



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBs0382/P1

.....

January 2002 Special Session

RC
Amnt

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO ASSEMBLY BILL 1

A

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, and the priority of a wage claim lien.

Analysis by the Legislative Reference Bureau

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

4 SECTION 1. 6.18 of the statutes is amended to read:

5 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
6 which the elector has moved, any former qualified Wisconsin elector may vote an
7 absentee ballot in the ward of the elector's prior residence in any presidential election
8 occurring within 24 months after leaving Wisconsin by requesting an application

1 form and returning it, properly executed, to the municipal clerk of the elector's prior
2 Wisconsin residence. When requesting an application form for an absentee ballot,
3 the applicant shall specify the applicant's eligibility for only the presidential ballot.
4 The application form shall require the following information and be in substantially
5 the following form:

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

10 APPLICATION FOR PRESIDENTIAL
11 ELECTOR'S ABSENT BALLOT.

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

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

23 Signed

24 Address(Present address)

25(City)(State)

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

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

3(County)

4 My Commission expires

5 MAIL BALLOT TO:

6 NAME

7 ADDRESS

8 CITY STATE ZIP CODE

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

14(Municipal Clerk)

15(Municipality)

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

17 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
18 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) ~~may be fined not more than \$10,000~~
19 ~~or imprisoned for not more than 4 years and 6 months or both~~ is guilty of a Class I
20 felony.

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

22 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
23 or 11.38 ~~where~~ is guilty of a Class I felony if the intentional violation does not involve
24 a specific figure, or ~~where~~ if the intentional violation concerns a figure which exceeds

1 \$100 in amount or value ~~may be fined not more than \$10,000 or imprisoned for not~~
2 ~~more than 4 years and 6 months or both.~~

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

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

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

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

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

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

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

8 **SECTION 7.** 13.525 of the statutes is created to read:

9 **13.525 Joint review committee on criminal penalties. (1) CREATION.**

10 There is created a joint review committee on criminal penalties composed of the
11 following members:

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

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

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

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

18 (e) A reserve judge who resides in the 1st, 2nd, 3rd, 4th, or 5th judicial
19 administrative district and a reserve judge who resides in the 6th, 7th, 8th, 9th, or
20 10th judicial administrative district, appointed by the supreme court.

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

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

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

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

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

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

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

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

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

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

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

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

15 **(5m) RECOMMENDATIONS REGARDING SENTENCE MODIFICATIONS.** (a) No later than
16 the first day of the 6th month beginning after the effective date of this paragraph
17 [revisor inserts date], the committee shall submit a report to the legislature, in the
18 manner provided under s. 13.172 (2), and to the governor containing
19 recommendations regarding standards and procedures to be used by a court to
20 modify a bifurcated sentence. The report shall include any proposed legislation that
21 is necessary to implement the recommendations made by the committee in its report.

22 (b) Any proposed legislation included in the report under par. (a) shall provide
23 that a bifurcated sentence that a court previously imposed may be modified only by
24 reducing the term of confinement in prison portion of the sentence and lengthening

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

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

8 SECTION 8. 13.525 (5m) of the statutes, as created by 2001 Wisconsin Act
9 (this act), is repealed.

10 SECTION 9. 13.69 (6m) of the statutes is amended to read:

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

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

18 15.01 (2) "Commission" means a 3-member governing body in charge of a
19 department or independent agency or of a division or other subunit within a
20 department, except for the Wisconsin waterways commission which shall consist of
21 5 members, the parole commission which shall consist of 8 members, and the Fox
22 River management commission which shall consist of 7 members. A Wisconsin group
23 created for participation in a continuing interstate body, or the interstate body itself,
24 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
25 The parole commission created under s. 15.145 (1) shall be known as a "commission",

1 but is not a commission for purposes of s. 15.06. The sentencing commission created
2 under s. 15.105 (27) shall be known as a “commission” but is not a commission for
3 purposes of s. 15.06 (1) to (4m), (7), and (9).

4 SECTION 11. 15.105 (27) of the statutes is created to read:

5 15.105 (27) SENTENCING COMMISSION. (a) *Creation; membership.* There is
6 created a sentencing commission that is attached to the department of
7 administration under s. 15.03 and that shall consist of the following members:

8 1. The attorney general or his or her designee.

9 2. The state public defender or his or her designee.

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

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

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

16 6. One representative of crime victims and one prosecutor, each appointed by
17 the attorney general.

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

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

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

1 2. The term of a circuit judge appointed under par. (a) 5. shall end when such
2 person ceases to be a circuit judge. The term of a prosecutor appointed under par.
3 (a) 6. shall end when such person ceases to be a prosecutor.

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

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

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

15 **SECTION 14m.** 16.003 (2) of the statutes is amended to read:

16 16.003 (2) **STAFF.** Except as provided in ss. ~~16.548~~, 16.57, 978.03 (1), (1m) and
17 (2), 978.04 and 978.05 (8) (b), the secretary shall appoint the staff necessary for
18 performing the duties of the department. All staff shall be appointed under the
19 classified service except as otherwise provided by law.

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

21 15.197 (25) (c) This subsection does not apply beginning on July 1, ~~2002~~ 2003.

22 **SECTION 12.** 16.33 (1) (a) of the statutes is amended to read:

23 16.33 (1) (a) Subject to sub. (2), make grants or loans, directly or through agents
24 designated under s. 16.334, from the ~~appropriation~~ appropriations under s. 20.505

1 (7) (b) and (j) to persons or families of low or moderate income to defray housing costs
2 of the person or family.

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

5 16.33 (1) (a) Subject to sub. (2), make grants or loans, directly or through agents
6 designated under s. 16.334, from the appropriations appropriation under s. 20.505
7 (7) (b) and (j) to persons or families of low or moderate income to defray housing costs
8 of the person or family.

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

11 **SECTION 20m.** 16.548 (1) of the statutes is amended to read:

12 16.548 (1) The department may maintain a federal–state relations office in
13 Washington, D.C., for the purpose of promoting federal–state cooperation, ~~headed by~~
14 ~~a director. The director and a staff assistant for the office shall be appointed by the~~
15 ~~governor outside the classified service, subject to the concurrence of the joint~~
16 ~~committee on legislative organization. The director and staff assistant shall serve~~
17 ~~at the pleasure of the governor.~~

18 **SECTION 14.** 19.42 (10) (p) of the statutes is created to read:

19 19.42 (10) (p) A member, the executive director, or the deputy director of the
20 sentencing commission.

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

22 19.42 (13) (c) All positions identified under s. 20.923 (2), (4), (4g), (6) (f) to (h),
23 (7), and (8) to (10), except clerical positions.

24 **SECTION 15.** 19.42 (13) (o) of the statutes is created to read:

				2001-02	2002-03
1	20.505 Administration, department of				
2	(4) ATTACHED DIVISIONS AND OTHER BODIES				
3	(dr) Sentencing commission	GPR	A	-0-	428,600 284,800
4	(7) HOUSING ASSISTANCE				STET (plans)
5	(j) Housing grants and loans; sur-				
6	plus transfer	PR	B	1,500,000	3,300,300
7	20.765 Legislature				
8	(4) CAPITOL OFFICES RELOCATION				
9	(a) Capitol offices relocation costs	GPR	B	2,652,000	-0-
10	20.855 Miscellaneous appropriations				
11	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
12	(v) Transfers to general fund;				
13	2001-02 and 2002-03 fiscal				
14	years	SEG	A	4,333,600	6,190,900
15	SECTION 17. 20.115 (1) (c) of the statutes is repealed.				
16	SECTION 18. 20.115 (4) (f) of the statutes is repealed.				
17	SECTION 19. 20.143 (1) (en) of the statutes is repealed.				
18	SECTION 20. 20.143 (1) (in) of the statutes is repealed.				
19	SECTION 30m. 20.245 (1) (a) of the statutes, as affected by 2001 Wisconsin Act				
20	16, is amended to read:				

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

4 **SECTION 30p.** 20.245 (1) (ag) of the statutes, as affected by 2001 Wisconsin Act
5 16, is repealed.

6 **SECTION 21.** 20.255 (2) (ac) of the statutes, as affected by 2001 Wisconsin Act
7 16, is amended to read:

8 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of
9 educational aids under ss. 121.08, 121.09, 121.095, and 121.105 and subch. VI of ch.
10 121 equal to ~~\$3,767,893,500~~ \$4,200,945,900 in the ~~1999–2000~~ 2002–03 fiscal year,
11 equal to the amount determined by law in the 2003–04 fiscal year and biennially
12 thereafter, and equal to the amount determined by the joint committee on finance
13 under s. 121.15 (3m) (c) in each the 2004–05 fiscal year and biennially thereafter.

14 **SECTION 22.** 20.285 (1) (s) of the statutes is created to read:

15 20.285 (1) (s) *Energy costs; public benefits funding.* From the utility public
16 benefits fund, the amounts in the schedule to pay for utilities and for fuel, heat, and
17 air conditioning, and to pay costs incurred under ss. 16.858 and 16.895, including all
18 operating costs recommended by the department of administration that result from
19 the installation of pollution abatement equipment in state-owned or state-operated
20 heating, cooling, or power plants, by or on behalf of the board of regents. No moneys
21 may be encumbered from this appropriation after June 30, 2003.

22 **SECTION 23.** 20.292 (1) (ep) of the statutes is repealed.

23 **SECTION 24.** 20.370 (1) (fe) 1. of the statutes is amended to read:

24 20.370 (1) (fe) 1. From the general fund, a sum sufficient in fiscal year 1993–94
25 and in each fiscal year thereafter that equals the sum of the amount certified in that

1 fiscal year under s. 71.10 (5) (h) 3. for the previous fiscal year and the amounts
2 received under par. (gr) in that fiscal year for the purposes of the endangered
3 resources program, as defined in s. 71.10 (5) (a) 2. The amount appropriated under
4 this subdivision may not exceed \$500,000 in a fiscal year, except that the amount
5 appropriated under this subdivision in fiscal year 2001–02 may not exceed \$482,500
6 and the amount appropriated under this subdivision in fiscal year 2002–03 may not
7 exceed \$475,000.

8 **SECTION 36kb.** 20.370 (6) (bw) of the statutes is created to read:

9 20.370 (6) (bw) *Wheelchair recycling project.* From the recycling fund, the
10 amounts in the schedule for the ~~W~~Wheelchair recycling project under 2001 Wisconsin
11 Act (this act), section 9137 (1q).

12 **SECTION 36kc.** 20.370 (6) (bw) of the statutes, as created by 2001 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 36d.** 20.370 (1) (mu) of the statutes is amended to read:

15 20.370 (1) (mu) *General program operations — state funds.* The amounts in
16 the schedule for general program operations that do not relate to the management
17 and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203,
18 and 30.277, subch. VI of ch. 77, and chs. 26, 28, and 29, to provide funding under 2001
19 Wisconsin Act (this act), section 9137 (1w), and for transfers to the appropriation
20 account under s. 20.285 (1) (kf).

21 **SECTION 36db.** 20.370 (1) (mu) of the statutes, as affected by 2001 Wisconsin
22 Act (this act), is amended to read:

23 20.370 (1) (mu) *General program operations — state funds.* The amounts in
24 the schedule for general program operations that do not relate to the management
25 and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203

1 and 30.277, subch. VI of ch. 77 and chs. 26, 28 and 29, to provide funding under 2001
2 ~~Wisconsin Act (this act), section 9137 (1w)~~, and for transfers to the appropriation
3 account under s. 20.285 (1) (kf).

4 **SECTION 36m.** 20.370 (1) (kk) of the statutes, as created by 2001 Wisconsin Act
5 16, is amended to read:

6 20.370 (1) (kk) *Wild crane study.* From the general fund, the amounts in the
7 schedule for the study on crop damage by wild cranes under 2001 Wisconsin Act 16,
8 section 9137 (6f). All moneys transferred from the appropriation account under s.
9 20.505 (8) (hm) 8n. shall be credited to this appropriation account. Notwithstanding
10 s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to
11 the appropriation account under s. 20.505 (8) (hm). No moneys may be encumbered
12 from this appropriation after June 30, 2003.

13 **SECTION 25.** 20.435 (2) (r) of the statutes is created to read:

14 20.435 (2) (r) *Energy costs; public benefits funding.* From the utility public
15 benefits fund, the amounts in the schedule to be used at mental health institutes and
16 centers for the developmentally disabled to pay for utilities and for fuel, heat, and
17 air conditioning and to pay costs incurred by or on behalf of the department under
18 ss. 16.858 and 16.895. No moneys may be encumbered from this appropriation after
19 June 30, 2003.

20 **SECTION 26.** 20.435 (5) (fh) of the statutes, as affected by 2001 Wisconsin Act
21 16, is repealed.

22 **SECTION 27.** 20.436 (1) (b) of the statutes is created to read:

23 20.436 (1) (b) *Annual transfer from general fund.* Annually, beginning on June
24 15, 2004, a sum sufficient to be transferred to the tobacco control fund equal to

1 \$25,000,000, less the amount transferred from the permanent endowment fund
2 under s. 13.101 (16) (b) in that year.

3 **SECTION 28.** 20.445 (3) (md) of the statutes, as affected by 2001 Wisconsin Act
4 16, is amended to read:

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

14 **SECTION 41r.** 20.455 (2) (fm) of the statutes, as affected by 2001 Wisconsin Act
15 16, is repealed.

16 **SECTION 29.** 20.465 (1) (r) of the statutes is created to read:

17 20.465 (1) (r) *Energy costs; public benefits funding.* From the utility public
18 benefits fund, the amounts in the schedule to be used at military buildings under the
19 control of the department to pay for utilities and for fuel, heat, and air conditioning
20 and to pay costs incurred by or on behalf of the department under ss. 16.858 and
21 16.895. No moneys may be encumbered from this appropriation after June 30, 2003.

22 **SECTION 43c.** 20.465 (4) (c) of the statutes is renumbered 20.465 (4) (ka) and
23 amended to read:

24 20.465 (4) (ka) *Youth Challenge program; public instruction funds.* The
25 ~~amounts in the schedule~~ All moneys received from the department of public

1 instruction under s. 121.095, for the operation of the Youth Challenge program under
2 s. 21.26.

3 **SECTION 43k.** 20.465 (4) (j) of the statutes is created to read:

4 20.465 (4) (j) *Youth Challenge program; county funds.* All moneys received
5 from counties under s. 21.26 (3), for the operation of the Youth Challenge program.

6 **SECTION 30.** 20.505 (1) (fe) of the statutes, as created by 2001 Wisconsin Act
7 16, is repealed.

8 **SECTION 44d.** 20.505 (1) (md) of the statutes is amended to read:

9 20.505 (1) (md) *Oil overcharge restitution funds.* All federal moneys received
10 as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals
11 approved by the joint committee on finance under s. 14.065, and for transfers under
12 1993 Wisconsin Act 16, section 9201 (1z), ~~and for allocation under 1999 Wisconsin~~
13 ~~Act 113, section 32 (7).~~

14 **SECTION 31.** 20.505 (3) (s) of the statutes, as affected by 2001 Wisconsin Act 16,
15 is amended to read:

16 20.505 (3) (s) *Energy conservation and efficiency and renewable resource*
17 *grants.* From the utility public benefits fund, a sum sufficient equal to the difference
18 between the unencumbered balance in the utility public benefits fund on the effective
19 date of this paragraph [revisor inserts date], and the sum of the amounts shown
20 in the schedule under s. 20.005 (3) for the appropriations under pars. (r) and (rr) and
21 the amounts appropriated under ss. 20.285 (1) (s), 20.435 (2) (r), 20.465 (1) (r), and
22 20.505 (3) (q), for energy conservation and efficiency and renewable resource grants
23 under s. 16.957 (2) (b) 1. and to make the transfer to the air quality improvement fund
24 under s. 16.958 (2) (a).

1 **SECTION 32.** 20.505 (3) (s) of the statutes, as affected by 2001 Wisconsin Act ...
2 (this act), is repealed and recreated to read:

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

7 **SECTION 33.** 20.505 (4) (dr) of the statutes is created to read:

8 20.505 (4) (dr) *Sentencing commission.* The amounts in the schedule for the
9 general program operations of the sentencing commission. No money may be
10 encumbered from the appropriation under this paragraph after December 31, 2007.

11 **SECTION 34.** 20.505 (4) (mr) of the statutes is created to read:

12 20.505 (4) (mr) *Sentencing commission; federal aid.* All moneys received as
13 federal aid as authorized by the governor under s. 16.54 to carry out the purposes for
14 which the aid is provided. No money may be encumbered from the appropriation
15 under this paragraph after December 31, 2007.

16 **SECTION 35.** 20.505 (7) (b) (title) of the statutes is amended to read:

17 20.505 (7) (b) (title) *Housing grants and loans; general purpose revenue.*

18 **SECTION 36.** 20.505 (7) (j) of the statutes is created to read:

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

24 **SECTION 52m.** 20.505 (8) (b) of the statutes, as created by 2001 Wisconsin Act
25 16, is repealed.

1 **SECTION 52c.** 20.505 (7) (j) of the statutes, as created by 2001 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 52m.** 20.765 (4) of the statutes is created to read:

4 20.765 (4) CAPITOL OFFICES RELOCATION. (a) *Capitol offices relocation costs.* The
5 amounts in the schedule for office relocation costs related to the assembly, senate,
6 and legislative service agencies. Expenditures from this appropriation may be made
7 only with the written approval of the cochairpersons of the joint committee on
8 legislative organization.

9 **SECTION 37.** 20.835 (1) (b) of the statutes is amended to read:

10 20.835 (1) (b) *Small municipalities shared revenue.* A sum sufficient to make
11 the payments under s. 79.03 (3c). No moneys may be encumbered or expended from
12 this appropriation after December 31, 2003.

13 **SECTION 38.** 20.835 (1) (c) of the statutes is amended to read:

14 20.835 (1) (c) *Expenditure restraint program account.* A sum sufficient to make
15 the payments under s. 79.05. No moneys may be encumbered or expended from this
16 appropriation after December 31, 2003.

17 **SECTION 39.** 20.835 (1) (d) of the statutes is amended to read:

18 20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the
19 requirements of the shared revenue account established under s. 79.01 (2) to provide
20 for the distributions from the shared revenue account to counties, towns, villages,
21 and cities under ss. 79.03, 79.04, and 79.06. No moneys may be encumbered or
22 expended from this appropriation after December 31, 2003.

23 **SECTION 55b.** 20.835 (1) (db) of the statutes is created to read:

24 20.835 (1) (db) *County and municipal aid account.* Beginning in 2003, a sum
25 sufficient to make payments to counties, towns, villages, and cities under s. 79.035.

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

2 20.835 (1) (dm) *Public utility distribution account.* Beginning in 2004, a sum
3 sufficient to make the payments under s. 79.04 (4), (6), and (7).

4 **SECTION 40.** 20.835 (1) (f) of the statutes is amended to read:

5 20.835 (1) (f) *County mandate relief account.* A sum sufficient to make the
6 payments to counties under s. 79.058. No moneys may be encumbered or expended
7 from this appropriation after December 31, 2003.

8 **SECTION 41.** 20.855 (4) (f) of the statutes is amended to read:

9 20.855 (4) (f) *Supplemental title fee matching.* From the general fund, a sum
10 sufficient equal to the amount of supplemental title fees collected under ss. 101.9208
11 (1) (dm) and 342.14 (3m), as determined under s. 85.037, less \$555,000, to be
12 transferred to the environmental fund on October 1 annually.

13 **SECTION 42.** 20.855 (4) (rb) of the statutes is created to read:

14 20.855 (4) (rb) *Shared revenue payment.* From the permanent endowment
15 fund, a sum sufficient to make the payments under s. 79.02 (3).

16 **SECTION 43.** 20.855 (4) (rb) of the statutes, as created by 2001 Wisconsin Act
17 (this act), is repealed.

18 **SECTION 44.** 20.855 (4) (rh) of the statutes, as created by 2001 Wisconsin Act
19 16, is amended to read:

20 20.855 (4) (rh) *Annual transfer from permanent endowment fund to general*
21 *fund.* From the permanent endowment fund, to be transferred to the general fund,
22 a sum sufficient equal to the amount that is required to be transferred to the general
23 fund under s. 13.101 (16).

24 **SECTION 45.** 20.855 (4) (v) of the statutes is created to read:

1 20.855 (4) (v) *Transfers to general fund; 2001–02 and 2002–03 fiscal years.*
2 From the transportation fund, the amounts in the schedule to be transferred to the
3 general fund.

4 **SECTION 46.** 20.855 (4) (v) of the statutes, as created by 2001 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 64r.** 20.866 (2) (tm) of the statutes is amended to read:

7 20.866 (2) (tm) *Natural resources; pollution abatement and sewage collection*
8 *facilities, ORAP funding.* From the capital improvement fund, a sum sufficient to
9 the department of natural resources to acquire, construct, develop, enlarge or
10 improve point source water pollution abatement facilities and sewage collection
11 facilities under ss. 281.55 and 281.56. The state may contract public debt in an
12 amount not to exceed ~~\$146,850,000~~ \$145,060,325 for this purpose. Of this amount,
13 \$5,000,000 is allocated for point source water pollution abatement facilities and
14 sewage collection facilities under s. 281.56.

15 **SECTION 47.** 20.866 (2) (xc) of the statutes is amended to read:

16 20.866 (2) (xc) *Building commission; refunding tax-supported 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 paid from general purpose revenue. The state may
20 contract public debt in an amount not to exceed ~~\$2,125,000,000~~ \$2,102,086,430 for
21 this purpose. Such indebtedness shall be construed to include any premium and
22 interest payable with respect thereto. Debt incurred by this paragraph shall be
23 repaid under the appropriations providing for the retirement of public debt incurred
24 for tax-supported facilities in proportional amounts to the purposes for which the

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

3 **SECTION 48.** 20.866 (2) (xd) of the statutes is amended to read:

4 20.866 (2) (xd) *Building commission; refunding self-amortizing 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 repaid from program revenues or segregated funds. The
8 state may contract public debt in an amount not to exceed \$275,000,000
9 \$272,863,033 for this purpose. Such indebtedness shall be construed to include any
10 premium and interest payable with respect thereto. Debt incurred by this paragraph
11 shall be repaid under the appropriations providing for the retirement of public debt
12 incurred for self-amortizing facilities in proportional amounts to the purposes for
13 which the debt was refinanced. It is the intent of the legislature that this refunding
14 authority only be used if the true interest costs to the state can be reduced.

15 **SECTION 49.** 20.866 (2) (xe) (title) of the statutes, as created by 2001 Wisconsin
16 Act 16, is amended to read:

17 20.866 (2) (xe) (title) *Building commission; refunding tax-supported and*
18 *self-amortizing general obligation debt incurred before June 30, 2003.*

19 **SECTION 50.** 20.866 (2) (xm) of the statutes is created to read:

20 20.866 (2) (xm) *Building commission; refunding tax-supported and*
21 *self-amortizing general obligation debt.* From the capital improvement fund, a sum
22 sufficient to refund the whole or any part of any unpaid indebtedness used to finance
23 tax-supported or self-amortizing facilities. In addition to the amount that may be
24 contracted under par. (xe), the state may contract public debt in an amount not to
25 exceed \$440,000,000 for this purpose. Such indebtedness shall be construed to

1 include any premium and interest payable with respect thereto. Debt incurred by
2 this paragraph shall be repaid under the appropriations providing for the retirement
3 of public debt incurred for tax-supported and self-amortizing facilities in
4 proportional amounts to the purposes for which the debt was refinanced. No moneys
5 may be expended under this paragraph unless the true interest costs to the state can
6 be reduced by the expenditure.

7 **SECTION 51.** 20.923 (4) (b) 7. of the statutes is created to read:

8 20.923 (4) (b) 7. Sentencing commission: executive director.

9 **SECTION 69g.** 20.923 (4) (c) 1. of the statutes is repealed.

10 **SECTION 69r.** 20.923 (6) (ah) of the statutes is repealed.

11 **SECTION 52.** 20.923 (6) (hr) of the statutes is created to read:

12 20.923 (6) (hr) Sentencing commission: deputy director.

13 **SECTION 71t.** 20.923 (16) of the statutes is amended to read:

14 20.923 (16) OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to
15 any person whose position is included under subs. (2), (4), (4g), (5), (7), and (8) to (12)
16 is deemed to compensate that person for all work hours. No overtime compensation
17 may be paid, and no compensatory time under s. 103.025 may be provided, to any
18 such person for hours worked in any workweek in excess of the standard basis of
19 employment as specified in s. 230.35 (5) (a).

20 **SECTION 71m.** 20.924 (4) of the statutes, as affected by 2001 Wisconsin Act 16,
21 is amended to read:

22 20.924 (4) In addition to the authorized building program for the historical
23 society, the society may expend any funds which are made available from the
24 appropriations under s. 20.245 (1) (~~ag~~) (a), (g), (h), (m), and (n).

25 **SECTION 72c.** 21.26 of the statutes is renumbered 21.26 (1).

1 **SECTION 72d.** 21.26 (2) of the statutes is created to read:

2 21.26 (2) Annually, the department of military affairs shall do all of the
3 following:

4 (a) Calculate 40% of the average cost per pupil attending the Youth Challenge
5 program and report this information to the department of public instruction.

6 (b) Notwithstanding s. 118.125, report to each school district in which a pupil
7 attending the program is enrolled the pupil's name and the name and address of the
8 pupil's custodial parent or guardian.

9 **SECTION 72e.** 21.26 (3) of the statutes is created to read:

10 21.26 (3) Based on the information received under s. 121.095 (3), if the
11 department of military affairs determines that a pupil attending the Youth
12 Challenge program is enrolled in a school district that had its state aid reduced by
13 the amount under s. 121.095 (1) (b) 2., the county in which the pupil's custodial
14 parent or guardian resided at the time of the pupil's attendance in the program shall
15 pay to the state, from the funds received under s. 20.410 (3) (cd) and (ko), the
16 difference between the amount under s. 121.095 (1) (b) 2. and the amount calculated
17 under sub. (2) (a). The pupil's custodial parent or guardian is the person who claims
18 the pupil as a dependent under section 151 (c) of the Internal Revenue Code, on his
19 or her tax return. The department shall notify the county where a pupil resides of
20 the amount that the county is required to pay to the state.

21 **SECTION 72m.** 23.197 (6g) of the statutes is created to read:

22 23.197 (6g) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation
23 under s. 20.866 (2) (ta), the department shall provide funding in the amount of
24 \$250,000 to acquire conservation easements along the Plover River in Marathon
25 County and Portage County. For the purposes of s. 23.0917, moneys provided under

1 this subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as
2 moneys obligated under the subprogram for land acquisition.

3 **SECTION 72g.** 23.0917 (4) (cm) 7. of the statutes is created to read:

4 23.0917 (4) (cm) 7. Development of a wildlife rehabilitation center under s.
5 23.197 (10).

6 **SECTION 72r.** 23.197 (10) of the statutes is created to read:

7 23.197 (10) WILDLIFE REHABILITATION CENTER. From the appropriation under s.
8 20.866 (2) (ta), the department shall provide \$500,000 to the Wisconsin Humane
9 Society in Milwaukee for the development of an outdoor center to be used for the
10 rehabilitation of wildlife. For purposes of s. 23.0917, the moneys provided under this
11 subsection shall be treated as moneys obligated from either or both of the
12 subprograms under s. 23.0917 (3) and (4).

13 **SECTION 72m.** 23.0917 (7) (e) of the statutes is amended to read:

14 23.0917 (7) (e) For any land for which moneys are proposed to be obligated from
15 the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to
16 a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit
17 conservation organization under s. 23.096, the department shall use at least 2
18 appraisals to determine the fair market value of the land. The governmental unit
19 or nonprofit conservation organization shall submit to the department ~~two~~
20 ~~appraisals if the department estimates that the fair market value of the land exceeds~~
21 ~~\$200,000~~ one appraisal that is paid for by the governmental unit or nonprofit
22 conservation organization. The department shall obtain its own independent
23 appraisal. The department may also require that the governmental unit or nonprofit
24 conservation organization submit a 3rd independent appraisal. The department
25 shall reimburse the governmental unit or nonprofit conservation organization up to

1 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the
2 land is acquired by the governmental unit or nonprofit conservation organization
3 with moneys obligated from the appropriation under s. 20.866 (2) (ta). This
4 paragraph does not apply if the fair market value of the land is estimated by the
5 department to be \$200,000 or less.

6 **SECTION 72m.** 23.155 of the statutes is created to read:

7 **23.155 Contracts to sell or exchange state-owned land under the**
8 **jurisdiction of the department. (1)** In this section, “department land” means an
9 area of land that is owned by the state, that is under the jurisdiction of the
10 department, and that is used for one of the purposes described in s. 23.09 (2) (d) 1.,
11 2., 3., 6., 7., 8., 10., 11., 12., 13., 14., 15., or 16.

12 **(2)** The department may not enter into a contract to sell or exchange
13 department land that has a fair market value in excess of \$75,000 unless the
14 department first notifies the joint committee on finance in writing of the proposed
15 contract. If the cochairpersons of the committee do not notify the department within
16 14 working days after the date of the department’s notification that the committee
17 has scheduled a meeting to review the proposed contract, the department may enter
18 into the contract. If, within 14 working days after receiving the notification from the
19 department, the cochairpersons of the committee notify the department that the
20 committee has scheduled a meeting to review the proposed contract, the department
21 may enter into the contract only on the approval of the committee.

22 **(3)** The joint committee on finance may approve a contract under sub. (2) to sell
23 department land only if the committee determines that the level of reimbursement
24 to be received by the state adequately reimburses the state for its cost in acquiring
25 and developing the department land. The joint committee on finance may approve

1 a contract under sub. (2) to exchange department land for other land only if the
2 committee determines that the value of the land to be received by the state in the
3 exchange adequately reflects the state's cost in acquiring and developing the
4 department land.

5 (4) The approval process under subs. (2) and (3) is in addition to any approval
6 process that may apply to the sale or exchange of the department land under s. 13.48
7 (14) (d).

8 **SECTION 53.** 23.33 (13) (cg) of the statutes is amended to read:

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

14 **SECTION 54.** 25.66 (1) (e) of the statutes is created to read:

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

17 **SECTION 55.** 25.69 of the statutes, as created by 2001 Wisconsin Act 16, is
18 amended to read:

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

1 **SECTION 56.** 25.69 of the statutes, as affected by 2001 Wisconsin Acts 16 and
2 (this act), is repealed and recreated to read:

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

9 ↙ → looks like an extra space here

10 **SECTION 57.** 26.14 (8) of the statutes is amended to read:

11 26.14 (8) Any person who intentionally sets fire to the land of another or to a
12 marsh shall be fined not more than \$10,000 or imprisoned for not more than 7 years
13 and 6 months or both is guilty of a Class H felony.

14 **SECTION 84g.** 26.145 (2m) of the statutes is created to read:

15 26.145 (2m) **EFFECT OF OTHER FINANCIAL ASSISTANCE.** The department may
16 consider any cost which has been or will be paid or reimbursed from moneys received
17 under another federal or state financial assistance program as an ineligible cost for
18 the purposes of calculating the amount of a grant under sub. (1), except that the
19 department shall consider any cost that has been or will be paid or reimbursed from
20 moneys received under s. 101.573 (3) as an eligible cost for the purposes of calculating
21 the amount of a grant under sub. (1).

22 **SECTION 84h.** 26.145 (2m) of the statutes, as created by 2001 Wisconsin Act
23 (this act) is repealed.

24 **SECTION 58.** 29.971 (1) (c) of the statutes is amended to read:

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

5 **SECTION 59.** 29.971 (1m) (c) of the statutes is amended to read:

6 29.971 (1m) (c) ~~For A person possessing clams in violation of s. 29.537, is guilty~~
7 ~~of a Class I felony if the value of the clams under par. (d) exceeds \$1,000, by a fine~~
8 ~~of not more than \$10,000 or imprisonment for not more than 3 years or both.~~

9 **SECTION 60.** 29.971 (11m) (a) of the statutes is amended to read:

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

19 **SECTION 61.** 29.971 (11p) (a) of the statutes is amended to read:

20 29.971 (11p) (a) For entering the den of a hibernating black bear and harming
21 the bear, by a fine of not more than \$10,000 or imprisonment for not more than ~~2~~
22 years 9 months or both.

23 **SECTION 62.** 30.80 (2g) (b) of the statutes is amended to read:

1 30.80 (2g) (b) Shall be fined not less than ~~\$300~~ nor more than ~~\$5,000~~ \$10,000
2 or imprisoned for not more than ~~2 years~~ 9 months or both if the accident involved
3 injury to a person but the person did not suffer great bodily harm.

4 **SECTION 63.** 30.80 (2g) (c) of the statutes is amended to read:

5 30.80 (2g) (c) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
6 ~~than 3 years or both~~ Is guilty of a Class I felony if the accident involved injury to a
7 person and the person suffered great bodily harm.

8 **SECTION 64.** 30.80 (2g) (d) of the statutes is amended to read:

9 30.80 (2g) (d) ~~Shall be fined not more than \$10,000 or imprisoned for not more~~
10 ~~than 7 years and 6 months or both~~ Is guilty of a Class H felony if the accident involved
11 death to a person.

12 **SECTION 65.** 30.80 (3m) of the statutes is amended to read:

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

16 **SECTION 66.** 36.25 (6) (d) of the statutes is amended to read:

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

25 **SECTION 67.** 38.04 (9) of the statutes is amended to read:

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

10 SECTION 68. 38.28 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
11 16, is amended to read:

12 38.28 (1m) (a) 1. "District aidable cost" means the annual cost of operating a
13 technical college district, including debt service charges for district bonds and
14 promissory notes for building programs or capital equipment, but excluding all
15 expenditures relating to auxiliary enterprises and community service programs, all
16 expenditures funded by or reimbursed with federal revenues, all receipts under sub.
17 (6) and ss. 38.12 (9), 38.14 (3) and (9), (118.15 (2) (a), 118.55 (7r), and 146.55 (5), all
18 receipts from grants awarded under ss. 38.04 (8), (19), (20), and (31), 38.14 (11),
19 38.26, 38.27, ~~38.305~~, 38.31, 38.33, and 38.38, all fees collected under s. 38.24, and
20 driver education and chauffeur training aids.

21 SECTION 69. 38.305 of the statutes, as affected by 2001 Wisconsin Act 16, is
22 repealed.

23 SECTION 100t. 40.02 (30) of the statutes is amended to read:

24 40.02 (30) "Executive participating employee" means a participating employee
25 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), (8), or (9) or

1 authorized under s. 230.08 (2) (e) during the time of employment. All service credited
2 prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats.,
3 shall continue to be treated as executive service as defined under s. 40.02 (31), 1985
4 stats., but no other service rendered prior to May 17, 1988, may be changed to
5 executive service as defined under s. 40.02 (31), 1985 stats.

6 **SECTION 100p.** 46.286 (3m) of the statutes is created to read:

7 **46.286 (3m) INFORMATION ABOUT FAMILY CARE ENROLLEES.** (a) In this subsection:

- 8 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).
9 2. "Insurer" has the meaning given in s. 600.03 (27).

10 (b) An insurer that issues or delivers a disability insurance policy that provides
11 coverage to a resident of this state shall provide to the department, upon the
12 department's request, information contained in the insurer's records regarding all
13 of the following:

14 1. Information that the department needs to identify enrollees of family care
15 who satisfy any of the following:

- 16 a. Are eligible for benefits under a disability insurance policy.
17 b. Would be eligible for benefits under a disability insurance policy if the
18 enrollee were enrolled as a dependent of a person insured under the disability
19 insurance policy.

20 2. Information required for submittal of claims under the insurer's disability
21 insurance policy.

22 3. The types of benefits provided by the disability insurance policy.

23 (c) Upon requesting an insurer to provide the information under par. (b), the
24 department shall enter into a written agreement with the insurer that satisfies all
25 of the following:

1 1. Identifies in detail the information to be disclosed.

2 2. Includes provisions that adequately safeguard the confidentiality of the
3 information to be disclosed.

4 (d) 1. An insurer shall provide the information requested under par. (b) within
5 180 days after receiving the department's request if it is the first time that the
6 department has requested the insurer to disclose information under this subsection.

7 2. An insurer shall provide the information requested under par. (b) within 30
8 days after receiving the department's request if the department has previously
9 requested the insurer to disclose information under this subsection.

10 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
11 the commissioner of insurance, and the commissioner of insurance may initiate
12 enforcement proceedings against the insurer under s. 601.41 (4) (a).

13 **SECTION 100m.** 44.015 (5m) of the statutes is created to read:

14 44.015 (5m) Except as otherwise provided by law, establish fees for services or
15 products or for admission to venues.

16 **SECTION 70.** 47.03 (3) (d) of the statutes is amended to read:

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

19 **SECTION 71.** 48.355 (2d) (b) 3. of the statutes is amended to read:

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

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

3 **SECTION 72.** 48.415 (9m) (b) 2. of the statutes is amended to read:

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

10 **SECTION 73.** 48.417 (1) (d) of the statutes is amended to read:

11 48.417 (1) (d) A court of competent jurisdiction has found that the parent has
12 committed a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4)
13 or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a
14 violation of the law of any other state or federal law, if that violation would be a
15 violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or
16 948.03 (2) (a) or (3) (a) if committed in this state, and that the violation resulted in
17 great bodily harm, as defined in s. 939.22 (14), or in substantial bodily harm, as
18 defined in s. 939.22 (38), to the child or another child of the parent.

19 **SECTION 74.** 48.57 (3p) (g) 2. of the statutes is amended to read:

20 48.57 (3p) (g) 2. The person has had imposed on him or her a penalty specified
21 in s. 939.64, 1999 stats., or s. 939.641, 1999 stats., or s. 939.62, 939.621, 939.63,
22 ~~939.64, 939.641~~ or 939.645 or has been convicted of a violation of the law of any other
23 state or federal law under circumstances under which the person would be subject
24 to a penalty specified in any of those sections if convicted in this state.

25 **SECTION 75.** 48.685 (1) (c) of the statutes is amended to read:

1 48.685 (1) (c) "Serious crime" means a violation of s. 940.19 (3), 1999 stats., a
2 violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
3 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
4 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
5 948.12, 948.13, 948.21 (1) or 948.30 or a violation of the law of any other state or
6 United States jurisdiction that would be a violation of s. 940.19 (3), 1999 stats., or
7 a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6),
8 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
9 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
10 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

11 **SECTION 76.** 48.685 (5) (bm) 2. of the statutes is amended to read:

12 48.685 (5) (bm) 2. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), ~~(3)~~,
13 (4), (5) or (6) or 940.20 (1) or (1m), if the victim is the spouse of the person.

14 **SECTION 77.** 48.685 (5) (bm) 3. of the statutes is amended to read:

15 48.685 (5) (bm) 3. A violation of s. 943.23 (1m) or (1r), 1999 stats., or of s. 940.01,
16 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1), (2) or (3), 940.23, 940.305, 940.31,
17 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g), ~~(1m) or (1r)~~ or 943.32 (2).

18 **SECTION 78.** 48.685 (5) (bm) 4. of the statutes is amended to read:

19 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 940.19 (2), ~~(3)~~,
20 (4), (5) or (6), 940.20, 940.203, 940.205 or 940.207 or an offense under ch. 961 that
21 is a felony, if committed not more than 5 years before the date of the investigation
22 under sub. (2) (am).

23 **SECTION 79.** 49.141 (7) (a) of the statutes is amended to read:

24 49.141 (7) (a) A person who is convicted of violating sub. (6) in connection with
25 the furnishing by that person of items or services for which payment is or may be

1 made under Wisconsin works ~~may be fined not more than \$25,000 or imprisoned for~~
2 ~~not more than 7 years and 6 months or both~~ is guilty of a Class H felony.

3 **SECTION 80.** 49.141 (7) (b) of the statutes is amended to read:

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

7 **SECTION 81.** 49.141 (9) (a) of the statutes is amended to read:

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

17 **SECTION 82.** 49.141 (9) (b) of the statutes is amended to read:

18 49.141 (9) (b) Whoever offers or pays any remuneration in cash or in-kind to
19 any person to induce the person to refer an individual to a person for the furnishing
20 or arranging for the furnishing of any item or service for which payment may be made
21 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
22 for or recommend purchasing, leasing, or ordering any good, facility, service or item
23 for which payment may be made in whole or in part under any provision of Wisconsin
24 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine

(A)

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

3 **SECTION 83.** 49.141 (10) (b) of the statutes is amended to read:

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

8 **SECTION 119m.** 49.175 (1) (zh) 2. of the statutes, as affected by 2001 Wisconsin B
9 Act 16, is amended to read:

10 49.175 (1) (zh) 2. 'Taxable years 1999 and thereafter.' For the transfer of
11 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
12 account under s. 20.835 (2) (kf) for the earned income tax credit, \$51,244,500 in fiscal
13 year 2001-02 and ~~\$52,200,000~~ \$55,160,000 in fiscal year 2002-03.

14 **SECTION 84.** 49.195 (3n) (k) of the statutes is amended to read:

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

21 **SECTION 85.** 49.195 (3n) (r) of the statutes is amended to read:

22 49.195 (3n) (r) No employer may discharge or otherwise discriminate with
23 respect to the terms and conditions of employment against any employee by reason
24 of the fact that his or her earnings have been subject to levy for any one levy or
25 because of compliance with any provision of this subsection. Any person who violates