



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRB-4695/P3

ALL:all:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Dam*

*CJS  
PP1-142*

1 **AN ACT ...; relating to:** state finances and appropriations, constituting the  
2 governor's recommendations for correcting the imbalance between projected  
3 revenues and authorized expenditures.

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*Analysis by the Legislative Reference Bureau*

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4 \*~~4548/2.1~~\* \*~~3266/P1.1~~\* **SECTION 1.** 6.18 of the statutes is amended to read:  
5 **6.18 Former residents.** If ineligible to qualify as an elector in the state to  
6 which the elector has moved, any former qualified Wisconsin elector may vote an  
7 absentee ballot in the ward of the elector's prior residence in any presidential election  
8 occurring within 24 months after leaving Wisconsin by requesting an application  
9 form and returning it, properly executed, to the municipal clerk of the elector's prior  
10 Wisconsin residence. When requesting an application form for an absentee ballot,  
11 the applicant shall specify the applicant's eligibility for only the presidential ballot.  
12 The application form shall require the following information and be in substantially  
13 the following form:

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

5 APPLICATION FOR PRESIDENTIAL  
6 ELECTOR'S ABSENT BALLOT.

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

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

18 Signed ....

19 Address ....(Present address)

20 ....(City) ....(State)

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

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

23 ....(County)

24 My Commission expires

25 MAIL BALLOT TO:

1 NAME ....  
2 ADDRESS ....  
3 CITY .... STATE .... ZIP CODE ....

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

9 .....(Municipal Clerk)

10 .....(Municipality)

11 \*~~4548/2.2~~\* \*~~3266/P1.2~~\* SECTION 2. 11.61 (1) (a) of the statutes is amended  
12 to read:

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

17 \*~~4548/2.3~~\* \*~~3266/P1.3~~\* SECTION 3. 11.61 (1) (b) of the statutes is amended  
18 to read:

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

24 \*~~4548/2.4~~\* \*~~3266/P1.4~~\* SECTION 4. 12.60 (1) (a) of the statutes is amended  
25 to read:

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

4           \*~~4548/2.5~~\* \*~~3266/P1.5~~\* **SECTION 5.** 13.05 of the statutes is amended to read:

5           **13.05 Logrolling prohibited.** Any member of the legislature who gives,  
6 offers or promises to give his or her vote or influence in favor of or against any  
7 measure or proposition pending or proposed to be introduced, in the legislature in  
8 consideration or upon condition that any other person elected to the same legislature  
9 will give or will promise or agree to give his or her vote or influence in favor of or  
10 against any other measure or proposition pending or proposed to be introduced in  
11 such legislature, or who gives, offers or promises to give his or her vote or influence  
12 for or against any measure on condition that any other member will give his or her  
13 vote or influence in favor of any change in any other bill pending or proposed to be  
14 introduced in the legislature ~~may be fined not less than \$500 nor more than \$1,000~~  
15 ~~or imprisoned for not less than one year nor more than 4 years and 6 months or both,~~  
16 is guilty of a Class I felony.

17           \*~~4548/2.6~~\* \*~~3266/P1.6~~\* **SECTION 6.** 13.06 of the statutes is amended to read:

18           **13.06 Executive favor.** Any member of the legislature who gives, offers or  
19 promises to give his or her vote or influence in favor of or against any measure or  
20 proposition pending or proposed to be introduced in the legislature, or that has  
21 already been passed by either house of the legislature, in consideration of or on  
22 condition that the governor approve, disapprove, veto or sign, or agree to approve,  
23 disapprove, veto or sign, any other measure or proposition pending or proposed to be  
24 introduced in the legislature or that has already been passed by the legislature, or  
25 either house thereof, or in consideration or upon condition that the governor

1 nominate for appointment or appoint or remove any person to or from any office or  
2 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~  
3 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty  
4 of a Class I felony.

5 \*~~4650/1.1~~\* **SECTION 7.** 13.093 (2) (a) and (b) of the statutes are amended to  
6 read:

7 13.093 (2) (a) Any bill making an appropriation and any bill increasing or  
8 decreasing existing appropriations or state or general local government fiscal  
9 liability or revenues or having an economic impact on a private person or a political  
10 subdivision of this state shall, before any vote is taken thereon by either house of the  
11 legislature if the bill is not referred to a standing committee, or before any public  
12 hearing is held before any standing committee or, if no public hearing is held, before  
13 any vote is taken by the committee, incorporate a reliable estimate of the anticipated  
14 change in appropriation authority or state or general local government fiscal liability  
15 or revenues and a reliable estimate of the anticipated economic impact on a private  
16 person or a political subdivision of this state under the bill, including to the extent  
17 possible a projection of such changes in future biennia. For purposes of this  
18 paragraph, a bill increasing or decreasing the liability or revenues of the  
19 unemployment reserve fund is considered to increase or decrease state fiscal liability  
20 or revenues. Except as otherwise provided by joint rules of the legislature, such  
21 estimates shall be made by the department or agency administering the  
22 appropriation or fund or collecting the revenue or administering the law creating the  
23 economic impact. The joint survey committee on retirement systems shall prepare  
24 the fiscal estimate with respect to the provisions of any bill referred to it which create  
25 or modify any system for, or make any provision for, the retirement of or payment of

1 pensions to public officers or employees. When a fiscal estimate or economic impact  
2 estimate is prepared after the bill has been introduced, it shall be printed and  
3 distributed as are amendments.

4 (b) Executive budget bills introduced under s. 16.47 (1) are exempt from the  
5 ~~fiscal estimate~~ requirement under par. (a) but shall, if they contain a provision  
6 affecting a public retirement fund or providing a tax exemption, be analyzed as to  
7 those provisions by the respective joint survey committee. If such a bill contains a  
8 provision providing a tax exemption, the bill shall be simultaneously referred to the  
9 joint survey committee on tax exemptions and the joint committee on finance. The  
10 report of the joint survey committee on tax exemptions shall be prepared within 60  
11 days of introduction for bills introduced under s. 16.47 (1).

12 \*~~4548/2.7~~\* SECTION 8. 13.525 of the statutes is created to read:

13 **13.525 Joint review committee on criminal penalties. (1) CREATION.**  
14 There is created a joint review committee on criminal penalties composed of the  
15 following members:

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

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

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

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

22 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th, or 5th judicial  
23 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th, or  
24 10th judicial administrative district, appointed by the supreme court.

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

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

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

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

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

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

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

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

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

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

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

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

17           **(5m) RECOMMENDATIONS REGARDING SENTENCE MODIFICATIONS.** (a) No later than  
18 the first day of the 6th month beginning after the effective date of this paragraph ...  
19 [revisor inserts date], the committee shall submit a report to the legislature, in the  
20 manner provided under s. 13.172 (2), and to the governor containing  
21 recommendations regarding standards and procedures to be used by a court to  
22 modify a bifurcated sentence. The report shall include any proposed legislation that  
23 is necessary to implement the recommendations made by the committee in its report.

24           (b) Any proposed legislation included in the report under par. (a) shall provide  
25 that a bifurcated sentence that a court previously imposed may be modified only by



1 reducing the term of confinement in prison portion of the sentence and lengthening  
2 the term of extended supervision imposed so that the total length of the bifurcated  
3 sentence originally imposed does not change.

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

9 \*-4548/2.8\* SECTION 9. 13.525 (5m) of the statutes, as created by 2001  
10 Wisconsin Act ... (this act), is repealed.

11 \*-4548/2.9\* \*-3266/P1.7\* SECTION 10. 13.69 (6m) of the statutes is amended  
12 to read:

13 13.69 (6m) Any principal, lobbyist or other individual acting on behalf of a  
14 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 which  
15 he or she does not believe to be true ~~may be fined not more than \$10,000 or~~  
16 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
17 felony.

18 \*-4337/5.1\* SECTION 11. 13.95 (1) (h) of the statutes is created to read:

19 13.95 (1) (h) In each even-numbered year, no later than January 31, prepare  
20 an estimate of general purpose revenue receipts and expenditures for the current  
21 fiscal biennium. The legislative fiscal bureau shall submit a copy of the estimate to  
22 the governor, the secretary of administration, the co-chairpersons of the joint  
23 committee on finance, and the presiding officer of each house of the legislature.

24 \*-4655/3.1\* SECTION 12. 14.21 of the statutes is created to read:

1           **14.21 Domestic security.** The governor may designate an employee of the  
2 office of the governor to serve as domestic security coordinator. The domestic security  
3 coordinator shall, upon direction of the governor, advise and assist in carrying out  
4 the functions of the governor with respect to coordination of the state's security and  
5 public safety needs.

6           \*~~4548/2.10~~\* \*~~3361/P2.1~~\* **SECTION 13.** 15.01 (2) of the statutes, as affected  
7 by 2001 Wisconsin Act 16, is amended to read:

8           15.01 (2) "Commission" means a 3-member governing body in charge of a  
9 department or independent agency or of a division or other subunit within a  
10 department, except for the Wisconsin waterways commission which shall consist of  
11 5 members, the parole commission which shall consist of 8 members, and the Fox  
12 River management commission which shall consist of 7 members. A Wisconsin group  
13 created for participation in a continuing interstate body, or the interstate body itself,  
14 shall be known as a "commission", but is not a commission for purposes of s. 15.06.  
15 The parole commission created under s. 15.145 (1) shall be known as a "commission",  
16 but is not a commission for purposes of s. 15.06. The sentencing commission created  
17 under s. 15.105 (27) shall be known as a "commission" but is not a commission for  
18 purposes of s. 15.06 (1) to (4m), (7), and (9).

19           \*~~4548/2.11~~\* \*~~3361/P2.2~~\* **SECTION 14.** 15.105 (27) of the statutes is created  
20 to read:

21           15.105 (27) **SENTENCING COMMISSION.** (a) *Creation; membership.* There is  
22 created a sentencing commission that is attached to the department of  
23 administration under s. 15.03 and that shall consist of the following members:

- 24           1. The attorney general or his or her designee.  
25           2. The state public defender or his or her designee.

1           3. Seven members, at least 2 of whom are not employed by any unit of federal,  
2 state, or local government, appointed by the governor.

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

6           5. Two circuit judges, appointed by the supreme court.

7           6. One representative of crime victims and one district attorney, each appointed  
8 by the attorney general.

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

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

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

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

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

22           (e) *Reimbursement and compensation.* Members of the commission shall be  
23 reimbursed for their actual and necessary expenses incurred in the performance of  
24 their duties. An officer or employee of the state shall be reimbursed by the agency  
25 that pays the member's salary. Members who are full-time state officers or

1 employees shall receive no compensation for their services. Other members shall be  
2 paid \$25 per day, in addition to their actual and necessary expenses, for each day on  
3 which they are actually and necessarily engaged in the performance of their duties.

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

5 **\*-4528/P1.1\* SECTION 15.** 16.33 (1) (a) of the statutes is amended to read:

6 16.33 (1) (a) Subject to sub. (2), make grants or loans, directly or through agents  
7 designated under s. 16.334, from the ~~appropriation~~ appropriations under s. 20.505  
8 (7) (b) and (j) to persons or families of low or moderate income to defray housing costs  
9 of the person or family.

10 **\*-4508/1.1\* SECTION 16.** 16.40 (24) of the statutes, as created by 2001  
11 Wisconsin Act 16, is repealed.

12 **\*-4550/8.1\* SECTION 17.** 16.40 (25) of the statutes is created to read:

13 16.40 (25) PAYMENTS FROM THE PERMANENT ENDOWMENT FUND RELATING TO PUBLIC  
14 DEBT. Annually, determine the amount to be paid from the permanent endowment  
15 fund into one or more sinking funds of the bond security and redemption fund under  
16 s. 18.09 (1) and any escrow accounts established under escrow agreements  
17 authorized by the secretary of administration that relate to the contracting of public  
18 debt.

19 **\*-4337/5.2\* SECTION 18.** 16.50 (5) of the statutes is amended to read:

20 16.50 (5) DISBURSEMENTS. The secretary may not draw a warrant for payment  
21 of any expenditures incurred by any department nor may any department make any  
22 expenditure for which the approval of the secretary or the governor is necessary  
23 under this section, including any expenditure under s. 20.867, unless the  
24 expenditure was made in accordance with an estimate submitted to and approved  
25 by the secretary or by the governor. In the event that the secretary determines that

1 previously authorized expenditures will exceed revenues in the current or  
2 forthcoming fiscal year by more than ~~0.5%~~ 2.0% of the estimated general purpose  
3 revenue appropriations for that fiscal year, he or she may not decline to approve an  
4 estimate or to draw a warrant under this subsection, but shall instead proceed under  
5 sub. (7).

6 \*~~4337/5.3~~\* SECTION 19. 16.50 (6m) of the statutes is created to read:

7 16.50 (6m) ESTIMATES OF EXPENDITURES AND REVENUES. At any time during a  
8 fiscal biennium, the departments of administration and revenue may jointly prepare  
9 an estimate of general purpose revenue receipts and expenditures for that fiscal  
10 biennium. The departments of administration and revenue shall submit a copy of  
11 any estimate to the governor, the co-chairpersons of the joint committee on finance,  
12 and the presiding officer of each house of the legislature.

13 \*~~4337/5.4~~\* SECTION 20. 16.50 (7) of the statutes, as affected by 2001 Wisconsin  
14 Act 16, is repealed and recreated to read:

15 16.50 (7) REVENUE SHORTFALL. (a) If the legislative fiscal bureau, under s. 13.95  
16 (1) (h), or the departments of administration and revenue, under sub. (6m),  
17 determine that previously authorized general purpose revenue expenditures will  
18 exceed general purpose revenue receipts by an amount that is greater than 2% of the  
19 previously authorized general purpose revenue appropriations for that fiscal  
20 biennium, the governor shall declare a fiscal emergency no later than 15 days after  
21 the date on which the legislative fiscal bureau or the departments of administration  
22 and revenue makes the determination.

23 (b) If the legislature is in a floorperiod on the date on which the governor  
24 declares a fiscal emergency under par. (a), the governor, no later than 15 days after  
25 the date on which the governor declared a fiscal emergency, shall submit a bill to the

1 legislature containing his or her recommendations for correcting the imbalance. If  
2 the legislature has not passed a bill to correct the imbalance before the close of the  
3 last regular floorperiod of the legislature, the secretary, subject to pars. (d) to (f), may  
4 do any of the following to correct the imbalance for that fiscal biennium:

5 1. Reduce any sum certain appropriation ~~or~~ any expenditure estimate  
6 previously approved under sub. (2). *Use twice*

7 2. Lapse or transfer moneys to the general fund, whichever is appropriate, from  
8 program revenue or segregated revenue appropriations.

9 (c) If the legislature is not in a floorperiod on the date on which the governor  
10 declares a fiscal emergency under par. (a), the secretary, subject to pars. (d) to (f), may  
11 do any of the following to correct the imbalance for that fiscal biennium:

12 1. Reduce any sum certain appropriation ~~or~~ any expenditure estimate  
13 previously approved under sub. (2).

14 2. Lapse or transfer moneys to the general fund, whichever is appropriate, from  
15 program revenue or segregated revenue appropriations.

16 (d) The secretary may not reduce any sum certain appropriation or any  
17 expenditure estimate under par. (b) 1. or (c) 1. if the reduction would violate the  
18 federal or state constitution.

19 (e) The secretary may not lapse or transfer money to the general fund under  
20 par. (b) 2. or (c) 2. from any of the following:

- 21 1. An appropriation that is funded from federal revenues.
- 22 2. An appropriation for principal repayment and interest payments on public  
23 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).
- 24 3. An appropriation to the department of transportation for the purpose of  
25 undertaking construction projects.

*Use twice*  
*and any expenditure estimate for an appropriation under ss. 20.255 (2) (ac), (fm), and (fu) and 20.835 (1) (b), (c), (d), (e), and (f)*

1           4. An appropriation for the operation of any state institution established for the  
2 care or custody of individuals.

3           5. An appropriation funded from gifts, grants, or bequests.

4           6. An appropriation containing moneys whose lapse or transfer would violate  
5 a condition imposed by the federal government on the expenditure of the moneys.

6           7. An appropriation containing moneys whose lapse or transfer would violate  
7 the federal or state constitution.

8           (f) 1. In this paragraph, "local governmental unit" means a political subdivision  
9 of the state, a special purpose district of the state, an instrumentality or corporation  
10 of such a political subdivision or special purpose district, a combination or subunit  
11 of any of the foregoing, or an instrumentality of the state and any of the foregoing.

12           2. If the secretary reduces a sum certain appropriation or an expenditure  
13 estimate under par. (b) 1. or (c) 1., or lapses or transfers money to the general fund  
14 under par. (b) 2. or (c) 2., from any appropriation that is made to provide money to  
15 more than one local governmental unit, with the result that less money is provided  
16 to the local governmental units, the secretary shall ensure that each local  
17 governmental unit receives the same percentage reduction in money paid from that  
18 appropriation.

19           \*~~4507/4.1~~\* **SECTION 21.** 16.855 (19) of the statutes is amended to read:

20           16.855 (19) As the work progresses under any contract for construction the  
21 department, from time to time, shall grant to the contractor an estimate of the  
22 amount and proportionate value of the work done, which shall entitle the contractor  
23 to receive the amount thereof, less the ~~retaining~~ retainage, from the proper fund. ~~On~~  
24 ~~all construction projects, the~~ The retainage shall be an amount equal to 10% not more  
25 than 5% of said estimate until ~~50%~~ 100% of the work has been completed. ~~At 50%~~

1 ~~completion, no additional amounts shall be retained, and partial payments shall be~~  
2 ~~made in full to the contractor unless the architect or engineer certifies that the job~~  
3 ~~is not proceeding satisfactorily. At 50% completion or any time thereafter when the~~  
4 ~~progress of the work is not satisfactory, additional amounts may be retained but in~~  
5 ~~no event shall the total retainage be more than 10% of the value of the work~~  
6 ~~completed. Upon substantial completion of the work, an amount retained may be~~  
7 ~~paid to the contractor. For the purposes of this section, estimates may include any~~  
8 ~~fabricated or manufactured materials and components specified, previously paid for~~  
9 ~~by contractor and delivered to the work or properly stored and suitable for~~  
10 ~~incorporation in the work embraced in the contract. This subsection does not apply~~  
11 ~~to contracts awarded under s. 16.858.~~

12 \*~~4572/4.1~~ **SECTION 22.** 16.964 (9) of the statutes is created to read:

13 16.964 (9) (a) In this subsection:

14 1. "Acts of terrorism" means felonies that satisfy s. 939.648 (2) (a) and (b) and  
15 that are committed with intent to terrorize.

16 2. "Governmental unit" has the meaning given in s. 939.648 (1).

17 3. "Intent to terrorize" means intent to influence the policy of a governmental  
18 unit by intimidation or coercion, to punish a governmental unit for a prior policy  
19 decision, to affect the conduct of a governmental unit by homicide or kidnapping, or  
20 to intimidate or coerce a civilian population.

21 4. "Local emergency planning committee" means a committee appointed under  
22 s. 59.54 (8) (a).

23 (b) From the appropriation under s. 20.505 (6) (e), the office shall provide grants  
24 to local emergency planning committees to purchase materials and services for use  
25 in investigating, preventing, or responding to acts of terrorism. Materials and



1 services that may be purchased with funds provided under this subsection include  
2 any of the following:

3 1. Communications equipment.

4 2. Safety or protective equipment for law enforcement officers, fire fighters,  
5 emergency medical technicians, first responders, or local emergency response team  
6 members who respond to emergencies.

7 3. Training related to investigation or prevention of, or response to, acts of  
8 terrorism that pose a threat to the environment.

9 4. Information systems, software, or computer equipment for investigating acts  
10 of terrorism that pose a threat to the environment.

11 ~~\*-4572/4.2\*~~ SECTION 23. 16.964 (9) of the statutes, as created by 2001  
12 Wisconsin Act .... (this act), is repealed.

13 ~~\*-4548/2.12\*~~ ~~\*-3361/P2.3\*~~ SECTION 24. 19.42 (10) (p) of the statutes is created  
14 to read:

15 19.42 (10) (p) A member, the executive director, or the deputy director of the  
16 sentencing commission.

17 ~~\*-4548/2.13\*~~ ~~\*-3361/P2.4\*~~ SECTION 25. 19.42 (13) (o) of the statutes is created  
18 to read:

19 19.42 (13) (o) The position of member, executive director, or deputy director of  
20 the sentencing commission.

21 ~~\*-4528/P1.2\*~~ SECTION 26. 20.005 (3) (schedule) of the statutes: at the  
22 appropriate place, insert the following amounts for the purposes indicated:

KMG

1

2001-02

2002-03



~~20.505 Administration, department of~~

3 (7) HOUSING ASSISTANCE

4 (j) Housing grants and loans; sur-

5 plus transfer PR B 1,500,000 3,300,300

20-C

6 ~~\*-4543/5.1\* SECTION 27. 20.005 (3) (schedule) of the statutes. at the~~  
7 ~~appropriate place, insert the following amounts for the purposes indicated:~~

8 ~~2001-02 2002-03~~

9 20.292 Technical college system, board of

10 (1) TECHNICAL COLLEGE SYSTEM

11 (eq) Educational assistance for dislo-

12 cated workers GPR A -0- 4,200,000

19-A

13 ~~\*-4548/2.14\* \*-3361/P2.5\* SECTION 28. 20.005 (3) (schedule) of the statutes.~~  
14 ~~at the appropriate place, insert the following amounts for the purposes indicated:~~

15 ~~2001-02 2002-03~~

16 20.505 Administration, department of

17 (4) ATTACHED DIVISIONS AND OTHER BODIES

18 (dr) Sentencing commission GPR A -0- 140,000

20-A

19 ~~\*-4572/4.3\* SECTION 29. 20.005 (3) (schedule) of the statutes. at the~~  
20 ~~appropriate place, insert the following amounts for the purposes indicated:~~



KMG

~~1 2001-02 2002-03~~

~~2 20.505 Administration, department of~~

20-B

3 (6) OFFICE OF JUSTICE ASSISTANCE

4 (e) Terrorism preparation and

5 response grants GPR B 3,600,000 -0-

~~6 \*4597/P2.1\* SECTION 30. 20.005 (3) (schedule) of the statutes: at the  
7 appropriate place, insert the following amounts for the purposes indicated:~~

~~8 \*-4678/2.1\* SECTION 31. 20.005 (3) (schedule) of the statutes: at the  
9 appropriate place, insert the following amounts for the purposes indicated:~~

~~10 2001-02 2002-03~~

11 **20.285 University of Wisconsin System**

12 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC  
13 SERVICE

14 (s) Energy costs; public benefits

15 funding SEG A 4,150,000 17,122,600

→ Ins. 19-A

16 **20.435 Health and family services, department**

17 **of**

18 (2) CARE AND TREATMENT FACILITIES

19 (r) Energy costs; public benefits

20 funding SEG A -0- 600,000

✓

King

1 **20.465 Military affairs, department of**

2 (1) NATIONAL GUARD OPERATIONS

3 (r) Energy costs; public benefits

4 funding SEG A -0- 427,400

5 ~~\*-4691/3.1\* SECTION 32. 20.005 (3) (schedule) of the statutes: at the~~  
6 ~~appropriate place, insert the following amounts for the purposes indicated:~~

7 2001-02 2002-03

8 **20.855 Miscellaneous appropriations**

INS. 20-A, INS. 20-B,  
INS. 20-C

9 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

10 (v) Transfers to general fund;

11 2001-02 and 2002-03 fiscal

12 years SEG A 4,333,600 6,190,900

13 ~~\*-4447/1.1\* SECTION 33. 20.115 (1) (c) of the statutes is repealed.~~

14 ~~\*-4540/1.1\* SECTION 34. 20.115 (4) (f) of the statutes is repealed.~~

15 ~~\*-4498/1.1\* SECTION 35. 20.143 (1) (en) of the statutes is repealed.~~

16 ~~\*-4498/1.2\* SECTION 36. 20.143 (1) (in) of the statutes is repealed.~~

17 ~~\*-4490/6.1\* SECTION 37. 20.255 (2) (ac) of the statutes, as affected by 2001~~

18 Wisconsin Act 16, is amended to read:

19 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of  
20 educational aids under ss. 121.08, 121.09, and 121.105 and subch. VI of ch. 121 equal  
21 to ~~\$3,767,893,500~~ \$4,200,645,900 in the ~~1999-2000~~ 2002-03 fiscal year and equal to  
22 the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in  
23 each ~~the 2004-05~~ 2002-03 fiscal year thereafter.

24 ~~\*-4683/1.1\* SECTION 38. 20.255 (3) (eg) of the statutes is repealed.~~

1           \*~~4678/2.2~~\* SECTION 39. 20.285 (1) (s) of the statutes is created to read:

2           20.285 (1) (s) *Energy costs; public benefits funding.* From the utility public  
3 benefits fund, the amounts in the schedule to pay for utilities and for fuel, heat, and  
4 air conditioning, and to pay costs incurred under ss. 16.858 and 16.895, including all  
5 operating costs recommended by the department of administration that result from  
6 the installation of pollution abatement equipment in state-owned or state-operated  
7 heating, cooling, or power plants, by or on behalf of the board of regents. No moneys  
8 may be encumbered from this appropriation after June 30, 2003.

9           \*~~4543/5.2~~\* SECTION 40. 20.292 (1) (ep) of the statutes is repealed.

10          \*~~4543/5.3~~\* SECTION 41. 20.292 (1) (eq) of the statutes is created to read:

11          20.292 (1) (eq) *Educational assistance for dislocated workers.* The amounts in  
12 the schedule for educational assistance for dislocated workers under s. 38.307.

13          \*~~4632/3.1~~\* SECTION 42. 20.370 (1) (fe) 1. of the statutes is amended to read:

14          20.370 (1) (fe) 1. From the general fund, a sum sufficient in fiscal year 1993–94  
15 and in each fiscal year thereafter that equals the sum of the amount certified in that  
16 fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts  
17 received under par. (gr) in that fiscal year for the purposes of the endangered  
18 resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under  
19 this subdivision may not exceed \$500,000 in a fiscal year, except that the amount  
20 appropriated under this subdivision in fiscal year 2001–02 may not exceed \$482,500  
21 and the amount appropriated under this subdivision in fiscal year 2002–03 may not  
22 exceed \$475,000.

23          \*~~4471/3.1~~\* SECTION 43. 20.410 (1) (bm) of the statutes is repealed.

24          \*~~4678/2.3~~\* SECTION 44. 20.435 (2) (r) of the statutes is created to read:

1           20.435 (2) (r) *Energy costs; public benefits funding.* From the utility public  
2 benefits fund, the amounts in the schedule to be used at mental health institutes and  
3 centers for the developmentally disabled to pay for utilities and for fuel, heat, and  
4 air conditioning and to pay costs incurred by or on behalf of the department under  
5 ss. 16.858 and 16.895. No moneys may be encumbered from this appropriation after  
6 June 30, 2003.

7           \*~~4570/3.1~~\* **SECTION 45.** 20.435 (5) (fh) of the statutes, as affected by 2001  
8 Wisconsin Act 16, is repealed.

9           \*~~4705/1.1~~\* **SECTION 46.** 20.436 (1) (b) of the statutes is created to read:  
10           20.436 (1) (b) *Annual transfer from general fund.* Annually, beginning on June  
11 15, 2004, a sum sufficient to be transferred to the tobacco control fund equal to  
12 \$25,000,000, less the amount transferred from the permanent endowment fund  
13 under s. 13.101 (16) (b) in that year.

14           \*~~4663/1.1~~\* **SECTION 47.** 20.445 (3) (md) of the statutes, as affected by 2001  
15 Wisconsin Act 16, is amended to read:

16           20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule, less  
17 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and  
18 to be transferred to the appropriation accounts under ss. 20.255 (2) (kh), and (kp),  
19 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km), and (ky), (5) (ky),  
20 (7) (ky), and (8) (kx), 20.465 (4) (k), and 20.835 (2) (kf). All block grant moneys  
21 received for these purposes from the federal government or any of its agencies, all  
22 moneys transferred under 2001 Wisconsin Act ... (this act), section 9223 (2), from the  
23 appropriation account under s. 20.435 (7) (o), and all moneys recovered under s.  
24 49.143 (3) shall be credited to this appropriation account.

25           \*~~4678/2.4~~\* **SECTION 48.** 20.465 (1) (r) of the statutes is created to read:

1           20.465 (1) (r) *Energy costs; public benefits funding.* From the utility public  
2 benefits fund, the amounts in the schedule to be used at military buildings under the  
3 control of the department to pay for utilities and for fuel, heat, and air conditioning  
4 and to pay costs incurred by or on behalf of the department under ss. 16.858 and  
5 16.895. No moneys may be encumbered from this appropriation after June 30, 2003.

6           \*~~4533/4.1~~\* SECTION 49. 20.465 (4) (c) of the statutes is repealed.

7           \*~~4508/1.2~~\* SECTION 50. 20.505 (1) (fe) of the statutes, as created by 2001  
8 Wisconsin Act 16, is repealed.

9           \*~~4678/2.5~~\* SECTION 51. 20.505 (3) (s) of the statutes, as affected by 2001  
10 Wisconsin Act 16, is amended to read:

11           20.505 (3) (s) *Energy conservation and efficiency and renewable resource*  
12 *grants.* From the utility public benefits fund, a sum sufficient equal to the difference  
13 between the unencumbered balance in the utility public benefits fund on the effective  
14 date of this paragraph .... [revisor inserts date], and the sum of the amounts shown  
15 in the schedule under s. 20.005 (3) for the appropriations under pars. (r) and (rr) and  
16 the amounts appropriated under ss. 20.285 (1) (s), 20.435 (2) (r), 20.465 (1) (r), and  
17 20.505 (3) (q), for energy conservation and efficiency and renewable resource grants  
18 under s. 16.957 (2) (b) 1. and to make the transfer to the air quality improvement fund  
19 under s. 16.958 (2) (a).

20           \*~~4678/2.6~~\* SECTION 52. 20.505 (3) (s) of the statutes, as affected by 2001  
21 Wisconsin Act .... (this act), is repealed and recreated to read:

22           20.505 (3) (s) *Energy conservation and efficiency and renewable resource*  
23 *grants.* From the utility public benefits fund, a sum sufficient for energy  
24 conservation and efficiency and renewable resource grants under s. 16.957 (2) (b) 1.  
25 and to make the transfer to the air quality improvement fund under s. 16.958 (2) (a).

1           \*~~4548/2.15~~\* \*~~3361/P2.6~~\* **SECTION 53.** 20.505 (4) (dr) of the statutes is  
2 created to read:

3           20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the  
4 general program operations of the sentencing commission. No money may be  
5 encumbered from the appropriation under this paragraph after December 31, 2007.

6           \*~~4548/2.16~~\* \*~~3361/P2.7~~\* **SECTION 54.** 20.505 (4) (mr) of the statutes is  
7 created to read:

8           20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as  
9 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for  
10 which the aid is provided. No money may be encumbered from the appropriation  
11 under this paragraph after December 31, 2007.

12           \*~~4572/4.4~~\* **SECTION 55.** 20.505 (6) (e) of the statutes is created to read:

13           20.505 (6) (e) *Terrorism preparation and response grants.* Biennially, the  
14 amounts in the schedule for grants to local emergency planning committees under  
15 s. 16.964 (9).

16           \*~~4572/4.5~~\* **SECTION 56.** 20.505 (6) (e) of the statutes, as created by 2001  
17 Wisconsin Act .... (this act), is repealed.

18           \*~~4528/P1.3~~\* **SECTION 57.** 20.505 (7) (b) (title) of the statutes is amended to  
19 read:

20           20.505 (7) (b) (title) *Housing grants and loans; general purpose revenue.*

21           \*~~4528/P1.4~~\* **SECTION 58.** 20.505 (7) (j) of the statutes is created to read:

22           20.505 (7) (j) *Housing grants and loans; surplus transfer.* Biennially, the  
23 amounts in the schedule for grants and loans under s. 16.33 and for grants under s.  
24 16.336. All moneys received from the Wisconsin Housing and Economic



1 Development Authority under s. 234.165 (3) shall be credited to this appropriation  
2 account.

3 \*~~4462/4.1~~\* SECTION 59. 20.835 (1) (b) of the statutes is amended to read:

4 20.835 (1) (b) *Small municipalities shared revenue*. A sum sufficient to make  
5 the payments under s. 79.03 (3c). No moneys may be encumbered or expended from  
6 this appropriation after June 30, 2004.

7 \*~~4462/4.2~~\* SECTION 60. 20.835 (1) (c) of the statutes is amended to read:

8 20.835 (1) (c) *Expenditure restraint program account*. A sum sufficient to make  
9 the payments under s. 79.05. No moneys may be encumbered or expended from this  
10 appropriation after June 30, 2004.

11 \*~~4462/4.3~~\* SECTION 61. 20.835 (1) (d) of the statutes is amended to read:

12 20.835 (1) (d) *Shared revenue account*. A sum sufficient to meet the  
13 requirements of the shared revenue account established under s. 79.01 (2) to provide  
14 for the distributions from the shared revenue account to counties, towns, villages,  
15 and cities under ss. 79.03, 79.04, and 79.06. No moneys may be encumbered or  
16 expended from this appropriation after June 30, 2004.

17 \*~~4462/4.4~~\* SECTION 62. 20.835 (1) (f) of the statutes is amended to read:

18 20.835 (1) (f) *County mandate relief account*. A sum sufficient to make the  
19 payments to counties under s. 79.058. No moneys may be encumbered or expended  
20 from this appropriation after June 30, 2004.

21 \*~~4337/5.5~~\* SECTION 63. 20.855 (2) of the statutes is created to read:

22 20.855 (2) TRANSFERS TO GENERAL FUND. (s) *Segregated fund transfers to the*  
23 *general fund*. From the appropriate segregated funds, a sum sufficient equal to the  
24 amount of moneys from segregated revenue appropriations that are transferred to  
25 the general fund under s. 16.50 (7) (b) 2. or (c) 2.

1           \*~~4459/3.1~~\* **SECTION 64.** 20.855 (4) (f) of the statutes is amended to read:

2           20.855 (4) (f) *Supplemental title fee matching.* From the general fund, a sum  
3 sufficient equal to the amount of supplemental title fees collected under ss. 101.9208  
4 (1) (dm) and 342.14 (3m), as determined under s. 85.037, less \$555,000, to be  
5 transferred to the environmental fund on October 1 annually.

6           \*~~4550/8.2~~\* **SECTION 65.** 20.855 (4) (rb) of the statutes is created to read:

7           20.855 (4) (rb) *Shared revenue payment.* From the permanent endowment  
8 fund, a sum sufficient to make the payments under s. 79.02 (2) (b) and (c) and (3).

9           \*~~4550/8.3~~\* **SECTION 66.** 20.855 (4) (rb) of the statutes, as created by 2001  
10 Wisconsin Act .... (this act), is repealed.

11           \*~~4550/8.4~~\* **SECTION 67.** 20.855 (4) (rh) of the statutes, as created by 2001  
12 Wisconsin Act 16, is amended to read:

13           20.855 (4) (rh) *Annual transfer from permanent endowment fund to general*  
14 *fund.* From the permanent endowment fund, to be transferred to the general fund,  
15 a sum sufficient equal to the amount that is required to be transferred to the general  
16 fund under s. 13.101 (16).

17           \*~~4550/8.5~~\* **SECTION 68.** 20.855 (4) (rm) of the statutes is created to read:

18           20.855 (4) (rm) *Payment relating to public debt.* From the permanent  
19 endowment fund, a sum sufficient equal to the amount determined by the  
20 department of administration under s. 16.40 (25), to be paid into one or more sinking  
21 funds of the bond security and redemption fund under s. 18.09 (1) and any escrow  
22 accounts established under escrow agreements authorized by the secretary of  
23 administration that relate to the contracting of public debt.

24           \*~~4691/3.2~~\* **SECTION 69.** 20.855 (4) (v) of the statutes is created to read:

1           20.855 (4) (v) *Transfers to general fund; 2001–02 and 2002–03 fiscal years.*

2           From the transportation fund, the amounts in the schedule to be transferred to the  
3           general fund.

4           \*~~4691/3.3~~ **SECTION 70.** 20.855 (4) (v) of the statutes, as created by 2001  
5           Wisconsin Act .... (this act), is repealed.

6           \*~~4573/1.1~~ **SECTION 71.** 20.866 (2) (xc) of the statutes is amended to read:

7           20.866 (2) (xc) *Building commission; refunding tax-supported general*  
8           *obligation debt.* From the capital improvement fund, a sum sufficient to refund the  
9           whole or any part of any unpaid indebtedness used to finance facilities in which  
10          general obligation bonds are paid from general purpose revenue. The state may  
11          contract public debt in an amount not to exceed ~~\$2,125,000,000~~ \$2,102,086,430 for  
12          this purpose. Such indebtedness shall be construed to include any premium and  
13          interest payable with respect thereto. Debt incurred by this paragraph shall be  
14          repaid under the appropriations providing for the retirement of public debt incurred  
15          for tax-supported facilities in proportional amounts to the purposes for which the  
16          debt was refinanced. It is the intent of the legislature that this refunding authority  
17          only be used if the true interest costs to the state can be reduced.

18          \*~~4573/1.2~~ **SECTION 72.** 20.866 (2) (xd) of the statutes is amended to read:

19          20.866 (2) (xd) *Building commission; refunding self-amortizing general*  
20          *obligation debt.* From the capital improvement fund, a sum sufficient to refund the  
21          whole or any part of any unpaid indebtedness used to finance facilities in which  
22          general obligation bonds are repaid from program revenues or segregated funds. The  
23          state may contract public debt in an amount not to exceed ~~\$275,000,000~~  
24          \$272,863,033 for this purpose. Such indebtedness shall be construed to include any  
25          premium and interest payable with respect thereto. Debt incurred by this paragraph

1 shall be repaid under the appropriations providing for the retirement of public debt  
2 incurred for self-amortizing facilities in proportional amounts to the purposes for  
3 which the debt was refinanced. It is the intent of the legislature that this refunding  
4 authority only be used if the true interest costs to the state can be reduced.

5 **\*-4573/1.3\* SECTION 73.** 20.866 (2) (xe) (title) of the statutes, as created by  
6 2001 Wisconsin Act 16, is amended to read:

7 20.866 (2) (xe) (title) *Building commission; refunding tax-supported and*  
8 *self-amortizing general obligation debt incurred before June 30, 2003.*

9 **\*-4573/1.4\* SECTION 74.** 20.866 (2) (xm) of the statutes is created to read:

10 20.866 (2) (xm) *Building commission; refunding tax-supported and*  
11 *self-amortizing general obligation debt.* From the capital improvement fund, a sum  
12 sufficient to refund the whole or any part of any unpaid indebtedness used to finance  
13 tax-supported or self-amortizing facilities. In addition to the amount that may be  
14 contracted under par. (xe), the state may contract public debt in an amount not to  
15 exceed \$440,000,000 for this purpose. Such indebtedness shall be construed to  
16 include any premium and interest payable with respect thereto. Debt incurred by  
17 this paragraph shall be repaid under the appropriations providing for the retirement  
18 of public debt incurred for tax-supported and self-amortizing facilities in  
19 proportional amounts to the purposes for which the debt was refinanced. No moneys  
20 may be expended under this paragraph unless the true interest costs to the state can  
21 be reduced by the expenditure.

22 **\*-4548/2.17\* \*-3361/P2.8\* SECTION 75.** 20.923 (4) (b) 7. of the statutes is  
23 created to read:

24 20.923 (4) (b) 7. Sentencing commission: executive director.

25 **\*-4549/3.1\* SECTION 76.** 20.923 (6) (aw) of the statutes is created to read:

1 20.923 (6) (aw) Commerce, department of: grants management specialist.

2 \*~~4548/2.18~~\* \*~~3361/P2.9~~\* SECTION 77. 20.923 (6) (hr) of the statutes is  
3 created to read:

4 20.923 (6) (hr) Sentencing commission: deputy director.

5 \*~~4533/4.2~~\* SECTION 78. 21.26 of the statutes is repealed.

6 \*~~4548/2.19~~\* \*~~3266/P1.8~~\* SECTION 79. 23.33 (13) (cg) of the statutes is  
7 amended to read:

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

13 \*~~4576/2.1~~\* SECTION 80. 24.61 (3) (e) of the statutes is created to read:

14 24.61 (3) (e) *Federal match star program loan.* 1. In this paragraph:

15 a. "Federal discretionary grant" means a grant awarded by the federal  
16 government directly to a municipality following a competitive application process.

17 b. "Federal formula grant" means a grant awarded by the federal government  
18 to a state or municipality in accordance with a distribution formula that is prescribed  
19 by federal law or regulation.

20 c. "State-administered pass-through federal grant" means a grant awarded by  
21 the federal government to the state and that is paid to the state, but is spent by a  
22 municipality.

23 2. Subject to subd. 3., the board shall establish a program, to be known as the  
24 federal match star program, under which the board may loan moneys belonging to  
25 the trust funds to any municipality that is eligible to receive a loan under this

1 subsection, for the purpose of providing matching funds for any federal discretionary  
2 grant that requires the municipality to provide matching funds as a condition of  
3 receiving the grant. In consultation with the department of administration, the  
4 board shall promulgate rules to implement the program.

5 3. a. The total amount of outstanding loans made under subd. 2. may not exceed  
6 \$50,000,000.

7 b. No loans may be made under subd. 2. to a municipality to provide matching  
8 funds for state-administered pass-through grants or federal formula grants.

9 4. Annually, the board shall submit a report to the department of  
10 administration and to the chief clerk of each house of the legislature, for distribution  
11 to the legislature under s. 13.172 (2), that specifies the amount of moneys loaned to  
12 municipalities under subd. 2. and the amount of federal discretionary grants  
13 awarded to municipalities that use loans under subd. 2. as matching funds for the  
14 grants.

15 \*~~4576/2.2~~\* **SECTION 81.** 24.63 (1) of the statutes is amended to read:

16 24.63 (1) LOANS OTHER THAN TO SCHOOL DISTRICTS. ~~A. Except as provided in sub.~~  
17 ~~(2s),~~ a state trust fund loan, other than a loan to a school district, may be made for  
18 any term not exceeding 20 years and may be made payable in ~~instalments~~  
19 installments. A state trust fund loan to a municipality other than a school district  
20 shall be in an amount ~~which~~ that does not, together with all other indebtedness of  
21 the municipality applying for the loan, exceed 5% of the valuation of the taxable  
22 property within the municipality as equalized for state purposes. If a state trust fund  
23 loan is made to pay off existing indebtedness, it may be advanced to the borrower in  
24 ~~instalments~~ installments as fast as the indebtedness or the evidence of indebtedness  
25 is canceled.

1           \*~~4576/2.3~~\* SECTION 82. 24.63 (2) of the statutes is amended to read:

2           24.63 (2) SCHOOL DISTRICT LOANS. ~~A~~ Except as provided in sub. (2s), a state trust  
3 fund loan to a school district may be made for any time, not exceeding 20 years, as  
4 is agreed upon between the school district and the board, and for an amount ~~which~~  
5 that, together with all other indebtedness of that district, does not exceed its  
6 allowable indebtedness as determined under s. 67.03 (1).

7           \*~~4576/2.4~~\* SECTION 83. 24.63 (2m) of the statutes is amended to read:

8           24.63 (2m) COOPERATIVE EDUCATIONAL SERVICE AGENCY LOANS. ~~A~~ Except as  
9 provided in sub. (2s), a state trust fund loan to a cooperative educational service  
10 agency may be made for any term, not exceeding 20 years, as is agreed upon between  
11 the agency and the board, and for a total amount ~~which~~ that, for each school district  
12 for which the loan is sought, in the proportion determined under s. 24.61 (7), together  
13 with all other indebtedness of the school district, does not exceed the school district's  
14 allowable indebtedness under s. 67.03 (1).

15           \*~~4576/2.5~~\* SECTION 84. 24.63 (2s) of the statutes is created to read:

16           24.63 (2s) FEDERAL MATCH STAR PROGRAM LOANS. A loan under s. 24.61 (3) (e) to  
17 a municipality, may be made for any term not exceeding 5 years. A loan under s.  
18 24.61 (3) (e) to a municipality other than a school district shall be in an amount that  
19 does not, together with all other indebtedness of the municipality applying for the  
20 loan, exceed 5% of the valuation of the taxable property within the municipality as  
21 equalized for state purposes. A loan under s. 24.61 (3) (e) to a school district shall  
22 be in an amount that, together with all other indebtedness of that district, does not  
23 exceed its allowable indebtedness as determined under s. 67.03 (1).

24           \*~~4576/2.6~~\* SECTION 85. 24.63 (3) of the statutes is amended to read:

1           24.63 (3) INTEREST RATES. All state trust fund loans shall bear and draw interest  
2 at a rate not less than 2% payable annually, except that the interest charged on a loan  
3 under s. 24.61 (3) (e) shall accrue at the earnings rate received by the state on moneys  
4 held in the state investment fund.

5           \*~~4576/2.7~~\* SECTION 86. 24.73 of the statutes is amended to read:

6           **24.73 Extension of loan.** All loans made or ~~which~~ that may be made from any  
7 state trust funds, other than loans under s. 24.61 (3) (e), to any borrower may be  
8 extended for such time and upon such terms as may be agreed upon by and between  
9 the board and such borrower; provided, however, that no loan shall be extended upon  
10 which there is any default in the payment of interest at the time of making  
11 application therefor, nor to any period beyond 20 years from its inception, nor at any  
12 rate of interest less than the minimum established by law.

13           \*~~4705/1.2~~\* SECTION 87. 25.66 (1) (e) of the statutes is created to read:

14           25.66 (1) (e) Beginning in fiscal year 2003-04, all moneys transferred from the  
15 general fund under s. 20.436 (1) (b).

16           \*~~4550/8.6~~\* SECTION 88. 25.69 of the statutes, as created by 2001 Wisconsin  
17 Act 16, is amended to read:

18           **25.69 Permanent endowment fund.** There is established a separate  
19 nonlapsible trust fund designated as the permanent endowment fund, consisting of  
20 all of the proceeds from the sale of the state's right to receive payments under the  
21 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,  
22 and all investment earnings on the proceeds. Moneys in the permanent endowment  
23 fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and  
24 (rv) and to make the appropriations under s. 20.855 (4) (rb) and (rm).



1           \*~~4550/8.7~~\* SECTION 89. 25.69 of the statutes, as affected by 2001 Wisconsin  
2 Acts 16 and .... (this act), is repealed and recreated to read:

3           **25.69 Permanent endowment fund.** There is established a separate  
4 nonlapsible trust fund designated as the permanent endowment fund, consisting of  
5 all of the proceeds from the sale of the state's right to receive payments under the  
6 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,  
7 and all investment earnings on the proceeds. Moneys in the permanent endowment  
8 fund shall be used only to make the transfers under ss. 13.101 (16) and 20.855 (4) (rh)  
9 and to make the appropriation under s. 20.855 (4) (rm).

10           \*~~4548/2.20~~\* \*~~3266/P1.9~~\* SECTION 90. 26.14 (8) of the statutes is amended  
11 to read:

12           26.14 (8) Any person who intentionally sets fire to the land of another or to a  
13 marsh shall be fined not more than \$10,000 or imprisoned for not more than 7 years  
14 and 6 months or both is guilty of a Class H felony.

15           \*~~4548/2.21~~\* \*~~3266/P1.10~~\* SECTION 91. 29.971 (1) (c) of the statutes is  
16 amended to read:

17           29.971 (1) (c) For A person having fish in his or her possession in violation of  
18 this chapter and is guilty of a Class I felony if the value of the fish under par. (d)  
19 exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than  
20 3 years or both.

21           \*~~4548/2.22~~\* \*~~3266/P1.11~~\* SECTION 92. 29.971 (1m) (c) of the statutes is  
22 amended to read:

23           29.971 (1m) (c) For A person possessing clams in violation of s. 29.537, is guilty  
24 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, by a fine  
25 of not more than \$10,000 or imprisonment for not more than 3 years or both.

1           \*~~4548/2.23~~\* \*~~3266/P1.12~~\* **SECTION 93.** 29.971 (11m) (a) of the statutes is  
2 amended to read:

3           29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or  
4 possessing a bear without a valid Class A bear license, or for possessing a bear which  
5 does not have a carcass tag attached or possessing a bear during the closed season,  
6 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not  
7 more than 6 months or both for the first violation, or by a fine of not more than ~~\$5,000~~  
8 \$10,000 or imprisonment for not more than ~~2-years~~ 9 months or both for any  
9 subsequent violation, and, in addition, the court shall revoke all hunting approvals  
10 issued to the person under this chapter and shall prohibit the issuance of any new  
11 hunting approval under this chapter to the person for 3 years.

12           \*~~4548/2.24~~\* \*~~3266/P1.13~~\* **SECTION 94.** 29.971 (11p) (a) of the statutes is  
13 amended to read:

14           29.971 (11p) (a) For entering the den of a hibernating black bear and harming  
15 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~  
16 years 9 months or both.

17           \*~~4548/2.25~~\* \*~~3266/P1.14~~\* **SECTION 95.** 30.80 (2g) (b) of the statutes is  
18 amended to read:

19           30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000  
20 or imprisoned for not more than ~~2-years~~ 9 months or both if the accident involved  
21 injury to a person but the person did not suffer great bodily harm.

22           \*~~4548/2.26~~\* \*~~3266/P1.15~~\* **SECTION 96.** 30.80 (2g) (c) of the statutes is  
23 amended to read:

1           30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~  
2 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a  
3 person and the person suffered great bodily harm.

4           \*~~4548/2.27~~\* \*~~3266/P1.16~~\* SECTION 97. 30.80 (2g) (d) of the statutes is  
5 amended to read:

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

9           \*~~4548/2.28~~\* \*~~3266/P1.17~~\* SECTION 98. 30.80 (3m) of the statutes is  
10 amended to read:

11           30.80 (3m) Any person violating s. 30.547 (1), (3) or (4) ~~shall be fined not more~~  
12 ~~than \$5,000 or imprisoned not more than 7 years and 6 months or both~~ is guilty of  
13 a Class H felony.

14           \*~~4548/2.29~~\* \*~~3266/P1.18~~\* SECTION 99. 36.25 (6) (d) of the statutes is  
15 amended to read:

16           36.25 (6) (d) Any officer, agent, clerk or employee of the survey or department  
17 of revenue who makes known to any person except the officers of the survey or  
18 department of revenue, in any manner, any information given to such person in the  
19 discharge of such person's duties under par. (c), which information was given to such  
20 person with the request that it not be made known, ~~upon conviction thereof, shall be~~  
21 ~~fined not less than \$50 nor more than \$500 or imprisoned for not less than one month~~  
22 ~~nor more than 3 years~~ is guilty of a Class I felony. This paragraph shall not prevent  
23 the use for assessment purposes of any information obtained under this subsection.

24           \*~~4572/4.6~~\* SECTION 100. 38.04 (9) of the statutes is amended to read:

1           38.04 (9) TRAINING PROGRAMS FOR FIRE FIGHTERS. In order to promote safety to  
2 life and property, the board may establish and supervise training programs in fire  
3 prevention and protection. The training programs shall include training in  
4 responding to acts of terrorism, as defined in s. 146.50 (1) (ag), and shall be available  
5 to members of volunteer and paid fire departments maintained by public and private  
6 agencies, including industrial plants. No training program required for  
7 participation in structural fire fighting that is offered to members of volunteer and  
8 paid fire departments maintained by public agencies may require more than 60  
9 hours of training.

10           \*~~1709/2.1~~ SECTION 101. 38.16 (1) of the statutes is renumbered 38.16 (1) (a)  
11 and amended to read:

12           38.16 (1) (a) Annually by October 31, or within 10 days after receipt of the  
13 equalized valuations from the department of revenue, whichever is later, the district  
14 board may levy a tax, ~~not exceeding 1.5 mills on the full value of the taxable property~~  
15 ~~of the district,~~ for the purpose of making capital improvements, acquiring  
16 equipment, and operating and maintaining the schools of the district, ~~except that the~~  
17 ~~mill limitation is not applicable to taxes levied for the purpose of paying principal and~~  
18 ~~interest on valid bonds or notes now or hereafter outstanding as provided in s.~~  
19 67.035. The district board secretary shall file with the clerk of each city, village, and  
20 town, any part of which is located in the district, a certified statement showing the  
21 amount of the levy and the proportionate amount of the tax to be spread upon the tax  
22 rolls for collection in each city, village, and town. Such proportion shall be  
23 ascertained on the basis of the ratio of full value of the taxable property of that part  
24 of the city, village, or town located in the district to the full value of all taxable  
25 property in the district, as certified to the district board secretary by the department

1 of revenue. Upon receipt of the certified statement from the district board secretary,  
2 the clerk of each city, village, and town shall spread the amounts thereof upon the  
3 tax rolls for collection. When the taxes are collected, such amounts shall be paid by  
4 the treasurer of each city, village, and town to the district board treasurer.

5 **\*-4709/2.2\* SECTION 102.** 38.16 (1) (b) of the statutes is created to read:

6 38.16 (1) (b) Except as provided in par. (c), taxes levied under par. (a), other  
7 than taxes levied for the purpose of paying debt service on district bonds and notes,  
8 may not exceed the lesser of the following:

9 1. The amount levied in the previous year multiplied by the sum of 1.0 plus the  
10 allowable rate of increase under s. 73.0305 expressed as a decimal.

11 2. The amount that would be generated by a levy rate of 1.5 mills.

12 **\*-4709/2.3\* SECTION 103.** 38.16 (1) (c) of the statutes is created to read:

13 38.16 (1) (c) 1. If a district board wishes to exceed the limit under par. (b) in any  
14 year, it shall promptly adopt a resolution to that effect. The resolution shall specify  
15 the amount of the proposed excess levy. The resolution shall be filed as provided in  
16 s. 8.37. The district board shall call a special referendum for the purpose of  
17 submitting the resolution to the electors of the district for approval or rejection. In  
18 lieu of a special referendum, the district board may specify that the referendum be  
19 held at the next succeeding spring primary or election or September primary or  
20 general election, if such election is to be held not sooner than 42 days after the filing  
21 of the resolution of the district board.

22 2. The district board secretary shall publish type A, B, C, D, and E notices of  
23 the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice  
24 shall include a statement of the amount of the proposed excess levy specified in subd.

1 1. and a copy of the resolution under subd. 1. Section 5.01 (1) applies in the event  
2 of failure to comply with the notice requirements of this subdivision.

3 3. The referendum shall be held in accordance with chs. 5 to 12. The district  
4 board secretary shall provide the election officials with all necessary election  
5 supplies. The form of the ballot shall correspond substantially with the standard  
6 form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and  
7 7.08 (1) (a). The question submitted shall be whether the limit under par. (b) may  
8 be exceeded by a specified amount. The limit otherwise applicable to the district  
9 under par. (b) is increased by the amount approved by a majority of those voting on  
10 the question.

11 \*~~4543/5.4~~\* **SECTION 104.** 38.28 (1m) (a) 1. of the statutes, as affected by 2001  
12 Wisconsin Act 16, is amended to read:

13 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a  
14 technical college district, including debt service charges for district bonds and  
15 promissory notes for building programs or capital equipment, but excluding all  
16 expenditures relating to auxiliary enterprises and community service programs, all  
17 expenditures funded by or reimbursed with federal revenues, all receipts under sub.  
18 (6) and ss. 38.12 (9), 38.14 (3) and (9), ~~38.307~~, 118.15 (2) (a), 118.55 (7r), and 146.55  
19 (5), all receipts from grants awarded under ss. 38.04 (8), (19), (20), and (31), 38.14  
20 (11), 38.26, 38.27, ~~38.305~~, 38.31, 38.33, and 38.38, all fees collected under s. 38.24,  
21 and driver education and chauffeur training aids.

22 \*~~4543/5.5~~\* **SECTION 105.** 38.305 of the statutes, as affected by 2001 Wisconsin  
23 Act 16, is repealed.

24 \*~~4543/5.6~~\* **SECTION 106.** 38.307 of the statutes is created to read:

1           **38.307 Educational assistance for dislocated workers.** (1) Beginning in  
2 the 2002-03 school year, the board shall pay a student's tuition and fees at a district  
3 college under s. 38.24 (1m) if the student satisfies all of the following criteria:

4           (a) The student is a dislocated worker who has been referred to the district by  
5 a local work force development board established under 29 USC 2832.

6           (b) The student is enrolled in an associate degree program or a vocational  
7 diploma program.

8           (c) The student maintains a grade point average of at least 2.0.

9           (2) The board shall pay tuition and fees under this section from the  
10 appropriation under s. 20.292 (1) (eq). If the amount appropriated in any fiscal year  
11 is insufficient to pay the tuition and fees of all eligible students, the board shall fulfill  
12 requests for payment in the order in which they were received.

13           (4) The board shall promulgate rules to implement and administer this section.

14           \*~~4548/2.30~~\* \*~~3266/P1.19~~\* **SECTION 107.** 47.03 (3) (d) of the statutes is  
15 amended to read:

16           47.03 (3) (d) Any person who violates this subsection shall be fined not more  
17 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2 years~~ 9 months or both.

18           \*~~4548/2.31~~\* \*~~0590/P5.1~~\* **SECTION 108.** 48.355 (2d) (b) 3. of the statutes is  
19 amended to read:

20           48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),  
21 1999 stats., a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225 (1) or (2), 948.02 (1) or  
22 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or  
23 federal law, if that violation would be a violation of s. 940.19 (2), ~~(3),~~ (4) or (5), 940.225  
24 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,  
25 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or

1 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child  
2 of the parent.

3 ~~\*-4548/2.32\*~~ ~~\*-0590/P5.2\*~~ **SECTION 109.** 48.415 (9m) (b) 2. of the statutes is  
4 amended to read:

5 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,  
6 a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
7 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other  
8 state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or  
9 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06  
10 or 948.08 if committed in this state.

11 ~~\*-4548/2.33\*~~ ~~\*-0590/P5.3\*~~ **SECTION 110.** 48.417 (1) (d) of the statutes is  
12 amended to read:

13 48.417 (1) (d) A court of competent jurisdiction has found that the parent has  
14 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)  
15 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a  
16 violation of the law of any other state or federal law, if that violation would be a  
17 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or  
18 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in  
19 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as  
20 defined in s. 939.22 (38), to the child or another child of the parent.

21 ~~\*-4462/4.5\*~~ **SECTION 111.** 48.561 (3) (a) (intro.) of the statutes, as affected by  
22 2001 Wisconsin Act 16, is renumbered 48.561 (3) (intro.) and amended to read:

23 48.561 (3) (intro.) A county having a population of 500,000 or more shall  
24 contribute ~~\$58,893,500~~ \$38,792,200 in each state fiscal year for the provision of child



1 welfare services in that county by the department. That contribution shall be made  
2 as follows:

3 \*~~4462/4.6~~\* **SECTION 112.** 48.561 (3) (a) 1. of the statutes, as created by 2001  
4 Wisconsin Act 16, is renumbered 48.561 (3) (a).

5 \*~~4462/4.7~~\* **SECTION 113.** 48.561 (3) (a) 2. of the statutes, as created by 2001  
6 Wisconsin Act 16, is renumbered 48.561 (3) (bm).

7 \*~~4462/4.8~~\* **SECTION 114.** 48.561 (3) (a) 3. of the statutes, as created by 2001  
8 Wisconsin Act 16, is repealed.

9 \*~~4462/4.9~~\* **SECTION 115.** 48.561 (3) (b) of the statutes, as affected by 2001  
10 Wisconsin Act 16, is repealed.

11 \*~~4548/2.34~~\* \*~~0590/P5.4~~\* **SECTION 116.** 48.57 (3p) (g) 2. of the statutes is  
12 amended to read:

13 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified  
14 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,  
15 939.64, 939.641 or 939.645 or has been convicted of a violation of the law of any other  
16 state or federal law under circumstances under which the person would be subject  
17 to a penalty specified in any of those sections if convicted in this state.

18 \*~~4548/2.35~~\* **SECTION 117.** 48.685 (1) (c) of the statutes is amended to read:

19 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a  
20 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),  
21 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
22 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
23 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or  
24 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or  
25 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),

1 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
2 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
3 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

4 **\*-4548/2.36\* \*-0590/P5.5\* SECTION 118.** 48.685 (5) (bm) 2. of the statutes is  
5 amended to read:

6 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),  
7 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

8 **\*-4548/2.37\* \*-0590/P5.6\* SECTION 119.** 48.685 (5) (bm) 3. of the statutes is  
9 amended to read:

10 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,  
11 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,  
12 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

13 **\*-4548/2.38\* \*-0590/P5.7\* SECTION 120.** 48.685 (5) (bm) 4. of the statutes is  
14 amended to read:

15 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),  
16 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that  
17 is a felony, if committed not more than 5 years before the date of the investigation  
18 under sub. (2) (am).

19 **\*-4548/2.39\* \*-3266/P1.23\* SECTION 121.** 49.141 (7) (a) of the statutes is  
20 amended to read:

21 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with  
22 the furnishing by that person of items or services for which payment is or may be  
23 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~  
24 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

1           \*~~4548/2.40~~\* \*~~3266/P1.24~~\* SECTION 122. 49.141 (7) (b) of the statutes is  
2 amended to read:

3           49.141 (7) (b) A person, other than a person under par. (a), who is convicted of  
4 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than  
5 2-years 9 months or both.

6           \*~~4548/2.41~~\* \*~~3266/P1.25~~\* SECTION 123. 49.141 (9) (a) of the statutes is  
7 amended to read:

8           49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,  
9 in return for referring an individual to a person for the furnishing or arranging for  
10 the furnishing of any item or service for which payment may be made in whole or in  
11 part under Wisconsin works, or in return for purchasing, leasing, ordering, or  
12 arranging for or recommending purchasing, leasing, or ordering any good, facility,  
13 service, or item for which payment may be made in whole or in part under Wisconsin  
14 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine  
15 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
16 ~~imprisoned for not more than 7 years and 6 months or both.~~

17           \*~~4548/2.42~~\* \*~~3266/P1.26~~\* SECTION 124. 49.141 (9) (b) of the statutes is  
18 amended to read:

19           49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to  
20 any person to induce the person to refer an individual to a person for the furnishing  
21 or arranging for the furnishing of any item or service for which payment may be made  
22 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange  
23 for or recommend purchasing, leasing, or ordering any good, facility, service or item  
24 for which payment may be made in whole or in part under any provision of Wisconsin  
25 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine

1 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or  
2 imprisoned for not more than 7 years and 6 months or both.

3 \*~~4548/2.43~~\* \*~~3266/P1.27~~\* **SECTION 125.** 49.141 (10) (b) of the statutes is  
4 amended to read:

5 49.141 (10) (b) A person who violates this subsection is guilty of a Class H  
6 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),  
7 the person may be fined not more than \$25,000 or imprisoned for not more than 7  
8 years and 6 months or both.

9 \*~~4548/2.44~~\* **SECTION 126.** 49.195 (3n) (k) of the statutes is amended to read:

10 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in  
11 removing, depositing or concealing any property upon which a levy is authorized  
12 under this subsection with intent to evade or defeat the assessment or collection of  
13 any debt ~~may be fined not more than \$5,000 or imprisoned for not more than 4 years~~  
14 ~~and 6 months or both,~~ is guilty of a Class H felony and shall be liable to the state for  
15 assessed the costs of prosecution.

16 \*~~4548/2.45~~\* **SECTION 127.** 49.195 (3n) (r) of the statutes is amended to read:

17 49.195 (3n) (r) No employer may discharge or otherwise discriminate with  
18 respect to the terms and conditions of employment against any employee by reason  
19 of the fact that his or her earnings have been subject to levy for any one levy or  
20 because of compliance with any provision of this subsection. Any person who violates  
21 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~  
22 ~~2 years or both~~ is guilty of a Class I felony.

23 \*~~4668/2.1~~\* **SECTION 128.** 49.45 (49) of the statutes is created to read:

24 49.45 (49) **PRESCRIPTION DRUG PRIOR AUTHORIZATION.** The secretary shall  
25 exercise his or her authority under s. 15.04 (1) (c) to create a prescription drug prior

1 authorization committee to advise the department on issues related to prior  
2 authorization decisions made concerning prescription drugs on behalf of medical  
3 assistance recipients. The secretary shall appoint as members at least all of the  
4 following:

5 (a) Two physicians, as defined in s. 448.01 (5), who are currently in practice.

6 (b) Two pharmacists, as defined in s. 450.01 (15).

7 (c) One advocate for recipients of medical assistance.

8 (d) One representative of the pharmaceutical manufacturing industry.

9 \*~~4548/2.46~~\* \*~~3266/P1.28~~\* SECTION 129. 49.49 (1) (b) 1. of the statutes is  
10 amended to read:

11 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,  
12 failure, or conversion by any person in connection with the furnishing by that person  
13 of items or services for which medical assistance is or may be made, a person  
14 ~~convicted of violating this subsection is guilty of a Class H felony, except that,~~  
15 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be  
16 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months  
17 or both.

18 \*~~4548/2.47~~\* \*~~3266/P1.29~~\* SECTION 130. 49.49 (2) (a) of the statutes is  
19 amended to read:

20 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits  
21 or receives any remuneration, including any kickback, bribe, or rebate, directly or  
22 indirectly, overtly or covertly, in cash or in kind, in return for referring an individual  
23 to a person for the furnishing or arranging for the furnishing of any item or service  
24 for which payment may be made in whole or in part under a medical assistance  
25 program, or in return for purchasing, leasing, ordering, or arranging for or

1 recommending purchasing, leasing, or ordering any good, facility, service, or item for  
2 which payment may be made in whole or in part under a medical assistance program,  
3 is guilty of a Class H felony, except that, notwithstanding the maximum fine specified  
4 in s. 939.50 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for~~  
5 ~~not more than 7 years and 6 months or both.~~

6 \*~~4548/2.48~~\* \*~~3266/P1.30~~\* **SECTION 131.** 49.49 (2) (b) of the statutes is  
7 amended to read:

8 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any  
9 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly  
10 or covertly, in cash or in kind to any person to induce such person to refer an  
11 individual to a person for the furnishing or arranging for the furnishing of any item  
12 or service for which payment may be made in whole or in part under a medical  
13 assistance program, or to purchase, lease, order, or arrange for or recommend  
14 purchasing, leasing, or ordering any good, facility, service or item for which payment  
15 may be made in whole or in part under a medical assistance program, is guilty of a  
16 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50  
17 (3) (h), the person may be fined not more than \$25,000 ~~or imprisoned for not more~~  
18 ~~than 7 years and 6 months or both.~~

19 \*~~4548/2.49~~\* \*~~3266/P1.31~~\* **SECTION 132.** 49.49 (3) of the statutes is amended  
20 to read:

21 49.49 (3) **FRAUDULENT CERTIFICATION OF FACILITIES.** No person may knowingly  
22 and wilfully make or cause to be made, or induce or seek to induce the making of, any  
23 false statement or representation of a material fact with respect to the conditions or  
24 operation of any institution or facility in order that such institution or facility may  
25 qualify either upon initial certification or upon recertification as a hospital, skilled

1 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~  
2 ~~person who violates this subsection is guilty of a Class H felony, except that,~~  
3 ~~notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be~~  
4 ~~fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months~~  
5 ~~or both.~~

6 \*~~4548/2.50~~\* \*~~3266/P1.32~~\* SECTION 133. 49.49 (3m) (b) of the statutes is  
7 amended to read:

8 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H  
9 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),  
10 the person may be fined not more than \$25,000 or imprisoned for not more than 7  
11 years and 6 months or both.

12 \*~~4548/2.51~~\* \*~~3266/P1.33~~\* SECTION 134. 49.49 (4) (b) of the statutes is  
13 amended to read:

14 49.49 (4) (b) A person who violates this subsection is guilty of a Class H felony,  
15 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the  
16 person may be fined not more than \$25,000 or imprisoned for not more than 7 years  
17 and 6 months or both.

18 \*~~4664/2.1~~\* SECTION 135. 49.68 (3) (a) of the statutes is amended to read:

19 49.68 (3) (a) Any Subject to s. 49.687 (6), any permanent resident of this state  
20 who suffers from chronic renal disease may be accepted into the dialysis treatment  
21 phase of the renal disease control program if the resident meets the standards set  
22 by rule under sub. (2) and the requirements specified in s. 49.687 and the rules  
23 promulgated under s. 49.687.

24 \*~~4664/2.2~~\* SECTION 136. 49.68 (3) (b) of the statutes, as affected by 2001  
25 Wisconsin Act 16, is amended to read:

1           49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),  
2 the state shall pay the cost of medical treatment required as a direct result of chronic  
3 renal disease of certified patients from the date of certification, including the cost of  
4 administering recombinant human erythropoietin to appropriate patients, whether  
5 the treatment is rendered in an approved facility in the state or in a dialysis or  
6 transplantation center ~~which that~~ is approved as such by a contiguous state, subject  
7 to the conditions specified under par. (d) and s. 49.687 (6). Approved facilities may  
8 include a hospital in-center dialysis unit or a nonhospital dialysis center ~~which that~~  
9 is closely affiliated with a home dialysis program supervised by an approved facility.  
10 Aid shall also be provided for all reasonable expenses incurred by a potential  
11 living-related donor, including evaluation, hospitalization, surgical costs, and  
12 postoperative follow-up to the extent that ~~these those~~ costs are not reimbursable  
13 under the federal medicare program, another state-funded health care assistance  
14 program, as defined by rule promulgated under s. 49.687 (4), or other insurance. In  
15 addition, all expenses incurred in the procurement, transportation, and preservation  
16 of cadaveric donor kidneys shall be covered to the extent that ~~these those~~ costs are  
17 not otherwise reimbursable. All donor-related costs are chargeable to the recipient  
18 and reimbursable under this subsection. The cost of travel, lodging, and meals for  
19 persons who must travel to receive inpatient or outpatient dialysis treatment for  
20 kidney disease are not reimbursable under this subsection.

21           \*~~4664/2.3~~\* **SECTION 137.** 49.68 (3) (d) 1. of the statutes is amended to read:

22           49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient  
23 has no other form of aid available from the federal medicare program, from another  
24 state-funded health care assistance program, as defined by rule promulgated under  
25 s. 49.687 (4), or from private health, accident, sickness, medical ~~and, or~~ hospital



1 insurance coverage. If insufficient aid is available from other sources and if the  
2 recipient has paid an amount equal to the annual medicare deductible amount  
3 specified in subd. 2., the state shall pay the difference in cost to a qualified recipient.  
4 If at any time sufficient federal or private insurance aid or other state aid becomes  
5 available during the treatment period, state aid under this subsection shall be  
6 terminated or appropriately reduced. Any patient who is eligible for the federal  
7 medicare program shall register and pay the premium for medicare medical  
8 insurance coverage where permitted, and shall pay an amount equal to the annual  
9 medicare deductible amounts required under 42 USC 1395e and 1395L (b), prior to  
10 becoming eligible for state aid under this subsection.

11 \*~~4664/2.4~~\* SECTION 138. 49.68 (3) (e) of the statutes is repealed.

12 \*~~4664/2.5~~\* SECTION 139. 49.683 (1) of the statutes is amended to read:

13 49.683 (1) The Subject to s. 49.687 (6), the department may provide financial  
14 assistance for costs of medical care of persons over the age of 18 years with the  
15 diagnosis of cystic fibrosis who meet financial requirements established by the  
16 department by rule under s. 49.687 (1) the requirements specified in s. 49.687 and  
17 the rules promulgated under s. 49.687.

18 \*~~4664/2.6~~\* SECTION 140. 49.683 (2) of the statutes, as affected by 2001  
19 Wisconsin Act 16, is amended to read:

20 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the  
21 appropriation accounts under s. 20.435 (4) (e) and (je) to the extent that those costs  
22 are not reimbursable under the federal medicare program, any other state-funded  
23 health care assistance program, as defined by rule promulgated under s. 49.687 (4),  
24 or private health insurance coverage.

25 \*~~4664/2.7~~\* SECTION 141. 49.685 (4) of the statutes is amended to read:

1           49.685 (4) ELIGIBILITY. ~~Any~~ Subject to s. 49.687 (6), any permanent resident of  
2 this state who suffers from hemophilia or other related congenital bleeding disorder  
3 may participate in the program if that person meets the requirements of specified in  
4 this section and s. 49.687 and the ~~standards set by rule~~ rules promulgated under this  
5 section and s. 49.687. The person shall enter into an agreement with the  
6 comprehensive hemophilia treatment center for a maintenance program to be  
7 followed by that person as a condition for continued eligibility. The physician  
8 director or a designee shall, at least once in each 6-month period, review the  
9 maintenance program and verify that the person is complying with the program.

10           \*~~4664/2.8~~\* **SECTION 142.** 49.685 (6) (b) of the statutes is amended to read:

11           49.685 (6) (b) Reimbursement ~~shall~~ may not be made under this section for any  
12 blood products or supplies ~~which~~ that are not purchased from or provided by a  
13 comprehensive hemophilia treatment center, or a source approved by the treatment  
14 center. Reimbursement ~~shall~~ may not be made under this section for any portion of  
15 the costs of blood products or supplies ~~which~~ that are payable under any ~~other state~~  
16 ~~or federal program, under any other state-funded health care assistance program,~~  
17 as defined by rule promulgated under s. 49.687 (4), or under any grant, contract and  
18 any other contractual, or other arrangement.

19           \*~~4664/2.9~~\* **SECTION 143.** 49.687 (title) of the statutes, as affected by 2001  
20 Wisconsin Act 16, is amended to read:

21           **49.687 (title) Disease aids; patient requirements; rebate agreements**  
22 **cost-saving measures.**

23           \*~~4664/2.10~~\* **SECTION 144.** 49.687 (4) of the statutes is created to read:

24           49.687 (4) The department may provide assistance under s. 49.68, 49.683, or  
25 49.685 to a person only if the person has first applied for assistance under all other

1 state-funded health care assistance programs for which the person may be eligible.  
2 The department shall promulgate a rule defining those other state-funded health  
3 care assistance programs and, in defining those programs, shall include the medical  
4 assistance program under subch. IV, the health insurance risk-sharing plan under  
5 ch. 149, the badger care health care program under s. 49.665, the prescription drug  
6 assistance for elderly persons program under s. 49.688, and any other state-funded  
7 health care assistance program under which assistance may be payable for the  
8 treatment of kidney disease, cystic fibrosis, or hemophilia.

9 ~~\*4664/2.11\*~~ SECTION 145. 49.687 (5) of the statutes is created to read:

10 49.687 (5) The department shall promulgate rules to contain the cost of  
11 assistance provided under ss. 49.68, 49.683, and 49.685. Those rules may include  
12 managed care requirements.

13 ~~\*4664/2.12\*~~ SECTION 146. 49.687 (6) of the statutes is created to read:

14 49.687 (6) If the amounts available under s. 20.435 (4) (e) and (je) are  
15 insufficient to provide assistance under s. 49.68, 49.683, and 49.685 to all persons  
16 who are eligible to receive assistance under those sections, the department may  
17 establish waiting lists for the enrollment of those persons in the programs under  
18 those sections and may assign priorities to persons who are on those waiting lists  
19 based on criteria that the department shall promulgate by rule.

20 ~~\*4548/2.52\*~~ SECTION 147. 49.688 (9) (b) of the statutes, as created by 2001  
21 Wisconsin Act 16, is amended to read:

22 49.688 (9) (b) A person who is convicted of violating a rule promulgated by the  
23 department under par. (a) in connection with that person's furnishing of prescription  
24 drugs under this section is guilty of a Class H felony, except that, notwithstanding

1 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than  
2 \$25,000, or imprisoned for not more than 7 years and 6 months, or both.

3 **\*-4548/2.53\* SECTION 148.** 49.688 (9) (c) of the statutes, as created by 2001  
4 Wisconsin Act 16, is amended to read:

5 49.688 (9) (c) A person other than a person specified in par. (b) who is convicted  
6 of violating a rule promulgated by the department under par. (a) may be fined not  
7 more than \$10,000, or imprisoned in the county jail for not more than one year, or  
8 both.

9 **\*-4548/2.54\* \*-3266/P1.20\* SECTION 149.** 49.795 (8) (a) 2. of the statutes, as  
10 affected by 2001 Wisconsin Act 16, is amended to read:

11 49.795 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than  
12 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~  
13 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

14 **\*-4548/2.55\* \*-3266/P1.21\* SECTION 150.** 49.795 (8) (b) 2. of the statutes, as  
15 affected by 2001 Wisconsin Act 16, is amended to read:

16 49.795 (8) (b) 2. If the value of the food coupons exceeds \$100, but is less than  
17 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~  
18 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
19 felony.

20 **\*-4548/2.56\* \*-3266/P1.22\* SECTION 151.** 49.795 (8) (c) of the statutes, as  
21 affected by 2001 Wisconsin Act 16, is amended to read:

22 49.795 (8) (c) For any offense under this section, if the value of the food coupons  
23 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~  
24 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

1           \*~~4548/2.57~~\* \*~~3266/P1.34~~\* SECTION 152. 49.95 (1) of the statutes is  
2           renumbered 49.95 (1) (intro.) and amended to read:

3           49.95 (1) (intro.) Any person who, with intent to secure public assistance under  
4           this chapter, whether for himself or herself or for some other person, wilfully makes  
5           any false representations ~~may, if~~ is subject to the following penalties:

6           (a) If the value of the assistance so secured does not exceed \$300, the person  
7           may be required to forfeit not more than \$1,000; if,

8           (b) If the value of the assistance exceeds \$300 but does not exceed \$1,000, the  
9           person may be fined not more than \$250 or imprisoned for not more than 6 months  
10           or both; if,

11           (c) If the value of the assistance exceeds \$1,000 but does not exceed \$2,500,  
12           \$2,000, the person may be fined not more than \$500 \$10,000 or imprisoned for not  
13           more than 7 years and 6 9 months or both; and if,

14           (d) If the value of the assistance exceeds \$2,500, be punished as prescribed  
15           under s. 943.20 (3) (e) \$2,000 but does not exceed \$5,000, the person is guilty of a  
16           Class I felony.

17           \*~~4548/2.58~~\* SECTION 153. 49.95 (1) (e) and (f) of the statutes are created to  
18           read:

19           49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed  
20           \$10,000, the person is guilty of a Class H felony.

21           (f) If the value of the assistance exceeds \$10,000, the person is guilty of a Class  
22           G felony.

23           \*~~4548/2.59~~\* SECTION 154. 50.065 (1) (e) 1. of the statutes is amended to read:

24           50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats.,  
25           a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),

1 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),  
2 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States  
3 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.  
4 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3),  
5 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)  
6 (a) if committed in this state.

7 \*~~4548/2.60~~\* \*~~3266/P1.35~~\* **SECTION 155.** 51.15 (12) of the statutes is  
8 amended to read:

9 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)  
10 knowing the information contained therein to be false ~~may be fined not more than~~  
11 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a  
12 Class H felony.

13 \*~~4548/2.61~~\* \*~~3266/P1.36~~\* **SECTION 156.** 55.06 (11) (am) of the statutes is  
14 amended to read:

15 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the  
16 information contained therein to be false ~~may be fined not more than \$5,000 or~~  
17 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class H  
18 felony.

19 \*~~4585/2.1~~\* **SECTION 157.** 66.0143 of the statutes is created to read:

20 **66.0143 Local appeals for exemption from state mandates. (1)**

21 DEFINITIONS. In this section:

22 (a) "Political subdivision" means a city, village, town, or county.

23 (b) "State mandate" means a state law that requires a political subdivision to  
24 engage in an activity or provide a service, or to increase the level of its activities or  
25 services.

1           **(2) APPEALS FOR EXEMPTIONS.** (a) A political subdivision may file a request with  
2 the department of revenue for a waiver from a state mandate, except for a state  
3 mandate that is related to any of the following:

4           1. Health.

5           2. Safety.

6           (b) An administrative agency, or the department of revenue, may grant a  
7 political subdivision a waiver from a state mandate as provided in par. (c).

8           (c) The political subdivision shall specify in its request for a waiver its reason  
9 for requesting the waiver. Upon receipt of a request for a waiver, the department of  
10 revenue shall forward the request to the administrative agency which is responsible  
11 for administering the state mandate. The agency shall determine whether to grant  
12 the waiver and shall notify the political subdivision and the department of revenue  
13 of its decision in writing. If no agency is responsible for administering the state  
14 mandate, the department of revenue shall determine whether to grant the waiver  
15 and shall notify the political subdivision of its decision in writing.

16           **(3) DURATION OF WAIVERS.** A waiver is effective for 4 years. The administrative  
17 agency may renew the waiver for additional 4-year periods. If a waiver is granted  
18 by the department of revenue, the department may renew the waiver under this  
19 subsection.

20           **(4) EVALUATION.** By July 1, 2004, the department of revenue shall submit a  
21 report to the governor, and to the appropriate standing committees of the legislature  
22 under s. 13.172 (3). The report shall specify the number of waivers requested under  
23 this section, a description of each waiver request, the reason given for each waiver  
24 request, and the financial effects on the political subdivision of each waiver that was  
25 granted.

1           \*~~4586/2.1~~\* **SECTION 158.** 66.0602 of the statutes is created to read:

2           **66.0602 Limit on rate of tax levy increase. (1) DEFINITIONS.** In this section:

3           (a) "Debt levy" means the political subdivision purpose levy for debt service on  
4           loans under subch. II of ch. 24, bonds issued under s. 67.05, and promissory notes  
5           issued under s. 67.12 (12), less any revenues that abate the levy.

6           (b) "Debt levy rate" means the debt levy divided by the equalized value of the  
7           political subdivision exclusive of any tax incremental district value increment.

8           (c) "Inflation" means the percentage change in the U.S. bureau of labor  
9           statistics consumer price index for Milwaukee and Racine, all items, all urban  
10           consumers, or its successor index.

11           (d) "Municipality" means a city, village, or town.

12           (e) "Operating levy" means the political subdivision levy, less the debt levy.

13           (f) "Operating levy rate" means the total levy rate minus the debt levy rate.

14           (g) "Political subdivision" means a municipality or a county.

15           (h) "Population" has the meaning given in s. 990.01 (29).

16           (i) "Total levy rate" means the political subdivision purpose levy divided by the  
17           equalized value of the political subdivision exclusive of any tax incremental district  
18           value increment.

19           (2) **LIMIT.** Except as provided in sub. (3), no political subdivision whose total  
20           levy rate is equal to or greater than .001 may increase its operating levy rate, each  
21           year, by a percentage that exceeds the sum of all of the following percentages:

22           (a) The increase in inflation from June of the preceding year to June of the  
23           current year.

24           (b) The percentage increase in population in the political subdivision from  
25           preceding year to the current year.



1           **(3) REFERENDUM, EXCEPTIONS.** (a) 1. If the governing body of a political  
2 subdivision wishes to exceed the operating levy rate of increase limit otherwise  
3 applicable to the political subdivision under this section, it shall adopt a resolution  
4 to that effect. The resolution shall specify the operating levy rate and the percentage  
5 increase in the operating levy rate that the governing body wishes to impose. The  
6 governing body shall call a special election for the purpose of submitting the  
7 resolution to the electors of the political subdivision for a referendum on approval or  
8 rejection. In lieu of calling a special election, the governing body may specify that  
9 the referendum be held at the next succeeding spring primary or election or  
10 September primary or general election to be held not earlier than 42 days after the  
11 adoption of the resolution of the governing body. The governing body shall file the  
12 resolution to be submitted to the electors as provided in s. 8.37.

13           2. The question submitted at the referendum shall be as follows: “Under state  
14 law, the operating levy rate of increase for the .... (name of political subdivision), for  
15 the tax to be imposed for the year .... (year), is limited to ....% (the amount calculated  
16 under sub. (2)) that results in an operating levy rate of \$.... per \$1,000 of equalized  
17 value. Notwithstanding the operating levy rate of increase limit, shall the .... (name  
18 of political subdivision) be allowed to exceed this operating levy rate of increase limit  
19 such that the operating levy rate of increase for the year .... (year) will be ....% (the  
20 amount specified in the governing body’s resolution) that results in an operating levy  
21 rate of \$.... per \$1,000 of equalized value?”

22           3. Immediately after expiration of the time allowed to file a petition for a  
23 recount, the clerk of the political subdivision shall certify the results of the  
24 referendum to the department of revenue. If a petition for a recount is filed, the clerk  
25 shall make this certification immediately after the recount has been completed and

1 the time allowed for filing an appeal has passed or, if appealed, immediately after the  
2 appeal is decided. A political subdivision may exceed the operating levy rate of  
3 increase limit otherwise applicable to it under this section in that year such that the  
4 operating levy rate of increase may not exceed the percentage approved by a majority  
5 of those voting on the question. The operating levy rate that results from approval  
6 in a referendum shall be the base rate to which the limit under sub. (2) is applied in  
7 the following year.

8 (b) 1. If a political subdivision transfers to another governmental unit  
9 responsibility for providing any service that the political subdivision provided in the  
10 preceding year, the levy rate of increase limit otherwise applicable under this section  
11 to the political subdivision in the current year is decreased to reflect the cost that the  
12 political subdivision would have incurred to provide that service, as determined by  
13 the department of revenue.

14 2. If a political subdivision increases the services that it provides by adding  
15 responsibility for providing a service transferred to it from another governmental  
16 unit in any year, the levy rate of increase limit otherwise applicable under this  
17 section to the political subdivision in the current year is increased to reflect the cost  
18 of that service, as determined by the department of revenue.

19 (c) This section does not apply to any county in which the operating levy that  
20 the county may impose under s. 59.605 is less than the operating levy that the county  
21 may impose under this section.

22 (d) The limitation in this section does not apply to any increase in a political  
23 subdivision's operating levy that results from complying with a court order.

1 (4) NOTIFICATION. Each year, not later than August 15, the department of  
2 revenue shall notify every political subdivision of the increase in inflation and  
3 population, as described in sub. (2), that applies to the political subdivision.

4 \*~~4507/4.2~~\* SECTION 159. 66.0901 (9) (a) of the statutes is amended to read:

5 66.0901 (9) (a) Notwithstanding sub. (1) (a), in this subsection, “municipality”  
6 does not include the ~~department of transportation~~ state.

7 \*~~4548/2.62~~\* \*~~3266/P1.37~~\* SECTION 160. 66.1207 (1) (b) of the statutes is  
8 amended to read:

9 66.1207 (1) (b) Any person who secures or assists in securing dwelling  
10 accommodations under s. 66.1205 by intentionally making false representations in  
11 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for  
12 which the person would not otherwise be entitled ~~shall be fined not more than~~  
13 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class I felony.

14 \*~~4548/2.63~~\* \*~~3266/P1.38~~\* SECTION 161. 66.1207 (1) (c) of the statutes is  
15 amended to read:

16 66.1207 (1) (c) Any person who secures or assists in securing dwelling  
17 accommodations under s. 66.1205 by intentionally making false representations in  
18 order to receive more than \$25,000 in financial assistance for which the person would  
19 not otherwise be entitled ~~shall be fined not more than \$10,000 or imprisoned for not~~  
20 ~~more than 7 years and 6 months or both~~ is guilty of a Class H felony.

21 \*~~4548/2.64~~\* \*~~3266/P1.39~~\* SECTION 162. 69.24 (1) (intro.) of the statutes is  
22 amended to read:

23 69.24 (1) (intro.) Any person who does any of the following ~~shall be fined not~~  
24 ~~more than \$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class  
25 I felony:

1           \*~~4548/2.65~~\* \*~~3266/P1.40~~\* **SECTION 163.** 70.47 (18) (a) of the statutes is  
2 amended to read:

3           70.47 (18) (a) Whoever with intent to injure or defraud alters, damages,  
4 removes or conceals any of the items specified under subs. (8) (f) and (17) ~~may be fined~~  
5 ~~not more than \$1,000 or imprisoned for not more than 3 years or both~~ is guilty of a  
6 Class I felony.

7           \*~~4575/3.1~~\* **SECTION 164.** 71.01 (6) (g) of the statutes is repealed.

8           \*~~4575/3.2~~\* **SECTION 165.** 71.01 (6) (h) of the statutes is repealed.

9           \*~~4575/3.3~~\* **SECTION 166.** 71.01 (6) (i) of the statutes is amended to read:

10           71.01 (6) (i) For taxable years that begin after December 31, 1993, and before  
11 January 1, 1995, for natural persons and fiduciaries, except fiduciaries of nuclear  
12 decommissioning trust or reserve funds, "Internal Revenue Code" means the federal  
13 Internal Revenue Code as amended to December 31, 1993, excluding sections 103,  
14 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203  
15 (d), and 13215 of P.L. 103-66 and as amended by P.L. 103-296, P.L. 103-337, P.L.  
16 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L. 104-188, excluding  
17 section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206  
18 and, P.L. 105-277, and P.L. 106-554, and as indirectly affected by P.L. 99-514, P.L.  
19 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L.  
20 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and  
21 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections  
22 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103-66, P.L. 103-296,  
23 P.L. 103-337, P.L. 103-465, P.L. 104-7, excluding section 1 of P.L. 104-7, P.L.  
24 104-188, excluding section 1311 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.  
25 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554. The Internal Revenue