1), 946.85 (1), 947.013 (1t) (by SECTION 875b), 947.013 (1v), 947.013 (1x) (intro.), 947.015, 948.02 (2), 948.02 (3), 948.03 (2) (a), 948.03 (2) (b), 948.03 (2) (c), 948.03 (3) (a), 948.03 (3) (b), 948.03 (3) (c), 948.03 (4) (a), 948.03 (4) (b), 948.04 (1), 948.04 (2), 948.05 (1) (intro.), 948.05 (1m), 948.05 (2), 948.055 (2) (a), 948.055 (2) (b), 948.06 (intro.), 948.07 (intro.), 948.075 (1), 948.08, 948.095 (2) (intro.), 948.11 (2) (a) (intro.), 948.11 (2) (am) (intro.), 948.12 (1m) (intro.), 948.12 (2m) (intro.), 948.13 (2), 948.20, 948.21 (1), 948.22 (2), 948.23, 948.24 (1) (intro.), 948.30 (1) (intro.), 948.30 (2) (intro.), 948.31 (1) (b), 948.31 (2), 948.31 (3) (intro.), 948.40 (4) (a), 948.40 (4) (b), 948.51 (3) (b), 948.60 (2) (b), 948.60 (2) (c), 948.605 (2) (a), 948.605 (3) (a), 948.61 (2) (b), 948.62 (1) (a), 948.62 (1) (b), 948.62 (1) (c), 949.03 (1) (b), 951.18 (1), 951.18 (2), 951.18 (2m), 961.41 (1) (intro.), 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) (intro.), 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (d) (intro.), 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (e) (intro.), 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (f) (intro.), 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) (intro.), 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) (intro.), 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (hm) (intro.), 961.41 (1) (hm) 1., 961.41 (1) (hm) 2., 961.41 (1) (hm) 3., 961.41 (1) (hm) 4., 961.41 (1) (i), 961.41 (1) (im) (intro.), 961.41 (1) (im) 1., 961.41 (1) (im) 2., 961.41 (1) (im) 3., 961.41 (1) (im) 4., 961.41 (1) (j), 961.41 (1m) (intro.), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) (intro.), 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (d) (intro.), 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (e) (intro.), 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (f) (intro.), 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) (intro.), 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) (intro.), 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (hm) (intro.), 961.41 (1m) (hm) 1., 961.41 (1m) (hm) 2., 961.41 (1m) (hm) 3., 961.41 (1m) (hm) 4., 961.41 (1m) (i), 961.41 (1m) (im) (intro.), 961.41 (1m) (im) 1., 961.41 (1m) (im) 2., 961.41 (1m) (im) 3., 961.41 (1m) (im) 4., 961.41 (1m) (j), 961.41 (1m) (c), 961.41 (2) (intro.), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (cm) (title), 961.41 (2) (d), 961.41 (3g) (b), 961.41 (3g) (c), 961.41 (3g) (d), 961.41 (3g) (e), 961.41 (3g) (f), 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.437 (4) (a), 961.437 (4)

(b), 961.455 (1), 961.455 (3), 961.472 (2), 961.48 (2m) (a), 961.48 (3), 961.55 (1) (d) 3., 961.573 (3), 961.574 (3), 961.575 (3), 968.255 (1) (a) 2., 968.31 (1) (intro.), 968.34 (3), 968.43 (3), 969.08 (10) (a), 969.08 (10) (b), 973.01 (2) (intro.), 973.01 (2) (a), 973.01 (2) (b) (intro.), 973.01 (2) (b) 3., 973.01 (2) (b) 4., 973.01 (2) (b) 5., 973.03 (3) (e) 1. and 2., 973.09 (2) (b) 1., and 977.06 (2) (b) of the statutes; the repeal and recreation of section 944.15 (title) of the statutes; and the creation of sections 49.95 (1) (e) and (f), 125.075 (2) (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) (bm), 939.32 (1g), 939.32 (1m), 939.32 (2) (title), 939.32 (3) (title), 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g), 939.50 (3) (h), 939.50 (3) (i), 940.09 (1c), 943.20 (3) (bf) and (bm), 943.23 (3m), 943.34 (1) (bf) and (bm), 943.50 (4) (bf) and (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b), 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) 1g., 961.41 (1) (h) 4., 961.41 (1) (h) 5., 961.41 (1m) (cm) 1g., 961.41 (1m) (h) 4., 961.41 (1m) (h) 5., 961.48 (1) (a) and (b), 973.01 (2) (b) 6m., 973.01 (2) (b) 7., 973.01 (2) (b) 8., 973.01 (2) (b) 9., 973.01 (2) (b) 10. a. and b., 973.01 (2) (c) 2., 973.01 (2) (d) 1. to 6., and 973.017 of the statutes first apply to offenses committed on the effective date of this subsection.

(4) RETURNING PERSONS TO PRISON UPON REVOCATION. The treatment of sections 302.113 (9) (a), (at), (b), (c), and (g) and 302.114 (9) (a), (b), (bm), and (f) of the statutes first applies to persons who are the subjects of extended supervision revocation proceedings that are commenced by the department of corrections on the effective date of this subsection.

(5) CONCURRENT AND CONSECUTIVE SENTENCES. The treatment of section 973.15 (2m) of the statutes first applies to persons sentenced for crimes committed on the effective date of this subsection.

(6) TERRORISM RESPONSE TRAINING FOR LAW ENFORCEMENT OFFICERS. The treatment of section 165.85 (4) (b) 1. and 1d. of the statutes first applies to persons being appointed law enforcement officers or tribal law enforcement officers on January 1, 2003.

(7v) DISCIPLINARY PROCEDURES; LAW ENFORCEMENT; FIRE FIGHTERS. The treatment of section 62.13 (5) (i) of the statutes first applies to any city, village, or town whose employees are covered by a collective bargaining agreement that is in effect on the effective date of this subsection upon the expiration, extension, renewal, or modification of the agreement.

**SECTION 9400. Effective dates; general.** Except as otherwise provided in SECTIONS 9401 to 9459 of this act, this act takes effect on the day after publication.

**SECTION 9401. Effective dates; administration.**

(1) GRANTS TO WISCONSIN PATIENT SAFETY INSTITUTE, INC. The treatment of sections 16.40 (24) and 20.505 (1) (fe) of the statutes takes effect on July 1, 2002.

**Vetoed  
In Part**

(2z) SURPLUS FUND TRANSFER FOR HOUSING GRANTS AND LOANS. The treatment of sections 16.33 (1) (a) (by SECTION 15c) and 234.165 (2) (c) (intro.) (by SECTION 366c) of the statutes and the repeal of sections 20.505 (7) (j) and 234.165 (3) of the statutes take effect on July 1, 2003.

(3v) RACING GENERAL PROGRAM OPERATIONS. The treatment of section 20.505 (8) (b) of the statutes takes effect on July 1, 2002.

Vetoed  
In Part

**SECTION 9404. Effective dates; agriculture, trade and consumer protection.**

(1xo) CONSUMER PROTECTION TRANSFER. The treatment of sections 20.115 (1) (hm) and (8) (jm), 20.455 (1) (title), (g), and (j), 93.07 (1), (23), and (24), 93.18 (3) and (7), 93.20 (1), 93.22 (1) and (2), 100.07 (6), 100.171 (7) (b) (by SECTION 263bb) and (8) (intro.), 100.173 (4) (intro.) and (a), 100.174 (5) (intro.) and (6), 100.175 (5) (a) (intro.) and (b) and (7) (a) (intro.) and (b), 100.177 (1) (bm), 100.178 (1) (b), 100.18 (11) (a), (b) 3., (c) 1., 2., 3., and 4., (d), and (e), 100.182 (5) (a) and (b), 100.20 (2) (a) and (b), (3), (4), and (6), 100.201 (6) (d), (8m) (intro.), and (9) (b) and (c), 100.205 (7) and (8), 100.207 (6) (b) 1. and 2., (c), and (em) 1. and 2., 100.208 (2) (intro.) and (b), 100.209 (3) and (4) (b), 100.2095 (6) (b) and (c), 100.21 (2) (a) and (4) (a) (intro.), 100.22 (4) (b), 100.235 (11) (a), 100.26 (6), 100.261 (3) (b), (d), and (e), 100.263, 100.28 (4) (b) and (c), 100.31 (4) and (5), 100.37 (1) (am), 100.38 (5) and (6), 100.41 (1) (bn), 100.42 (1) (cm), 100.43 (1) (am), 100.44 (5), 100.46 (1) and (2), 100.50 (6) (b) and (c), 100.52 (1) (bn), 101.175 (3) (intro.), 134.71 (12), 136.03 (title) and (1) (intro.), 136.04, 165.065 (2), 165.25 (4) (ar) and (11), 344.576 (3) (a) 5. and (c), 344.579 (2) (intro.), 704.90 (9) and (11) (title) and (a), 707.49 (4), 707.57 (2) and (3), 779.41 (1m), and 779.93 (title), (1), and (2) (intro.) of the statutes the renumbering and amendment of section 100.207 (1) of the statutes, the creation of section 100.207 (1) (a) of the statutes, and SECTIONS 9104 (14xv) and 9131 (2xz) of this act take effect on July 1, 2002, or on the day after publication, whichever is later.

Vetoed  
In Part

**SECTION 9410. Effective dates; commerce.**  
(1e) GRANT TO FORWARD WISCONSIN, INC. The treatment of section 16.501 (2) (by SECTION 17v) of the statutes and the repeal of section 20.143 (1) (bp) of the statutes take effect on July 1, 2003.

(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The treatment of section 20.143 (1) (a) and (g) of the statutes takes effect on July 1, 2002, or on the day after publication, whichever is later.

Vetoed  
In Part

**SECTION 9411. Effective dates; corrections.**  
(2) INMATE SECURE WORK PROGRAM. The treatment of sections 303.063 and 303.21 (1) (b) of the statutes takes effect on July 1, 2002.

**SECTION 9415. Effective dates; elections board.**  
(1zx) CAMPAIGN FINANCE AND RELATED CHANGES. The repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50

(3), and 11.50 (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), and 19.59 (7) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), and 25.42 of the statutes, the repeal and recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.01 (17g) and (17r), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.21 (17), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), and 806.04 (11m) of the statutes and SECTIONS 9115 (2v) and (2w) and 9315 (2v) and (2w) of this act take effect on July 1, 2003.

**SECTION 9423. Effective dates; health and family services.**

(1yv) PROVIDERS OF MEDICAL ASSISTANCE. The treatment of sections 20.435 (4) (iL), 49.45 (2) (a) 9., 10. a., b., and c., 11. a. and b., 12. a. and b., and 14. and (b) 6m., 7., 8., and 9., (3) (g) 1. and 2., (h) 1., 1m., 1n., and 2., and (21) (title), (ag), (ar), (b), and (e), 49.85 (2) (a) and (3) (a) 1., 71.93 (1) (a) 3., and 227.43 (1) (bg) of the

Vetoed  
In Part



2001 Wisconsin Act 109

Vetoed  
In Part

statutes and 2001 Wisconsin Act 16, sections 9323 (18k), (18m), (18n), (18pk), (18pm), and (18pn) and 9423 (18k) and SECTION 9323 (3yo), (3yv), (3yw), (3yx), (3yy), (3yz), and (3yzv) of this act take effect on January 1, 2003.

(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES. The treatment of section 252.041 (1) of the statutes takes effect on the first day of the 5th month beginning after publication.

(2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR SOLD; RULES. The treatment of section 440.142 (1) of the statutes takes effect on the first day of the 5th month beginning after publication.

(3f) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 523q) of the statutes takes effect on January 1, 2003.

**SECTION 9424. Effective dates; higher educational aids board.**

(1d) TUITION AND FINANCIAL AID. The treatment of sections 20.235 (1) (fe) and 20.285 (4) (dd) of the statutes takes effect on July 1, 2003.

**SECTION 9425. Effective dates; historical society.**

(1f) APPROPRIATION CONSOLIDATION. The treatment of section 20.245 (1) (ag) of the statutes takes effect on July 1, 2002.

**SECTION 9431. Effective dates; justice.**

(1g) GAMING LAW ENFORCEMENT. The treatment of section 20.455 (2) (fm) of the statutes takes effect on July 1, 2002.

(2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION GRANT. The repeal of section 20.455 (2) (cr) of the statutes takes effect on July 1, 2003.

**SECTION 9432. Effective dates; legislature.**

(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section 13.525 (5) of the statutes and SECTION 9332 (1) of this act take effect on January 1, 2003.

**SECTION 9436. Effective dates; military affairs.**

(1) YOUTH CHALLENGE PROGRAM. The treatment of sections 20.465 (4) (c), 21.26, 121.05 (1) (a) 13., 121.095, and 121.90 (1) (intro.) of the statutes takes effect on July 1, 2002.

**SECTION 9437. Effective dates; natural resources.**

(1c) FOREST FIRE PROTECTION GRANT PROGRAM.

(a) *Effect of other financial assistance.* The creation of section 26.145 (2m) of the statutes of this act takes effect on July 1, 2002.

(b) *Sunset.* The repeal of section 26.145 (2m) of the statutes of this act takes effect on July 1, 2004.

(1q) WHEELCHAIR RECYCLING PROJECT. The repeal of section 20.370 (6) (bw) of the statutes takes effect on July 1, 2003.

(1w) ANIMAL HEALTH PROTECTION. The treatment of section 20.370 (1) (mu) (by SECTION 36db) of the statutes takes effect on July 1, 2003.

(1zo) STURGEON SPEARING LICENSES. The treatment of sections 20.370 (4) (kw), 29.235 (2) and (2m), 29.237 (1) (a), (1m) (c), (2), (3), (4), and (5), 29.503 (3), 29.563 (3) (a) 10., (b) 7., and (d) (title), 1., and 2., 29.569 (3) (b) and (bm) (intro.), 29.977 (1) (i), and 29.983 (1) (b) 9. of the statutes, the renumbering and amendment of section 29.237 (1) of the statutes, and SECTION 9337 (1zo) of this act take effect on March 10, 2003.

**SECTION 9440. Effective dates; public instruction.**

(1) GENERAL SCHOOL AID. The treatment of section 20.255 (2) (ac) of the statutes takes effect on July 1, 2002.

(3q) EDUCATIONAL TECHNOLOGY RESPONSIBILITIES. The treatment of sections 15.105 (25), 16.70 (3m), 16.71 (4), 16.72 (8), 16.974, (1), (2), (3), and (4), 20.275 (intro.), (1) (title), (a), (d), (er), (es), (et), (f), (g), (h), (hb), (i), (im), (jm), (js), (k), (L), (m), (mp), (q), (s), (tm), 20.866 (1) (u) (by SECTION 64L) and (2) (zc) and (zcm), 20.923 (4) (e) 1b., 36.25 (38) (a), 44.70 (intro.), (1), (1d), (1m), (2), (2g), (3), (3d), (3g), (3j), (3m), (3r), (4), (5), and (6), 44.71 (title), (1), (2) (title), (intro.), (a), (b), (c), (d), (e), (f), (g), (h), and (i), and (3), 44.72 (title), (1) (intro.), (a), (b), and (c), (2) (title), (b) 1. and 2., (c), (d), and (e), (3), and (4) (title), (a), (b), (c), and (d), 44.73 (title), (1), (2) (intro.), (a), (b), (c), (d), (e), and (f), (2g), (2r), (3), (4), (5), and (6) (a) and (b), 115.28 (25), 120.18 (1) (i), 121.15 (3m) (a) 2., and 196.218 (3) (a) 3. b., (4t), and (5) (a) 5., 7., and 10., subchapter IV (title) of chapter 44, subchapter VIII (title) of chapter 115, and chapter 44 (title) of the statutes takes effect on July 1, 2002.

**SECTION 9444. Effective dates; revenue.**

(1c) TAX-EXEMPT LIVESTOCK. The treatment of sections 77.52 (13) and 77.53 (10) of the statutes takes effect on the first day of the 2nd month beginning after publication.

**SECTION 9448. Effective dates; technical college system.**

(1) GRANTS TO STUDENTS. The treatment of sections 20.292 (1) (ep), 38.28 (1m) (a) 1., and 38.305 of the statutes takes effect on July 1, 2002.

(2x) COMPENSATION FOR CERTAIN TECHNICAL COLLEGE SYSTEM BOARD EMPLOYEES. The treatment of sections 19.42 (13) (c), 20.923 (16), 40.02 (30), and 230.35 (1m) (a) 2. and (2) of the statutes takes effect retroactively to February 1, 2002.

**SECTION 9451. Effective dates; tourism.**

(1v) GRANTS FOR BADGER STATE GAMES. The treatment of sections 20.380 (1) (b) and 41.11 (6) of the statutes takes effect on July 1, 2002, or on the day after publication, whichever is later.

**SECTION 9452. Effective dates; transportation.**

(1) TRANSFERS TO GENERAL FUND. The repeal of section 20.855 (4) (v) of the statutes takes effect on June 30, 2003.

(1ff) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of sections 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3) (b)

Vetoed  
In Part

Vetoed  
In Part



of the statutes and SECTION 9352 (1h) of this act take effect on October 4, 2002.

(1fg) LICENSE PLATES FOR MOTORCYCLES. The treatment of sections 341.09 (8), 341.13 (2m), and 341.14 (6w) (by SECTION 432w), of the statutes takes effect on the first day of the 9th month beginning after publication.

**Vetoed  
In Part**

(1fh) TRAFFIC CONTROL SIGNAL EMERGENCY PREEMPTION DEVICES. The treatment of sections 84.02 (15) and 349.067 of the statutes and SECTION 9352 (1j) of this act take effect on the first day of the 7th month beginning after publication.

(2j) HOMEMADE AND REPLICA VEHICLES. The treatment of sections 341.14 (4r), 341.268 (1) (e), (2) (a) 4. and 5., and (4m), and 347.02 (7) of the statutes, the renumbering and amendment of section 341.268 (1) (b) of the statutes, and the creation of section 341.268 (1) (b) 2. of the statutes and SECTION 9352 (1jh) of this act take effect on the first day of the 3rd month beginning after publication.

(2q) HAIL-DAMAGED VEHICLES. The treatment of sections 340.01 (20m) and (55g) and 342.10 (3) (h) of the statutes takes effect on the first day of the 4th month beginning after publication.

**Vetoed  
In Part**

**SECTION 9458. Effective dates; workforce development.**

(2f) FAIR HEARING PROCESS FOR REVIEW OF WISCONSIN WORKS AGENCY DECISIONS. The treatment of sections 49.152 (title), (1), (2), and (3) (title), (a), and (b), 49.195 (3), and 49.26 (1) (h) 1. as. of the statutes and SECTION 9358 (2f) of this act take effect on the first day of the 7th month beginning after publication.

**SECTION 9459. Effective dates; other.**

(1) PENALTY PROVISIONS GENERALLY. The repeal of sections 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc), 939.615 (7) (c), 939.622, 939.625, 939.63 (2), 939.635, 939.64, 939.641, 939.646, 939.647, 939.648, 940.09 (1b), 940.19 (3), 940.195 (3), 940.25 (1b), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.23 (1m), 943.23 (1r), 943.70 (2) (b) 3., 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5), 948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1) (em), 961.41 (1) (hm) 5., 961.41 (1) (hm) 6., 961.41 (1) (im) 5., 961.41 (1) (im) 6., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (em), 961.41 (1m) (hm) 5., 961.41 (1m) (hm) 6., 961.41 (1m) (im) 5., 961.41 (1m) (im) 6., 961.41 (2) (c), 961.41 (3g) (a) 2., 961.41 (3g) (a) 3., 961.41 (3g) (dm), 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48 (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3. of the statutes; the renumbering of section 351.07 (2) (a) of the statutes; the renumbering and amendment of sections 49.95 (1), 125.075 (2), 302.113 (9) (a), 302.114 (9) (a), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm) 1., 961.41 (1m) (cm) 1., 961.41 (3g) (a)

1., 961.46 (1), 961.48 (1), 961.49 (1), 973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d) of the statutes; the amendment of sections 6.18, 11.61 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g) (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 48.355 (2d) (b) 3. (by SECTION 102b), 48.415 (9m) (b) 2., 48.417 (1) (d) (by SECTION 104b), 48.57 (3p) (g) 2., 48.685 (1) (c), 48.685 (5) (bm) 2., 48.685 (5) (bm) 3., 48.685 (5) (bm) 4. (by SECTION 114b), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (b), 49.195 (3n) (k), 49.195 (3n) (r), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (b), 49.49 (4) (b), 49.688 (9) (b), 49.688 (9) (c), 49.795 (8) (a) 2., 49.795 (8) (b) 2., 49.795 (8) (c), 50.065 (1) (e) 1., 51.15 (12), 55.06 (11) (am), 66.1207 (1) (b), 66.1207 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.2095 (6) (d), 100.26 (2), 100.26 (5), 100.26 (7), 101.10 (4) (b), 101.143 (10) (b), 101.9204 (2), 101.94 (8) (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 110.07 (5) (a), 114.20 (18) (c), 115.31 (2g), 118.19 (4) (a), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b), 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.85 (1), 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b), 167.10 (9) (g), 175.20 (3), 180.0129 (2), 181.0129 (2), 185.825, 201.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.), 291.97 (2) (c) 1. and 2., 299.53 (4) (c) 2., 301.048 (2) (bm) 1. a., 301.26 (4) (cm) 1., 301.45 (6) (a) 2., 302.095 (2), 302.11 (1g) (a) 2., 302.11 (1p), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (9) (b), 302.114 (9) (bm), 304.06 (1) (b), 304.071 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.175 (1) (a), 346.175 (1) (b), 346.175 (4) (b), 346.175 (4) (c), 346.175 (4) (d), 346.175 (5) (intro.), 346.175 (5) (a), 346.65 (2) (e), 346.65 (5), 346.74 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b), 753.061 (2m), 765.30 (1) (intro.), 765.30 (2) (intro.), 767.242 (8), 768.07, 783.07, 908.08 (1), 938.208 (1) (a), 938.34 (4h) (a), 938.34 (4m) (b) 1., 938.355 (2d) (b) 3. (by SECTION 532b), 938.355 (4) (b) (by SECTION 533b), 938.78 (3), 939.22 (21) (d), 939.30 (1), 939.30 (2), 939.32 (1) (intro.), 939.50 (1) (intro.), 939.50 (2), 939.50 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (7) (b) 2., 939.62

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