



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

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LRB-4866/3
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SENATE BILL

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.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill provides and adjusts levels of funding for various state programs. The bill also creates and revises programs and makes changes in various laws, lapses funds from program revenue appropriations, and transfers funds from segregated funds to the general fund. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In most cases, changes in the amounts of existing spending authority, changes in the amounts of bonding authority under existing bonding programs, and lapses and transfers of funds are not discussed.

For additional information concerning this bill, see the department of administration's publication *Budget Reform Bill Summary* and the executive budget books, the legislative fiscal bureau's summary document, and the legislative reference bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

The sections of this bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "laws of [year], chapter" from 1848 to 1981, and "[year] Wisconsin Act" beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Appropriation changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Adolescent pregnancy prevention and pregnancy services board.**
- XX03 Aging and long-term care board.**
- XX04 Agriculture, trade and consumer protection.**
- XX05 Arts board.**
- XX06 Boundary area commission, Minnesota-Wisconsin.**
- XX07 Building commission.**
- XX08 Child abuse and neglect prevention board.**
- XX09 Circuit courts.**
- XX10 Commerce.**
- XX11 Corrections.**
- XX12 Court of appeals.**
- XX13 District attorneys.**
- XX14 Educational communications board.**
- XX15 Elections board.**
- XX16 Employee trust funds.**
- XX17 Employment relations commission.**
- XX18 Employment relations department.**
- XX19 Ethics board.**
- XX20 Financial institutions.**
- XX21 Governor.**
- XX22 Health and Educational Facilities Authority.**
- XX23 Health and family services.**
- XX24 Higher educational aids board.**
- XX25 Historical society.**
- XX26 Housing and Economic Development Authority.**
- XX27 Insurance.**
- XX28 Investment board.**
- XX29 Joint committee on finance.**
- XX30 Judicial commission.**

- XX31 Justice.**
- XX32 Legislature.**
- XX33 Lieutenant governor.**
- XX34 Lower Wisconsin state riverway board.**
- XX35 Medical College of Wisconsin.**
- XX36 Military affairs.**
- XX37 Natural resources.**
- XX38 Personnel commission.**
- XX39 Public defender board.**
- XX40 Public instruction.**
- XX41 Public lands, board of commissioners of.**
- XX42 Public service commission.**
- XX43 Regulation and licensing.**
- XX44 Revenue.**
- XX45 Secretary of state.**
- XX46 State fair park board.**
- XX47 Supreme Court.**
- XX48 Technical college system.**
- XX49 Technology for educational achievement in Wisconsin board.**
- XX50 Tobacco control board.**
- XX51 Tourism.**
- XX52 Transportation.**
- XX53 Treasurer.**
- XX54 University of Wisconsin Hospitals and Clinics Authority.**
- XX55 University of Wisconsin Hospitals and Clinics Board.**
- XX56 University of Wisconsin System.**
- XX57 Veterans affairs.**
- XX58 Workforce development.**
- XX59 Other.**

For example, for general nonstatutory provisions relating to the historical society, see SECTION 9125. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "59" (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used acronyms appearing in the analysis.

- DATCP . . . Department of Agriculture, Trade and Consumer Protection
- DEG Department of Electronic Government
- DER Department of Employment Relations
- DETF Department of Employee Trust Funds

DFI Department of Financial Institutions
DHFS Department of Health and Family Services
DMA Department of Military Affairs
DNR Department of Natural Resources
DOA Department of Administration
DOC Department of Corrections
DOJ Department of Justice
DOR Department of Revenue
DOT Department of Transportation
DPI Department of Public Instruction
DRL Department of Regulation and Licensing
DVA Department of Veterans Affairs
DWD Department of Workforce Development
JCF Joint Committee on Finance
OCI Office of the Commissioner of Insurance
PSC Public Service Commission
UW University of Wisconsin
WHEDA Wisconsin Housing and Economic Development Authority
WHEFA Wisconsin Health and Educational Facilities Authority

AGRICULTURE

Current law authorizes DATCP to grant \$240,000 in each fiscal year to Dane County to assist in paying the costs of operating an exposition center and of hosting the World Dairy Expo at the exposition center. This bill eliminates the authority and the funding for those grants.

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill requires the department of commerce to establish a grants management office to identify public and private sources of grants, act as a clearinghouse for those sources of grants, and offer to governmental agencies, nonprofit organizations, school boards, charter schools, and private schools training and assistance in pursuing grants.

Under the Business Development Initiative Program, the department of commerce provides technical assistance and grants to individuals, small businesses, and nonprofit organizations for developing and planning the start-up or expansion of a business that is expected to provide job opportunities for persons with severe disabilities. This bill eliminates the Business Development Initiative Program.

COMMERCE

Uniform Electronic Transactions Act

Currently, various state and federal laws govern the use of electronic documents and signatures, the most significant one being the federal Electronic Signatures in Global and National Commerce Act, or "E-sign." E-sign generally preempts inconsistent state laws.

This bill enacts a version of the Uniform Electronic Transactions Act (UETA), which was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999. Although enactments of this approved version of UETA are not preempted by E-sign, because this bill makes certain substantive changes to the approved version of UETA that render the bill inconsistent with the approved version, it is difficult to determine whether a court would consider the bill preempted by E-sign. Because some of the unchanged UETA provisions are ambiguous, this analysis does not cover all potential legal effects of these ambiguous provisions.

Like E-sign, the bill primarily affects the use of electronic documents and electronic signatures in transactions. Under the bill's broad definitions, such things as information stored on a computer disk or a voice mail recording would likely qualify for use as an electronic document. However, like E-sign, this bill does not apply to the execution of wills, to testamentary trusts, or to a transaction governed by any chapter of this state's version of the Uniform Commercial Code other than the chapter dealing with sales of goods. Unlike current law under E-sign and the version of UETA recommended for enactment in all of the states, the bill also specifically exempts deeds and cancellation notices for local telecommunications services.

Like E-sign, this bill specifies that a document or signature may not be denied legal effect or enforceability solely because it is in electronic form. Unlike E-sign, this bill provides that an electronic document satisfies any law requiring a document to be in writing and that an electronic signature satisfies any law requiring a signature. The bill does not require the use of electronic documents or electronic signatures. Rather, the bill applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. However, unlike current law under E-sign, this bill does not contain any protections that specifically apply only to consumer transactions. The consumer protections currently in effect under E-sign would arguably have no effect in this state upon the enactment of this bill.

Under this bill, a person may use an electronic document in a transaction to satisfy any law requiring the person to provide, send, or deliver information in writing to another person, if the electronic document satisfies certain conditions. Although the bill also states that a document relating to a transaction may not be denied legal effect solely because it is in electronic form, the bill likely permits a person to deny the legal effect of an electronic document that does not satisfy these conditions. The bill also appears to require the parties to a transaction to comply with any legal requirement relating to the provision of information *other than a requirement that the information be provided on paper.*

The bill establishes the time and location of the sending and receipt of an electronic document, although the parties to a transaction may agree to alter the effect of these provisions. The bill also permits a sender to expressly provide in an electronic document that the document is deemed to be sent from a different location. The bill also establishes the legal effects of any change or error in an electronic document that occurs in a transmission between the parties to a transaction. These effects depend in part upon whether the parties have consented to the use of a

security procedure and whether the transaction is an automated transaction involving an individual.

This bill generally permits the use of an electronic document to satisfy any law that requires document retention. An electronic document retained in compliance with these provisions has the same legal status as the original document and need not contain any information the sole purpose of which is to enable the document to be sent, communicated, or received. Under current law, this ancillary information is normally required to be retained if the document to which it is attached is required to be retained.

The bill does not apply to any new laws enacted by this state, after enactment of this bill, that prohibit a person from using an electronic document to satisfy any requirement that the person retain a document for evidentiary, audit, or like purposes.

In addition, the bill does not preclude a governmental unit of this state from imposing additional requirements for the retention of any document on another governmental unit subject to its jurisdiction. It is unclear how this provision relates to other provisions of the bill which provide that an electronic document satisfies any retention requirement as long as specified requirements relating to accuracy and accessibility are also satisfied. This provision is narrower than the corresponding provision included in the version of UETA recommended for enactment in all the states in that the corresponding provision is not specifically limited in its application to documents of governmental units.

Like E-sign, this bill also permits electronic notarization, acknowledgement, or verification of a signature or document relating to a transaction, as long as the electronic signature of the person performing the notarization, acknowledgement, or verification is accompanied by all other information required by law. Unlike current law under E-sign and the version of UETA recommended for enactment in all the states, an electronic notarization under this bill must also comply with rules promulgated by DEG and the secretary of state. In addition, unlike the version of UETA recommended for enactment in all the states, this bill provides that public records retention requirement currently in effect in this state continue to apply. The bill also permits the public records board to promulgate rules prescribing additional records retention standards and DEG to promulgate rules with regard to the use of electronic documents and signatures by governmental units.

Electronic mail prohibitions

This bill prohibits the user of an electronic mail service from sending an electronic mail solicitation or chain letter that uses the service provider's equipment in a manner that violates the provider's solicitation or chain letter policy. The bill also prohibits any person from sending an electronic mail message or chain letter to an Internet user that uses the equipment of the Internet user's electronic mail service provider in a manner that violates the provider's solicitation or chain letter policy.

These prohibitions apply only if the electronic mail service provider displays the solicitation or chain letter policy on the home page of its Internet Web site and makes printed copies of the policy available at no charge. The bill provides for

damages for an electronic mail service provider injured by a person who violates either prohibition more than 30 days after the policy is displayed on the home page.

The bill also prohibits a person from sending an electronic mail solicitation unless the person includes, with the solicitation, a return electronic mail address or notice of a toll-free telephone number that the recipient may use to notify the person that the recipient does not want to receive solicitations. If the recipient notifies the person, the person may not send another solicitation to the recipient. In addition, the bill prohibits a person from knowingly sending an electronic mail message that represents that the message is from another person without the consent of that person or that the message is from an Internet domain name without the consent of the person that registered the name.

Internet privacy

This bill imposes certain requirements on a person that maintains Web sites to conduct business in Wisconsin. First, the person may not disclose, in exchange for anything of value, information about a state resident that is obtained from the resident's use of the Internet, unless the resident consents to the disclosure. Second, the person may not request a child to provide, through the Internet, personal information about the child, unless the person makes a reasonable effort to obtain the consent of the child's parent or legal guardian.

The bill also requires the person maintaining the Web site to display on the home page of the Web site a description of any information that the person collects about visitors to the Web site, including any information that is sold or provided to third parties. If the person sells or provides information to third parties, the person must allow a visitor to the Web site to notify the person whether or not the visitor consents to the sale or provision of information. If the visitor does not consent, the person may not sell or provide the information.

CORRECTIONAL SYSTEM

This bill reduces the funding and position authorization for DOC for the purpose of delaying the opening of the New Lisbon Correctional Institution, Highview Correctional Institution, the Oshkosh Correctional Institution segregation unit, the Winnebago and Sturtevant workhouses, and the Racine probation and parole holding facilities that were authorized in 2001 Wisconsin Act 16.

Under current law, DOC may establish a secure work program for inmates, under which the inmates are assigned to work away from the grounds of their institution but are restrained and required to wear distinctively colored clothing. This bill eliminates DOC's authority to operate such a program.

Under current law, DOC may require, as a condition of probation, that a serious child sex offender (a person who has been convicted of sexual assault of a child under the age of 13) who is on or being placed on probation undergo antiandrogen treatment (pharmacological treatment using a substance that inhibits the biological effects of male hormones such as testosterone). DOC or the parole commission may also impose such a requirement as a condition of parole, but may not base a decision to parole the offender on the offender's suitability or willingness to undergo the treatment.

A person confined in a state prison for an offense committed before December 31, 1999, is generally entitled to be released on his or her mandatory release date; that is, once he or she has served two-thirds of his or her sentence. However, if a person is sentenced to imprisonment for certain serious felonies, including sexual assault of a child, the mandatory release date is merely a presumptive mandatory release date. The parole commission may deny such a person presumptive mandatory release if, among other things, the person is a child sex offender who refuses to participate in recommended antiandrogen treatment.

This bill eliminates the antiandrogen treatment program.

Under current law, DOC must provide adequate health care to an inmate but must generally require the inmate to pay a charge of at least \$2.50 for each request for health services. This bill requires DOC to promulgate emergency rules increasing the charge to at least \$7.50 for each request.

Under current law, DOC must charge a fee to each person on probation, parole, or extended supervision to partially reimburse DOC for providing supervision and services. If the person is subject to medium, maximum, or high risk supervision by DOC, DOC must have a goal of receiving at least \$1 per day, if appropriate, from the person. This bill requires DOC to promulgate emergency rules requiring DOC to have a goal of receiving at least \$2 per day.

COURTS AND PROCEDURE

Under current law, generally, when a person files a civil action or appeal in circuit court, the person must pay a court support services fee of \$40 in addition to the regular filing fee. This bill raises the fee to \$52. If the amount of the recovery sought exceeds \$5,000 (the limit in small claims actions), a person must pay a court support services fee of \$100 in addition to the regular filing fee. This bill raises the fee to \$130. If the amount of the recovery sought is no more than \$5,000, the person must pay a court support services fee of \$30 in addition to the regular filing fee. This bill raises the \$30 filing fee to \$39.

CRIMES

FELONY PENALTIES

Under current law, crimes punishable by imprisonment of more than one year are felonies. Virtually every felony created in the criminal code is put in one of six classes (Class A, B, BC, C, D, or E), and each class has a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For other classified felonies committed on or after December 31, 1999, the maximum terms of imprisonment are as follows:

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

Except for Class A and Class B felonies, which are not punishable by a fine, each classified felony has a maximum fine of \$10,000.

This bill does the following with respect to criminal offenses and penalties for them:

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

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

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

As a general rule, the bill places a felony offense into a felony class based on the maximum amount of time that a person committing the offense before December 31, 1999, could serve in prison before being released on parole under the mandatory release law (see below, item 1 under **THE STRUCTURE OF FELONY SENTENCES**, item 1). However, in some cases a felony is placed in a higher or lower felony class than the one based on the mandatory release date for a maximum sentence for an offense committed before December 31, 1999. For those felony offenses that are reduced to misdemeanor offenses under the bill, the new penalty for the offense is a fine of not more than \$10,000 or imprisonment of not more than nine months or both.

3. *Changes in property offenses.* Under current law, the penalties for certain property offenses in the criminal code (such as theft, criminal damage to property, receiving stolen property, issuing worthless checks, and various kinds of fraud) are based on the value of the property stolen or damaged. Before the enactment of 2001 Wisconsin Act 16, the threshold between misdemeanor and felony penalties for most of these crimes was \$1,000. Thus, if the value of the property involved was \$1,000 or less, the crime was a misdemeanor, and if the value of the property involved was more than \$1,000 the crime was a felony. For some crimes, the severity of the felony penalties also depends on the dollar value of the property involved. Thus, before the enactment of Act 16, if a person committed the offense of theft and the value of the property involved was more than \$1,000 but not more than \$2,500, the person was

guilty of a Class E felony. If the value of the property involved exceeded \$2,500, the person was guilty of a Class C felony. Act 16, however, set the threshold between misdemeanors and felonies for most property offenses in the criminal code that are based on the dollar value of the property involved at \$2,500.

This bill restores the thresholds between misdemeanors and felonies for criminal code property offenses that are based on the dollar value of the property involved to their pre-Act 16 levels.

The bill also assigns new classifications for these property offenses based on the value of the property involved. To illustrate, under the bill, theft is penalized as follows:

<u>Dollar Value of Property Involved</u>	<u>Class of Misdemeanor or Felony</u>
\$1,000 or less	Class A misdemeanor
More than \$1,000 but not more than \$5,000	Class I felony
More than \$5,000 but not more than \$10,000	Class H felony
More than \$10,000	Class G felony

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

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

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

- A) Stalking (Class I felony).
- B) Criminal damage to railroad property (Class I felony).
- C) Possession of a firearm in a school zone (Class I felony).
- D) Discharge of a firearm in a school zone (Class G felony).

7. *Elimination of certain minimum penalty provisions.* Current law requires a court to impose a minimum sentence of imprisonment in certain cases. In other cases current law specifies a minimum sentence of imprisonment but also allows a court, in the exercise of its discretion, to impose a lesser sentence of imprisonment or no imprisonment at all (a presumptive minimum prison sentence). For the most part, this bill eliminates both mandatory and presumptive minimum prison

sentences for felony offenses. The bill, however, does not eliminate mandatory prison sentence requirements for Class A felonies, which carry a mandatory sentence of life imprisonment (see below, **SENTENCES OF LIFE IMPRISONMENT**), nor does it change the persistent repeater penalty enhancers (often called the “three strikes, you’re out” and “two strikes, you’re out” laws), which require a sentence of life imprisonment without possibility of release. It also does not change the requirement that a person be given a minimum sentence of imprisonment if he or she is convicted of a repeat serious sex crime or a repeat violent crime, although the bill provides that, instead of a minimum sentence of five years, the court must impose a bifurcated sentence that includes a minimum term of confinement in prison of three years and six months (see below, **THE STRUCTURE OF FELONY SENTENCES**, item 2, for a description of bifurcated sentences). In addition, the bill does not change the minimum mandatory sentence of six months for fifth and subsequent offenses of operating a motor vehicle while intoxicated.

8. *Elimination of mandatory consecutive sentences.* Under current law, a court sentencing a person convicted of a crime generally may provide that any sentence imposed run concurrent with or consecutive to any other sentence imposed at the same time or any sentence imposed previously. However, a court must impose a consecutive sentence if the person was convicted of certain escape offenses, possession or discharge of a firearm in a school zone, using or possessing a handgun and an armor-piercing bullet while committing another crime, or violating conditions of lifetime supervision by committing another crime. This bill eliminates the requirement that consecutive sentences be imposed in these cases. The bill also imposes new requirements relating to bifurcated sentences and sentences imposed under current law that are ordered to run consecutively to each other (see below, **THE STRUCTURE OF FELONY SENTENCES**, item 3-C).

PENALTY ENHANCERS

Current law contains various penalty enhancers if the crime is committed under certain circumstances. For instance, current law provides penalty enhancers for committing a crime using a dangerous weapon or committing a crime against a victim chosen because of his or her race, religion, color, disability, sexual orientation, national origin, or ancestry (the “hate crime” enhancer). Current law also provides for penalty enhancers that may be triggered by the defendant’s status at the time he or she committed the crime. For instance, current law provides a penalty enhancer for habitual criminals and for persons responsible for the welfare of a child who commit certain crimes against the child.

The bill retains the current penalty enhancers for: habitual criminals; using a dangerous weapon in the commission of a crime; committing a violent crime in a school zone; committing certain domestic abuse offenses within 72 hours after an arrest for a domestic abuse incident; committing a “hate crime”; distributing a controlled substance to a person under the age of 17; and distributing a controlled substance within 1,000 feet of a school, park, correctional institution, or certain other facilities. The bill eliminates the remaining penalty enhancers and instead includes them in a list of aggravating factors that a court must consider when sentencing a person.

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

THE STRUCTURE OF FELONY SENTENCES (OTHER THAN LIFE SENTENCES)

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

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

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

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

C) The term of extended supervision must equal at least 25% of the length of the term of confinement in prison. There is no limit on the length of the term of extended supervision, other than the limit that results from the requirements that the term of confinement in prison portion of a bifurcated sentence be at least one year and that the total bifurcated sentence not exceed the maximum term of imprisonment specified by law for the crime.

During the term of extended supervision, the person is subject to supervision by DOC and is subject to conditions set by both the court and DOC. If a person violates a condition of, or DOC rule related to, extended supervision, the person's

extended supervision may be revoked in an administrative proceeding and the person may be returned to serve a period of time in prison.

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

A) The bill establishes new maximum terms of confinement in prison for all felony classes, except for Class A and Class B. The bill also limits the amount of extended supervision that a court can impose for classified felonies. The maximum term of confinement in prison and the maximum term of extended supervision for each classified felony (other than Class A felonies) is as follows:

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

B) When a court is imposing a bifurcated sentence it must consider any advisory sentencing guidelines for the offense adopted by the sentencing commission (see below, **SENTENCING COMMISSION**) or, if the sentencing commission has not adopted guidelines for the offense, the temporary advisory guidelines adopted by the criminal penalties study committee (created by 1997 Wisconsin Act 283). In addition, the bill requires the sentencing court to consider the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant, along with any applicable mitigating and aggravating circumstances. The bill includes a partial list of aggravating circumstances that a court must consider, which incorporates the provisions of current penalty enhancers eliminated by the bill (see above, **PENALTY ENHANCERS**). The bill also generally requires the court to state the reasons for its sentencing decision in open court and on the record.

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

D) The bill allows DOC to take custody of a person who is on extended supervision in order to investigate an alleged violation of a condition of extended

supervision. If a person on extended supervision admits that he or she has violated a condition or rule of extended supervision, DOC may confine the person for not more than 90 days in a DOC regional detention facility or, with the consent of the sheriff, in a county jail.

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

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

G) Older prisoners who have been given a bifurcated sentence may petition the sentencing court for a modification of the terms of the sentence if they are 65 years of age or older and have served at least five years of the term of confinement in prison portion of their bifurcated sentence or are 60 years of age or older and have served at least ten years of the term of confinement in prison portion of the bifurcated sentence. The prisoner files a petition with the prison's program review committee, which may then refer the petition to the sentencing court if it finds that the public interest would be served by a modification of the prisoner's bifurcated sentence. If a petition is referred to a sentencing court, the court must determine whether the public interest would be served by a modification of the prisoner's bifurcated sentence. The victim of the prisoner's crime has a right to provide a statement concerning the modification of the sentence.

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

H) A prisoner who has been given a bifurcated sentence and who has a terminal condition (defined as an incurable condition caused by injury, disease, or illness, as a result of which the person has a medical prognosis that his or her life expectancy is 6 months or less) may petition the sentencing court for a modification of the terms of the sentence. The conditions under which and the manner by which a court may modify a bifurcated sentence for such a person are identical to those that are described in the second and third paragraphs of item 3-G, except that the prisoner must submit affidavits from two physicians setting forth a diagnosis that the prisoner has a terminal condition.

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

SENTENCES OF LIFE IMPRISONMENT

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

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the court who is sentencing the person to life imprisonment must do one of the following: 1) provide that the person is eligible for release to extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life imprisonment who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (see above, **THE STRUCTURE OF FELONY SENTENCES**, item 2-C), may have his or her extended supervision revoked in an administrative proceeding and be returned to prison if he or she violates a condition of extended supervision or a rule promulgated by DOC relating to extended supervision. A person returned to prison after a revocation of extended supervision may not petition for rerelease to extended supervision until he or she has served a period of time back in prison. The time period, which must be at least five years, is determined by an administrative law judge or, if the person waived a revocation hearing, by DOC.

This bill changes the procedures regarding revocation of extended supervision for a person serving a life sentence in the same way that it does for a person serving a bifurcated sentence. (See above, **THE STRUCTURE OF FELONY SENTENCES**, items 3-D and 3-E.) The only difference is that when extended supervision of a person serving a life sentence is revoked, the recommendation by DOC or an administrative law judge and the court's final decision concerning the amount of time for which the person should be returned to prison must provide for the person to be returned to prison for at least five years.

SENTENCING COMMISSION

This bill creates a sentencing commission that must study sentencing practices throughout the state. Using the information it obtains, the sentencing commission must adopt advisory sentencing guidelines for judges when imposing sentences for felonies committed on or after the effective date of the changes made in this bill regarding felony classifications. The sentencing commission must also assist the legislature in assessing the cost of changes in statutes affecting criminal sentencing and provide information regarding sentencing to judges, lawyers, state agencies, and the legislature. The sentencing commission is abolished on December 31, 2007.

JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES

This bill creates a joint review committee on criminal penalties to review proposed legislation that creates a new crime or revises a penalty for an existing crime. The joint review committee is comprised of one majority party member and one minority party member from each house of the legislature, the attorney general or his or her designee, the secretary of corrections or his or her designee, the state public defender or his or her designee, two reserve judges, and two members of the public appointed by the governor, one of whom must have law enforcement experience in this state and one of whom must be an elected county official.

Under the bill, when a bill that is introduced in either house of the legislature proposes to create a new crime or revise a penalty for an existing crime, a standing committee to which the bill is referred may not vote on whether to recommend the bill for passage and the bill may not be passed by the house in which it is introduced before the joint review committee submits a report on the bill or, if a report is requested by the speaker of the assembly or the presiding officer of the senate, before the 30th day after the report is requested, whichever is earlier. The report must address such issues as the costs that are likely to be incurred or saved if the bill is enacted, the consistency of penalties proposed in the bill with existing criminal penalties, and whether acts prohibited under the bill are prohibited under existing criminal statutes.

Finally, the bill requires the joint review committee to recommend standards and procedures to be used by a court to modify a bifurcated sentence and to propose legislation to implement those recommendations.

LAW ENFORCEMENT TRAINING

Under current law, no person may be appointed permanently as a law enforcement or tribal law enforcement officer unless he or she first completes law enforcement training approved by the law enforcement standards board and has been certified by the board as being qualified to be a law enforcement or tribal law enforcement officer. This bill requires that, as of January 1, 2003, the training include training on responding to acts of terrorism.

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the state determines how much general school aid to appropriate to pay two-thirds of statewide school costs (two-thirds funding). This

bill provides that certain referendum-approved debt service is not aided, thus lowering the amount of aid needed to meet two-thirds funding.

Under the current three-tiered school aid formula, the first tier of support is for costs shared between the state and school district up to a primary cost ceiling of \$1,000 per pupil. The state's share at this level is calculated using a guaranteed property valuation of \$2,000,000 per pupil. Every school district is guaranteed no less in general aid than this primary aid amount. This bill reduces this primary guarantee to \$1,930,000.

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. This bill replaces the inflation-based adjustment with a flat \$210 per pupil increase for the revenue limit calculated for the 2002-03 school year, although the bill allows a school board to override this change by a two-thirds vote. The bill directs DPI to encourage school districts to accommodate this reduction in the revenue limit increase without negatively affecting their instructional programs.

Current law requires each school board and charter school that operates high school grades to administer a high school graduation examination to all 11th and 12th grade pupils beginning in the 2002-03 school year. This bill delays implementation of the examination until the 2004-05 school year.

HIGHER EDUCATION

This bill prohibits the UW board of regents from increasing the average tuition charged a resident undergraduate in the 2002-03 academic year compared to the average tuition charged a resident undergraduate in the 2001-02 academic year by more than 10% without first obtaining the approval of JCF and DOA.

This bill appropriates moneys from the utility public benefits fund for paying a portion of the energy costs of the UW System in fiscal year 2001-02 and fiscal year 2002-03. The bill also prohibits the UW board of regents from spending a portion of its general purpose revenue funding for energy costs in fiscal year 2001-02 and fiscal year 2002-03 without the approval of DOA.

Currently, the rate of the property tax levied by a technical college district board is limited to 1.5 mills. This bill provides that the amount of that levy is limited to the lesser of the amount generated by a levy rate of 1.5 mills or the amount levied in the previous year increased by the rate of inflation. If a district board's limit is the latter, it may exceed this limit (but not the 1.5 mill rate limit) if it obtains the approval of the district electors at a referendum.

The bill also limits the increase in fees charged technical college students in the 2002-03 school year to 10%.

Under current law, the technical college system board awards a \$500 grant to each recent high school graduate who enrolls in the system and maintains a 2.0 grade point average. This bill eliminates this grant program.

Instead, the bill directs the board to pay a student's tuition and fees at a technical college if the student has been terminated or laid off from employment, has

been referred to the technical college by a local work force development board, and has maintained a 2.0 grade point average.

Current law authorizes the technical college system board to establish and supervise training programs in fire prevention and protection. This bill requires the programs to include training in responding to acts of terrorism.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

This bill eliminates funding for the Milwaukee Public Museum effective July 1, 2002.

ENVIRONMENT

Current law requires a person to pay a supplemental title fee when the person applies for a certificate of title for a new motor vehicle or for a certificate of title after a transfer of ownership of a used motor vehicle. The supplemental title fees are deposited into the transportation fund. On each October 1, an amount equal to the amount of the supplemental title fees collected during the previous fiscal year is transferred from the general fund to the environmental fund.

This bill reduces the amount of the transfer from the general fund to the environmental fund by \$555,000 per fiscal year beginning in fiscal year 2002-03.

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHFS must award grants to community health centers that provide primary health care and social services to low-income persons. This bill eliminates the grants to community health centers on July 1, 2002.

This bill expands training requirements for initial licensure or licensure renewal as emergency medical technicians or initial certification or certification renewal as first responders to require that, as of January 1, 2003, applicants satisfactorily complete training for response to acts of terrorism.

Beginning in 2004, JCF annually must transfer to the tobacco control fund from the permanent endowment fund the lesser of \$25,000,000 or 8.5% of the market value of the investments in the permanent endowment fund. Beginning in 2004, this bill annually transfers from the general fund to the tobacco control fund an amount equal to \$25,000,000 less the amount transferred to the tobacco control fund by JCF from the permanent endowment fund in that year.

Under current law, DHFS provides financial assistance for the treatment of kidney disease, cystic fibrosis, and hemophilia. This bill permits DHFS to provide this financial assistance only if the person has first applied for assistance under all other state-funded health care assistance programs for which the person may be eligible.

Current law requires that the financial assistance for the treatment of kidney disease be equal to the allowable charges for that treatment under the federal medicare program. This bill eliminates that requirement. The bill also provides that if the amounts appropriated for this financial assistance are insufficient to assist all eligible persons, DHFS may establish waiting lists and may assign priorities to persons on those waiting lists.

MEDICAL ASSISTANCE

This bill requires the secretary of health and family services to create a prescription drug prior authorization committee to advise DHFS on issues related to prior authorization decisions concerning prescription drugs for medical assistance recipients.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

This bill appropriates moneys from the utility public benefits fund for paying a portion of the energy costs of DHFS in fiscal year 2002–03. The bill also prohibits DHFS from spending a portion of its general purpose revenue funding for energy costs in fiscal year 2002–03 without the approval of the secretary of administration.

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS may confine a person who has been found to be sexually violent in an institution, after which the person may petition the court to order his or her supervised release. If the person is a serious child sex offender, the court, when deciding whether he or she should be placed on supervised release, may consider what arrangements are available to ensure that the person has access to and will participate in antiandrogen treatment or other necessary treatment, although the court may not base a decision to release a sexually violent person who is a child sex offender on the person's suitability or willingness to undergo the treatment. If the court finds that the person is appropriate for supervised release, DHFS and the social services department of the county in which the person will reside must prepare a plan — which the court must approve — that identifies the person's needs for treatment and services, including antiandrogen treatment. This bill eliminates the antiandrogen treatment program.

LOCAL GOVERNMENT

Under current law, shared revenue (which includes payments under the shared revenue program, the public utility distribution program, the county mandate relief program, the expenditure restraint program, and the small municipality shared revenue program) is paid from the general fund. This bill reduces the total amount of shared revenue payments in 2002 and 2003 and eliminates shared revenue beginning in 2004.

Under the bill, in 2002 and 2003, DOR determines the shared revenue payments to be paid to each municipality and county in that year. DOR then reduces those payments by subtracting an amount based on the municipality's or county's population, so that the total amount of the reduction to all the payments in each year is \$350,000,000.

Under the bill, in 2002 and 2003, a portion of the payments under the shared revenue programs will be paid from moneys in the permanent endowment fund, which consists of all the proceeds from the sale of the state's right to receive payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and all investment earnings on the proceeds. In 2002, the amount from the permanent endowment fund to make payments under the shared revenue programs is \$580,000,000 less any amount expended from the permanent endowment fund for purposes relating to the contracting of public debt during the 2001–02 fiscal year.

In 2003, the amount from the permanent endowment fund to make the payments is the amount, determined by DOA, that is not designated for other purposes. In addition, the bill appropriates moneys from the permanent endowment fund, in an amount determined by DOA, for purposes relating to the contracting of public debt.

Under current law, with some exceptions, no county may impose an operating levy (the county purpose levy less the debt levy) at an operating levy rate (the total levy rate less the debt levy rate) that exceeds .001 or the operating levy rate in 1992, whichever is greater. A county may exceed the limit if its board adopts a resolution to do so and the resolution is approved by the electors of the county in a referendum. The limit may also be exceeded if a county increases the services that it provides by adding responsibility for providing a service transferred to the county by another governmental unit. If a county exceeds the limit, DOR must reduce the county's shared revenue payment and may ask DOT to reduce the county's general transportation aid payments.

Under this bill, generally no city, village, town, or county (political subdivision) whose total levy rate is at least one mill may annually increase its operating levy by a percentage that exceeds the sum of the rate of increase of inflation and population growth in the political subdivision. A political subdivision may exceed this limit if its governing body adopts a resolution to do so and the resolution is approved by the electors of the political subdivision in a referendum. The limit does not apply to any increase in a political subdivision's operating levy that results from complying with a court order, and may be adjusted to account for a transfer of responsibility to provide a service between units of government.

In addition, the limit on the increase in the levy under the bill does not apply in any county in which the operating levy that the county may impose under current law is less than the operating levy that the county may impose under the levy rate limit imposed by the bill.

This bill authorizes a political subdivision to request a waiver from a state mandate (a requirement for a political subdivision to engage in an activity or provide a service, or to increase the level of its activities or services), other than a state mandate in the area of health or safety.

The appropriate agency, or DOR, determines whether to grant the request and notifies the political subdivision and DOR in writing. A waiver is effective for four years and may be extended.

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, if the building commission sells a state-owned building or structure, the commission must first use the net proceeds of the sale to retire any public debt incurred to finance construction or acquisition of the building or structure. Any remaining net proceeds are appropriated to JCF for use as determined by JCF.

This bill provides that if, before to July 1, 2003, the building commission sells any or all of the state office buildings located at 123 West Washington Avenue (Lorraine Building), 121 East Wilson Street (Lake Terrace Building), or 149 East Wilson Street in the city of Madison the commission must deposit the net proceeds

of the sale, after retiring any outstanding debt incurred in constructing or acquiring the buildings, into the general fund.

The bill also provides that if, during the period beginning on July 1, 2001, and ending on the day before the effective date of this bill, the building commission sold one of these state office buildings and any portion of the proceeds of that sale was appropriated to JCF, then on that effective date an amount equivalent to the lesser of the amount appropriated or the unencumbered balance in that appropriation is transferred to the general fund.

Currently, as work proceeds on a state building project, the state makes payments to the contractors, but the state retains 10% of the value of the work to be performed until 50% of the value of the work is completed. Under this bill, the state retains not more than 5% of the value of the work to be performed.

STATE EMPLOYMENT

This bill requires the secretary of administration to determine the number of positions in each state agency not funded as a result of any reduction in state agency operations appropriations under 2001 Wisconsin Act 16 for the 2001-03 fiscal biennium or any reduction in the appropriations under this bill and to notify JCF of the determination. If the cochairpersons of JCF do not notify the secretary within 14 working days that the committee has scheduled a meeting to review the determination, the secretary must reduce each state agency's authorized positions for the 2002-03 fiscal year by the number of unfunded positions for that state agency. If, within 14 working days, the chairpersons of JCF notify the secretary that JCF has scheduled a meeting to review the determination, the secretary may make the reductions in the authorized positions only upon approval of JCF.

STATE FINANCE

Under current law, if the secretary of administration determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than 0.5% of the estimated general purpose revenue appropriations for that fiscal year, the secretary must immediately notify the governor, the presiding officers of each house of the legislature, and JCF. The governor must then submit a bill to correct the imbalance between projected revenues and authorized expenditures. If the legislature is not in a floorperiod at the time of the secretary's notification, the governor must call a special session of the legislature and submit the bill for consideration at that session.

This bill revises the process by which the secretary and the governor may correct budgetary imbalances. Under the bill, in each even-numbered year, the LFB must prepare an estimate of general purpose revenue receipts and expenditures for the current fiscal biennium. In addition, at any time during a fiscal biennium, DOA and DOR may prepare an estimate of general purpose revenue receipts and expenditures for the current fiscal biennium.

If the LFB estimate or the DOA and DOR estimate concludes that previously authorized general purpose revenue expenditures will exceed general purpose revenue receipts by an amount greater than 2% of the previously authorized general purpose revenue appropriations for that fiscal year, the governor must declare a fiscal emergency no later than 15 days after the date on which LFB or DOA and DOR

makes the determination. If the legislature is in a floorperiod on the date on which the governor declares a fiscal emergency, the governor, no later than 15 days after the date on which the governor declared a fiscal emergency, must submit a bill to the legislature to correct the imbalance. If the legislature has not passed a bill to correct the imbalance before the close of the last regular floorperiod of the legislative session, the secretary may, to correct the imbalance, reduce any sum certain appropriation or any expenditure estimate previously approved by the secretary during the fiscal biennium or lapse or transfer moneys to the general fund from program revenue or segregated revenue appropriations.

However, if the legislature is not in a floorperiod on the date on which the governor declares a fiscal emergency, the governor is not required to submit a bill to the legislature and the secretary may, to correct the imbalance, reduce any sum certain appropriation or any expenditure estimate that was previously approved by the secretary during the fiscal biennium or lapse or transfer moneys to the general fund from program revenue or segregated revenue appropriations.

Under the bill, the secretary may not lapse or transfer money to the general fund from any of the following: an appropriation that is funded from federal revenues; an appropriation for principal repayment and interest payments on public debt or operating notes; an appropriation to DOT for the purpose of undertaking construction projects; an appropriation for the operation of any state institution established for the care or custody of individuals; an appropriation funded from gifts, grants, or bequests; an appropriation containing moneys whose lapse or transfer would violate a condition imposed by the federal government on the expenditure of the moneys; or an appropriation containing moneys whose lapse or transfer would violate the federal or state constitution.

Finally, the bill provides that if the secretary reduces a sum certain appropriation or an expenditure estimate, or lapses or transfers money to the general fund from any appropriation that is made to provide money to more than one local governmental unit, with the result that less money is provided to the local governmental unit, the secretary must ensure that each local governmental unit receives the same percentage reduction in money paid from that appropriation.

This bill requires the board of commissioners of public lands to establish the Federal Match Star Program, under which the board may make loans from the common school fund, the normal school fund, the university fund, and the agricultural college fund to any municipality eligible to receive a state trust fund loan. The moneys must be used to provide matching funds for any federal grant that is awarded to a municipality following a competitive application process and that requires matching funds. The bill provides that the total amount of outstanding loans may not exceed \$50,000,000.

Under current law a fiscal estimate must be prepared for any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues. This bill requires that an estimate of the economic impact on a private person or a political subdivision of this state must also be prepared.

OTHER STATE GOVERNMENT

Under current law, whenever an agency proposes an administrative rule that may have an effect on small businesses, the agency must consider methods of reducing that effect, including the establishment of less stringent requirements for small businesses. The agency must also allow small businesses to participate in rule making and must notify the secretary of commerce and the small business ombudsman clearinghouse if the agency proposes a rule that will affect small businesses. If the agency determines that the proposed rule may have a significant economic impact on a substantial number of small businesses, the agency must include a regulatory flexibility analysis at the time the agency submits its final draft of the proposed rule to the legislature.

This bill requires DOA to prepare an economic impact assessment of any proposed rule prepared by an agency that may have an economic impact on a private person, such as a business or corporation, or on a political subdivision of the state, such as a city or county. The assessment must evaluate the costs and benefits of complying with the proposed rule and the potential impact of the proposed rule on the decisions of the private person or political subdivision of the state. The agency must submit the economic impact assessment to the legislative council staff with the proposed rule, and to the legislature when the proposed rule is in final form, with a report explaining any changes that were made in the proposed rule as a result of the economic impact assessment.

Current law requires each county to appoint a local emergency planning committee to facilitate the preparation and implementation of an emergency response plan for responding to the release of a hazardous substance. The division of emergency management in DOA awards grants to local emergency planning committees for maintaining, exercising, reviewing, and implementing emergency response plans related to the release of a hazardous substance and purchasing necessary equipment and supplies.

This bill authorizes the office of justice assistance to award grants to local emergency planning committees for purchasing materials and providing services related to investigating, preventing, and responding to acts of terrorism. The grant program sunsets on June 30, 2003.

This bill permits the governor to designate one of his or her employees as a domestic security coordinator to coordinate the state's security and public safety needs. The bill also permits the secretary of administration to transfer any vacant unclassified position in the executive branch of state government to the office of the governor to fill the domestic security coordinator position. The bill does not transfer funding for the transferred position.

This bill creates a special committee, called the commission on local government, consisting of members appointed by the governor, to examine the organization, authority, and efficiency of local governments; the services provided by each type of local government; the services required of local governments by the state; the relationship of local governments with the state; spending by local governments; and ways to deliver local governmental services more efficiently. The commission must report its findings and recommendations to the governor and the

legislature by February 1, 2003. Upon submittal of its report, the commission ceases to exist.

Under current law, DOA provides grants and loans to persons and families of low and moderate income to defray housing costs and awards grants to community-based organizations and other housing organizations to pay operating costs and salaries and other personnel expenses so that the organizations are better able to provide housing services to these persons. This bill changes the source of funding for these grants and loans from the general fund to WHEDA's authority surplus fund.

Currently, DOA awards grants to the Wisconsin Patient Safety Institute, Inc., for collection, analysis, and dissemination of information about patient safety and training of health care providers and their employees directed toward improving patient safety. This bill eliminates these grants.

TAXATION

This bill adopts, for income tax and franchise tax purposes, the changes to the federal Internal Revenue Code made by Public Laws 106-200; 106-230; 106-519; 106-554; 106-573; 107-15; 107-16, excluding the section related to a deduction for higher education expenses; and 107-22.

TRANSPORTATION

This bill transfers \$4,333,600 in fiscal year 2001-02 and \$6,190,900 in fiscal year 2002-03 from the transportation fund to the general fund.

VETERANS AND MILITARY AFFAIRS

Under current law, DMA administers the Youth Challenge Program, which is a residential program that enables disadvantaged youth to obtain a high school equivalency diploma. This bill eliminates the Youth Challenge Program effective July 1, 2002.

This bill appropriates moneys from the utility public benefits fund for paying a portion of the energy costs of DMA in fiscal year 2002-03. The bill also prohibits DMA from spending a portion of its general purpose revenue funding for energy costs in fiscal year 2002-03 without the approval of the secretary of administration.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

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

- 1 **SECTION 1.** 6.18 of the statutes is amended to read:
- 2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
- 3 which the elector has moved, any former qualified Wisconsin elector may vote an

1 absentee ballot in the ward of the elector's prior residence in any presidential election
2 occurring within 24 months after leaving Wisconsin by requesting an application
3 form and returning it, properly executed, to the municipal clerk of the elector's prior
4 Wisconsin residence. When requesting an application form for an absentee ballot,
5 the applicant shall specify the applicant's eligibility for only the presidential ballot.
6 The application form shall require the following information and be in substantially
7 the following form:

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

12 APPLICATION FOR PRESIDENTIAL
13 ELECTOR'S ABSENT BALLOT.

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

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

25 Signed

1 Address(Present address)
2(City)(State)

3 Subscribed and sworn to before me this day of (year)
4(Notary Public, or other officer authorized to administer oaths.)
5(County)

6 My Commission expires

7 MAIL BALLOT TO:

8 NAME

9 ADDRESS

10 CITY STATE ZIP CODE

11 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
12 under this section may be fined not more than \$1,000 or imprisoned for not more than
13 6 months, or both. Whoever intentionally votes more than once in an election may
14 be fined not more than \$10,000 or imprisoned for not more than 3 years, and 6 months
15 or both.

16(Municipal Clerk)

17(Municipality)

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

19 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
20 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
21 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
22 felony.

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

24 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
25 or 11.38 ~~where~~ is guilty of a Class I felony if the intentional violation does not involve

1 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds
2 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
3 ~~more than 4 years and 6 months or both.~~

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

5 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
6 (a), (e), (f), (j), (k), (L), (m), (y) or (z) ~~may be fined not more than \$10,000 or imprisoned~~
7 ~~for not more than 4 years and 6 months or both~~ is guilty of a Class I felony.

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

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

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

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

1 condition that the governor approve, disapprove, veto or sign, or agree to approve,
2 disapprove, veto or sign, any other measure or proposition pending or proposed to be
3 introduced in the legislature or that has already been passed by the legislature, or
4 either house thereof, or in consideration or upon condition that the governor
5 nominate for appointment or appoint or remove any person to or from any office or
6 position under the laws of this state, ~~may be fined not less than \$500 nor more than~~
7 ~~\$1,000 or imprisoned for not less than one year nor more than 3 years or both~~ is guilty
8 of a Class I felony.

9 **SECTION 7.** 13.093 (2) (a) and (b) of the statutes are amended to read:

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

1 economic impact. The joint survey committee on retirement systems shall prepare
2 the fiscal estimate with respect to the provisions of any bill referred to it which create
3 or modify any system for, or make any provision for, the retirement of or payment of
4 pensions to public officers or employees. When a fiscal estimate or economic impact
5 estimate is prepared after the bill has been introduced, it shall be printed and
6 distributed as are amendments.

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

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

16 **13.525 Joint review committee on criminal penalties.** (1) CREATION.
17 There is created a joint review committee on criminal penalties composed of the
18 following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **(5m) RECOMMENDATIONS REGARDING SENTENCE MODIFICATIONS.** (a) No later than
21 the first day of the 6th month beginning after the effective date of this paragraph
22 [revisor inserts date], the committee shall submit a report to the legislature, in the
23 manner provided under s. 13.172 (2), and to the governor containing
24 recommendations regarding standards and procedures to be used by a court to

1 modify a bifurcated sentence. The report shall include any proposed legislation that
2 is necessary to implement the recommendations made by the committee in its report.

3 (b) Any proposed legislation included in the report under par. (a) shall provide
4 that a bifurcated sentence that a court previously imposed may be modified only by
5 reducing the term of confinement in prison portion of the sentence and lengthening
6 the term of extended supervision imposed so that the total length of the bifurcated
7 sentence originally imposed does not change.

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

13 **SECTION 9.** 13.525 (5m) of the statutes, as created by 2001 Wisconsin Act ...
14 (this act), is repealed.

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

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

21 **SECTION 11.** 13.95 (1) (h) of the statutes is created to read:

22 13.95 (1) (h) In each even-numbered year, no later than January 31, prepare
23 an estimate of general purpose revenue receipts and expenditures for the current
24 fiscal biennium. The legislative fiscal bureau shall submit a copy of the estimate to

1 the governor, the secretary of administration, the co-chairpersons of the joint
2 committee on finance, and the presiding officer of each house of the legislature.

3 **SECTION 12.** 14.21 of the statutes is created to read:

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

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

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

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

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

- 1 1. The attorney general or his or her designee.
- 2 2. The state public defender or his or her designee.
- 3 3. Seven members, at least 2 of whom are not employed by any unit of federal,
4 state, or local government, appointed by the governor.
- 5 4. One majority party member and one minority party member from each house
6 of the legislature, appointed as are the members of standing committees in their
7 respective houses.
- 8 5. Two circuit judges, appointed by the supreme court.
- 9 6. One representative of crime victims and one district attorney, each appointed
10 by the attorney general.
- 11 7. One attorney in private practice engaged primarily in the practice of criminal
12 defense, appointed by the criminal law section of the State Bar of Wisconsin.
- 13 (b) *Nonvoting members.* The secretary of corrections or his or her designee, the
14 chairperson of the parole commission or his or her designee, and the director of state
15 courts or his or her designee shall be nonvoting members of the commission.
- 16 (c) *Terms.* 1. Except as provided in subd. 2., members appointed under par. (a)
17 3. and 5. to 7. shall serve 3-year terms and are eligible for reappointment.
- 18 2. The term of a circuit judge appointed under par. (a) 5. shall end when such
19 person ceases to be a circuit judge. The term of a district attorney appointed under
20 par. (a) 6. shall end when such person ceases to be a district attorney.
- 21 (d) *Officers.* The governor shall designate annually one of the members of the
22 commission as chairperson. The commission may elect officers other than a
23 chairperson from among its members as its work requires.
- 24 (e) *Reimbursement and compensation.* Members of the commission shall be
25 reimbursed for their actual and necessary expenses incurred in the performance of

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

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

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

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

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

14 **SECTION 17.** 16.40 (25) of the statutes is created to read:

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

21 **SECTION 18.** 16.50 (5) of the statutes is amended to read:

22 16.50 (5) DISBURSEMENTS. The secretary may not draw a warrant for payment
23 of any expenditures incurred by any department nor may any department make any
24 expenditure for which the approval of the secretary or the governor is necessary
25 under this section, including any expenditure under s. 20.867, unless the

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

8 **SECTION 19.** 16.50 (6m) of the statutes is created to read:

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

15 **SECTION 20.** 16.50 (7) of the statutes, as affected by 2001 Wisconsin Act 16, is
16 repealed and recreated to read:

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

1 (b) If the legislature is in a floorperiod on the date on which the governor
2 declares a fiscal emergency under par. (a), the governor, no later than 15 days after
3 the date on which the governor declared a fiscal emergency, shall submit a bill to the
4 legislature containing his or her recommendations for correcting the imbalance. If
5 the legislature has not passed a bill to correct the imbalance before the close of the
6 last regular floorperiod of the legislature, the secretary, subject to pars. (d) to (f), may
7 do any of the following to correct the imbalance for that fiscal biennium:

8 1. Reduce any sum certain appropriation, any expenditure estimate previously
9 approved under sub. (2), and any expenditure estimate for an appropriation under
10 ss. 20.255 (2) (ac), (fm), and (fu) and 20.835 (1) (b), (c), (d), (e), and (f).

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

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

16 1. Reduce any sum certain appropriation, any expenditure estimate previously
17 approved under sub. (2), and any expenditure estimate for an appropriation under
18 ss. 20.255 (2) (ac), (fm), and (fu) and 20.835 (1) (b), (c), (d), (e), and (f).

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

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

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

- 1 1. An appropriation that is funded from federal revenues.
- 2 2. An appropriation for principal repayment and interest payments on public
- 3 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).
- 4 3. An appropriation to the department of transportation for the purpose of
- 5 undertaking construction projects.
- 6 4. An appropriation for the operation of any state institution established for the
- 7 care or custody of individuals.
- 8 5. An appropriation funded from gifts, grants, or bequests.
- 9 6. An appropriation containing moneys whose lapse or transfer would violate
- 10 a condition imposed by the federal government on the expenditure of the moneys.
- 11 7. An appropriation containing moneys whose lapse or transfer would violate
- 12 the federal or state constitution.

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

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

24 **SECTION 21.** 16.855 (19) of the statutes is amended to read:

1 16.855 (19) As the work progresses under any contract for construction the
2 department, from time to time, shall grant to the contractor an estimate of the
3 amount and proportionate value of the work done, which shall entitle the contractor
4 to receive the amount thereof, less the ~~retaining~~ retainage, from the proper fund. On
5 ~~all construction projects, the~~ The retainage shall be an amount equal to 10% not more
6 than 5% of said estimate until ~~50%~~ 100% of the work has been completed. ~~At 50%~~
7 ~~completion, no additional amounts shall be retained, and partial payments shall be~~
8 ~~made in full to the contractor unless the architect or engineer certifies that the job~~
9 ~~is not proceeding satisfactorily. At 50% completion or any time thereafter when the~~
10 ~~progress of the work is not satisfactory, additional amounts may be retained but in~~
11 ~~no event shall the total retainage be more than 10% of the value of the work~~
12 ~~completed. Upon substantial completion of the work, an amount retained may be~~
13 ~~paid to the contractor. For the purposes of this section, estimates may include any~~
14 ~~fabricated or manufactured materials and components specified, previously paid for~~
15 ~~by contractor and delivered to the work or properly stored and suitable for~~
16 ~~incorporation in the work embraced in the contract. This subsection does not apply~~
17 ~~to contracts awarded under s. 16.858.~~

18 **SECTION 22.** 16.964 (9) of the statutes is created to read:

19 16.964 (9) (a) In this subsection:

20 1. “Act of terrorism” has the meaning given in s. 146.50 (1) (ag).

21 2. “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 **SECTION 23.** 16.964 (9) of the statutes, as created by 2001 Wisconsin Act ... (this
12 act), is repealed.

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

14 19.42 (10) (p) A member, the executive director, or the deputy director of the
15 sentencing commission.

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

17 19.42 (13) (o) The position of member, executive director, or deputy director of
18 the sentencing commission.

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

21 **2001-02 2002-03**

22 **20.285 University of Wisconsin System**

- 23 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
24 SERVICE

				2001-02	2002-03
1	(s)	Energy costs; public benefits			
2		funding	SEG A	4,150,000	17,122,600
3		20.292 Technical college system, board of			
4	(1)	TECHNICAL COLLEGE SYSTEM			
5	(eq)	Educational assistance for dislo-			
6		cated workers	GPR A	-0-	4,200,000
7		20.435 Health and family services, department			
8		of			
9	(2)	CARE AND TREATMENT FACILITIES			
10	(r)	Energy costs; public benefits			
11		funding	SEG A	-0-	600,000
12		20.465 Military affairs, department of			
13	(1)	NATIONAL GUARD OPERATIONS			
14	(r)	Energy costs; public benefits			
15		funding	SEG A	-0-	427,400
16		20.505 Administration, department of			
17	(4)	ATTACHED DIVISIONS AND OTHER BODIES			
18	(dr)	Sentencing commission	GPR A	-0-	140,000
19	(6)	OFFICE OF JUSTICE ASSISTANCE			
20	(e)	Terrorism preparation and			
21		response grants	GPR B	3,600,000	-0-

2001-02 2002-03

1 (7) HOUSING ASSISTANCE

2 (j) Housing grants and loans; sur-

3 plus transfer

PR

B

1,500,000

3,300,300

4 **20.855 Miscellaneous appropriations**

5 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

6 (v) Transfers to general fund;

7 2001-02 and 2002-03 fiscal

8 years

SEG

A

4,333,600

6,190,900

9 **SECTION 27.** 20.115 (1) (c) of the statutes is repealed.

10 **SECTION 28.** 20.115 (4) (f) of the statutes is repealed.

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

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

13 **SECTION 31.** 20.255 (2) (ac) of the statutes, as affected by 2001 Wisconsin Act
14 16, is amended to read:

15 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of
16 educational aids under ss. 121.08, 121.09, and 121.105 and subch. VI of ch. 121 equal
17 to ~~\$3,767,893,500~~ \$4,200,945,900 in the ~~1999-2000~~ 2002-03 fiscal year and equal to
18 the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in
19 each ~~the 2004-05~~ fiscal year thereafter.

20 **SECTION 32.** 20.255 (3) (eg) of the statutes is repealed.

21 **SECTION 33.** 20.285 (1) (s) of the statutes is created to read:

22 20.285 (1) (s) *Energy costs; public benefits funding.* From the utility public
23 benefits fund, the amounts in the schedule to pay for utilities and for fuel, heat, and

1 air conditioning, and to pay costs incurred under ss. 16.858 and 16.895, including all
2 operating costs recommended by the department of administration that result from
3 the installation of pollution abatement equipment in state-owned or state-operated
4 heating, cooling, or power plants, by or on behalf of the board of regents. No moneys
5 may be encumbered from this appropriation after June 30, 2003.

6 **SECTION 34.** 20.292 (1) (ep) of the statutes is repealed.

7 **SECTION 35.** 20.292 (1) (eq) of the statutes is created to read:

8 20.292 (1) (eq) *Educational assistance for dislocated workers.* The amounts in
9 the schedule for educational assistance for dislocated workers under s. 38.307.

10 **SECTION 36.** 20.370 (1) (fe) 1. of the statutes is amended to read:

11 20.370 (1) (fe) 1. From the general fund, a sum sufficient in fiscal year 1993–94
12 and in each fiscal year thereafter that equals the sum of the amount certified in that
13 fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts
14 received under par. (gr) in that fiscal year for the purposes of the endangered
15 resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under
16 this subdivision may not exceed \$500,000 in a fiscal year, except that the amount
17 appropriated under this subdivision in fiscal year 2001–02 may not exceed \$482,500
18 and the amount appropriated under this subdivision in fiscal year 2002–03 may not
19 exceed \$475,000.

20 **SECTION 37.** 20.410 (1) (bm) of the statutes is repealed.

21 **SECTION 38.** 20.435 (2) (r) of the statutes is created to read:

22 20.435 (2) (r) *Energy costs; public benefits funding.* From the utility public
23 benefits fund, the amounts in the schedule to be used at mental health institutes and
24 centers for the developmentally disabled to pay for utilities and for fuel, heat, and
25 air conditioning and to pay costs incurred by or on behalf of the department under

1 ss. 16.858 and 16.895. No moneys may be encumbered from this appropriation after
2 June 30, 2003.

3 **SECTION 39.** 20.435 (5) (fh) of the statutes, as affected by 2001 Wisconsin Act
4 16, is repealed.

5 **SECTION 40.** 20.436 (1) (b) of the statutes is created to read:

6 20.436 (1) (b) *Annual transfer from general fund.* Annually, beginning on June
7 15, 2004, a sum sufficient to be transferred to the tobacco control fund equal to
8 \$25,000,000, less the amount transferred from the permanent endowment fund
9 under s. 13.101 (16) (b) in that year.

10 **SECTION 41.** 20.445 (3) (md) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 20.445 (3) (md) *Federal block grant aids.* The amounts in the schedule, less
13 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and
14 to be transferred to the appropriation accounts under ss. 20.255 (2) (kh), and (kp),
15 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km), and (ky), (5) (ky),
16 (7) (ky), and (8) (kx), 20.465 (4) (k), and 20.835 (2) (kf). All block grant moneys
17 received for these purposes from the federal government or any of its agencies, all
18 moneys transferred under 2001 Wisconsin Act (this act), section 9223 (17), from
19 the appropriation account under s. 20.435 (7) (o), and all moneys recovered under s.
20 49.143 (3) shall be credited to this appropriation account.

21 **SECTION 42.** 20.465 (1) (r) of the statutes is created to read:

22 20.465 (1) (r) *Energy costs; public benefits funding.* From the utility public
23 benefits fund, the amounts in the schedule to be used at military buildings under the
24 control of the department to pay for utilities and for fuel, heat, and air conditioning

1 and to pay costs incurred by or on behalf of the department under ss. 16.858 and
2 16.895. No moneys may be encumbered from this appropriation after June 30, 2003.

3 **SECTION 43.** 20.465 (4) (c) of the statutes is repealed.

4 **SECTION 44.** 20.505 (1) (fe) of the statutes, as created by 2001 Wisconsin Act
5 16, is repealed.

6 **SECTION 45.** 20.505 (3) (s) of the statutes, as affected by 2001 Wisconsin Act 16,
7 is amended to read:

8 20.505 (3) (s) *Energy conservation and efficiency and renewable resource*
9 *grants.* From the utility public benefits fund, a sum sufficient equal to the difference
10 between the unencumbered balance in the utility public benefits fund on the effective
11 date of this paragraph [revisor inserts date], and the sum of the amounts shown
12 in the schedule under s. 20.005 (3) for the appropriations under pars. (r) and (rr) and
13 the amounts appropriated under ss. 20.285 (1) (s), 20.435 (2) (r), 20.465 (1) (r), and
14 20.505 (3) (q), for energy conservation and efficiency and renewable resource grants
15 under s. 16.957 (2) (b) 1. and to make the transfer to the air quality improvement fund
16 under s. 16.958 (2) (a).

17 **SECTION 46.** 20.505 (3) (s) of the statutes, as affected by 2001 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 20.505 (3) (s) *Energy conservation and efficiency and renewable resource*
20 *grants.* From the utility public benefits fund, a sum sufficient for energy
21 conservation and efficiency and renewable resource grants under s. 16.957 (2) (b) 1.
22 and to make the transfer to the air quality improvement fund under s. 16.958 (2) (a).

23 **SECTION 47.** 20.505 (4) (dr) of the statutes is created to read:

1 20.505 (4) (dr) *Sentencing commission*. The amounts in the schedule for the
2 general program operations of the sentencing commission. No money may be
3 encumbered from the appropriation under this paragraph after December 31, 2007.

4 **SECTION 48.** 20.505 (4) (mr) of the statutes is created to read:

5 20.505 (4) (mr) *Sentencing commission; federal aid*. All moneys received as
6 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
7 which the aid is provided. No money may be encumbered from the appropriation
8 under this paragraph after December 31, 2007.

9 **SECTION 49.** 20.505 (6) (e) of the statutes is created to read:

10 20.505 (6) (e) *Terrorism preparation and response grants*. Biennially, the
11 amounts in the schedule for grants to local emergency planning committees under
12 s. 16.964 (9).

13 **SECTION 50.** 20.505 (6) (e) of the statutes, as created by 2001 Wisconsin Act
14 (this act), is repealed.

15 **SECTION 51.** 20.505 (7) (b) (title) of the statutes is amended to read:

16 20.505 (7) (b) (title) *Housing grants and loans; general purpose revenue*.

17 **SECTION 52.** 20.505 (7) (j) of the statutes is created to read:

18 20.505 (7) (j) *Housing grants and loans; surplus transfer*. Biennially, the
19 amounts in the schedule for grants and loans under s. 16.33 and for grants under s.
20 16.336. All moneys received from the Wisconsin Housing and Economic
21 Development Authority under s. 234.165 (3) shall be credited to this appropriation
22 account.

23 **SECTION 53.** 20.835 (1) (b) of the statutes is amended to read:

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

4 **SECTION 54.** 20.835 (1) (c) of the statutes is amended to read:

5 20.835 (1) (c) *Expenditure restraint program account*. A sum sufficient to make
6 the payments under s. 79.05. No moneys may be encumbered or expended from this
7 appropriation after June 30, 2004.

8 **SECTION 55.** 20.835 (1) (d) of the statutes is amended to read:

9 20.835 (1) (d) *Shared revenue account*. A sum sufficient to meet the
10 requirements of the shared revenue account established under s. 79.01 (2) to provide
11 for the distributions from the shared revenue account to counties, towns, villages,
12 and cities under ss. 79.03, 79.04, and 79.06. No moneys may be encumbered or
13 expended from this appropriation after June 30, 2004.

14 **SECTION 56.** 20.835 (1) (f) of the statutes is amended to read:

15 20.835 (1) (f) *County mandate relief account*. A sum sufficient to make the
16 payments to counties under s. 79.058. No moneys may be encumbered or expended
17 from this appropriation after June 30, 2004.

18 **SECTION 57.** 20.855 (2) of the statutes is created to read:

19 20.855 (2) TRANSFERS TO GENERAL FUND. (s) *Segregated fund transfers to the*
20 *general fund*. From the appropriate segregated funds, a sum sufficient equal to the
21 amount of moneys from segregated revenue appropriations that are transferred to
22 the general fund under s. 16.50 (7) (b) 2. or (c) 2.

23 **SECTION 58.** 20.855 (4) (f) of the statutes is amended to read:

24 20.855 (4) (f) *Supplemental title fee matching*. From the general fund, a sum
25 sufficient equal to the amount of supplemental title fees collected under ss. 101.9208

1 (1) (dm) and 342.14 (3m), as determined under s. 85.037, less \$555,000, to be
2 transferred to the environmental fund on October 1 annually.

3 **SECTION 59.** 20.855 (4) (rb) of the statutes is created to read:

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

6 **SECTION 60.** 20.855 (4) (rb) of the statutes, as created by 2001 Wisconsin Act
7 (this act), is repealed.

8 **SECTION 61.** 20.855 (4) (rh) of the statutes, as created by 2001 Wisconsin Act
9 16, is amended to read:

10 20.855 (4) (rh) *Annual transfer from permanent endowment fund to general*
11 *fund.* From the permanent endowment fund, to be transferred to the general fund,
12 a sum sufficient equal to the amount that is required to be transferred to the general
13 fund under s. 13.101 (16).

14 **SECTION 62.** 20.855 (4) (rm) of the statutes is created to read:

15 20.855 (4) (rm) *Payment relating to public debt.* From the permanent
16 endowment fund, a sum sufficient equal to the amount determined by the
17 department of administration under s. 16.40 (25), to be paid into one or more sinking
18 funds of the bond security and redemption fund under s. 18.09 (1) and any escrow
19 accounts established under escrow agreements authorized by the secretary of
20 administration that relate to the contracting of public debt.

21 **SECTION 63.** 20.855 (4) (v) of the statutes is created to read:

22 20.855 (4) (v) *Transfers to general fund; 2001–02 and 2002–03 fiscal years.*
23 From the transportation fund, the amounts in the schedule to be transferred to the
24 general fund.

1 **SECTION 64.** 20.855 (4) (v) of the statutes, as created by 2001 Wisconsin Act ...
2 (this act), is repealed.

3 **SECTION 65.** 20.866 (2) (xc) of the statutes is amended to read:

4 20.866 (2) (xc) *Building commission; refunding tax-supported general*
5 *obligation debt.* From the capital improvement fund, a sum sufficient to refund the
6 whole or any part of any unpaid indebtedness used to finance facilities in which
7 general obligation bonds are paid from general purpose revenue. The state may
8 contract public debt in an amount not to exceed ~~\$2,125,000,000~~ \$2,102,086,430 for
9 this purpose. Such indebtedness shall be construed to include any premium and
10 interest payable with respect thereto. Debt incurred by this paragraph shall be
11 repaid under the appropriations providing for the retirement of public debt incurred
12 for tax-supported facilities in proportional amounts to the purposes for which the
13 debt was refinanced. It is the intent of the legislature that this refunding authority
14 only be used if the true interest costs to the state can be reduced.

15 **SECTION 66.** 20.866 (2) (xd) of the statutes is amended to read:

16 20.866 (2) (xd) *Building commission; refunding self-amortizing general*
17 *obligation debt.* From the capital improvement fund, a sum sufficient to refund the
18 whole or any part of any unpaid indebtedness used to finance facilities in which
19 general obligation bonds are repaid from program revenues or segregated funds. The
20 state may contract public debt in an amount not to exceed ~~\$275,000,000~~
21 \$272,863,033 for this purpose. Such indebtedness shall be construed to include any
22 premium and interest payable with respect thereto. Debt incurred by this paragraph
23 shall be repaid under the appropriations providing for the retirement of public debt
24 incurred for self-amortizing facilities in proportional amounts to the purposes for

1 which the debt was refinanced. It is the intent of the legislature that this refunding
2 authority only be used if the true interest costs to the state can be reduced.

3 **SECTION 67.** 20.866 (2) (xe) (title) of the statutes, as created by 2001 Wisconsin
4 Act 16, is amended to read:

5 20.866 (2) (xe) (title) *Building commission; refunding tax-supported and*
6 *self-amortizing general obligation debt incurred before June 30, 2003.*

7 **SECTION 68.** 20.866 (2) (xm) of the statutes is created to read:

8 20.866 (2) (xm) *Building commission; refunding tax-supported and*
9 *self-amortizing general obligation debt.* From the capital improvement fund, a sum
10 sufficient to refund the whole or any part of any unpaid indebtedness used to finance
11 tax-supported or self-amortizing facilities. In addition to the amount that may be
12 contracted under par. (xe), the state may contract public debt in an amount not to
13 exceed \$440,000,000 for this purpose. Such indebtedness shall be construed to
14 include any premium and interest payable with respect thereto. Debt incurred by
15 this paragraph shall be repaid under the appropriations providing for the retirement
16 of public debt incurred for tax-supported and self-amortizing facilities in
17 proportional amounts to the purposes for which the debt was refinanced. No moneys
18 may be expended under this paragraph unless the true interest costs to the state can
19 be reduced by the expenditure.

20 **SECTION 69.** 20.923 (4) (b) 7. of the statutes is created to read:

21 20.923 (4) (b) 7. Sentencing commission: executive director.

22 **SECTION 70.** 20.923 (6) (aw) of the statutes is created to read:

23 20.923 (6) (aw) Commerce, department of: grants management specialist.

24 **SECTION 71.** 20.923 (6) (hr) of the statutes is created to read:

25 20.923 (6) (hr) Sentencing commission: deputy director.

1 **SECTION 72.** 21.26 of the statutes is repealed.

2 **SECTION 73.** 23.33 (13) (cg) of the statutes is amended to read:

3 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
4 *signs and standards.* A person who violates sub. (8) (f) 1. ~~shall be fined not more than~~
5 ~~\$10,000 or imprisoned for not more than 3 years or both~~ is guilty of a Class H felony
6 if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another
7 person.

8 **SECTION 74.** 24.61 (3) (e) of the statutes is created to read:

9 24.61 (3) (e) *Federal match star program loan.* 1. In this paragraph:

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

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

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

18 2. Subject to subd. 3., the board shall establish a program, to be known as the
19 federal match star program, under which the board may loan moneys belonging to
20 the trust funds to any municipality that is eligible to receive a loan under this
21 subsection, for the purpose of providing matching funds for any federal discretionary
22 grant that requires the municipality to provide matching funds as a condition of
23 receiving the grant. In consultation with the department of administration, the
24 board shall promulgate rules to implement the program.

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

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

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

11 **SECTION 75.** 24.63 (1) of the statutes is amended to read:

12 24.63 (1) LOANS OTHER THAN TO SCHOOL DISTRICTS. ~~A~~ Except as provided in sub.
13 (2s), a state trust fund loan, other than a loan to a school district, may be made for
14 any term not exceeding 20 years and may be made payable in instalments
15 installments. A state trust fund loan to a municipality other than a school district
16 shall be in an amount which ~~that~~ does not, together with all other indebtedness of
17 the municipality applying for the loan, exceed 5% of the valuation of the taxable
18 property within the municipality as equalized for state purposes. If a state trust fund
19 loan is made to pay off existing indebtedness, it may be advanced to the borrower in
20 instalments installments as fast as the indebtedness or the evidence of indebtedness
21 is canceled.

22 **SECTION 76.** 24.63 (2) of the statutes is amended to read:

23 24.63 (2) SCHOOL DISTRICT LOANS. ~~A~~ Except as provided in sub. (2s), a state
24 trust fund loan to a school district may be made for any time, not exceeding 20 years,
25 as is agreed upon between the school district and the board, and for an amount which

1 that, together with all other indebtedness of that district, does not exceed its
2 allowable indebtedness as determined under s. 67.03 (1).

3 **SECTION 77.** 24.63 (2m) of the statutes is amended to read:

4 24.63 (2m) COOPERATIVE EDUCATIONAL SERVICE AGENCY LOANS. ~~A~~ Except as
5 provided in sub. (2s), a state trust fund loan to a cooperative educational service
6 agency may be made for any term, not exceeding 20 years, as is agreed upon between
7 the agency and the board, and for a total amount ~~which~~ that, for each school district
8 for which the loan is sought, in the proportion determined under s. 24.61 (7), together
9 with all other indebtedness of the school district, does not exceed the school district's
10 allowable indebtedness under s. 67.03 (1).

11 **SECTION 78.** 24.63 (2s) of the statutes is created to read:

12 24.63 (2s) FEDERAL MATCH STAR PROGRAM LOANS. A loan under s. 24.61 (3) (e) to
13 a municipality, may be made for any term not exceeding 5 years. A loan under s.
14 24.61 (3) (e) to a municipality other than a school district shall be in an amount that
15 does not, together with all other indebtedness of the municipality applying for the
16 loan, exceed 5% of the valuation of the taxable property within the municipality as
17 equalized for state purposes. A loan under s. 24.61 (3) (e) to a school district shall
18 be in an amount that, together with all other indebtedness of that district, does not
19 exceed its allowable indebtedness as determined under s. 67.03 (1).

20 **SECTION 79.** 24.63 (3) of the statutes is amended to read:

21 24.63 (3) INTEREST RATES. All state trust fund loans shall bear and draw interest
22 at a rate not less than 2% payable annually, except that the interest charged on a loan
23 under s. 24.61 (3) (e) shall accrue at the earnings rate received by the state on moneys
24 held in the state investment fund.

25 **SECTION 80.** 24.73 of the statutes is amended to read:

1 **24.73 Extension of loan.** All loans made or ~~which that~~ may be made from any
2 state trust funds, other than loans under s. 24.61 (3) (e), to any borrower may be
3 extended for such time and upon such terms as may be agreed upon by and between
4 the board and such borrower; provided, however, that no loan shall be extended upon
5 which there is any default in the payment of interest at the time of making
6 application therefor, nor to any period beyond 20 years from its inception, nor at any
7 rate of interest less than the minimum established by law.

8 **SECTION 81.** 25.66 (1) (e) of the statutes is created to read:

9 **25.66 (1) (e)** Beginning in fiscal year 2003–04, all moneys transferred from the
10 general fund under s. 20.436 (1) (b).

11 **SECTION 82.** 25.69 of the statutes, as created by 2001 Wisconsin Act 16, is
12 amended to read:

13 **25.69 Permanent endowment fund.** There is established a separate
14 nonlapsible trust fund designated as the permanent endowment fund, consisting of
15 all of the proceeds from the sale of the state's right to receive payments under the
16 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
17 and all investment earnings on the proceeds. Moneys in the permanent endowment
18 fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and
19 (rv) and to make the appropriations under s. 20.855 (4) (rb) and (rm).

20 **SECTION 83.** 25.69 of the statutes, as affected by 2001 Wisconsin Acts 16 and
21 ... (this act), is repealed and recreated to read:

22 **25.69 Permanent endowment fund.** There is established a separate
23 nonlapsible trust fund designated as the permanent endowment fund, consisting of
24 all of the proceeds from the sale of the state's right to receive payments under the
25 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,

1 and all investment earnings on the proceeds. Moneys in the permanent endowment
2 fund shall be used only to make the transfers under ss. 13.101 (16) and 20.855 (4) (rh)
3 and to make the appropriation under s. 20.855 (4) (rm).

4 **SECTION 84.** 26.14 (8) of the statutes is amended to read:

5 26.14 (8) Any person who intentionally sets fire to the land of another or to a
6 marsh shall be ~~fined not more than \$10,000 or imprisoned for not more than 7 years~~
7 ~~and 6 months or both~~ is guilty of a Class H felony.

8 **SECTION 85.** 29.971 (1) (c) of the statutes is amended to read:

9 29.971 (1) (c) ~~For A person~~ having fish in his or her possession in violation of
10 this chapter ~~and is guilty of a Class I felony if~~ the value of the fish under par. (d)
11 exceeds \$1,000, ~~by a fine of not more than \$10,000 or imprisonment for not more than~~
12 ~~3 years or both.~~

13 **SECTION 86.** 29.971 (1m) (c) of the statutes is amended to read:

14 29.971 (1m) (c) ~~For A person~~ possessing clams in violation of s. 29.537, is guilty
15 of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, ~~by a fine~~
16 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

17 **SECTION 87.** 29.971 (11m) (a) of the statutes is amended to read:

18 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
19 possessing a bear without a valid Class A bear license, or for possessing a bear which
20 does not have a carcass tag attached or possessing a bear during the closed season,
21 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
22 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
23 \$10,000 or imprisonment for not more than ~~2 years~~ 9 months or both for any
24 subsequent violation, and, in addition, the court shall revoke all hunting approvals

1 issued to the person under this chapter and shall prohibit the issuance of any new
2 hunting approval under this chapter to the person for 3 years.

3 **SECTION 88.** 29.971 (11p) (a) of the statutes is amended to read:

4 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
5 the bear, by a fine of not more than \$10,000 or imprisonment for not more than 2
6 years 9 months or both.

7 **SECTION 89.** 30.80 (2g) (b) of the statutes is amended to read:

8 30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000
9 or imprisoned for not more than 2 years 9 months or both if the accident involved
10 injury to a person but the person did not suffer great bodily harm.

11 **SECTION 90.** 30.80 (2g) (c) of the statutes is amended to read:

12 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
13 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
14 person and the person suffered great bodily harm.

15 **SECTION 91.** 30.80 (2g) (d) of the statutes is amended to read:

16 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
17 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
18 death to a person.

19 **SECTION 92.** 30.80 (3m) of the statutes is amended to read:

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

23 **SECTION 93.** 36.25 (6) (d) of the statutes is amended to read:

24 36.25 (6) (d) Any officer, agent, clerk or employee of the survey or department
25 of revenue who makes known to any person except the officers of the survey or

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

7 **SECTION 94.** 38.04 (9) of the statutes is amended to read:

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

17 **SECTION 95.** 38.16 (1) of the statutes is renumbered 38.16 (1) (a) and amended
18 to read:

19 38.16 (1) (a) Annually by October 31, or within 10 days after receipt of the
20 equalized valuations from the department of revenue, whichever is later, the district
21 board may levy a tax, ~~not exceeding 1.5 mills on the full value of the taxable property~~
22 ~~of the district,~~ for the purpose of making capital improvements, acquiring
23 equipment, and operating and maintaining the schools of the district, ~~except that the~~
24 ~~mill limitation is not applicable to taxes levied for the purpose of paying principal and~~
25 ~~interest on valid bonds or notes now or hereafter outstanding as provided in s.~~

1 67.035. The district board secretary shall file with the clerk of each city, village, and
2 town, any part of which is located in the district, a certified statement showing the
3 amount of the levy and the proportionate amount of the tax to be spread upon the tax
4 rolls for collection in each city, village, and town. Such proportion shall be
5 ascertained on the basis of the ratio of full value of the taxable property of that part
6 of the city, village, or town located in the district to the full value of all taxable
7 property in the district, as certified to the district board secretary by the department
8 of revenue. Upon receipt of the certified statement from the district board secretary,
9 the clerk of each city, village, and town shall spread the amounts thereof upon the
10 tax rolls for collection. When the taxes are collected, such amounts shall be paid by
11 the treasurer of each city, village, and town to the district board treasurer.

12 **SECTION 96.** 38.16 (1) (b) of the statutes is created to read:

13 38.16 (1) (b) Taxes levied under par. (a), other than taxes levied for the purpose
14 of paying debt service on district bonds and notes, may not exceed the lesser of the
15 following:

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

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

19 **SECTION 97.** 38.16 (1) (c) of the statutes is created to read:

20 38.16 (1) (c) 1. Notwithstanding par. (b), if a district board's limit in any year
21 is the amount under par. (b) 1., and it wishes to levy a tax in that year that is greater
22 than the amount under par. (b) 1. but not greater than the amount under par. (b) 2.,
23 it shall promptly adopt a resolution to that effect. The resolution shall specify the
24 amount of the proposed excess levy. The resolution shall be filed as provided in s.
25 8.37. The district board shall call a special referendum for the purpose of submitting

1 the resolution to the electors of the district for approval or rejection. In lieu of a
2 special referendum, the district board may specify that the referendum be held at the
3 next succeeding spring primary or election or September primary or general election,
4 if such election is to be held not sooner than 42 days after the filing of the resolution
5 of the district board.

6 2. The district board secretary shall publish type A, B, C, D, and E notices of
7 the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice
8 shall include a statement of the amount of the proposed excess levy specified in subd.
9 1. and a copy of the resolution under subd. 1. Section 5.01 (1) applies in the event
10 of failure to comply with the notice requirements of this subdivision.

11 3. The referendum shall be held in accordance with chs. 5 to 12. The district
12 board secretary shall provide the election officials with all necessary election
13 supplies. The form of the ballot shall correspond substantially with the standard
14 form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and
15 7.08 (1) (a). The question submitted shall be whether the limit under par. (b) 1. may
16 be exceeded by a specified amount. The limit otherwise applicable to the district
17 under par. (b) is increased by the amount approved by a majority of those voting on
18 the question.

19 **SECTION 98.** 38.28 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
20 16, is amended to read:

21 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
22 technical college district, including debt service charges for district bonds and
23 promissory notes for building programs or capital equipment, but excluding all
24 expenditures relating to auxiliary enterprises and community service programs, all
25 expenditures funded by or reimbursed with federal revenues, all receipts under sub.

1 (6) and ss. 38.12 (9), 38.14 (3) and (9), 38.307, 118.15 (2) (a), 118.55 (7r), and 146.55
2 (5), all receipts from grants awarded under ss. 38.04 (8), (19), (20), and (31), 38.14
3 (11), 38.26, 38.27, ~~38.305~~, 38.31, 38.33, and 38.38, all fees collected under s. 38.24,
4 and driver education and chauffeur training aids.

5 **SECTION 99.** 38.305 of the statutes, as affected by 2001 Wisconsin Act 16, is
6 repealed.

7 **SECTION 100.** 38.307 of the statutes is created to read:

8 **38.307 Educational assistance for dislocated workers.** (1) Beginning in
9 the 2002-03 school year, the board shall pay a student's tuition and fees at a district
10 college under s. 38.24 (1m) if the student satisfies all of the following criteria:

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

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

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

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

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

21 **SECTION 101.** 47.03 (3) (d) of the statutes is amended to read:

22 47.03 (3) (d) Any person who violates this subsection shall be fined not more
23 than ~~\$1,000~~ \$10,000 or imprisoned for not more than ~~2-years~~ 9 months or both.

24 **SECTION 102.** 48.355 (2d) (b) 3. of the statutes is amended to read:

1 48.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (3),
2 1999 stats., a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or
3 (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or
4 federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225
5 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state,
6 and that the violation resulted in great bodily harm, as defined in s. 939.22 (14), or
7 in substantial bodily harm, as defined in s. 939.22 (38), to the child or another child
8 of the parent.

9 **SECTION 103.** 48.415 (9m) (b) 2. of the statutes is amended to read:

10 48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats.,
11 a violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
12 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other
13 state or federal law, if that violation would be a violation of s. 940.19 (2), (~~3~~), (4) or
14 (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06
15 or 948.08 if committed in this state.

16 **SECTION 104.** 48.417 (1) (d) of the statutes is amended to read:

17 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
18 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), (~~3~~), (4)
19 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
20 violation of the law of any other state or federal law, if that violation would be a
21 violation of s. 940.19 (2), (~~3~~), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
22 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
23 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
24 defined in s. 939.22 (38), to the child or another child of the parent.

1 **SECTION 105.** 48.561 (3) (a) (intro.) of the statutes, as affected by 2001
2 Wisconsin Act 16, is renumbered 48.561 (3) (intro.) and amended to read:

3 48.561 (3) (intro.) A county having a population of 500,000 or more shall
4 contribute ~~\$58,893,500~~ \$38,792,200 in each state fiscal year for the provision of child
5 welfare services in that county by the department. That contribution shall be made
6 as follows:

7 **SECTION 106.** 48.561 (3) (a) 1. of the statutes, as created by 2001 Wisconsin Act
8 16, is renumbered 48.561 (3) (a).

9 **SECTION 107.** 48.561 (3) (a) 2. of the statutes, as created by 2001 Wisconsin Act
10 16, is renumbered 48.561 (3) (bm).

11 **SECTION 108.** 48.561 (3) (a) 3. of the statutes, as created by 2001 Wisconsin Act
12 16, is repealed.

13 **SECTION 109.** 48.561 (3) (b) of the statutes, as affected by 2001 Wisconsin Act
14 16, is repealed.

15 **SECTION 110.** 48.57 (3p) (g) 2. of the statutes is amended to read:
16 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
17 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
18 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
19 state or federal law under circumstances under which the person would be subject
20 to a penalty specified in any of those sections if convicted in this state.

21 **SECTION 111.** 48.685 (1) (c) of the statutes is amended to read:
22 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
23 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
24 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
25 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),

1 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
2 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
3 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6),
4 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
5 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
6 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

7 **SECTION 112.** 48.685 (5) (bm) 2. of the statutes is amended to read:

8 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), (3),
9 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

10 **SECTION 113.** 48.685 (5) (bm) 3. of the statutes is amended to read:

11 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,
12 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
13 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

14 **SECTION 114.** 48.685 (5) (bm) 4. of the statutes is 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 **SECTION 115.** 49.141 (7) (a) of the statutes is amended to read:

20 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
21 the furnishing by that person of items or services for which payment is or may be
22 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
23 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

24 **SECTION 116.** 49.141 (7) (b) of the statutes is amended to read:

1 49.141 (7) (b) A person, other than a person under par. (a), who is convicted of
2 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
3 2-years 9 months or both.

4 **SECTION 117.** 49.141 (9) (a) of the statutes is amended to read:

5 49.141 (9) (a) Whoever solicits or receives any remuneration in cash or in-kind,
6 in return for referring an individual to a person for the furnishing or arranging for
7 the furnishing of any item or service for which payment may be made in whole or in
8 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
9 arranging for or recommending purchasing, leasing, or ordering any good, facility,
10 service, or item for which payment may be made in whole or in part under Wisconsin
11 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
12 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or
13 imprisoned for not more than 7 years and 6 months or both.

14 **SECTION 118.** 49.141 (9) (b) of the statutes is amended to read:

15 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
16 any person to induce the person to refer an individual to a person for the furnishing
17 or arranging for the furnishing of any item or service for which payment may be made
18 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
19 for or recommend purchasing, leasing, or ordering any good, facility, service or item
20 for which payment may be made in whole or in part under any provision of Wisconsin
21 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine
22 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000 or
23 imprisoned for not more than 7 years and 6 months or both.

24 **SECTION 119.** 49.141 (10) (b) of the statutes is amended to read:

1 49.141 (10) (b) A person who violates this subsection is guilty of a Class H
2 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
3 the person may be fined not more than \$25,000 ~~or imprisoned for not more than 7~~
4 ~~years and 6 months or both.~~

5 **SECTION 120.** 49.195 (3n) (k) of the statutes is amended to read:

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

12 **SECTION 121.** 49.195 (3n) (r) of the statutes is amended to read:

13 49.195 (3n) (r) No employer may discharge or otherwise discriminate with
14 respect to the terms and conditions of employment against any employee by reason
15 of the fact that his or her earnings have been subject to levy for any one levy or
16 because of compliance with any provision of this subsection. Any person who violates
17 this paragraph ~~may be fined not more than \$1,000 or imprisoned for not more than~~
18 ~~2 years or both~~ is guilty of a Class I felony.

19 **SECTION 122.** 49.45 (49) of the statutes is created to read:

20 49.45 (49) **PRESCRIPTION DRUG PRIOR AUTHORIZATION.** The secretary shall
21 exercise his or her authority under s. 15.04 (1) (c) to create a prescription drug prior
22 authorization committee to advise the department on issues related to prior
23 authorization decisions made concerning prescription drugs on behalf of medical
24 assistance recipients. The secretary shall appoint as members at least all of the
25 following:

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

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

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

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

5 **SECTION 123.** 49.49 (1) (b) 1. of the statutes is amended to read:

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

13 **SECTION 124.** 49.49 (2) (a) of the statutes is amended to read:

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

25 **SECTION 125.** 49.49 (2) (b) of the statutes is amended to read:

1 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
2 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
3 or covertly, in cash or in kind to any person to induce such person to refer an
4 individual to a person for the furnishing or arranging for the furnishing of any item
5 or service for which payment may be made in whole or in part under a medical
6 assistance program, or to purchase, lease, order, or arrange for or recommend
7 purchasing, leasing, or ordering any good, facility, service or item for which payment
8 may be made in whole or in part under a medical assistance program, is guilty of a
9 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50
10 (3) (h), the person may be fined not more than \$25,000 or imprisoned for not more
11 than 7 years and 6 months or both.

12 **SECTION 126.** 49.49 (3) of the statutes is amended to read:

13 49.49 (3) FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
14 and wilfully make or cause to be made, or induce or seek to induce the making of, any
15 false statement or representation of a material fact with respect to the conditions or
16 operation of any institution or facility in order that such institution or facility may
17 qualify either upon initial certification or upon recertification as a hospital, skilled
18 nursing facility, intermediate care facility, or home health agency. ~~Violators of A~~
19 person who violates this subsection is guilty of a Class H felony, except that,
20 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be
21 fined not more than \$25,000 or imprisoned for not more than 7 years and 6 months
22 or both.

23 **SECTION 127.** 49.49 (3m) (b) of the statutes is amended to read:

24 49.49 (3m) (b) A person who violates this subsection is guilty of a Class H
25 felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),

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

3 **SECTION 128.** 49.49 (4) (b) of the statutes is amended to read:

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

8 **SECTION 129.** 49.68 (3) (a) of the statutes is amended to read:

9 49.68 (3) (a) Any Subject to s. 49.687 (6), any permanent resident of this state
10 who suffers from chronic renal disease may be accepted into the dialysis treatment
11 phase of the renal disease control program if the resident meets the standards set
12 by rule under sub. (2) and the requirements specified in s. 49.687 and the rules
13 promulgated under s. 49.687.

14 **SECTION 130.** 49.68 (3) (b) of the statutes, as affected by 2001 Wisconsin Act 16,
15 is amended to read:

16 49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je),
17 the state shall pay the cost of medical treatment required as a direct result of chronic
18 renal disease of certified patients from the date of certification, including the cost of
19 administering recombinant human erythropoietin to appropriate patients, whether
20 the treatment is rendered in an approved facility in the state or in a dialysis or
21 transplantation center ~~which~~ that is approved as such by a contiguous state, subject
22 to the conditions specified under par. (d) and s. 49.687 (6). Approved facilities may
23 include a hospital in-center dialysis unit or a nonhospital dialysis center ~~which~~ that
24 is closely affiliated with a home dialysis program supervised by an approved facility.
25 Aid shall also be provided for all reasonable expenses incurred by a potential

1 living-related donor, including evaluation, hospitalization, surgical costs, and
2 postoperative follow-up to the extent that ~~these~~ those costs are not reimbursable
3 under the federal medicare program, another state-funded health care assistance
4 program, as defined by rule promulgated under s. 49.687 (4), or other insurance. In
5 addition, all expenses incurred in the procurement, transportation, and preservation
6 of cadaveric donor kidneys shall be covered to the extent that ~~these~~ those costs are
7 not otherwise reimbursable. All donor-related costs are chargeable to the recipient
8 and reimbursable under this subsection. The cost of travel, lodging, and meals for
9 persons who must travel to receive inpatient or outpatient dialysis treatment for
10 kidney disease are not reimbursable under this subsection.

11 **SECTION 131.** 49.68 (3) (d) 1. of the statutes is amended to read:

12 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
13 has no other form of aid available from the federal medicare program, from another
14 state-funded health care assistance program, as defined by rule promulgated under
15 s. 49.687 (4), or from private health, accident, sickness, medical and, or hospital
16 insurance coverage. If insufficient aid is available from other sources and if the
17 recipient has paid an amount equal to the annual medicare deductible amount
18 specified in subd. 2., the state shall pay the difference in cost to a qualified recipient.
19 If at any time sufficient federal or private insurance aid or other state aid becomes
20 available during the treatment period, state aid under this subsection shall be
21 terminated or appropriately reduced. Any patient who is eligible for the federal
22 medicare program shall register and pay the premium for medicare medical
23 insurance coverage where permitted, and shall pay an amount equal to the annual
24 medicare deductible amounts required under 42 USC 1395e and 1395L (b), prior to
25 becoming eligible for state aid under this subsection.

1 **SECTION 132.** 49.68 (3) (e) of the statutes is repealed.

2 **SECTION 133.** 49.683 (1) of the statutes is amended to read:

3 49.683 (1) The Subject to s. 49.687 (6), the department may provide financial
4 assistance for costs of medical care of persons over the age of 18 years with the
5 diagnosis of cystic fibrosis who meet ~~financial requirements established by the~~
6 ~~department by rule under s. 49.687 (1)~~ the requirements specified in s. 49.687 and
7 the rules promulgated under s. 49.687.

8 **SECTION 134.** 49.683 (2) of the statutes, as affected by 2001 Wisconsin Act 16,
9 is amended to read:

10 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the
11 appropriation accounts under s. 20.435 (4) (e) and (j) to the extent that those costs
12 are not reimbursable under the federal medicare program, any other state-funded
13 health care assistance program, as defined by rule promulgated under s. 49.687 (4),
14 or private health insurance coverage.

15 **SECTION 135.** 49.685 (4) of the statutes is amended to read:

16 49.685 (4) **ELIGIBILITY.** Any Subject to s. 49.687 (6), any permanent resident of
17 this state who suffers from hemophilia or other related congenital bleeding disorder
18 may participate in the program if that person meets the requirements of specified in
19 this section and s. 49.687 and the ~~standards set by rule~~ rules promulgated under this
20 section and s. 49.687. The person shall enter into an agreement with the
21 comprehensive hemophilia treatment center for a maintenance program to be
22 followed by that person as a condition for continued eligibility. The physician
23 director or a designee shall, at least once in each 6-month period, review the
24 maintenance program and verify that the person is complying with the program.

25 **SECTION 136.** 49.685 (6) (b) of the statutes is amended to read:

1 49.685 (6) (b) Reimbursement ~~shall~~ may not be made under this section for any
2 blood products or supplies ~~which~~ that are not purchased from or provided by a
3 comprehensive hemophilia treatment center, or a source approved by the treatment
4 center. Reimbursement ~~shall~~ may not be made under this section for any portion of
5 the costs of blood products or supplies ~~which~~ that are payable under any ~~other state~~
6 ~~or federal program, under any other state-funded health care assistance program,~~
7 as defined by rule promulgated under s. 49.687 (4), or under any grant, contract and
8 ~~any other contractual, or other arrangement.~~

9 **SECTION 137.** 49.687 (title) of the statutes, as affected by 2001 Wisconsin Act
10 16, is amended to read:

11 **49.687 (title) Disease aids; ~~patient requirements; rebate agreements~~**
12 **cost-saving measures.**

13 **SECTION 138.** 49.687 (4) of the statutes is created to read:

14 49.687 (4) The department may provide assistance under s. 49.68, 49.683, or
15 49.685 to a person only if the person has first applied for assistance under all other
16 state-funded health care assistance programs for which the person may be eligible.
17 The department shall promulgate a rule defining those other state-funded health
18 care assistance programs and, in defining those programs, shall include the medical
19 assistance program under subch. IV, the health insurance risk-sharing plan under
20 ch. 149, the badger care health care program under s. 49.665, the prescription drug
21 assistance for elderly persons program under s. 49.688, and any other state-funded
22 health care assistance program under which assistance may be payable for the
23 treatment of kidney disease, cystic fibrosis, or hemophilia.

24 **SECTION 139.** 49.687 (5) of the statutes is created to read:

1 49.687 (5) The department shall promulgate rules to contain the cost of
2 assistance provided under ss. 49.68, 49.683, and 49.685. Those rules may include
3 managed care requirements.

4 **SECTION 140.** 49.687 (6) of the statutes is created to read:

5 49.687 (6) If the amounts available under s. 20.435 (4) (e) and (je) are
6 insufficient to provide assistance under s. 49.68, 49.683, and 49.685 to all persons
7 who are eligible to receive assistance under those sections, the department may
8 establish waiting lists for the enrollment of those persons in the programs under
9 those sections and may assign priorities to persons who are on those waiting lists
10 based on criteria that the department shall promulgate by rule.

11 **SECTION 141.** 49.688 (9) (b) of the statutes, as created by 2001 Wisconsin Act
12 16, is amended to read:

13 49.688 (9) (b) A person who is convicted of violating a rule promulgated by the
14 department under par. (a) in connection with that person's furnishing of prescription
15 drugs under this section is guilty of a Class H felony, except that, notwithstanding
16 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
17 \$25,000, or imprisoned for not more than 7 years and 6 months, or both.

18 **SECTION 142.** 49.688 (9) (c) of the statutes, as created by 2001 Wisconsin Act
19 16, is amended to read:

20 49.688 (9) (c) A person other than a person specified in par. (b) who is convicted
21 of violating a rule promulgated by the department under par. (a) may be fined not
22 more than \$10,000, or imprisoned in the county jail for not more than one year, or
23 both.

24 **SECTION 143.** 49.795 (8) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
25 16, is amended to read:

1 49.795 (8) (a) 2. If the value of the food coupons exceeds \$100, but is less than
2 \$5,000, a person who violates this section ~~may be fined not more than \$10,000 or~~
3 ~~imprisoned for not more than 7 years and 6 months or both~~ is guilty of a Class I felony.

4 **SECTION 144.** 49.795 (8) (b) 2. of the statutes, as affected by 2001 Wisconsin Act
5 16, is amended to read:

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

10 **SECTION 145.** 49.795 (8) (c) of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 49.795 (8) (c) For any offense under this section, if the value of the food coupons
13 is \$5,000 or more, a person who violates this section ~~may be fined not more than~~
14 ~~\$250,000 or imprisoned for not more than 30 years or both~~ is guilty of a Class G felony.

15 **SECTION 146.** 49.95 (1) of the statutes is renumbered 49.95 (1) (intro.) and
16 amended to read:

17 49.95 (1) (intro.) Any person who, with intent to secure public assistance under
18 this chapter, whether for himself or herself or for some other person, wilfully makes
19 any false representations ~~may, if~~ is subject to the following penalties:

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

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

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

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

7 **SECTION 147.** 49.95 (1) (e) and (f) of the statutes are created to read:

8 49.95 (1) (e) If the value of the assistance exceeds \$5,000 but does not exceed
9 \$10,000, the person is guilty of a Class H felony.

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

12 **SECTION 148.** 50.065 (1) (e) 1. of the statutes is amended to read:

13 50.065 (1) (e) 1. "Serious crime" means a violation of s. 940.19 (3), 1999 stats.,
14 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6),
15 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1),
16 948.025 or 948.03 (2) (a), or a violation of the law of any other state or United States
17 jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or a violation of s.
18 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3),~~ (4), (5) or (6), 940.22 (2) or (3),
19 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
20 (a) if committed in this state.

21 **SECTION 149.** 51.15 (12) of the statutes is amended to read:

22 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
23 knowing the information contained therein to be false ~~may be fined not more than~~
24 ~~\$5,000 or imprisoned for not more than 7 years and 6 months or both~~ is guilty of a
25 Class H felony.