

DAK LRBs0382/en
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SECTION 336L

1 (a) The beds may be redistributed only to a location in a city that is specified
2 in sub. (1).

3 (b) A person may not receive approval for the beds unless the person submits
4 to the department, on a form provided by the department, an application that meets
5 the requirements under s. 150.33 (2).

6 ~~*-4548/2.114* *-3266/P1.83*~~ SECTION 337. 154.15 (2) of the statutes is
7 amended to read:

8 154.15 (2) Any person who, with the intent to cause a withholding or
9 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
10 the declarant, illegally falsifies or forges the declaration of another or conceals a
11 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
12 withholds actual knowledge of a revocation under s. 154.05 ~~shall be fined not more~~
13 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
14 felony.

15 ~~*-4548/2.115* *-3266/P1.84*~~ SECTION 338. 154.29 (2) of the statutes is
16 amended to read:

17 154.29 (2) Any person who, with the intent to cause the withholding or
18 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
19 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
20 under s. 154.21 of a do-not-resuscitate order or any responsible person who
21 withholds personal knowledge of a revocation under s. 154.21 ~~shall be fined not more~~
22 ~~than \$10,000 or imprisoned for not more than 15 years or both~~ is guilty of a Class F
23 felony.

24 ~~*b2391/1.8*~~ SECTION 338g. 157.055 of the statutes is created to read:

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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).

1 (e) Require the labeling of all human remains before disposal with all available
2 identifying information and information concerning the circumstances of death and,
3 in addition, require that the human remains of an individual with a communicable
4 disease be clearly tagged to indicate that remains contain a communicable disease
5 and, if known, the specific communicable disease.

6 (f) Maintain or require the maintenance of a written or electronic record of all
7 human remains that are disposed of, including all available identifying information
8 and information concerning the circumstances of death and disposal. If it is
9 impossible to identify human remains prior to disposal, the public health authority
10 may require that a qualified person obtain any fingerprints, photographs, or
11 identifying dental information, and collect a specimen of deoxyribonucleic acid from
12 the human remains and transmit this information to the public health authority.

13 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical
14 examiner or a county coroner to appoint emergency assistant medical examiners or
15 emergency deputy coroners, whichever is applicable, if necessary to perform the
16 duties of the office of medical examiner or coroner, and to prescribe the duties of the
17 emergency assistant medical examiners or emergency deputy coroners. The term of
18 any emergency appointment authorized under this paragraph may not exceed the
19 period of the state emergency. A county medical examiner or county coroner may
20 terminate an emergency appointment before the end of the period of the state
21 emergency, if termination of the appointment will not impede the performance of the
22 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the
23 department shall reimburse counties for the cost of any emergency medical
24 examiners or emergency deputy coroners appointed under this paragraph.

25 ***b2613/1.2* SECTION 338p.** 165.70 (1) (b) of the statutes is amended to read:

1 165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to
2 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33,
3 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.

4 ***b2819/1.1* SECTION 388nc.** 160.257 of the statutes is created to read:

5 **160.257 Exceptions for aquifer storage and recovery systems.** (1) In
6 this section:

7 (a) “Aquifer storage and recovery system” means all of the aquifer storage and
8 recovery wells and related appurtenances that are part of a municipal water system.

9 (b) “Aquifer storage and recovery well” means a well through which treated
10 drinking water is placed underground for the purpose of storing and later recovering
11 the water through the same well for use as drinking water.

12 (c) “Municipal water system” means a community water system, as defined in
13 s. 281.62 (1) (a), that is owned by a city, village, town, county, town sanitary district,
14 utility district, public inland lake protection and rehabilitation district, or municipal
15 water district, or by a privately owned water utility serving any of the foregoing.

16 (d) “Specified substance” means one of the following:

- 17 1. Chloroform.
- 18 2. Bromodichloromethane.
- 19 3. Dibromochloromethane.
- 20 4. Bromoform.

21 (e) “Treated drinking water” means potable water that has been treated so that
22 it complies with the primary drinking water standards promulgated under ss. 280.11
23 and 281.17 (8).

24 (2) Notwithstanding s. 160.19 (1) and (2), the department is not required to
25 promulgate or amend rules that define design or management criteria for aquifer

1 storage and recovery systems to minimize the amount of a specified substance in
2 groundwater or to maintain compliance with the preventive action limit for a
3 specified substance, however, the department shall promulgate rules that define
4 design or management criteria for aquifer storage and recovery systems to maintain
5 compliance with drinking water standards promulgated under ss. 280.11 and 281.17
6 (8).

7 (3) Notwithstanding s. 160.21 (2), the point of standards application for an
8 aquifer storage and recovery well with respect to a specified substance is 1,200 feet
9 from the aquifer storage and recovery well and at any other well that is within 1,200
10 feet from the aquifer storage and recovery well.

11 *b3052/1.14* SECTION 338g. 165.065 (2) of the statutes is amended to read:

12 165.065 (2) The assistant attorney general in charge of antitrust investigations
13 and prosecutions is to cooperate actively with the antitrust division of the U.S.
14 department of justice in everything that concerns monopolistic practices in
15 Wisconsin, and also to cooperate actively with the department of agriculture, trade
16 and consumer protection in the work which this agency is carrying on ~~under s. 100.20~~
17 ~~of the marketing law~~ with regard to monopolistic practices in the field of agriculture
18 and with the federal trade commission on matters arising in or affecting Wisconsin
19 which pertain to its jurisdiction.

20
21 *b3052/1.14* SECTION 338m. 165.25 (4) (ar) of the statutes, as affected by 2001

22 Wisconsin Act 16, section 2856b, is amended to read:

23 165.25 (4) (ar) The department of justice shall ~~furnish all legal services~~
24 ~~required by represent~~ the department of agriculture, trade and consumer protection
25 ~~in any court action~~ relating to the enforcement of ss. ~~100.171, 100.173, 100.174,~~

1 ~~100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21,~~
2 ~~100.28, 100.37, 100.42, 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779~~
3 ~~ch. 126 and 100.01 to 100.03, 100.05 to 100.07, 100.14, 100.183 to 100.19, 100.201,~~
4 ~~100.22, 100.235, 100.27, 100.285 to 100.297, 100.33 to 100.36, 100.45, 100.47, and~~
5 ~~100.48,~~ together with any other services as are necessarily connected to the legal
6 services.

7 ***b3052/1.14* SECTION 338r.** 165.25 (11) of the statutes is created to read:

8 165.25 (11) CONSUMER PROTECTION ADMINISTRATION AND ENFORCEMENT.

9 Administer and enforce ss. 100.15 to 100.182, 100.20, 100.205, 100.207 to 100.2095,
10 100.28, 100.31, 100.37 to 100.44, 100.46, 100.50, and 100.52 and chs. 136, 344, 704,
11 707, and 779. The department may issue general or special orders in administering
12 and enforcing these provisions.

13 ***-4572/4.15* SECTION 339.** 165.85 (4) (b) 1. of the statutes, as affected by 2001

14 Wisconsin Act 16, is amended to read:

15 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
16 enforcement officer, except on a temporary or probationary basis, unless the person
17 has satisfactorily completed a preparatory program of law enforcement training
18 approved by the board and has been certified by the board as being qualified to be
19 a law enforcement or tribal law enforcement officer. The program shall include 400
20 hours of training, except the program for law enforcement officers who serve as
21 rangers for the department of natural resources includes 240 hours of training. The
22 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
23 400-hour conventional program and a 240-hour ranger program. ~~The rule shall~~
24 ~~ensure that there is an adequate amount of training for each program to enable the~~
25 ~~person to deal effectively with domestic abuse incidents, including training that~~

1 ~~addresses the emotional and psychological effect that domestic abuse has on victims.~~
2 ~~The training under this subdivision shall include training on emergency detention~~
3 ~~standards and procedures under s. 51.15, emergency protective placement~~
4 ~~standards and procedures under s. 55.06 (11) and information on mental health and~~
5 ~~developmental disabilities agencies and other resources that may be available to~~
6 ~~assist the officer in interpreting the emergency detention and emergency protective~~
7 ~~placement standards, making emergency detentions and emergency protective~~
8 ~~placements and locating appropriate facilities for the emergency detentions and~~
9 ~~emergency protective placements of persons. The training under this subdivision~~
10 ~~shall include at least one hour of instruction on recognizing the symptoms of~~
11 ~~Alzheimer's disease or other related dementias and interacting with and assisting~~
12 ~~persons who have Alzheimer's disease or other related dementias. The training~~
13 ~~under this subdivision shall include training on police pursuit standards, guidelines~~
14 ~~and driving techniques established under par. (cm) 2. b. The period of temporary or~~
15 ~~probationary employment established at the time of initial employment shall not be~~
16 ~~extended by more than one year for an officer lacking the training qualifications~~
17 ~~required by the board. The total period during which a person may serve as a law~~
18 ~~enforcement and tribal law enforcement officer on a temporary or probationary basis~~
19 ~~without completing a preparatory program of law enforcement training approved by~~
20 ~~the board shall not exceed 2 years, except that the board shall permit part-time law~~
21 ~~enforcement and tribal law enforcement officers to serve on a temporary or~~
22 ~~probationary basis without completing a program of law enforcement training~~
23 ~~approved by the board to a period not exceeding 3 years. For purposes of this section,~~
24 ~~a part-time law enforcement or tribal law enforcement officer is a law enforcement~~
25 ~~or tribal law enforcement officer who routinely works not more than one-half the~~

1 normal annual work hours of a full-time employee of the employing agency or unit
2 of government. Law enforcement training programs including municipal, county
3 and state programs meeting standards of the board are acceptable as meeting these
4 training requirements.

5 ***-4572/4.16* SECTION 340.** 165.85 (4) (b) 1d. of the statutes is created to read:

6 165.85 (4) (b) 1d. Any training program developed under subd. 1. shall include
7 all of the following:

8 a. An adequate amount of training to enable the person being trained to deal
9 effectively with domestic abuse incidents, including training that addresses the
10 emotional and psychological effect that domestic abuse has on victims.

11 b. Training on emergency detention standards and procedures under s. 51.15,
12 emergency protective placement standards and procedures under s. 55.06 (11), and
13 information on mental health and developmental disabilities agencies and other
14 resources that may be available to assist the officer in interpreting the emergency
15 detention and emergency protective placement standards, making emergency
16 detentions and emergency protective placements, and locating appropriate facilities
17 for the emergency detentions and emergency protective placements of persons.

18 c. At least one hour of instruction on recognizing the symptoms of Alzheimer's
19 disease or other related dementias and interacting with and assisting persons who
20 have Alzheimer's disease or other related dementias.

21 d. Training on police pursuit standards, guidelines, and driving techniques
22 established under par. (cm) 2. b.

23 e. Training on responding to an act of terrorism, as defined in s. 146.50 (1) (ag).

24 ***b2391/1.9* SECTION 340g.** 166.02 (1p) of the statutes is created to read:

25 166.02 (1p) "Biological agent" means any of the following:

1 (a) A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is
2 specified under 42 CFR 72, Appendix A.

3 (b) A genetically modified microorganism or genetic element from an organism
4 under par. (a) that is shown to produce or encode for a factor associated with a
5 disease.

6 (c) A genetically modified microorganism or genetic element that contains
7 nucleic acid sequences coding for a toxin under par. (a) or its toxic subunit.

8 (d) An agent specified by the department of health and family services by rule.

9 ***b2391/1.9* SECTION 340h.** 166.02 (1r) of the statutes is created to read:

10 166.02 (1r) “Bioterrorism” means the intentional use of any biological,
11 chemical, or radiological agent to cause death, disease or biological malfunction in
12 a human, animal, plant, or other living organism in order to influence the policy of
13 a governmental unit or to intimidate or coerce the civilian population.

14 ***b2391/1.9* SECTION 340i.** 166.02 (1t) of the statutes is created to read:

15 166.02 (1t) “Chemical agent” means a substance that has chemical properties
16 that produce lethal or serious effects in plants or animals.

17 ***b2391/1.9* SECTION 340j.** 166.02 (7) of the statutes is created to read:

18 166.02 (7) “Public health emergency” means the occurrence or imminent threat
19 of an illness or health condition that meets all of the following criteria:

20 (a) Is believed to be caused by bioterrorism or a novel or previously controlled
21 or eradicated biological agent.

22 (b) Poses a high probability of any of the following:

23 1. A large number of deaths or serious or long-term disabilities among humans.

1 2. A high probability of widespread exposure to a biological, chemical, or
2 radiological agent that creates a significant risk of substantial future harm to a large
3 number of people.

4 ***b2391/1.9* SECTION 340k.** 166.02 (8) of the statutes is created to read:

5 166.02 (8) “Radiological agent” means radiation or radioactive material at a
6 level that is dangerous to human health.

7 ***b2391/1.9* SECTION 340L.** 166.03 (1) (b) 1. of the statutes is amended to read:

8 166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion
9 thereof of the state if he or she determines that an emergency resulting from enemy
10 action or natural or man-made disaster exists. If the governor determines that a
11 public health emergency exists, he or she may declare a state of emergency related
12 to public health and may designate the department of health and family services as
13 the lead state agency to respond to that emergency. The duration of such state of
14 emergency shall not exceed 60 days as to emergencies resulting from enemy action
15 or 30 days as to emergencies resulting from natural or man-made disaster, unless
16 either is extended by joint resolution of the legislature. A copy of the proclamation
17 shall be filed with the secretary of state. The proclamation may be revoked at the
18 discretion of either the governor by written order or the legislature by joint
19 resolution.

20 ***b2391/1.9* SECTION 340m.** 166.03 (1) (b) 8. of the statutes is created to read:

21 166.03 (1) (b) 8. During a state of emergency related to public health, suspend
22 the provisions of any administrative rule if the strict compliance with that rule would
23 prevent, hinder, or delay necessary actions to respond to the emergency and increase
24 the health threat to the population.

25 ***b2391/1.9* SECTION 340n.** 166.03 (2) (a) 6. of the statutes is created to read:

1 166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to
2 public health is declared and the department of health and family services is not
3 designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that
4 emergency and no later than 90 days after the termination of this state of emergency
5 relating to public health, submit to the legislature under s. 13.172 (2) and to the
6 governor a report on all of the following:

7 a. The emergency powers used by the department of military affairs or its
8 agents.

9 b. The expenses incurred by the department of military affairs and its agents
10 in acting under the state of emergency related to public health.

11 *~~4548/2.116~~* *~~3266/P1.85~~* **SECTION 341.** 166.20 (11) (b) of the statutes is
12 amended to read:

13 166.20 (11) (b) Any person who knowingly and wilfully fails to report the
14 release of a hazardous substance covered under 42 USC 11004 as required under sub.
15 (5) (a) 2. or any rule promulgated under sub. (5) (a) 2. ~~shall is subject to the following~~
16 penalties:

17 1. For the first offense, the person is guilty of a Class I felony, except that,
18 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
19 fined not less than \$100 nor more than \$25,000 or imprisoned for not more than 3
20 years or both.

21 2. For the 2nd and subsequent offenses, the person is guilty of a Class I felony,
22 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the
23 person may be fined not less than \$200 nor more than \$50,000 or imprisoned for not
24 more than 3 years or both.

1 *~~4548/2.117~~* *~~3266/P1.86~~* **SECTION 342.** 167.10 (9) (g) of the statutes is
2 amended to read:

3 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
4 under sub. (6m) (e) ~~may be fined not more than \$10,000 or imprisoned for not more~~
5 ~~than 15 years or both~~ is guilty of a Class G felony

6 *~~4548/2.118~~* *~~3266/P1.87~~* **SECTION 343.** 175.20 (3) of the statutes is
7 amended to read:

8 175.20 (3) Any person who violates any of the provisions of this section ~~shall~~
9 ~~may be fined not less than \$25 nor more than \$1,000 and \$10,000 or may be~~
10 ~~imprisoned for not less than 30 days nor more than 2 years 9 months~~ or both. In
11 addition, the court may revoke the license or licenses of the person or persons
12 convicted.

13 ***b2389/1.1*** **SECTION 343m.** 177.01 (10) (a) 2. of the statutes is amended to
14 read:

15 177.01 (10) (a) 2. Credit balances, customer overpayments, ~~gift certificates,~~
16 security deposits, refunds, credit memos, unpaid wages, unused airline tickets and
17 unidentified remittances.

18 ***b2389/1.1*** **SECTION 343q.** 177.14 of the statutes is amended to read:

19 **177.14 ~~Gift certificates and credit~~ Credit memos.** (1) ~~A gift certificate or~~
20 a credit memo issued in the ordinary course of the issuer's business that remains
21 unclaimed by the owner for more than 5 years after becoming payable or
22 distributable is presumed abandoned.

23 (2) ~~In the case of a gift certificate, the amount presumed abandoned is the price~~
24 ~~paid by the purchaser of the gift certificate. In the case of a credit memo, the The~~

1 amount presumed abandoned under sub. (1) is the amount credited to the recipient
2 of the credit memo.

3 *~~4548/2.119~~* *~~3266/P1.88~~* **SECTION 344.** 180.0129 (2) of the statutes is
4 amended to read:

5 180.0129 (2) Whoever violates this section ~~may be fined not more than \$10,000~~
6 ~~or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

7 *~~4548/2.120~~* *~~3266/P1.89~~* **SECTION 345.** 181.0129 (2) of the statutes is
8 amended to read:

9 181.0129 (2) PENALTY. Whoever violates this section ~~may be fined not more~~
10 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
11 felony.

12 *~~4548/2.121~~* *~~3266/P1.90~~* **SECTION 346.** 185.825 of the statutes is
13 amended to read:

14 **185.825 Penalty for false document.** Whoever causes a document to be
15 filed, knowing it to be false in any material respect, ~~may be fined not more than~~
16 ~~\$1,000 or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a
17 Class I felony.

18 *~~b2900/2.21~~* **SECTION 346h.** 196.218 (5) (a) 6. of the statutes, as affected by
19 2001 Wisconsin Act 16, is amended to read:

20 196.218 (5) (a) 6. To pay the department of ~~electronic government~~
21 administration for telecommunications services provided under s. ~~22.05 16.972~~ (1)
22 to the campuses of the University of Wisconsin System at River Falls, Stout, Superior
23 and Whitewater.

24 *~~b2900/2.21~~* **SECTION 346m.** 196.858 (1) and (2) of the statutes, as affected by
25 2001 Wisconsin Act 16, are amended to read:

1 196.858 (1) The commission shall annually assess against local exchange and
2 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
3 amounts appropriated under s. ~~20.530~~ 20.505 (1) (ir).

4 (2) The commission shall assess a sum equal to the annual total amount under
5 sub. (1) to local exchange and interexchange telecommunications utilities in
6 proportion to their gross operating revenues during the last calendar year. If total
7 expenditures for telephone relay service exceeded the payment made under this
8 section in the prior year, the commission shall charge the remainder to assessed
9 telecommunications utilities in proportion to their gross operating revenues during
10 the last calendar year. A telecommunications utility shall pay the assessment within
11 30 days after the bill has been mailed to the assessed telecommunication utility. The
12 bill constitutes notice of the assessment and demand of payment. Payments shall
13 be credited to the appropriation account under s. ~~20.530~~ 20.505 (1) (ir).

14 ***b3033/2.15* SECTION 346c.** 196.218 (3) (a) 3. b. of the statutes, as affected by
15 2001 Wisconsin Act 16, is amended to read:

16 196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q), ~~20.275~~
17 ~~(1)~~ 20.255 (4) (s), (t) and (tm) and 20.285 (1) (q).

18 ***b3033/2.15* SECTION 346m.** 196.218 (4t) of the statutes is amended to read:

19 196.218 (4t) EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM RULES. The
20 commission, in consultation with the department of administration and the
21 ~~technology for educational achievement in Wisconsin board~~ department of public
22 instruction, shall promulgate rules specifying the telecommunications services
23 eligible for funding through the educational telecommunications access program
24 under s. ~~44.73~~ 115.9995.

1 ***b3033/2.15* SECTION 346r.** 196.218 (5) (a) 5. of the statutes, as affected by
2 2001 Wisconsin Act 16, is amended to read:

3 196.218 (5) (a) 5. To pay costs incurred under contracts under s. ~~16.974~~ 16.971
4 ~~(13) to (16)~~ to the extent that these costs are not paid under s. ~~44.73 (2) (d)~~ 115.9995
5 ~~(2) (d)~~, except that no moneys in the universal service fund may be used to pay
6 installation costs that are necessary for a political subdivision to obtain access to
7 bandwidth under a shared service agreement under s. ~~44.73 (2r) (a)~~ 115.9995 (2r) (a).

8 ***b3033/2.15* SECTION 346rm.** 196.218 (5) (a) 7. of the statutes is amended to
9 read:

10 196.218 (5) (a) 7. To make grants awarded by the ~~technology for educational~~
11 ~~achievement in Wisconsin board~~ department of public instruction to school districts
12 and private schools under s. ~~44.73 (6)~~ 115.9995 (6). This subdivision does not apply
13 after December 31, 2005.

14 ***b3033/2.15* SECTION 346rt.** 196.218 (5) (a) 10. of the statutes, as created by
15 2001 Wisconsin Act 16, is amended to read:

16 196.218 (5) (a) 10. To make the grant awarded by the ~~technology for educational~~
17 ~~achievement in Wisconsin board~~ department of public instruction to the Racine
18 Unified School District under s. ~~44.72 (3)~~ 115.999 (3).

19 ***-4548/2.122* *-3266/P1.91* SECTION 347.** 201.09 (2) of the statutes is
20 amended to read:

21 201.09 (2) Every director, president, secretary or other official or agent of any
22 public service corporation, who shall practice fraud or knowingly make any false
23 statement to secure a certificate of authority to issue any security, or issue under a
24 certificate so obtained and with knowledge of such fraud, or false statement, or
25 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall

1 ~~be fined not less than \$500 or imprisoned for not less than one year nor more than~~
2 ~~15 years or both~~ is guilty of a Class I felony.

3 ~~*-4548/2.123* *-3266/P1.92*~~ **SECTION 348.** 214.93 of the statutes is amended
4 to read:

5 **214.93 False statements.** A person may not knowingly make, cause, or allow
6 another person to make or cause to be made, a false statement, under oath if required
7 by this chapter or on any report or statement required by the division or by this
8 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
9 section ~~may be imprisoned for not more than 30 years~~ is guilty of a Class F felony.

10 ~~*-4548/2.124* *-3266/P1.93*~~ **SECTION 349.** 215.02 (6) (b) of the statutes is
11 amended to read:

12 215.02 (6) (b) If any person mentioned in par. (a) discloses the name of any
13 debtor of any association or any information about the private account or
14 transactions of such association, discloses any fact obtained in the course of any
15 examination of any association, or discloses examination or other confidential
16 information obtained from any state or federal regulatory authority, including an
17 authority of this state or another state, for financial institutions, mortgage bankers,
18 insurance or securities, except as provided in par. (a), he or she is guilty of a Class
19 I felony and shall forfeit his or her office or position and may be fined not less than
20 ~~\$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more than~~
21 ~~3 years or both.~~

22 ~~*-4548/2.125* *-3266/P1.94*~~ **SECTION 350.** 215.12 of the statutes is amended
23 to read:

24 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
25 director, employee or agent of any association who steals, abstracts, or wilfully

1 misapplies any property of the association, whether owned by it or held in trust, or
2 who, without authority, issues or puts forth any certificate of savings accounts,
3 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
4 in any book, record, report or statement of the association with intent to injure or
5 defraud the association or any person or corporation, or to deceive any officer or
6 director of the association, or any other person, or any agent appointed to examine
7 the affairs of such association, or any person who, with like intent, aids or abets any
8 officer, director, employee or agent in the violation of this section, ~~shall be imprisoned~~
9 ~~in the Wisconsin state prisons for not more than 30 years~~ is guilty of a Class F felony.

10 *~~4548/2.126~~* *~~3266/P1.95~~* **SECTION 351.** 215.21 (21) of the statutes is
11 amended to read:

12 215.21 (21) PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer,
13 director, employee or agent of any association, or any appraiser making appraisals
14 for any association, who accepts or receives, or offers or agrees to accept or receive
15 anything of value in consideration of its loaning any money to any person; or any
16 person who offers, gives, presents or agrees to give or present anything of value to
17 any officer, director, employee or agent of any association or to any appraiser making
18 appraisals for any association in consideration of its loaning money to the person,
19 ~~shall be fined not more than \$10,000 or imprisoned in the Wisconsin state prisons~~
20 ~~for not more than 3 years or both~~ is guilty of a Class I felony. Nothing in this
21 subsection prohibits an association from employing an officer, employee or agent to
22 solicit mortgage loans and to pay the officer, employee or agent on a fee basis.

23 *~~4548/2.127~~* *~~3266/P1.96~~* **SECTION 352.** 218.21 (7) of the statutes is
24 amended to read:

1 218.21 (7) Any person who knowingly makes a false statement in an
2 application for a motor vehicle salvage dealer license ~~may be fined not more than~~
3 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
4 Class H felony.

5 *~~4548/2.128~~* *~~3266/P1.97~~* **SECTION 353.** 220.06 (2) of the statutes is
6 amended to read:

7 220.06 (2) If any employee in the division or any member of the banking review
8 board or any employee thereof discloses the name of any debtor of any bank or
9 licensee, or anything relative to the private account or transactions of such bank or
10 licensee, or any fact obtained in the course of any examination of any bank or
11 licensee, except as herein provided, that person is guilty of a Class I felony and shall
12 be subject, upon conviction, to forfeiture of office or position and may be fined not less
13 than \$100 nor more than \$1,000 or imprisoned for not less than 6 months nor more
14 than 3 years or both.

15 ***b2900/2.22*** **SECTION 353m.** 221.0320 (3) (a) of the statutes, as affected by
16 2001 Wisconsin Act 16, is amended to read:

17 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
18 given in s. ~~22.01~~ 16.97 (7).

19 *~~4548/2.129~~* *~~3266/P1.98~~* **SECTION 354.** 221.0625 (2) (intro.) of the
20 statutes is amended to read:

21 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
22 of this section, directly or indirectly does any of the following ~~may be imprisoned for~~
23 ~~not more than 15 years~~ is guilty of a Class F felony:

24 *~~4548/2.130~~* *~~3266/P1.99~~* **SECTION 355.** 221.0636 (2) of the statutes is
25 amended to read:

1 221.0636 (2) PENALTY. Any person who violates sub. (1) ~~may be imprisoned for~~
2 ~~not more than 30 years~~ is guilty of a Class H felony.

3 *~~4548/2.131~~* *~~3266/P1.100~~* **SECTION 356.** 221.0637 (2) of the statutes is
4 amended to read:

5 221.0637 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not more~~
6 ~~than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I
7 felony.

8 *~~4548/2.132~~* *~~3266/P1.101~~* **SECTION 357.** 221.1004 (2) of the statutes is
9 amended to read:

10 221.1004 (2) PENALTIES. Any person who violates sub. (1) ~~may be fined not less~~
11 ~~than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more~~
12 ~~than 15 years or both~~ is guilty of a Class F felony.

13 *~~4548/2.133~~* *~~3361/P2.10~~* **SECTION 359.** 227.01 (13) (sm) of the statutes is
14 created to read:

15 227.01 (13) (sm) Establishes sentencing guidelines under s. 973.30 (1) (c).

16 *~~b2498/2.2~~* **SECTION 362m.** 230.08 (2) (e) 8. of the statutes is amended to read:

17 230.08 (2) (e) 8. Natural resources — 7 6.

18 *~~b2863/1.5~~* **SECTION 359f.** 227.43 (1) (bg) of the statutes is amended to read:

19 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
20 under ss. 49.45 (2) (a) 10. and 14., 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16
21 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b),
22 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12)
23 (b), 218.0116 (2), (4), (7) (a), (8) (a), and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22
24 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d),
25 342.26, 343.69, and 348.25 (9).

1 ***b2900/2.23* SECTION 362m.** 230.08 (2) (e) 1. of the statutes, as affected by
2 2001 Wisconsin Act 16, is amended to read:

3 230.08 (2) (e) 1. Administration — ~~10~~ 11.

4 ***b2900/2.23* SECTION 362p.** 230.08 (2) (e) 3r. of the statutes, as created by
5 2001 Wisconsin Act 16, is repealed.

6 ~~*-4548/2.134* *-3361/P2.11*~~ **SECTION 363.** 230.08 (2) (L) 6. of the statutes is
7 created to read:

8 230.08 (2) (L) 6. Sentencing commission.

9 ~~*-4548/2.135* *-3361/P2.12*~~ **SECTION 364.** 230.08 (2) (of) of the statutes is
10 created to read:

11 230.08 (2) (of) The executive director of the sentencing commission.

12 ***b2297/1.4* SECTION 365d.** 230.35 (1m) (a) 2. of the statutes is amended to
13 read:

14 230.35 (1m) (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), (7),
15 (8), and (9).

16 ***b2297/1.4* SECTION 365g.** 230.35 (2) of the statutes is amended to read:

17 230.35 (2) Leave of absence with pay owing to sickness and leave of absence
18 without pay, other than annual leave and leave under s. 103.10, shall be regulated
19 by rules of the secretary, except that unused sick leave shall accumulate from year
20 to year. After July 1, 1973, employees appointed to career executive positions under
21 the program established under s. 230.24 or positions designated in s. 19.42 (10) (L)
22 or 20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e) shall have any
23 unused sick leave credits restored if they are reemployed in a career executive
24 position or in a position under s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or
25 authorized under s. 230.08 (2) (e), regardless of the duration of their absence.

1 Restoration of unused sick leave credits if reemployment is to a position other than
2 those specified above shall be in accordance with rules of the secretary.

3 ***b2930/3.1* SECTION 365j.** 231.03 (6) (intro.) of the statutes is amended to
4 read:

5 231.03 (6) (intro.) Subject to s. 231.08 (7), issue bonds of the authority, and may
6 ~~refuse to issue bonds of the authority only if it determines that the issuance would~~
7 ~~not be financially feasible~~, to do any of the following:

8 ***-4528/P1.5* SECTION 366.** 234.165 (2) (c) (intro.) of the statutes is amended
9 to read:

10 234.165 (2) (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be
11 expended or encumbered only in accordance with the plan approved under par. (b),
12 except that the authority may transfer from one plan category to another:

13 ***b2268/1.3* SECTION 366c.** 234.165 (2) (c) (intro.) of the statutes, as affected
14 by 2001 Wisconsin Act (this act), is amended to read:

15 234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
16 expended or encumbered only in accordance with the plan approved under par. (b),
17 except that the authority may transfer from one plan category to another:

18 ***-4528/P1.6* SECTION 367.** 234.165 (3) of the statutes is created to read:

19 234.165 (3) For the purpose of housing grants and loans under s. 16.33 and
20 housing organization grants under s. 16.336, in fiscal year 2001–02 the authority
21 shall transfer to the department of administration \$1,500,000 of its surplus and in
22 fiscal year 2002–03 the authority shall transfer to the department of administration
23 \$3,300,300 of its surplus. The department of administration shall credit all moneys
24 transferred under this subsection to the appropriation account under s. 20.505 (7)
25 (j).

1 ***b2268/1.5* SECTION 367c.** 234.165 (3) of the statutes, as created by 2001
2 Wisconsin Act (this act), is repealed.

3 ***b2391/1.10* SECTION 367p.** 250.01 (6g) of the statutes is created to read:
4 250.01 (6g) “Public health authority” means the department, if the governor
5 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and
6 designates the department as the lead state agency to respond to that emergency.

7 ***b2391/1.10* SECTION 367q.** 250.01 (6r) of the statutes is created to read:
8 250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

9 ***b2391/1.10* SECTION 367r.** 250.03 (3) of the statutes is created to read:
10 250.03 (3) (a) No later than 90 days after a state of emergency relating to public
11 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the
12 lead state agency to respond to that emergency and no later than 90 days after the
13 termination of this state of emergency relating to public health, the department shall
14 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the
15 following:

- 16 1. The emergency powers used by the public health authority or its agents.
17 2. The expenses incurred by the public health authority and its agents in acting
18 under the state of emergency related to public health.

19 ***b2391/1.10* SECTION 367s.** 250.03 (3) (b) of the statutes is created to read:
20 250.03 (3) (b) Biennially, beginning on July 1, 2002, after first consulting with
21 the adjutant general, local health departments, health care providers, as defined in
22 s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the
23 department shall submit to the legislature under s. 13.172 (2) and to the governor
24 a report on the preparedness of the public health system to address public health
25 emergencies.

1 ***b2391/1.10* SECTION 367t.** 250.042 of the statutes is created to read:

2 **250.042 Powers and duties of the department as public health**
3 **authority.** (1) If the governor declares a state of emergency related to public health
4 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to
5 respond to that emergency, the department shall act as the public health authority
6 during the period of the state of emergency. During the period of the state of
7 emergency, the secretary may designate a local health department as an agent of the
8 department and confer upon the local health department, acting under that agency,
9 the powers and duties of the public health authority. The department may, from the
10 appropriation under s. 20.435 (1) (e), reimburse a local health department for
11 reasonable and necessary expenses in acting as an agent of the department if
12 designated under this subsection.

13 (2) As the public health authority, the department may do any of the following:

14 (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute
15 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other
16 pharmaceutical agents or medical supplies that the department determines are
17 advisable to control a public health emergency.

18 (b) Act as specified in s. 252.041.

19 (3) (a) As the public health authority, the department shall inform state
20 residents of all of the following:

21 1. When a state of emergency related to public health has been declared or is
22 terminated.

23 2. How to protect themselves from a public health emergency.

24 3. What actions the public health authority is taking to control a public health
25 emergency.

1 (b) The public health authority shall provide the information specified in par.
2 (a) by all available and reasonable means calculated to inform the general public,
3 including reasonable efforts to make the information accessible to individuals with
4 disabilities and to provide the information in the primary languages of individuals
5 who do not understand English.

6 (c) As the public health authority, the department, to the extent possible, shall
7 consult with local health departments, whether or not designated as agents of the
8 department, and with individual health care providers.

9 ***b3051/1.11* SECTION 367e.** 236.45 (2) (am) of the statutes is created to read:
10 236.45 (2) (am) An ordinance adopted under this section by a municipality may
11 require any person, as a condition of obtaining approval of a land division, to dedicate
12 land or pay fees to fund the acquisition of land or the construction of public
13 improvements or facilities for any purpose specified in sub. (1). Any fees that are
14 imposed as a condition of approving a land division shall bear a rational relationship
15 to the need for the land or new public improvements or facilities that are necessary
16 to serve the land division.

17 ***b2391/1.11* SECTION 368d.** 251.05 (3) (e) of the statutes is created to read:
18 251.05 (3) (e) Act as agent of the department, if designated by the secretary
19 under s. 250.042 (1).

20 ***b2391/1.11* SECTION 368f.** 252.02 (title) of the statutes is amended to read:
21 **252.02 (title) Powers and duties of department.**

22 ***b2391/1.11* SECTION 368h.** 252.02 (7) of the statutes is created to read:
23 252.02 (7) The department shall promulgate rules that specify medical
24 conditions treatable by prescriptions or nonprescription drug products for which
25 pharmacists and pharmacies must report under s. 440.142 (1).

1 ***b2391/1.11* SECTION 368j.** 252.041 of the statutes is created to read:

2 **252.041 Compulsory vaccination during a state of emergency. (1)**

3 Except as provided in sub. (2), during the period under which the department is
4 designated as the lead state agency, as specified in s. 250.042 (2), the department,
5 as the public health authority, may do all of the following as necessary to address a
6 public health emergency:

7 (a) Order any individual to receive a vaccination unless the vaccination is
8 reasonably likely to lead to serious harm to the individual or unless the individual,
9 for reasons of religion or conscience, refuses to obtain the vaccination.

10 (b) Isolate or quarantine, under s. 252.06, any individual who is unable or
11 unwilling for reasons specified under sub. (1) to receive vaccination under par. (a).

12 **(2)** The department shall promulgate rules that specify circumstances, if any,
13 under which vaccination may not be performed on an individual.

14 ***b2391/1.11* SECTION 368L.** 252.05 (1) of the statutes is amended to read:

15 252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~
16 ~~or 448 knowing or having health care provider, as defined in s. 146.81 (1), who knows~~
17 or has reason to ~~know~~ believe that a person treated or visited by him or her has a
18 communicable disease, or having a communicable disease, has died, shall report the
19 appearance of the communicable disease or the death to the local health officer. The
20 local health officer shall report this information to the department or shall direct the
21 person reporting to report to the department. Any person directed to report shall
22 submit this information to the department.

23 ***b2391/1.11* SECTION 368n.** 252.06 (1) of the statutes is amended to read:

24 252.06 (1) The department or the local health officer acting on behalf of the
25 department may require isolation of ~~the patient~~ a patient or of an individual under

1 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or
2 modified forms of these procedures as may be necessary and ~~which are~~ as are
3 determined by the department by rule.

4 ***b2391/1.11* SECTION 368p.** 252.06 (4) of the statutes is renumbered 252.06
5 (4) (a).

6 ***b2391/1.11* SECTION 368r.** 252.06 (4) (b) of the statutes is created to read:
7 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

8 1. No person, other than a person authorized by the public health authority or
9 agent of the public health authority, may enter an isolation or quarantine premises.

10 2. A violation of subd. 1. is subject to a fine not to exceed \$10,000 or
11 imprisonment not to exceed 9 months, or both.

12 3. Any person, whether authorized under subd. 1. or not, who enters an
13 isolation or quarantine premises may be subject to isolation or quarantine under this
14 section.

15 ***b2391/1.11* SECTION 368t.** 252.06 (10) (c) of the statutes is created to read:
16 252.06 (10) (c) The expense of providing a reasonable means of communication
17 for a person who is quarantined outside his or her home during a state of emergency
18 related to public health shall be paid under either of the following, as appropriate:

19 1. If the governor designates the department as the lead state agency under s.
20 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

21 2. If the governor does not designate the department as the lead state agency
22 under s. 166.03 (1) (b) 1., from the appropriation under s. 20.465 (3) (e).

23 ***-4548/2.136* *-3266/P1.102* SECTION 369.** 253.06 (4) (b) of the statutes is
24 amended to read:

1 253.06 (4) (b) A person who violates any provision of this subsection ~~may be~~
2 ~~fined not more than \$10,000 or imprisoned for not more than 3 years, or both, is guilty~~
3 ~~of a Class I felony for the first offense and may be fined not more than \$10,000 or~~
4 ~~imprisoned for not more than 7 years and 6 months, or both, is guilty of a Class H~~
5 ~~felony for the 2nd or subsequent offense.~~

6 ***b2372/2.5* SECTION 369n.** 281.98 (2) of the statutes is amended to read:

7 281.98 (2) In addition to the penalties provided under sub. (1) or s. 281.99 (2),
8 the court may award the department of justice the reasonable and necessary
9 expenses of the investigation and prosecution of a violation of this chapter, including
10 attorney fees. The department of justice shall deposit in the state treasury for
11 deposit into the general fund all moneys that the court awards to the department or
12 the state under this subsection. ~~Ten percent of the money deposited in the general~~
13 ~~fund that was awarded under this subsection for the costs of investigation and the~~
14 ~~expenses of prosecution, including attorney fees, shall be credited to the~~
15 ~~appropriation account under s. 20.455 (1) (gh).~~

16 ***b2372/2.5* SECTION 369q.** 283.91 (5) of the statutes is amended to read:

17 283.91 (5) In addition to all other civil and criminal penalties prescribed under
18 this chapter, the court may assess as an additional penalty a portion or all of the costs
19 of the investigation, including monitoring, which led to the establishment of the
20 violation. The court may award the department of justice the reasonable and
21 necessary expenses of the prosecution, including attorney fees. The department of
22 justice shall deposit in the state treasury for deposit into the general fund all moneys
23 that the court awards to the department or the state under this subsection. ~~Ten~~
24 ~~percent of the money deposited in the general fund that was awarded under this~~

1 ~~subsection for the costs of investigation and the expenses of prosecution, including~~
2 ~~attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).~~

3 ***b2396/1.1* SECTION 369s.** 281.17 (2m) of the statutes is created to read:

4 281.17 (2m) In permitting under its authority under sub. (2) the chemical
5 treatment of water for the suppression of mosquito larvae in the cities of Brookfield
6 and La Crosse, the department may not impose as a condition to that permission a
7 requirement that monitoring or additional testing be conducted as to the
8 effectiveness or the impact of the treatment.

9 ***b2819/1.2* SECTION 369gm.** 280.25 of the statutes is created to read:

10 **280.25 Report on aquifer recovery system. (1)** In this section:

11 (a) “Aquifer storage and recovery system” has the meaning given in s. 160.257
12 (1).

13 (b) “Municipal water system” has the meaning given in s. 160.257 (1) (c).

14 (2) The operator of a municipal water system that uses an aquifer storage and
15 recovery system shall submit a report to the department, no later than the first day
16 of the 60th month after beginning to operate the aquifer storage and recovery system,
17 describing the experience that the operator has had with using the aquifer storage
18 and recovery system.

19 ***b2833/1.1* SECTION 369qm.** 281.65 (12) of the statutes is created to read:

20 281.65 (12) Notwithstanding sub. (8), during fiscal year 2002–03, the
21 department shall make a payment under this section to a landowner who received
22 a notice of discharge under ch. 283, who entered into a cost–share agreement with
23 the department of agriculture, trade and consumer protection for a grant under s.
24 92.14 (4) (c), 1997 stats., and who complied with the cost–share agreement but who
25 did not receive the grant under s. 92.14 (4) (c), 1997 stats. The department shall

1 make a payment under this subsection in the amount to which the landowner would
2 have been entitled under the cost-share agreement with the department of
3 agriculture, trade and consumer protection. The department may not require a
4 landowner to file an application to receive payment under this subsection.

5 ***b2900/2.24* SECTION 369m.** 283.84 (1) (c) of the statutes, as affected by 2001
6 Wisconsin Act 16, is amended to read:

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

11 ***b2953/1.1* SECTION 369h.** 255.06 (2) (h) of the statutes is created to read:

12 255.06 (2) (h) *Multiple sclerosis education.* Conduct a multiple sclerosis
13 education program to raise public awareness concerning the causes and nature of
14 multiple sclerosis and options for diagnosing and treating multiple sclerosis.

15 ***b3008/1.3* SECTION 369kb.** 281.165 (1) of the statutes is amended to read:

16 281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply
17 with the water quality standards that are applicable to wetlands and that are
18 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,
19 requirement, permit, license, approval, authorization, fee, notice, hearing,
20 procedure, or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292,
21 or 299 or specified under any rule promulgated, order issued, or ordinance adopted
22 under any of those sections or chapters, if the activity meets all of the requirements
23 under ~~either~~ sub. (2) ~~or~~ (3).

24 ***b3008/1.3* SECTION 369ke.** 281.165 (2) (title) of the statutes is amended to
25 read:

1 281.165 (2) (title) ~~TREMPEALEAU COUNTY~~ REQUIREMENTS.

2 ***b3008/1.3* SECTION 369kg.** 281.165 (2) (am) of the statutes is created to read:

3 281.165 (2) (am) At least 2 acres of wetland will be restored or created as
4 mitigation for each acre of wetland affected by the activity, and the restored or
5 created wetland shall be located upstream from the site of the activity and located
6 within the same watershed as the wetland area to be affected.

7 ***b3008/1.3* SECTION 369kj.** 281.165 (2) (c) of the statutes is amended to read:

8 281.165 (2) (c) The site of the activity is within the corporate limits of a city or
9 village on January 1, 1999.

10 ***b3008/1.3* SECTION 369km.** 281.165 (2) (d) of the statutes is amended to
11 read:

12 281.165 (2) (d) The governing body of the city or village adopts a resolution
13 stating that the exemption under this section is necessary to protect jobs that exist
14 in the city or village on the date of the adoption of the resolution or is necessary to
15 promote job creation.

16 ***b3008/1.3* SECTION 369kp.** 281.165 (2) (e) of the statutes is repealed.

17 ***b3008/1.3* SECTION 369kq.** 281.165 (2) (f) of the statutes is created to read:

18 281.165 (2) (f) The governor selects the activity as provided in sub. (4).

19 ***b3008/1.3* SECTION 369kr.** 281.165 (3) of the statutes is repealed.

20 ***b3008/1.3* SECTION 369ks.** 281.165 (4) and (5) of the statutes are created to
21 read:

22 281.165 (4) SELECTION BY GOVERNOR. (a) Any city or village seeking to be
23 selected for the exemption under sub. (1) shall submit the adopted resolution
24 required under sub. (2) (d) to the governor before December 31, 2002.

1 (b) The governor shall select one activity within the state that the governor
2 determines meets the requirements in sub. (2) (a) to (d) to receive the exemption
3 under sub. (1).

4 (5) RESTORED OR CREATED WETLANDS. (a) Upon selection of the activity by the
5 governor under sub. (4), the rules under ss. NR 350.05, 350.08, 350.09, and 350.10,
6 Wis. Adm. Code, shall apply to the mitigation project under sub. (2) (am).

7 (b) The mitigation project under sub. (2) (am) shall include the granting of a
8 conservation easement under s. 700.40 to the department to ensure that the restored
9 or created wetland will not be destroyed or substantially degraded by any
10 subsequent owner of or holder of interest in the property on which the wetland is
11 located. At a minimum, the conservation easement shall include any zone of
12 vegetated upland adjacent to the wetland that the department determines is
13 adequate to filter runoff from entering the restored or created wetland. The
14 department shall modify or release a conservation easement issued under this
15 paragraph if the conditions in s. 281.37 (2m) (b) apply.

16 (c) Any agent or employee of the department shall, at all times, be given
17 reasonable access to any and all parts of a mitigation project site and may enter upon
18 any property to investigate the mitigation project.

19 *~~4548/2.137~~* *~~3266/P1.103~~* **SECTION 370.** 285.87 (2) (b) of the statutes is
20 amended to read:

21 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
22 another conviction under par. (a), the person ~~shall is guilty of a Class I felony, except~~
23 ~~that, notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may~~
24 be fined not more than \$50,000 per day of violation ~~or imprisoned for not more than~~
25 ~~3 years or both.~~

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3 read:

4 287.23 (5b) GRANT AWARD FOR 2000 TO 2003. (intro.) ~~The~~ For 2000 to 2003, the
5 department shall award a grant under this subsection to each eligible responsible
6 unit that submits a complete grant application under sub. (4) for expenses allowable
7 under sub. (3) (b). The department shall determine the amount of the grants under
8 this subsection as follows:

9 *b2252/2.3* SECTION 370k. 287.23 (5d) of the statutes is created to read:

10 287.23 (5d) GRANT AMOUNT FOR YEARS AFTER 2003. (a) Beginning with grants for
11 the year 2004, the department shall award a grant under this subsection to each
12 eligible responsible unit that submits a complete grant application under sub. (4) for
13 expenses allowable under sub. (3) (b).

14 (b) Except as provided in pars. (c), (d), and (e) and sub. (5p), the department
15 shall award an eligible responsible unit a grant under this subsection equal to the
16 population of the responsible unit times an amount that is the same for each
17 responsible unit and that the department determines will result in distributing as
18 much as possible of the amount appropriated under s. 20.370 (6) (bu), taking into
19 account pars. (c), (d), and (e) and sub. (5p).

20 (c) A grant under this subsection may not exceed the allowable expenses under
21 sub. (3) (b) that the responsible unit incurred in the year 2 years before the year for
22 which the grant is made.

23 (d) For a county that is the responsible unit for at least 75% of the population
24 of the county, the department shall award a grant under this subsection equal to the

1 greater of \$100,000 or the amount determined under par. (a), but not more than the
2 allowable expenses under sub. (3) (b).

3 (e) For grants for the year 2004, the department shall award a grant to a
4 responsible unit that received an award in 2003 that is equal to at least 80% of the
5 amount received in 2003.

6 ***b2372/2.6* SECTION 370n.** 289.96 (3) (b) of the statutes is amended to read:

7 289.96 (3) (b) In addition to the penalties provided under par. (a), the court may
8 award the department of justice the reasonable and necessary expenses of the
9 investigation and prosecution of the violation, including attorney fees. The
10 department of justice shall deposit in the state treasury for deposit into the general
11 fund all moneys that the court awards to the department or the state under this
12 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
13 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~
14 ~~including attorney fees, shall be credited to the appropriation account under s.~~
15 ~~20.455 (1) (gh).~~

16 ***-4548/2.138* *-3266/P1.104* SECTION 371.** 291.97 (2) (b) (intro.) of the
17 statutes is amended to read:

18 291.97 (2) (b) (intro.) Any person who wilfully does any of the following ~~shall~~
19 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
20 in s. 939.50 (3) (h), the person may be fined not less than \$1,000 nor more than
21 \$100,000 or imprisoned for not more than 7 years and 6 months or both:

22 ***-4548/2.139* *-3266/P1.105* SECTION 372.** 291.97 (2) (c) 1. and 2. of the
23 statutes are amended to read:

24 291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person ~~shall~~
25 is guilty of a Class I felony, except that, notwithstanding the maximum fine specified

1 ~~in s. 939.50 (3) (i), the person may be fined not less than \$1,000 nor more than \$50,000~~
2 ~~or imprisoned for not more than 2 years or both.~~

3 2. For a 2nd or subsequent violation under par. (b), a person ~~shall~~ is guilty of
4 a Class F felony, except that, notwithstanding the maximum fine specified in s.
5 939.50 (3) (f), the person may be fined not less than \$5,000 nor more than \$150,000
6 ~~or imprisoned for not more than 15 years or both.~~

7 ***b2372/2.7* SECTION 372g.** 292.99 (2) of the statutes is amended to read:

8 292.99 (2) In addition to the penalties provided under subs. (1) and (1m), the
9 court may award the department of justice the reasonable and necessary expenses
10 of the investigation and prosecution of the violation, including attorney fees. The
11 department of justice shall deposit in the state treasury for deposit into the general
12 fund all moneys that the court awards to the department or the state under this
13 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
14 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
15 ~~including attorney fees, shall be credited to the appropriation account under s.~~
16 ~~20.455 (1) (gh).~~

17 ***b2372/2.7* SECTION 372n.** 293.87 (4) (b) of the statutes is amended to read:

18 293.87 (4) (b) In addition to the penalties provided under par. (a), the court may
19 award the department of justice the reasonable and necessary expenses of the
20 investigation and prosecution of the violation, including attorney fees. The
21 department of justice shall deposit in the state treasury for deposit into the general
22 fund all moneys that the court awards to the department or the state under this
23 paragraph. ~~Ten percent of the money deposited in the general fund that was awarded~~
24 ~~under this paragraph for the costs of investigation and the expenses of prosecution,~~

1 including attorney fees, shall be credited to the appropriation account under s.
2 20.455 (1) (gh).

3 ***b2372/2.7* SECTION 372q.** 295.19 (3) (b) 2. of the statutes is amended to read:

4 295.19 (3) (b) 2. In addition to the penalties provided under subd. 1., the court
5 may award the department of justice the reasonable and necessary expenses of the
6 investigation and prosecution of the violation, including attorney fees. The
7 department of justice shall deposit in the state treasury for deposit into the general
8 fund all moneys that the court awards to the department or the state under this
9 subdivision. ~~Ten percent of the money deposited in the general fund that was~~
10 ~~awarded under this subdivision for the costs of investigation and the expenses of~~
11 ~~prosecution, including attorney fees, shall be credited to the appropriation account~~
12 ~~under s. 20.455 (1) (gh).~~

13 ***b2850/1.1* SECTION 372s.** 299.41 of the statutes is amended to read:

14 **299.41 Household hazardous waste.** The department shall establish and
15 administer a grant program to assist municipalities and regional planning
16 commissions in creating and operating local programs for the collection and disposal
17 of household hazardous waste.

18 ***-4548/2.140* *-3266/P1.106* SECTION 373.** 299.53 (4) (c) 2. of the statutes
19 is amended to read:

20 299.53 (4) (c) 2. Any person who intentionally makes any false statement or
21 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
22 or imprisoned for not more than one year in the county jail or both. For a 2nd or
23 subsequent violation, the person ~~shall~~ is guilty of a Class I felony, except that,
24 notwithstanding the maximum fine specified in s. 939.50 (3) (i), the person may be
25 fined not more than \$50,000 or imprisoned for not more than 3 years or both.

1 ***b2372/2.8* SECTION 373n.** 299.97 (2) of the statutes is amended to read:

2 299.97 (2) In addition to the penalties provided under sub. (1), the court may
3 award the department of justice the reasonable and necessary expenses of the
4 investigation and prosecution of the violation, including attorney fees. The
5 department of justice shall deposit in the state treasury for deposit into the general
6 fund all moneys that the court awards to the department or the state under this
7 subsection. ~~Ten percent of the money deposited in the general fund that was awarded~~
8 ~~under this subsection for the costs of investigation and the expenses of prosecution,~~
9 ~~including attorney fees, shall be credited to the appropriation account under s.~~
10 ~~20.455 (1) (gh).~~

11 ***b2483/2.2* SECTION 374e.** 301.03 (18) (am) of the statutes is created to read:

12 301.03 (18) (am) Paragraph (a) does not prevent a county department under
13 s. 46.215, 46.22, or 46.23 from charging and collecting the cost of an examination
14 ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

15 ***-4548/2.141* *-2889/P3.1* SECTION 375.** 301.035 (2) of the statutes is
16 amended to read:

17 301.035 (2) Assign hearing examiners from the division to preside over
18 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10
19 (2) and ch. 304.

20 ***-4548/2.142* *-2889/P3.2* SECTION 376.** 301.035 (4) of the statutes is
21 amended to read:

22 301.035 (4) Supervise employees in the conduct of the activities of the division
23 and be the administrative reviewing authority for decisions of the division under ss.
24 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and
25 ch. 304.

1 *~~4548/2.143~~* **SECTION 377.** 301.048 (2) (bm) 1. a. of the statutes is amended
2 to read:

3 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
4 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
5 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (~~3~~), (4) or (5), 940.195
6 (~~3~~), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2)
7 (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
8 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013,
9 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (~~1m~~) or (~~1r~~), 943.30, 943.32, 946.43,
10 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, or
11 948.30.

12 ***b2374/1.1*** **SECTION 377b.** 301.21 (1m) (a) (intro.) of the statutes is amended
13 to read:

14 301.21 (1m) (a) (intro.) The Subject to sub. (3), the department may enter into
15 one or more contracts with another state or a political subdivision of another state
16 for the transfer and confinement in that state of prisoners who have been committed
17 to the custody of the department. Any such contract shall provide for all of the
18 following:

19 ***b2374/1.1*** **SECTION 377c.** 301.21 (2m) (a) (intro.) of the statutes is amended
20 to read:

21 301.21 (2m) (a) (intro.) The Subject to sub. (3), the department may enter into
22 one or more contracts with a private person for the transfer and confinement in
23 another state of prisoners who have been committed to the custody of the
24 department. Any such contract shall provide for all of the following:

25 ***b2374/1.1*** **SECTION 377d.** 301.21 (3) of the statutes is created to read:

1 301.21 (3) (a) Subject to par. (b), when contracting for the placement of
2 prisoners in out-of-state facilities, the department shall give preference to a person
3 that does all of the following:

4 1. Houses prisoners at facilities in close proximity to Wisconsin.

5 2. Provides alcohol and other drug abuse treatment, education, job
6 preparation, and other elements of treatment designed to prepare prisoners for their
7 return to the community.

8 3. Provides comprehensive assessment of prisoners in order to establish
9 effective courses of treatment and rehabilitation, including academic and vocational
10 training, with the goal of eventually successfully reintegrating prisoners into the
11 community.

12 4. Staffs any facility in which prisoners will be confined with trained, certified
13 professionals and manages and supervises the facility through a team of licensed
14 professionals, including educators, certified counselors, vocational specialists, and
15 medical professionals.

16 (b) The department shall give preference to a person under this subsection only
17 if the person offers a daily rate that is comparable to the lowest good faith rate offered
18 by other persons offering facilities for out-of-state placement of prisoners.

19 ***b2951/1.3* SECTION 377b.** 301.205 (title) of the statutes is repealed and
20 recreated to read:

21 **301.205 (title) Transportation for visits.**

22 ***b2951/1.3* SECTION 377c.** 301.205 of the statutes is renumbered 301.205 (2).

23 ***b2951/1.3* SECTION 377d.** 301.205 (1) of the statutes is created to read:

24 301.205 (1) (a) Except as provided in par. (b), the department may not use state
25 funds to transport persons visiting inmates in state prisons.

1 (b) The department may do any of the following to pay for the cost of
2 transporting persons visiting inmates in state prisons:

3 1. Charge a reasonable fee to persons to whom the transportation is provided.

4 2. Use money received from gifts, grants, donations, and burial trusts that is
5 provided for the purpose of paying for the cost of such transportation.

6 ***-4548/2.144* SECTION 378.** 301.26 (4) (cm) 1. of the statutes is amended to
7 read:

8 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
9 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
10 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing secured
11 correctional facilities, secured child caring institutions, alternate care providers,
12 aftercare supervision providers and corrective sanctions supervision providers for
13 costs incurred beginning on July 1, 1996, for the care of any juvenile 14 years of age
14 or over who has been placed in a secured correctional facility based on a delinquent
15 act that is a violation of s. 943.23 (1m) or (1r), 1999 stats., s. 948.35, 1999 stats., or
16 s. 948.36, 1999 stats., or s. 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305,
17 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), ~~(1m) or (1r),~~ 943.32 (2),
18 948.02 (1), 948.025, ~~(1), or 948.30 (2), 948.35 (1) (b) or 948.36~~ and for the care of any
19 juvenile 10 years of age or over who has been placed in a secured correctional facility
20 or secured child caring institution for attempting or committing a violation of s.
21 940.01 or for committing a violation of s. 940.02 or 940.05.

22 ***b2613/1.3* SECTION 378p.** 301.45 (1d) (b) of the statutes is amended to read:

23 301.45 (1d) (b) "Sex offense" means a violation, or the solicitation, conspiracy,
24 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
25 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095, 948.11

1 (2) (a) or (am), 948.12, 948.13, or 948.30, or of s. 940.30 or 940.31 if the victim was
2 a minor and the person who committed the violation was not the victim's parent.

3 ~~*-4548/2.145*~~ **SECTION 379.** 301.45 (6) (a) 2. of the statutes is amended to read:

4 301.45 (6) (a) 2. For a 2nd or subsequent offense, the person ~~may be fined not~~
5 ~~more than \$10,000 or imprisoned for not more than 5 years or both~~ is guilty of a Class
6 H felony. For purposes of this subdivision, an offense is a 2nd or subsequent offense
7 if, prior to committing the offense, the person has at any time been convicted of
8 knowingly failing to comply with any requirement to provide information under
9 subs. (2) to (4).

10 ~~*b2613/1.4*~~ **SECTION 379v.** 302.045 (2) (c) of the statutes is amended to read:

11 302.045 (2) (c) The inmate is incarcerated regarding a violation other than a
12 crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
13 948.07, 948.075, 948.08, or 948.095.

14 ~~*-4548/2.146*~~ **SECTION 380.** 302.045 (3) of the statutes is amended to read:

15 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
16 determines that an inmate serving a sentence other than one imposed under s.
17 973.01 has successfully completed the challenge incarceration program, the parole
18 commission shall parole the inmate for that sentence under s. 304.06, regardless of
19 the time the inmate has served, ~~unless the person is serving a sentence imposed~~
20 ~~under s. 973.01~~. When the parole commission grants parole under this subsection,
21 it must require the parolee to participate in an intensive supervision program for
22 drug abusers as a condition of parole.

23 ~~*-4548/2.147*~~ ~~*-3266/P1.107*~~ **SECTION 381.** 302.095 (2) of the statutes is

24 amended to read:

1 302.095 (2) Any officer or other person who delivers or procures to be delivered
2 or has in his or her possession with intent to deliver to any inmate confined in a jail
3 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
4 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
5 prison, any article or thing whatever, with intent that any inmate confined in the jail
6 or prison shall obtain or receive the same, or who receives from any inmate any
7 article or thing whatever with intent to convey the same out of a jail or prison,
8 contrary to the rules or regulations and without the knowledge or permission of the
9 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
10 superintendent of the prison, in the case of a prison, ~~shall be imprisoned for not more~~
11 ~~than 3 years or fined not more than \$500~~ is guilty of a Class I felony.

12 *~~4548/2.148~~* *~~0590/P5.13~~* **SECTION 382.** 302.11 (1g) (a) 2. of the statutes
13 is amended to read:

14 302.11 (1g) (a) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m),
15 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., or s. 940.02,
16 940.03, 940.05, 940.09 (1) (1c), 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2),
17 940.305 (2), 940.31 (1) or (2) (b), 943.02, 943.10 (2), 943.23 (1g) or (1m), 943.32 (2),
18 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07,
19 948.08, or 948.30 (2), 948.35 (1) (b) or (c) or 948.36.

20 *~~4548/2.149~~* *~~3265/P1.2~~* **SECTION 384.** 302.11 (1p) of the statutes is
21 amended to read:

22 302.11 (1p) An inmate serving a term subject to s. 961.49 (2), 1999 stats., for
23 a crime committed before December 31, 1999, is entitled to mandatory release,
24 except the inmate may not be released before he or she has complied with s. 961.49
25 (2), 1999 stats.

1 *~~4548/2.150~~* SECTION 385. 302.11 (1z) of the statutes is amended to read:

2 302.11 (1z) An inmate who is sentenced to a term of confinement in prison
3 under s. 973.01 for a felony that is committed on or after December 31, 1999, is not
4 entitled under this section to mandatory release on parole ~~under this section that~~
5 sentence.

6 *~~4548/2.151~~* SECTION 386. 302.11 (3) of the statutes is amended to read:

7 302.11 (3) All consecutive sentences imposed for crimes committed before
8 December 31, 1999, shall be computed as one continuous sentence.

9 *~~4548/2.152~~* SECTION 387. 302.11 (7) (a) of the statutes is renumbered 302.11
10 (7) (am) and amended to read:

11 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~
12 ~~administration, upon proper notice and hearing, or the department of corrections, if~~
13 ~~the parolee waives a hearing, reviewing authority~~ may return a parolee released
14 under sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for a period up to the
15 remainder of the sentence for a violation of the conditions of parole. The remainder
16 of the sentence is the entire sentence, less time served in custody prior to parole. The
17 revocation order shall provide the parolee with credit in accordance with ss. 304.072
18 and 973.155.

19 *~~4548/2.153~~* SECTION 388. 302.11 (7) (ag) of the statutes is created to read:

20 302.11 (7) (ag) In this subsection “reviewing authority” means the division of
21 hearings and appeals in the department of administration, upon proper notice and
22 hearing, or the department of corrections, if the parolee waives a hearing.

23 *~~4548/2.154~~* SECTION 389. 302.11 (7) (b) of the statutes is amended to read:

24 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
25 parole shall be incarcerated for the entire period of time determined by the

1 ~~department of corrections in the case of a waiver or the division of hearings and~~
2 ~~appeals in the department of administration in the case of a hearing under par. (a),~~
3 reviewing authority unless paroled earlier under par. (c). The parolee is not subject
4 to mandatory release under sub. (1) or presumptive mandatory release under sub.
5 (1g). The period of time determined under par. ~~(a)~~ (am) may be extended in
6 accordance with subs. (1q) and (2).

7 *~~4548/2.155~~* **SECTION 390.** 302.11 (7) (d) of the statutes is amended to read:

8 302.11 (7) (d) A parolee who is subsequently released either after service of the
9 period of time determined by the ~~department of corrections in the case of a waiver~~
10 ~~or the division of hearings and appeals in the department of administration in the~~
11 ~~case of a hearing under par. (a)~~ reviewing authority or by a grant of parole under par.
12 (c) is subject to all conditions and rules of parole until expiration of sentence or
13 discharge by the department.

14 *~~4548/2.156~~* **SECTION 391.** 302.11 (7) (e) of the statutes is created to read:

15 302.11 (7) (e) A reviewing authority may consolidate proceedings before it
16 under par. (am) with other proceedings before that reviewing authority under par.
17 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the
18 parole or extended supervision of the same person.

19 *~~4548/2.157~~* *~~3370/P2.1~~* **SECTION 392.** 302.113 (2) of the statutes is
20 amended to read:

21 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
22 section is entitled to release to extended supervision after he or she has served the
23 term of confinement in prison portion of the sentence imposed under s. 973.01, as
24 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1. or 973.195
25 (1r), if applicable.

1 *~~4548/2.158~~* **SECTION 393.** 302.113 (4) of the statutes is amended to read:

2 302.113 (4) All consecutive sentences imposed for crimes committed on or after
3 December 31, 1999, shall be computed as one continuous sentence. The person shall
4 serve any term of extended supervision after serving all terms of confinement in
5 prison.

6 *~~4548/2.159~~* *~~3370/P2.2~~* **SECTION 394.** 302.113 (7) of the statutes, as
7 affected by 2001 Wisconsin Act 16, is amended to read:

8 302.113 (7) Any inmate released to extended supervision under this section is
9 subject to all conditions and rules of extended supervision until the expiration of the
10 term of extended supervision portion of the bifurcated sentence. The department
11 may set conditions of extended supervision in addition to any conditions of extended
12 supervision required under s. 302.116, if applicable, or set by the court under sub.
13 (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the
14 court's conditions.

15 *~~4548/2.160~~* *~~3370/P2.3~~* **SECTION 395.** 302.113 (7m) of the statutes is
16 created to read:

17 302.113 (7m) (a) Except as provided in par. (e), a person subject to this section
18 or the department may petition the sentencing court to modify any conditions of
19 extended supervision set by the court.

20 (b) If the department files a petition under this subsection, it shall serve a copy
21 of the petition on the person who is the subject of the petition and, if the person is
22 represented by an attorney, on the person's attorney. If a person who is subject to this
23 section or his or her attorney files a petition under this subsection, the person or his
24 or her attorney shall serve a copy of the petition on the department. The court shall
25 serve a copy of a petition filed under this section on the district attorney. The court

1 may direct the clerk of the court to provide notice of the petition to a victim of a crime
2 committed by the person who is the subject of the petition.

3 (c) The court may conduct a hearing to consider the petition. The court may
4 grant the petition in full or in part if it determines that the modification would meet
5 the needs of the department and the public and would be consistent with the
6 objectives of the person's sentence.

7 (d) A person subject to this section or the department may appeal an order
8 entered by the court under this subsection. The appellate court may reverse the
9 order only if it determines that the sentencing court erroneously exercised its
10 discretion in granting or denying the petition.

11 (e) 1. An inmate may not petition the court to modify the conditions of extended
12 supervision earlier than one year before the date of the inmate's scheduled date of
13 release to extended supervision or more than once before the inmate's release to
14 extended supervision.

15 2. A person subject to this section may not petition the court to modify the
16 conditions of extended supervision within one year after the inmate's release to
17 extended supervision. If a person subject to this section files a petition authorized
18 by this subsection after his or her release from confinement, the person may not file
19 another petition until one year after the date of filing the former petition.

20 *~~4548/2.161~~* **SECTION 396.** 302.113 (8m) of the statutes is created to read:

21 302.113 (8m) (a) Every person released to extended supervision under this
22 section remains in the legal custody of the department. If the department alleges
23 that any condition or rule of extended supervision has been violated by the person,
24 the department may take physical custody of the person for the investigation of the
25 alleged violation.

1 (b) If a person released to extended supervision under this section signs a
2 statement admitting a violation of a condition or rule of extended supervision, the
3 department may, as a sanction for the violation, confine the person for up to 90 days
4 in a regional detention facility or, with the approval of the sheriff, in a county jail.
5 If the department confines the person in a county jail under this paragraph, the
6 department shall reimburse the county for its actual costs in confining the person
7 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
8 the person is not eligible to earn good time credit on any period of confinement
9 imposed under this subsection.

10 *~~4548/2.162~~* *~~2889/P3.3~~* **SECTION 397.** 302.113 (9) (a) of the statutes is
11 renumbered 302.113 (9) (am) and amended to read:

12 302.113 (9) (am) If a person released to extended supervision under this section
13 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
14 ~~the department of administration, upon proper notice and hearing, or the~~
15 ~~department of corrections, if the person on extended supervision waives a hearing,~~
16 reviewing authority may revoke the extended supervision of the person and return
17 the person to prison. If the extended supervision of the person is revoked, the person
18 shall be returned to the circuit court for the county in which the person was convicted
19 of the offense for which he or she was on extended supervision, and the court shall
20 order the person to be returned to prison, he or she shall be returned to prison for any
21 specified period of time that does not exceed the time remaining on the bifurcated
22 sentence. The time remaining on the bifurcated sentence is the total length of the
23 bifurcated sentence, less time served by the person in custody confinement under the
24 sentence before release to extended supervision under sub. (2) and less all time
25 served in confinement for previous revocations of extended supervision under the

1 sentence. The revocation court order returning a person to prison under this
2 paragraph shall provide the person on whose extended supervision was revoked with
3 credit in accordance with ss. 304.072 and 973.155.

4 ***-4548/2.163* SECTION 398.** 302.113 (9) (ag) of the statutes is created to read:

5 302.113 (9) (ag) In this subsection “reviewing authority” means the division of
6 hearings and appeals in the department of administration, upon proper notice and
7 hearing, or the department of corrections, if the person on extended supervision
8 waives a hearing.

9 ***-4548/2.164* *-2889/P3.4* SECTION 399.** 302.113 (9) (at) of the statutes is
10 created to read:

11 302.113 (9) (at) When a person is returned to court under par. (am) after
12 revocation of extended supervision, the reviewing authority shall make a
13 recommendation to the court concerning the period of time for which the person
14 should be returned to prison. The recommended time period may not exceed the time
15 remaining on the bifurcated sentence, as calculated under par. (am).

16 ***-4548/2.165* SECTION 400.** 302.113 (9) (b) of the statutes is amended to read:

17 302.113 (9) (b) A person who is returned to prison after revocation of extended
18 supervision shall be incarcerated for the entire period of time specified by the
19 ~~department of corrections in the case of a waiver or by the division of hearings and~~
20 ~~appeals in the department of administration in the case of a hearing~~ court under par.
21 ~~(a)~~ (am). The period of time specified under par. ~~(a)~~ (am) may be extended in
22 accordance with sub. (3). If a person is returned to prison under par. (am) for a period
23 of time that is less than the time remaining on the bifurcated sentence, the person
24 shall be released to extended supervision after he or she has served the period of time

1 specified by the court under par. (am) and any periods of extension imposed in
2 accordance with sub. (3).

3 ***-4548/2.166* SECTION 401.** 302.113 (9) (c) of the statutes is amended to read:

4 302.113 (9) (c) A person who is subsequently released to extended supervision
5 after service of the period of time specified by the ~~department of corrections in the~~
6 ~~case of a waiver or by the division of hearings and appeals in the department of~~
7 ~~administration in the case of a hearing~~ court under par. (a) ~~(a)~~ (am) is subject to all
8 conditions and rules under sub. ~~subs. (7) and, if applicable, (7m)~~ until the expiration
9 of the ~~term of remaining~~ extended supervision portion of the bifurcated sentence.
10 The remaining extended supervision portion of the bifurcated sentence is the total
11 length of the bifurcated sentence, less the time served by the person in confinement
12 under the bifurcated sentence before release to extended supervision under sub. (2)
13 and less all time served in confinement for previous revocations of extended
14 supervision under the bifurcated sentence.

15 ***-4548/2.167* SECTION 402.** 302.113 (9) (d) of the statutes is created to read:

16 302.113 (9) (d) For the purposes of pars. (am) and (c), the amount of time a
17 person has served in confinement before release to extended supervision and the
18 amount of time a person has served in confinement for a revocation of extended
19 supervision includes any extensions imposed under sub. (3).

20 ***-4548/2.168* SECTION 403.** 302.113 (9) (e) of the statutes is created to read:

21 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
22 hearings and appeals in the department of administration, the hearing examiner
23 may order the taking and allow the use of a videotaped deposition under s. 967.04
24 (7) to (10).

25 ***-4548/2.169* SECTION 404.** 302.113 (9) (f) of the statutes is created to read:

1 302.113 (9) (f) A reviewing authority may consolidate proceedings before it
2 under par. (am) with other proceedings before that reviewing authority under par.
3 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the
4 parole or extended supervision of the same person.

5 *~~4548/2.170~~* *~~2889/P3.5~~* **SECTION 405.** 302.113 (9) (g) of the statutes is
6 created to read:

7 302.113 (9) (g) In any case in which there is a hearing before the division of
8 hearings and appeals in the department of administration concerning whether to
9 revoke a person's extended supervision, the person on extended supervision may
10 seek review of a decision to revoke extended supervision and the department of
11 corrections may seek review of a decision to not revoke extended supervision. Review
12 of a decision under this paragraph may be sought only by an action for certiorari.

13 *~~4548/2.171~~* *~~3370/P2.4~~* **SECTION 406.** 302.113 (9g) of the statutes is
14 created to read:

15 302.113 (9g) (a) In this subsection:

16 1. "Program review committee" means the committee at a correctional
17 institution that reviews the security classifications, institution assignments, and
18 correctional programming assignments of inmates confined in the institution.

19 2. "Terminal condition" means an incurable condition afflicting a person,
20 caused by injury, disease, or illness, as a result of which the person has a medical
21 prognosis that his or her life expectancy is 6 months or less, even with available
22 life-sustaining treatment provided in accordance with the prevailing standard of
23 medical care.

1 (b) An inmate who is serving a bifurcated sentence for a crime other than a
2 Class B felony may seek modification of the bifurcated sentence in the manner
3 specified in par. (f) if he or she meets one of the following criteria:

4 1. The inmate is 65 years of age or older and has served at least 5 years of the
5 term of confinement in prison portion of the bifurcated sentence.

6 2. The inmate is 60 years of age or older and has served at least 10 years of the
7 term of confinement in prison portion of the bifurcated sentence.

8 3. The inmate has a terminal condition.

9 (c) An inmate who meets the criteria under par. (b) may submit a petition to
10 the program review committee at the correctional institution in which the inmate is
11 confined requesting a modification of the inmate's bifurcated sentence in the manner
12 specified in par. (f). If the inmate alleges in the petition that he or she has a terminal
13 condition, the inmate shall attach to the petition affidavits from 2 physicians setting
14 forth a diagnosis that the inmate has a terminal condition.

15 (cm) If, after receiving the petition under par. (c), the program review
16 committee determines that the public interest would be served by a modification of
17 the inmate's bifurcated sentence in the manner provided under par. (f), the
18 committee shall approve the petition for referral to the sentencing court and notify
19 the department of its approval. The department shall then refer the inmate's
20 petition to the sentencing court and request the court to conduct a hearing on the
21 petition. If the program review committee determines that the public interest would
22 not be served by a modification of the inmate's bifurcated sentence in the manner
23 specified in par. (f), the committee shall deny the inmate's petition.

24 (d) When a court is notified by the department that it is referring to the court
25 an inmate's petition for modification of the inmate's bifurcated sentence, the court

1 shall set a hearing to determine whether the public interest would be served by a
2 modification of the inmate's bifurcated sentence in the manner specified in par. (f).
3 The inmate and the district attorney have the right to be present at the hearing, and
4 any victim of the inmate's crime has the right to be present at the hearing and to
5 provide a statement concerning the modification of the inmate's bifurcated sentence.
6 The court shall order such notice of the hearing date as it considers adequate to be
7 given to the department, the inmate, the attorney representing the inmate, if
8 applicable, and the district attorney. Victim notification shall be provided as
9 specified under par. (g).

10 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving
11 by the greater weight of the credible evidence that a modification of the bifurcated
12 sentence in the manner specified in par. (f) would serve the public interest. If the
13 inmate proves that a modification of the bifurcated sentence in the manner specified
14 in par. (f) would serve the public interest, the court shall modify the inmate's
15 bifurcated sentence in that manner. If the inmate does not prove that a modification
16 of the bifurcated sentence in the manner specified in par. (f) would serve the public
17 interest, the court shall deny the inmate's petition for modification of the bifurcated
18 sentence.

19 (f) A court may modify an inmate's bifurcated sentence under this section only
20 as follows:

21 1. The court shall reduce the term of confinement in prison portion of the
22 inmate's bifurcated sentence in a manner that provides for the release of the inmate
23 to extended supervision within 30 days after the date on which the court issues its
24 order modifying the bifurcated sentence.

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

3 (g) 1. In this paragraph, “victim” has the meaning given in s. 950.02 (4).

4 2. When a court sets a hearing date under par. (d), the clerk of the circuit court
5 shall send a notice of hearing to the victim of the crime committed by the inmate, if
6 the victim has submitted a card under subd. 3. requesting notification. The notice
7 shall inform the victim that he or she may appear at the hearing scheduled under
8 par. (d) and shall inform the victim of the manner in which he or she may provide a
9 statement concerning the modification of the inmate’s bifurcated sentence in the
10 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
11 attempt to send the notice of hearing to the last-known address of the inmate’s
12 victim, postmarked at least 10 days before the date of the hearing.

13 3. The director of state courts shall design and prepare cards for a victim to send
14 to the clerk of the circuit court for the county in which the inmate was convicted and
15 sentenced. The cards shall have space for a victim to provide his or her name and
16 address, the name of the applicable inmate, and any other information that the
17 director of state courts determines is necessary. The director of state courts shall
18 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
19 shall provide the cards, without charge, to victims. Victims may send completed
20 cards to the clerk of the circuit court for the county in which the inmate was convicted
21 and sentenced. All court records or portions of records that relate to mailing
22 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

23 (h) An inmate may appeal a court’s decision to deny the inmate’s petition for
24 modification of his or her bifurcated sentence. The state may appeal a court’s
25 decision to grant an inmate’s petition for a modification of the inmate’s bifurcated

1 sentence. In an appeal under this paragraph, the appellate court may reverse a
2 decision granting or denying a petition for modification of a bifurcated sentence only
3 if it determines that the sentencing court erroneously exercised its discretion in
4 granting or denying the petition.

5 (i) If the program review committee denies an inmate's petition under par. (cm),
6 the inmate may not file another petition within one year after the date of the program
7 review committee's denial. If the program review committee approves an inmate's
8 petition for referral to the sentencing court under par. (cm) but the sentencing court
9 denies the petition, the inmate may not file another petition under par. (cm) within
10 one year after the date of the court's decision.

11 (j) An inmate eligible to seek modification of his or her bifurcated sentence
12 under this subsection has a right to be represented by counsel in proceedings under
13 this subsection. An inmate, or the department on the inmate's behalf, may apply to
14 the state public defender for determination of indigency and appointment of counsel
15 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review
16 committee under par. (c). If an inmate whose petition has been referred to the court
17 under par. (cm) is without counsel, the court shall refer the matter to the state public
18 defender for determination of indigency and appointment of counsel under s. 977.05
19 (4) (jm).

20 *~~4548/2.172~~* **SECTION 407.** 302.114 (4) of the statutes is amended to read:

21 302.114 (4) All consecutive sentences imposed for crimes committed on or after
22 December 31, 1999, shall be computed as one continuous sentence. An inmate
23 subject to this section shall serve any term of extended supervision after serving all
24 terms of confinement in prison.

25 *~~4548/2.173~~* **SECTION 408.** 302.114 (5) (f) of the statutes is amended to read:

1 302.114 (5) (f) An inmate may appeal an order denying his or her petition for
2 release to extended supervision. In an appeal under this paragraph, the appellate
3 court may reverse an order denying a petition for release to extended supervision
4 only if it determines that the sentencing court ~~improperly~~ erroneously exercised its
5 discretion in denying the petition for release to extended supervision.

6 *~~4548/2.174~~* *~~2889/P3.6~~* **SECTION 409.** 302.114 (6) (b) of the statutes is
7 amended to read:

8 302.114 (6) (b) If an inmate petitions a court under sub. (5) or (9) (~~b~~) (bm) for
9 release to extended supervision under this section, the clerk of the circuit court in
10 which the petition is filed shall send a copy of the petition and, if a hearing is
11 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if
12 the victim has submitted a card under par. (e) requesting notification.

13 *~~4548/2.175~~* *~~2889/P3.7~~* **SECTION 410.** 302.114 (6) (c) of the statutes is
14 amended to read:

15 302.114 (6) (c) The notice under par. (b) shall inform the victim that he or she
16 may appear at the hearing under sub. (5) or (9) (~~b~~) (bm), if a hearing is scheduled,
17 and shall inform the victim of the manner in which he or she may provide written
18 statements concerning the inmate's petition for release to extended supervision.

19 *~~4548/2.176~~* **SECTION 411.** 302.114 (8m) of the statutes is created to read:

20 302.114 (8m) (a) Every person released to extended supervision under this
21 section remains in the legal custody of the department. If the department alleges
22 that any condition or rule of extended supervision has been violated by the person,
23 the department may take physical custody of the person for the investigation of the
24 alleged violation.

1 (b) If a person released to extended supervision under this section signs a
2 statement admitting a violation of a condition or rule of extended supervision, the
3 department may, as a sanction for the violation, confine the person for up to 90 days
4 in a regional detention facility or, with the approval of the sheriff, in a county jail.
5 If the department confines the person in a county jail under this paragraph, the
6 department shall reimburse the county for its actual costs in confining the person
7 from the appropriations under s. 20.410 (1) (ab) and (b). Notwithstanding s. 302.43,
8 the person is not eligible to earn good time credit on any period of confinement
9 imposed under this subsection.

10 *~~4548/2.177~~* *~~2889/P3.8~~* **SECTION 412.** 302.114 (9) (a) of the statutes is
11 renumbered 302.114 (9) (am) and amended to read:

12 302.114 (9) (am) If a person released to extended supervision under this section
13 violates a condition of extended supervision, ~~the division of hearings and appeals in~~
14 ~~the department of administration, upon proper notice and hearing, or the~~
15 ~~department of corrections, if the person on extended supervision waives a hearing,~~
16 ~~reviewing authority may revoke the extended supervision of the person and return~~
17 ~~the person to prison. If the extended supervision of the person is revoked, the person~~
18 ~~shall be returned to the circuit court for the county in which the person was convicted~~
19 ~~of the offense for which he or she was on extended supervision, and the court shall~~
20 ~~order the person to be returned to prison, he or she shall be returned to prison for a~~
21 ~~specified period of time, as provided under par. (b) before he or she is eligible for being~~
22 ~~released again to extended supervision. The period of time specified under this~~
23 ~~paragraph may not be less than 5 years and may be extended in accordance with sub.~~
24 (3).

25 *~~4548/2.178~~* **SECTION 413.** 302.114 (9) (ag) of the statutes is created to read:

1 302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given
2 in s. 302.113 (9) (ag).

3 *~~4548/2.179~~* **SECTION 414.** 302.114 (9) (b) of the statutes is amended to read:

4 302.114 (9) (b) ~~If~~ When a person is returned to ~~prison court~~ prison under par. (a) ~~(a)~~ (am)
5 after revocation of extended supervision, the ~~department of corrections in the case~~
6 ~~of a waiver or the division of hearings and appeals in the department of~~
7 ~~administration in the case of a hearing under par. (a)~~ reviewing authority shall
8 ~~specify a~~ make a recommendation to the court concerning the period of time for
9 ~~which the person shall be incarcerated should be returned to prison~~ before being
10 eligible for release to extended supervision. The period of time ~~specified~~
11 recommended under this paragraph may not be less than 5 years ~~and may be~~
12 ~~extended in accordance with sub. (3).~~

13 *~~4548/2.180~~* **SECTION 415.** 302.114 (9) (bm) of the statutes is amended to
14 read:

15 302.114 (9) (bm) A person who is returned to prison under par. (a) ~~(a)~~ (am) after
16 revocation of extended supervision may, upon petition to the sentencing court, be
17 released to extended supervision after he or she has served the entire period of time
18 specified ~~in~~ by the court under par. (b) ~~(b)~~ (am), including any periods of extension
19 imposed under sub. (3). A person may not file a petition under this paragraph earlier
20 than 90 days before the date on which he or she is eligible to be released to extended
21 supervision. If a person files a petition for release to extended supervision under this
22 paragraph at any time earlier than 90 days before the date on which he or she is
23 eligible to be released to extended supervision, the court shall deny the petition
24 without a hearing. The procedures specified in sub. (5) (am) to (f) apply to a petition
25 filed under this paragraph.