



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBs0382/P2
ALL:all:all

KMG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 1

AN ACT relating to: state finances and appropriations, ~~constituting the~~
~~governor's recommendations for~~ correcting the imbalance between projected
revenues and authorized expenditures, and ~~the priority of a wage claim~~ *diverse other matters*.

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

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

6.18 Former residents. If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot.

The application form shall require the following information and be in substantially the following form:

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

APPLICATION FOR PRESIDENTIAL
ELECTOR'S ABSENT BALLOT.

(To be voted at the Presidential Election

on November, (year)

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

Signed

Address(Present address)

....(City)(State)

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

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

....(County)

My Commission expires

MAIL BALLOT TO:

NAME

ADDRESS

CITY STATE ZIP CODE

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

....(Municipal Clerk)

....(Municipality)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) JUDICIAL AND GUBERNATORIAL APPOINTEES. Members appointed under sub. (1)

(e) or (f) shall serve at the pleasure of the authority appointing them.

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

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

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

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

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

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

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

(c) The chief clerk shall print a report prepared by the committee under par. (b) as an appendix to the bill and attach it thereto as are amendments. The

reproduction shall be in lieu of inclusion in the daily journal of the house in which the proposal is introduced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Reimbursement and compensation.* Members of the commission shall be reimbursed for their actual and necessary expenses incurred in the performance of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2001-02 2002-03

20.285 University of Wisconsin System

- (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC
SERVICE

				2001-02	2002-03
(s)	Energy costs; public benefits				
	funding	SEG	A	5,150,000	17,122,600
20.370 Natural resources, department of					
(6)	ENVIRONMENTAL AIDS				
(bw)	Wheelchair recycling project	SEG	A	-0-	20,000
20.435 Health and family services, department of					
(2)	CARE AND TREATMENT FACILITIES				
(r)	Energy costs; public benefits				
	funding	SEG	A	-0-	600,000
20.465 Military affairs, department of					
(1)	NATIONAL GUARD OPERATIONS				
(r)	Energy costs; public benefits				
	funding	SEG	A	-0-	427,400
20.505 Administration, department of					
(4)	ATTACHED DIVISIONS AND OTHER BODIES				
(dr)	Sentencing commission	GPR	A	-0-	284,800
(7)	HOUSING ASSISTANCE				
(j)	Housing grants and loans; sur-				
	plus transfer	PR	B	1,500,000	3,300,300

2001-02 2002-03

20.765 Legislature

(4) CAPITOL OFFICES RELOCATION

(a) Capitol offices relocation costs GPR B 2,652,000 -0-

20.855 Miscellaneous appropriations

(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

(v) Transfers to general fund;
2001-02 and 2002-03 fiscal
years

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

as affected
by 2001 Wisconsin
Act 38,

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

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

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

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

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

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

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

created

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

20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of educational aids under ss. 121.08, 121.09, 121.095, and 121.105 and subch. VI of ch.

121 equal to ~~\$3,767,893,500~~ \$4,200,945,900 in the ~~1999-2000~~ 2002-03 fiscal year, equal to the amount determined by law in the 2003-04 fiscal year and biennially thereafter, and equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in ~~each~~ the 2004-05 fiscal year and biennially thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.445 (3) (md) *Federal block grant aids*. The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and to be transferred to the appropriation accounts under ss. 20.255 (2) (kh), and (kp), 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km), and (ky), (5) (ky),

(7) (ky), and (8) (kx), 20.465 (4) (k), and 20.835 (2) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies, all moneys transferred under 2001 Wisconsin Act (this act), section 9223 (NO TAG), from the appropriation account under s. 20.435 (7) (o), and all moneys recovered under s. 49.143 (3) shall be credited to this appropriation account.

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

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

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

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

20.465 (4) (ka) *Youth Challenge program; public instruction funds.* ~~The amounts in the schedule~~ All moneys received from the department of public instruction under s. 121.095, for the operation of the Youth Challenge program under s. 21.26.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.765 (4) CAPITOL OFFICES RELOCATION. (a) *Capitol offices relocation costs*. The amounts in the schedule for office relocation costs related to the assembly, senate, and legislative service agencies. Expenditures from this appropriation may be made

only with the ~~written~~ approval of the cochairpersons of the joint committee on legislative organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.866 (2) (xd) *Building commission; refunding self-amortizing general obligation debt.* From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance facilities in which

general obligation bonds are repaid from program revenues or segregated funds. The state may contract public debt in an amount not to exceed \$275,000,000 \$272,863,033 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for self-amortizing facilities in proportional amounts to the purposes for which the debt was refinanced. It is the intent of the legislature that this refunding authority only be used if the true interest costs to the state can be reduced.

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

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

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

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

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

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

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

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

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

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

SECTION 71i. 20.923 (16) of the statutes is amended to read:

20.923 (16) ⁽⁹⁾ OVERTIME AND COMPENSATORY TIME EXCLUSION. The salary paid to any person whose position is included under subs. (2), (4), (4g), (5), (7), and (8) to (12) is deemed to compensate that person for all work hours. No overtime compensation may be paid, and no compensatory time under s. 103.025 may be provided, to any such person for hours worked in any workweek in excess of the standard basis of employment as specified in s. 230.35 (5) (a).

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

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

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

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

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

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

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

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

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

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

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

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

23.0917 (7) (e) For any land for which moneys are proposed to be obligated from the appropriation under s. 20.866 (2) (ta) in order to provide a grant or state aid to a governmental unit under s. 23.09 (19), (20), or (20m) or 30.277 or to a nonprofit conservation organization under s. 23.096, the department shall use at least 2 appraisals to determine the fair market value of the land. The governmental unit or nonprofit conservation organization shall submit to the department two

appraisals if the department estimates that the fair market value of the land exceeds \$200,000 one appraisal that is paid for by the governmental unit or nonprofit conservation organization. The department shall obtain its own independent appraisal. The department may also require that the governmental unit or nonprofit conservation organization submit a 3rd independent appraisal. The department shall reimburse the governmental unit or nonprofit conservation organization up to 50% of the costs of the 3rd appraisal as part of the acquisition costs of the land if the land is acquired by the governmental unit or nonprofit conservation organization with moneys obligated from the appropriation under s. 20.866 (2) (ta). This paragraph does not apply if the fair market value of the land is estimated by the department to be \$200,000 or less.

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

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

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

committee has scheduled a meeting to review the proposed contract, the department may enter into the contract only on the approval of the committee.

(3) The joint committee on finance may approve a contract under sub. (2) to sell department land only if the committee determines that the level of reimbursement to be received by the state adequately reimburses the state for its cost in acquiring and developing the department land. The joint committee on finance may approve a contract under sub. (2) to exchange department land for other land only if the committee determines that the value of the land to be received by the state in the exchange adequately reflects the state's cost in acquiring and developing the department land.

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

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

23.197 (6g) PLOVER RIVER; CONSERVATION EASEMENTS. From the appropriation under s. 20.866 (2) (ta), the department shall provide funding in the amount of \$250,000 to acquire conservation easements along the Plover River in Marathon County and Portage County. For the purposes of s. 23.0917, moneys provided under this subsection from the appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the subprogram for land acquisition.

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

23.197 (10) WILDLIFE REHABILITATION CENTER. From the appropriation under s. 20.866 (2) (ta), the department shall provide \$500,000 to the Wisconsin Humane Society in Milwaukee for the development of an outdoor center to be used for the rehabilitation of wildlife. For purposes of s. 23.0917, the moneys provided under this

subsection shall be treated as moneys obligated from either or both of the subprograms under s. 23.0917 (3) and (4).

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

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

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

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

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

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

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

25.69 Permanent endowment fund. There is established a separate nonlapsible trust fund designated as the permanent endowment fund, consisting of all of the proceeds from the sale of the state's right to receive payments under the

Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and all investment earnings on the proceeds. Moneys in the permanent endowment fund shall be used only to make the transfers under ss. 13.101 (16) and 20.855 (4) (rh).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

paid fire departments maintained by public agencies may require more than 60 hours of training.

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

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

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

SECTION 100^g. 40.02 (30) of the statutes is amended to read:

40.02 (30) "Executive participating employee" means a participating employee in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (7), (8), or (9) or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

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

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

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

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

1. “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).
2. “Insurer” has the meaning given in s. 600.03 (27).

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

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

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

2. Information required for submittal of claims under the insurer’s disability insurance policy.

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

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

1. Identifies in detail the information to be disclosed.
2. Includes provisions that adequately safeguard the confidentiality of the information to be disclosed.

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

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

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

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

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

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

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

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

48.415 (9m) (b) 2. The commission of a violation of s. 940.19 (3), 1999 stats., a violation of s. 940.19 (2), ~~(3)~~, (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a violation of the law of any other

state or federal law, if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

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

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

SECTION 110. 48.57 (3p) (g) 2. of the statutes is amended to read:

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

SECTION 111. 48.685 (1) (c) of the statutes is amended to read:

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

a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), ~~(3)~~, (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this state.

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

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

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

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

SECTION 114. 48.685 (5) (bm) 4. of the statutes is amended to read:

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

SECTION 115. 49.141 (7) (a) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.45 (49) PRESCRIPTION DRUG PRIOR AUTHORIZATION. (a) The secretary shall exercise his or her authority under s. 15.04 (1) (c) to create a prescription drug prior authorization committee to advise the department on issues related to prior authorization decisions made concerning prescription drugs on behalf of medical

assistance recipients. The secretary shall appoint as members at least all of the following:

1. Two physicians, as defined in s. 448.01 (5), who are currently in practice.
2. Two pharmacists, as defined in s. 450.01 (15).
3. One advocate for recipients of medical assistance who has sufficient medical background, as determined by the department, to evaluate a prescription drug's clinical effectiveness.

(b) The prescription drug prior authorization committee shall accept ~~statements~~ *information or commentary* from representatives of the pharmaceutical manufacturing industry in the committee's review of prior authorization policies.

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

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

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

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

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

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

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

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

49.49 (3) **FRAUDULENT CERTIFICATION OF FACILITIES.** No person may knowingly and wilfully make or cause to be made, or induce or seek to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify either upon initial certification or upon recertification as a hospital, skilled nursing facility, intermediate care facility, or home health agency. Violators of A person who violates this subsection is guilty of a Class H felony, except that,

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

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

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

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

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

SECTION 128m. 49.665 (4) (at) 1. b. of the statutes is amended to read:

49.665 (4) (at) 1. b. The department may not lower the maximum income level for initial eligibility unless the department first submits to the joint committee on finance its plans a plan for lowering the maximum income level and the committee approves the plan. If, within 14 days after submitting the plan the date on which the plan is submitted to the joint committee on finance, the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the plan, the department shall implement the plan is considered approved by the committee as proposed. If, within 14 days after the date on which the plan is submitted to the committee, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting to review the plan, the department may implement the plan only as approved by the committee.

SECTION 128s. 49.665 (4) (at) 1. cm. of the statutes is created to read:

49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the plan submitted under subd. 1. b., the joint committee on finance determines that the amounts appropriated under s. 20.435 (4) (bc), (jz), (p), and (x) are insufficient to accommodate the projected enrollment levels, the committee may transfer appropriated moneys from the general purpose revenue appropriation account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation account, to the appropriation account under s. 20.435 (4) (bc) to supplement the health care program under this section if the committee finds that the transfer will eliminate unnecessary duplication of functions, result in more efficient and effective methods for performing programs, or more effectively carry out legislative intent, and that legislative intent will not be changed by the transfer.

SECTION 128p. 49.665 (5m) of the statutes is created to read:

49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

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

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

1. Information that the department needs to identify recipients of badger care who satisfy any of the following:
 - a. Are eligible for benefits under a disability insurance policy.

b. Would be eligible for benefits under a disability insurance policy if the recipient were enrolled as a dependent of a person insured under the disability insurance policy.

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

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

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

1. Identifies in detail the information to be disclosed.

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

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

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

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

SECTION 140p. 49.688 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (2) (a) 3. The person is not a recipient of medical assistance or, as a recipient, does not receive prescription drug coverage.

SECTION 140q. 49.688 (3) (d) of the statutes, as created by 2001 Wisconsin Act 16, is amended to read:

49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this section has other available coverage for payment of a prescription drug, this section applies only to costs for prescription drugs for the ~~persons~~ person that are not covered under the person's other available coverage.

SECTION 140r. 49.688 (8m) of the statutes is created to read:

49.688 (8m) (a) In this subsection:

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

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

1. Information that the department needs to identify eligible persons under this section who satisfy any of the following:
 - a. Are eligible for benefits under a disability insurance policy.
 - b. Would be eligible for benefits under a disability insurance policy if the eligible person were enrolled as a dependent of a person insured under the disability insurance policy.
2. Information required for submittal of claims under the insurer's disability insurance policy.
3. The types of benefits provided by the disability insurance policy.

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

1. Identifies in detail the information to be disclosed.
2. Includes provisions that adequately safeguard the confidentiality of the information to be disclosed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 150. 55.06 (11) (am) of the statutes is amended to read:

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

SECTION 151. 66.0143 of the statutes is created to read:

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

DEFINITIONS. In this section:

(a) “Political subdivision” means a city, village, town, or county.

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

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

1. Health.
2. Safety.

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

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

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

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

SECTION 152. 66.0602 of the statutes is created to read:

66.0602 Limit on operating levy increase. (1) DEFINITIONS. In this section:

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

(b) “Inflation” means a percentage equal to the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average,

as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year of the operating levy.

(c) “Municipality” means a city, village, or town.

(d) “Operating levy” means the political subdivision levy, less the debt levy.

(e) “Political subdivision” means a municipality or a county.

(f) “Population” means the number of persons residing in the political subdivision as determined by the department of administration under s. 16.96.

(g) “Total levy rate” means the political subdivision purpose levy divided by the equalized value of the political subdivision exclusive of any tax incremental district value increment.

(h) “Valuation factor” means a percentage equal to 60% of the percentage change in a municipality’s equalized value due to new construction, less improvements removed, between the year before the year of the operating levy and the previous year, but not less than zero nor greater than 2.

(2) LIMIT. Except as provided in sub. (3), no municipality whose total levy rate is equal to or greater than .001 may increase its operating levy, each year, by a percentage that exceeds the sum of the percentages that are specified in pars. (a) and (c) and the amount that is specified in par. (d), and no county whose total levy rate is equal to or greater than .001 may increase its operating levy, each year, by a percentage that exceeds the sum of the percentages that are specified in pars. (a) and (b) and the amount that is specified in par. (d):

(a) Inflation.

(b) The percentage increase in population in the county from the preceding year to the current year.

(c) The valuation factor.

(d) An amount equal to 50% of the difference between the political subdivision's allowable operating levy, as determined in the prior year, and the political subdivision's adopted operating levy, as determined in the prior year.

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

2. The question submitted at the referendum shall be as follows: "Under state law, the operating levy increase for the (name of political subdivision), for the tax to be imposed for the year (year), is limited to% (the amount calculated under sub. (2)) that results in an operating levy of \$.... . Notwithstanding the operating levy increase limit, shall the (name of political subdivision) be allowed to exceed this operating levy increase limit such that the operating levy increase for the year (year) will be% (the amount specified in the governing body's resolution) that results in an operating levy of \$.... ?"

3. Immediately after expiration of the time allowed to file a petition for a recount, the clerk of the political subdivision shall certify the results of the

referendum to the department of revenue. If a petition for a recount is filed, the clerk shall make this certification immediately after the recount has been completed and the time allowed for filing an appeal has passed or, if appealed, immediately after the appeal is decided. A political subdivision may exceed the operating levy increase limit otherwise applicable to it under this section in that year such that the operating levy increase may not exceed the percentage approved by a majority of those voting on the question. The operating levy that results from approval in a referendum shall be the base operating levy to which the limit under sub. (2) is applied in the following year.

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

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

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

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

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

SECTION 154. 66.1207 (1) (b) of the statutes is amended to read:

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

SECTION 155. 66.1207 (1) (c) of the statutes is amended to read:

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

SECTION 156. 69.24 (1) (intro.) of the statutes is amended to read:

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

SECTION 157. 70.47 (18) (a) of the statutes is amended to read:

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

SECTION 158. 71.01 (6) (g) of the statutes is repealed.

SECTION 159. 71.01 (6) (h) of the statutes is repealed.

SECTION 160. 71.01 (6) (i) of the statutes is amended to read:

71.01 (6) (i) For taxable years that begin after December 31, 1993, and before January 1, 1995, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1993, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66 and as amended by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d), and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the Internal Revenue Code made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding

section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, excluding section 1 of P.L. 104–7, P.L. 104–188, excluding section 1311 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 161. 71.01 (6) (j) of the statutes is amended to read:

71.01 (6) (j) For taxable years that begin after December 31, 1994, and before January 1, 1996, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1994, excluding sections 103, 104, and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and as amended by P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue

Code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994, and before January 1, 1996, except that changes to the Internal Revenue Code made by P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 162. 71.01 (6) (k) of the statutes is amended to read:

71.01 (6) (k) For taxable years that begin after December 31, 1995, and before January 1, 1997, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code as amended to December 31, 1995, excluding sections 103, 104, and 110 of P.L. 102-227 and sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and as amended by P.L. 104-117, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-206 and, P.L. 105-277, and P.L. 106-554, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123, 1202, 1204, 1311, and

1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1995, do not apply to this paragraph with respect to taxable years beginning after December 31, 1995, and before January 1, 1997, except that changes to the Internal Revenue Code made by P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 104–117, P.L. 104–188, excluding sections 1123, 1202, 1204, 1311, and 1605 of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206 and, P.L. 105–277, and P.L. 106–554, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 163. 71.01 (6) (L) of the statutes is amended to read:

71.01 (6) (L) For taxable years that begin after December 31, 1996, and before January 1, 1998, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and, P.L. 106–36, P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.

102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and, P.L. 106–36, P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1996, do not apply to this paragraph with respect to taxable years beginning after December 31, 1996, and before January 1, 1998, except that changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and, P.L. 106–36, P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277 and, P.L. 106–36, P.L. 106–554, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 164. 71.01 (6) (m) of the statutes is amended to read:

71.01 (6) (m) For taxable years that begin after December 31, 1997, and before January 1, 1999, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and, P.L. 106–170, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section

431 of P.L. 107–16, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and, P.L. 106–170, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1997, do not apply to this paragraph with respect to taxable years beginning after December 31, 1997, and before January 1, 1999, except that changes to the Internal Revenue Code made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and, P.L. 106–170, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and, P.L. 106–170, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 165. 71.01 (6) (n) of the statutes is amended to read:

71.01 (6) (n) For taxable years that begin after December 31, 1998, and before January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 1998, excluding sections 103,

104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amendeded by P.L. 106–36 and, P.L. 106–170, P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36 and, P.L. 106–170, P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1998, do not apply to this paragraph with respect to taxable years beginning after December 31, 1998, and before January 1, 2000, except that changes to the Internal Revenue Code made by P.L. 106–36 and, P.L. 106–170, P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106–36 and, P.L. 106–170, P.L. 106–230, P.L. 106–519, P.L. 106–554, P.L. 106–573, and P.L. 107–16, excluding section 431 of P.L. 107–16, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 166. 71.01 (6) (o) of the statutes is amended to read: