

1 attempt to contact that person to inform him or her of the right to make or provide
2 a statement under par. (a). Any failure to comply with this paragraph is not a ground
3 for an appeal of a judgment of conviction or for any court to reverse or modify a
4 judgment of conviction.”.

5 *b2788/1.8* **502.** Page 332, line 13: after “under s.” insert “301.048 (6) (c).”.

6 *b2949/3.12* **503.** Page 332, line 13: after that line insert:

7 *b2949/3.12* “**SECTION 1132m.** 973.01 (5) of the statutes is amended to read:
8 973.01 (5) OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
9 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
10 the term of extended supervision, including drug treatment under s. 973.031.”.

11 *b2949/3.11* **504.** Page 332, line 13: substitute “302.113 (9g), or 973.195 (1)”
12 for “or 302.113 (9g)”.

13 *b2949/3.13* **505.** Page 338, line 22: delete the material beginning with that
14 line and ending with page 339, line 4, and substitute:

15 “(10mm) **REQUIRED FINDINGS OF FACT.** (a) Except as provided in par. (b), the
16 court shall make explicit findings of fact in open court and on the record to support
17 each element of its sentencing decision, including its decision as to whether to impose
18 a bifurcated sentence under s. 973.01 or to place a person on probation and its
19 decision as to the length of a bifurcated sentence, including the length of each
20 component of the bifurcated sentence, the amount of a fine, and the length of a term
21 of probation.

22 (b) If the court determines that is not in the interest of the defendant to make
23 the findings of fact required under par. (a) in the defendant’s presence, the court shall
24 make the findings of fact in writing and include the written findings in the record.

1 **(11m) STANDARD OF REVIEW ON APPEAL.** In an appeal from a court’s sentencing
2 decision, the appellate court shall reverse the sentencing decision if it determines
3 that the sentencing court erroneously exercised its discretion in making the
4 sentencing decision or there is not substantial evidence in the record to support the
5 sentencing decision.”.

6 ***b2949/3.14* 506.** Page 339, line 9: after that line insert:

7 ***b2949/3.14* “SECTION 1137m.** 973.031 of the statutes is created to read:

8 **973.031 Court-ordered drug treatment.** When the court imposes a
9 sentence or places a person on probation for any offense committed on or after the
10 effective date of this section [revisor inserts date], the court may order the person
11 to participate in a drug treatment program as a condition of probation or, in the case
12 of a person sentenced under s. 973.01, while the person is in prison or as a condition
13 of extended supervision or both. The court may order the department to pay for the
14 cost of drug treatment under this section from the appropriation under s. 20.410 (1)
15 (a) for persons in jail or prison or under s. 20.410 (1) (b) for persons on probation or
16 extended supervision.”.

17 ***b2788/1.9* 507.** Page 339, line 10: delete lines 10 to 13 and substitute:

18 ***b2788/1.9* “SECTION 1137p.** 973.032 (title) of the statutes is amended to read:

19 **973.032 (title) ~~Sentence to~~ Required participation in intensive**
20 **sanctions program.**

21 ***b2788/1.9* SECTION 1137pb.** 973.032 (1) of the statutes is amended to read:

22 **973.032 (1) ~~SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as~~**
23 **provided in sub. (2), a court may sentence order** a person who is convicted of a felony
24 **occurring on or after August 15, 1991, but before December 31, 1999, to participate**

1 in the intensive sanctions program under s. 301.048. ~~If a person is convicted of a~~
2 ~~felony occurring on or after December 31, 1999, a court may not sentence the person~~
3 ~~to participate in the intensive sanctions program under s. 301.048 during the entire~~
4 ~~term of confinement in prison portion of the bifurcated sentence.~~

5 ***b2788/1.9* SECTION 1137q.** 973.032 (2) (a) of the statutes is amended to read:

6 973.032 (2) (a) A court may ~~sentence~~ order a person to participate in the
7 intensive sanctions program under sub. (1) if the department provides a presentence
8 investigation report recommending that the person be ~~sentenced to~~ ordered to
9 participate in the program. If the department does not make the recommendation,
10 a court may order the department to assess and evaluate the person. After that
11 assessment and evaluation, the court may ~~sentence~~ order the person to participate
12 in the program unless the department objects on the ground that it recommends that
13 the person be placed on probation.

14 ***b2788/1.9* SECTION 1137r.** 973.032 (2) (b) of the statutes is amended to read:

15 973.032 (2) (b) Notwithstanding par. (a), the court may not ~~sentence~~ order a
16 person to participate in the intensive sanctions program under sub. (1) if he or she
17 is convicted of a felony punishable by life imprisonment or has at any time been
18 convicted, adjudicated delinquent, or found not guilty or not responsible by reason
19 of insanity or mental disease, defect, or illness for committing a violent offense, as
20 defined in s. 301.048 (2) (bm).

21 ***b2788/1.9* SECTION 1137s.** 973.032 (3) (intro.) of the statutes is repealed.

22 ***b2788/1.9* SECTION 1137t.** 973.032 (3) (a) of the statutes is repealed.

23 ***b2788/1.9* SECTION 1137u.** 973.032 (3) (b) of the statutes is renumbered
24 973.032 (3) (b) (intro.) and amended to read:

1 973.032 (3) (b) (intro.) ~~The~~ If the court orders a person to participate in the
2 intensive sanctions program under sub. (1), the court shall provide a maximum
3 period for placements do all of the following:

4 1. Order that the person be placed under s. 301.048 (3) (a) 1., ~~which may not~~
5 ~~exceed for at least one year unless the defendant waives this requirement.~~

6 ***b2788/1.9* SECTION 1137um.** 973.032 (3) (b) 2. of the statutes is created to
7 read:

8 973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)
9 2., specify the date on which the person is eligible for release from that placement
10 under sub. (4m).

11 ***b2788/1.9* SECTION 1137v.** 973.032 (3) (c) 2. of the statutes is amended to
12 read:

13 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions
14 ~~of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),~~
15 except the court may not specify a particular Type 1 prison, jail, camp, or facility
16 where the offender is to be placed under s. 301.048 (3) (a) and the court may not
17 restrict the department's authority under s. 301.048 (3) (b) or (c).

18 ***b2788/1.9* SECTION 1137w.** 973.032 (4) of the statutes is repealed.”.

19 ***b2788/1.10* 508.** Page 339, line 13: after that line insert:

20 ***b2788/1.10* “SECTION 1138wh.** 973.032 (4m) of the statutes is created to
21 read:

22 973.032 (4m) **RELEASE TO COMMUNITY.** (a) In this subsection, “victim” has the
23 meaning given in s. 950.02 (4).

1 (b) No earlier than 30 days before the date specified by the court under sub. (3)
2 (b) 2., the department may petition the court for permission to release a person
3 subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)
4 1.

5 (c) Upon the filing of a petition under par. (b), the court, with or without a
6 hearing, may authorize the department to release the person from his or her
7 placement any time after the date specified under sub. (3) (b) 2. If the court schedules
8 a hearing on the petition, the clerk of the circuit court in which the petition is filed
9 shall send a copy of the petition and a notice of hearing to the victim of the crime
10 committed by the inmate, if the victim has submitted a card under par. (e) requesting
11 notification, at least 10 days before the date of the hearing.

12 (d) The notice under par. (c) shall inform the victim that he or she may appear
13 at the hearing and shall inform the victim of the manner in which he or she may
14 provide written statements concerning the inmate's petition for release to extended
15 supervision.

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

1 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk
2 of the court shall provide a copy of the petition and a notice of the hearing to the
3 district attorney at least 10 days before the hearing.

4 *b2788/1.10* SECTION 1138x. 973.032 (5) of the statutes is repealed.

5 *b2788/1.10* SECTION 1138y. 973.032 (6) of the statutes is amended to read:

6 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward
7 ~~service of the period under sub. (3) (a) the term of confinement in prison portion of~~
8 ~~the bifurcated sentence of a person who is subject to this section~~ but does not apply
9 toward service of the period under sub. (3) (b).

10 *b2788/1.10* SECTION 1138z. 973.032 (7) of the statutes is created to read:

11 973.032 (7) PARTICIPANTS ON EXTENDED SUPERVISION. The court or the
12 department may require a person ordered to participate in the intensive sanctions
13 program under sub. (1) to remain in the intensive sanctions program as a condition
14 of extended supervision, but subs. (2) to (6) do not apply to such persons once they
15 are on extended supervision.”.

16 *b2949/3.15* 509. Page 339, line 17: after that line insert:

17 *b2949/3.15* “SECTION 1141m. 973.09 (6) of the statutes is created to read:

18 973.09 (6) The court may require as a condition of probation that the person
19 participate in a drug treatment program under s. 973.031.”.

20 *b2788/1.11* 510. Page 342, line 6: after that line insert:

21 *b2788/1.11* “SECTION 1143n. 973.20 (10) of the statutes is amended to read:

22 973.20 (10) The court may require that restitution be paid immediately, within
23 a specified period or in specified ~~instalments~~ installments. If the defendant is placed
24 on probation or sentenced to imprisonment, the end of a specified period shall not be

1 later than the end of any period of probation, extended supervision, or parole. ~~If the~~
2 ~~defendant is sentenced to the intensive sanctions program, the end of a specified~~
3 ~~period shall not be later than the end of the sentence under s. 973.032 (3) (a).”~~.

4 *b2949/3.16* **511.** Page 342, line 6: after that line insert:

5 *b2949/3.16* “SECTION 1143m. 973.195 of the statutes is created to read:

6 **973.195 SENTENCE ADJUSTMENT. (1) CONFINEMENT IN PRISON.** (a) An inmate
7 who is serving a sentence imposed under s. 973.01 for a crime other than a Class B
8 felony may petition the sentencing court to adjust the sentence if the inmate has
9 served at least 25 percent of the term of confinement in prison portion of the sentence.
10 If an inmate is subject to more than one sentence imposed under this section, the
11 sentences shall be treated individually for purposes of sentence adjustment under
12 this subsection.

13 (b) Any of the following is a ground for a petition under par. (a):

14 1. The inmate’s conduct, efforts at and progress in rehabilitation, or
15 participation and progress in education, treatment, or other correctional programs
16 since he or she was sentenced.

17 3. A change in law or procedure related to sentencing or revocation of extended
18 supervision effective after the inmate was sentenced that would have resulted in a
19 shorter term of confinement in prison or, if the inmate was returned to prison upon
20 revocation of extended supervision, a shorter period of confinement in prison upon
21 revocation, if the change had been applicable when the inmate was sentenced.

22 4. The inmate is subject to a sentence of confinement in another state or the
23 inmate is in the United States illegally and may be deported.

24 5. Sentence adjustment is otherwise in the interests of justice.

1 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
2 the petition or hold the petition for further consideration. If the court holds the
3 petition for further consideration, the court shall notify the district attorney of the
4 inmate's petition. If the district attorney objects to adjustment of the inmate's
5 sentence within 45 days of receiving notification under this paragraph, the court
6 shall deny the inmate's petition.

7 (d) If the sentence for which the inmate seek's adjustment is for an offense
8 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not
9 object to the petition within 10 days of receiving notice under par. (c), the district
10 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's
11 petition. The notice to the victim shall include information on the sentence
12 adjustment petition process under this subsection, including information on how to
13 object to the inmate's petition. If the victim objects to adjustment of the inmate's
14 sentence within 45 days of the date on which the district attorney received notice
15 under par. (c), the court shall deny the inmate's petition.

16 (e) Notwithstanding the confidentiality of victim address information obtained
17 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a
18 victim under par. (d) or sub. (2) (c) may obtain from the clerk of the circuit court victim
19 address information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

20 (f) If the sentencing court receives no objection to sentence adjustment from the
21 district attorney under par. (c) or the victim under par. (d) and the court determines
22 that sentence adjustment is in the public interest, the court may adjust the inmate's
23 sentence as provided under par. (g). The court shall include in the record written
24 reasons for any sentence adjustment granted under this subsection.

1 (g) Except as provided under par. (h), the only sentence adjustments that a
2 court may make under this subsection are as follows:

3 1. If the inmate is serving the term of confinement in prison portion of the
4 sentence, a reduction in the term of confinement in prison by the amount of time
5 remaining in the term of confinement in prison portion of the sentence, less up to 30
6 days, and a corresponding increase in the term of extended supervision.

7 2. If the inmate is confined in prison upon revocation of extended supervision,
8 a reduction in the amount of time remaining in the period of confinement in prison
9 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
10 of extended supervision.

11 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in
12 law or procedure as provided under par. (b) 3. and the total sentence length of the
13 adjusted sentence is greater than the maximum sentence length that the offender
14 could have received if the change in law or procedure had been applicable when the
15 inmate was originally sentenced, the court may reduce the length of the term of
16 extended supervision so that the total sentence length does not exceed the maximum
17 sentence length that the offender could have received if the change in law or
18 procedure had been applicable when the inmate was originally sentenced.

19 2. If the court adjusts a sentence under par. (g) on the basis of a change in law
20 or procedure as provided under par. (b) 3. and the adjusted term of extended
21 supervision is greater than the maximum term of extended supervision that the
22 offender could have received if the change in law or procedure had been applicable
23 when the inmate was originally sentenced, the court may reduce the length of the
24 term of extended supervision so that the term of extended supervision does not
25 exceed the maximum term of extended supervision that the offender could have

1 received if the change in law or procedure had been applicable when the inmate was
2 originally sentenced.

3 (i) If an inmate's petition under this subsection is denied, the inmate may not
4 submit another petition concerning the same sentence within 3 years of the date that
5 the petition was denied. An inmate may submit no more than 2 petitions under this
6 subsection for each sentence imposed under s. 973.01.

7 (2) EXTENDED SUPERVISION. (a) A person who is serving a term of extended
8 supervision imposed under s. 973.01 for a crime other than a Class B felony may
9 petition the sentencing court to adjust the length of the term of extended supervision
10 if the person has served at least 25 percent of the term of extended supervision and
11 if a change law or procedure related to sentencing or revocation of extended
12 supervision effective after the person was sentenced would have resulted in either
13 a shorter total sentence or a shorter term of extended supervision had the change
14 been applicable when the person was sentenced. If a petitioner is subject to more
15 than one term of extended supervision imposed under s. 973.01, the terms of
16 extended supervision shall be treated individually for purposes of adjustment under
17 this subsection.

18 (b) Upon receipt of a petition filed under par. (a), the sentencing court may deny
19 the petition or hold the petition for further consideration. If the court holds the
20 petition for further consideration, the court shall notify the district attorney of the
21 petition. If the district attorney objects to adjustment of the petitioner's term of
22 extended supervision within 45 days of receiving notification under this paragraph,
23 the court shall deny the petition.

24 (c) If the term of extended supervision for which the petitioner seeks
25 adjustment was imposed for an offense under s. 940.225 (2) or (3), 948.02 (2), or

1 948.08 and the district attorney does not object to the petition within 10 days of
2 receiving notice under par. (b), the district attorney shall notify the the victim, as
3 defined under s. 950.02 (4), of the petition. The district attorney may obtain victim
4 address information as provided under sub. (1) (e). The notice to the victim shall
5 include information on the extended supervision adjustment petition process under
6 this subsection, including information on how to object to the petitioner's petition.
7 If the victim objects to adjustment of the petitioner's term of extended supervision
8 within 45 days of the date on which the district attorney received notice under par.
9 (b), the court shall deny the petition.

10 (d) If the sentencing court receives no objection to sentence adjustment from
11 the district attorney under par. (b) or the victim under par. (c) and the court
12 determines that adjustment of the term of extended supervision is in the public
13 interest, the court may adjust the petitioner's term of extended supervision so that
14 the total sentence length and the term of extended supervision are no longer than
15 they could have been if the change in law or procedure had been applicable at the
16 time the person was sentenced. The court shall include in the record written reasons
17 for any adjustment granted under this subsection.

18 (e) If a person's petition under this subsection is denied, the person may not
19 submit another petition under this subsection concerning the same term of extended
20 supervision within 3 years of the date that the petition was denied. A person may
21 submit no more than 2 petitions under this subsection for each term of extended
22 supervision imposed under s. 973.01.

23 **(3) OTHER PETITIONS.** Filing a petition under this section does not affect a
24 person's right to file a petition for sentence modification under s. 809.30 or 973.19 or

1 to petition the sentencing court for sentence modification on the basis of a new
2 factor.”.

3 *b2881/1.6* **512.** Page 345, line 19: after that line insert:

4 *b2881/1.6* **SECTION 1156m.** 1997 Wisconsin Act 27, section 9456 (3m), as
5 last amended by 2001 Wisconsin Act 16, is amended to read:

6 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION
7 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,
8 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505
9 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)
10 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), (3) (intro.), (a) and (b) and ~~(5)~~ and 92.10
11 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967, 20.505 (1)
12 (ie), (ig), (ij) and (ks), 23.32 (2) (d), ~~59.43 (1) (u)~~ and 59.72 (1) (am), (3) (c) and (4) of
13 the statutes and SECTION 9101 (1) of this act take effect on September 1, 2003.”.

14 *b2806/2.1* **513.** Page 345, line 25: after that line insert:

15 *b2806/2.1* **SECTION 1157s.** 1999 Wisconsin Act 9, section 9158 (8w) (e) is
16 repealed.”.

17 *b2816/1.2* **514.** Page 346, line 8: after that line insert:

18 *b2816/1.2* **SECTION 1160p.** 2001 Wisconsin Act 16, section 9157 (7e) is
19 amended to read:

20 [2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION
21 SERVICES FOR VETERANS. The department of veterans affairs and the department of
22 administration, jointly, shall determine the most cost-effective methods for
23 providing statewide transportation services to disabled veterans under section 45.43
24 (7m) of the statutes, as created by this act.”.

1 ***b2909/2.2* 515.** Page 346, line 8: after that line insert:

2 ***b2909/2.2*** “SECTION 1160p. 2001 Wisconsin Act 16, section 9158 (8x) is
3 amended to read:

4 [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.
5 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from
6 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this
7 act, the department of workforce development shall provide grants in each fiscal year
8 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs
9 of America to improve social, academic, and employment skills of youth who are
10 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.
11 The total amount of grants that are provided under this subsection in each fiscal year
12 of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.”.

13 ***b2863/1.6* 516.** Page 346, line 13: after that line insert:

14 ***b2863/1.6*** “SECTION 1160rd. 2001 Wisconsin Act 16, section 9323 (18k),
15 (18m), (18n), (18pk), (18pm) and (18pn) are repealed.

16 ***b2863/1.6*** SECTION 1160ut. 2001 Wisconsin Act 16, section 9423 (18k) is
17 repealed.”.

18 **517.** Page 348, line 9: after that line insert:

19 ***b2995/1***“(4w) TRANSFER TO BUDGET STABILIZATION FUND. Before July 1, 2003,
20 the secretary of administration shall transfer an amount equal to \$15,229,500 from
21 the general fund to the budget stabilization fund.”.

22 ***b2943/1.1* 518.** Page 350, line 3: delete lines 3 to 11.

23 ***b2793/1.9* 519.** Page 352, line 12: after that line insert:

24 ***b2793/1.9*** “(9x) WISCONSIN TRIBAL–STATE COUNCIL.

1 (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
2 information under section 16.42 of the statutes for purposes of the 2003–05 biennial
3 budget bill, the department of administration shall submit a dollar amount for the
4 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act, that
5 is \$15,000 less than the total amount appropriated under section 20.505 (4) (kt) of
6 the statutes for the 2002–03 fiscal year, before submitting any information relating
7 to any increase or decrease in the dollar amount for that appropriation for the
8 2003–05 fiscal biennium.

9 (b) There is authorized for the Wisconsin tribal–state council 1.0 FTE PR
10 executive director position and 2.0 FTE PR other positions, to be funded from the
11 appropriation under section 20.505 (4) (kt) of the statutes, as created by this act.”.

12 *b2741/2.16* **520.** Page 352, line 18: after that line insert:

13 *b2741/2.16* “(1q) TRANSFER TO THE UNIVERSITY OF WISCONSIN–EXTENSION.

14 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
15 liabilities of the department of agriculture, trade and consumer protection that are
16 primarily related to the functions of the conservation engineering section in the land
17 and water resources bureau and that are primarily related to the soil erosion control
18 and federal and county liaison functions of the conservation management section in
19 the land and water resources bureau, as determined by the secretary of
20 administration, shall become the assets and liabilities of the University of Wisconsin
21 System.

22 (b) *Position transfers.* On the effective date of this paragraph:

23 1. The authorized FTE positions for the department of agriculture, trade and
24 consumer protection are decreased by 0.2 GPR position related to land and water

1 resource management planning, 0.1 GPR position related to soil erosion, 1.0 GPR
2 position related to certification, 0.5 GPR position related to engineering design, and
3 0.5 GPR position related to computer design programming funded from the
4 appropriation under section 20.115 (7) (a) of the statutes.

5 2. The authorized FTE positions for the department of agriculture, trade and
6 consumer protection are decreased by 1.75 PR positions related to land and water
7 resource management planning, 0.25 PR position related to soil erosion, 0.5 PR
8 position related to certification, and 0.5 PR position related to engineering design
9 funded from the appropriation under section 20.115 (7) (k) of the statutes.

10 3. The authorized FTE positions for the department of agriculture, trade and
11 consumer protection are decreased by 0.5 SEG position related to performance
12 standard evaluation, 1.0 SEG position related to county liaison, 4.0 SEG positions
13 related to certification, and 4.0 SEG positions related to engineering design funded
14 from the appropriation under section 20.115 (7) (qd) of the statutes.

15 4. There are authorized for the University of Wisconsin System 0.2 FTE GPR
16 position related to land and water resource management planning, 0.1 FTE GPR
17 position related to soil erosion, 1.0 FTE GPR position related to certification, 0.5 FTE
18 GPR position related to engineering design, and 0.5 FTE GPR position related to
19 computer design programming to be funded from the appropriation under section
20 20.285 (1) (eq) of the statutes, as created by this act.

21 5. There are authorized for the University of Wisconsin System 1.75 FTE PR
22 positions related to land and water resource management planning, 0.25 FTE PR
23 position related to soil erosion, 0.5 FTE PR position related to certification, and 0.5
24 FTE PR position related to engineering design to be funded from the appropriation
25 under section 20.285 (1) (k) of the statutes.

1 6. There are authorized for the University of Wisconsin System 0.5 FTE SEG
2 position related to performance standard evaluation, 1.0 FTE SEG position related
3 to county liaison, 4.0 FTE SEG positions related to certification, and 4.0 FTE SEG
4 positions related to engineering design to be funded from the appropriation under
5 section 20.285 (1) (rm) of the statutes, as created by this act.

6 (c) *Employee transfers.* All incumbent employees holding positions in the
7 department of agriculture, trade and consumer protection that are specified in
8 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the
9 University of Wisconsin System.

10 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
11 same rights and status under subchapter V of chapter 111 and chapter 230 of the
12 statutes in the University of Wisconsin System that they enjoyed in the department
13 of agriculture, trade and consumer protection immediately before the transfer.
14 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
15 has attained permanent status in class is required to serve a probationary period.

16 (e) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of agriculture, trade
18 and consumer protection that is primarily related to the functions of the conservation
19 engineering section in the land and water resources bureau and that is primarily
20 related to the soil erosion control and federal and county liaison functions of the
21 conservation management section in the land and water resources bureau, as
22 determined by the secretary of administration, shall be transferred to the University
23 of Wisconsin System.

24 (f) *Contracts.* All contracts entered into by the department agriculture, trade
25 and consumer protection in effect on the effective date of this paragraph that are

1 primarily related to the functions of the conservation engineering section in the land
2 and water resources bureau and that are primarily related to the soil erosion control
3 and federal and county liaison functions of the conservation management section in
4 the land and water resources bureau, as determined by the secretary of
5 administration, remain in effect and are transferred to the University of Wisconsin
6 System. The University of Wisconsin System shall carry out any such contractual
7 obligations except to the extent that the contracts are modified or rescinded by the
8 University of Wisconsin System in a manner allowed under the contracts.

9 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
10 trade and consumer protection that are primarily related to the functions of the
11 conservation engineering section in the land and water resources bureau and that
12 are primarily related to the soil erosion control and federal and county liaison
13 functions of the conservation management section in the land and water resources
14 bureau, as determined by the secretary of administration, and that are in effect on
15 the effective date of this paragraph remain in effect until their specified expiration
16 dates or until amended or repealed by the University of Wisconsin System. All orders
17 issued by the department of agriculture, trade and consumer protection that are
18 primarily related to the functions of the conservation engineering section in the land
19 and water resources bureau and that are primarily related to the soil erosion control
20 and federal and county liaison functions of the conservation management section in
21 the land and water resources bureau, as determined by the secretary of
22 administration, and that are in effect on the effective date of this paragraph remain
23 in effect until their specified expiration dates or until modified or rescinded by the
24 University of Wisconsin System.

1 (h) *Pending matters.* Any matter pending with the department of agriculture,
2 trade and consumer protection on the effective date of this paragraph that is
3 primarily related to the functions of the conservation engineering section in the land
4 and water resources bureau or that is primarily related to the soil erosion control and
5 federal and county liaison functions of the conservation management section in the
6 land and water resources bureau, as determined by the secretary of administration,
7 is transferred to the University of Wisconsin System and all materials submitted to
8 or actions taken by the department of agriculture, trade and consumer protection
9 with respect to the pending matter are considered as having been submitted to or
10 taken by the University of Wisconsin System.

11 ***b2741/2.16*** (1qq) TRANSFER TO THE DEPARTMENT OF NATURAL RESOURCES.

12 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
13 liabilities of the department of agriculture, trade and consumer protection that are
14 primarily related to the conservation reserve enhancement program and land and
15 water resource management planning functions of the conservation management
16 section in the land and water resources bureau and that are primarily related to the
17 grant administration and drainage district program functions of the resource
18 evaluation and grants section in the land and water resources bureau, as determined
19 by the secretary of administration, shall become the assets and liabilities of the
20 department of natural resources.

21 (b) *Position transfers.* On the effective date of this paragraph:

22 1. The authorized FTE positions for the department of agriculture, trade and
23 consumer protection are decreased by 1.25 GPR positions related to soil and water
24 resource management grants, 1.2 GPR positions related to drainage districts, and

1 1.13 GPR positions related to the conservation reserve enhancement program
2 funded from the appropriation under section 20.115 (7) (a) of the statutes.

3 2. The authorized FTE positions for the department of agriculture, trade and
4 consumer protection are decreased by 0.75 PR position related to the conservation
5 reserve enhancement program funded from the appropriation under section 20.115
6 (7) (g) of the statutes.

7 3. The authorized FTE positions for the department of agriculture, trade and
8 consumer protection are decreased by 1.0 SEG position related to soil and water
9 resource management grants and 0.5 SEG position related to the conservation
10 reserve enhancement program funded from the appropriation under section 20.115
11 (7) (qd) of the statutes.

12 4. There are authorized for the department of natural resources 1.25 FTE GPR
13 positions related to soil and water resource management grants, 1.2 FTE GPR
14 positions related to drainage districts, and 1.13 FTE GPR positions related to the
15 conservation reserve enhancement program to be funded from the appropriation
16 under section 20.370 (4) (ma) of the statutes.

17 5. There is authorized for the department of natural resources 0.75 FTE PR
18 position related to the conservation reserve enhancement program to be funded from
19 the appropriation under section 20.370 (4) (cg) of the statutes, as created by this act.

20 6. There are authorized for the department of natural resources 1.0 FTE SEG
21 position related to soil and water resource management grants and 0.5 FTE SEG
22 position related to the conservation reserve enhancement program to be funded from
23 the appropriation under section 20.370 (4) (mr) of the statutes, as created by this act.

24 (c) *Employee transfers.* All incumbent employees holding positions in the
25 department of agriculture, trade and consumer protection that are specified in

1 paragraph (b) 1. to 3. are transferred on the effective date of this paragraph to the
2 department of natural resources.

3 (d) *Employee status.* Employees transferred under paragraph (c) shall have the
4 same rights and status under subchapter V of chapter 111 and chapter 230 of the
5 statutes in the department of natural resources that they enjoyed in the department
6 of agriculture, trade and consumer protection immediately before the transfer.
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
8 has attained permanent status in class is required to serve a probationary period.

9 (e) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of agriculture, trade
11 and consumer protection that is primarily related to the conservation reserve
12 enhancement program and land and water resource management planning
13 functions of the conservation management section in the land and water resources
14 bureau and that is primarily related to the grant administration and drainage
15 district program functions of the resource evaluation and grants section in the land
16 and water resources bureau, as determined by the secretary of administration, shall
17 be transferred to the department of natural resources.

18 (f) *Contracts.* All contracts entered into by the department agriculture, trade
19 and consumer protection in effect on the effective date of this paragraph that are
20 primarily related to the conservation reserve enhancement program and land and
21 water resource management planning functions of the conservation management
22 section in the land and water resources bureau and that are primarily related to the
23 grant administration and drainage district program functions of the resource
24 evaluation and grants section in the land and water resources bureau, as determined
25 by the secretary of administration, remain in effect and are transferred to the

1 department of natural resources. The department of natural resources shall carry
2 out any such contractual obligations except to the extent that the contracts are
3 modified or rescinded by the department of natural resources in a manner allowed
4 under the contracts.

5 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
6 trade and consumer protection that are primarily related to the conservation reserve
7 enhancement program and land and water resource management planning
8 functions of the conservation management section in the land and water resources
9 bureau and that are primarily related to the grant administration and drainage
10 district program functions of the resource evaluation and grants section in the land
11 and water resources bureau, as determined by the secretary of administration, and
12 that are in effect on the effective date of this paragraph remain in effect until their
13 specified expiration dates or until amended or repealed by the department of natural
14 resources. All orders issued by the department of agriculture, trade and consumer
15 protection that are primarily related to the conservation reserve enhancement
16 program and land and water resource management planning functions of the
17 conservation management section in the land and water resources bureau and that
18 are primarily related to the grant administration and drainage district program
19 functions of the resource evaluation and grants section in the land and water
20 resources bureau, as determined by the secretary of administration, and that are in
21 effect on the effective date of this paragraph remain in effect until their specified
22 expiration dates or until modified or rescinded by the department of natural
23 resources.

24 (h) *Pending matters.* Any matter pending with the department of agriculture,
25 trade and consumer protection on the effective date of this paragraph that is

1 primarily related to the conservation reserve enhancement program and land and
2 water resource management planning functions of the conservation management
3 section in the land and water resources bureau or that is primarily related to the
4 grant administration and drainage district program functions of the resource
5 evaluation and grants section in the land and water resources bureau, as determined
6 by the secretary of administration, is transferred to the department of natural
7 resources and all materials submitted to or actions taken by the department of
8 agriculture, trade and consumer protection with respect to the pending matter are
9 considered as having been submitted to or taken by the department of natural
10 resources.

11 ***b2741/2.16*** (1qr) ELIMINATION OF BUREAU DIRECTOR POSITION. The authorized
12 FTE positions for the department of agriculture, trade and consumer protection are
13 decreased by 1.0 GPR position funded from the appropriation under section 20.115
14 (7) (a) of the statutes to eliminate the position of director of the land and water
15 resources bureau.”.

16 ***b2913/2.18* 521.** Page 352, line 18: after that line insert:

17 ***b2913/2.18*** “(4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.

18 (a) *Assets and liabilities.* All assets and liabilities of the department of
19 agriculture, trade and consumer protection that are primarily related to programs
20 or functions transferred to the department of justice under this act shall become the
21 assets and liabilities of the department of justice. The departments of justice and
22 agriculture, trade and consumer protection shall jointly determine these assets and
23 liabilities and shall jointly develop and implement a plan for their orderly transfer.
24 In the event of any disagreement between the departments, the secretary of

1 administration shall decide the question. If either department is dissatisfied with
2 the secretary's decision, the department may bring the matter to the cochairpersons
3 of the joint committee on finance for consideration by the committee, and the
4 committee shall affirm or modify the decision.

5 (b) *Employee transfers.* In the department of agriculture, trade and consumer
6 protection 15.5 FTE positions that are primarily related to programs or functions
7 that are transferred to the department of justice under this act, and the incumbents
8 holding these positions are transferred to the department of justice. The secretary
9 of administration shall determine which incumbents will be transferred. If either
10 department is dissatisfied with the secretary's decision, the department may bring
11 the matter to the cochairpersons of the joint committee on finance for consideration
12 by the committee, and the committee shall affirm or modify the decision.

13 (c) *Employee status.* Employees transferred under paragraph (b) have all the
14 rights and same status under subchapter V of chapter 111 and chapter 230 of the
15 statutes in the department of justice that they enjoyed in the department of
16 agriculture, trade and consumer protection immediately before the transfer.
17 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
18 has attained permanent status in class is required to serve a probationary period.

19 (d) *Supplies and equipment.* All tangible personal property, including records,
20 of the department of agriculture, trade and consumer protection that are primarily
21 related to programs or functions that are transferred to the department of justice
22 under this act are transferred to the department of justice. The departments of
23 justice and agriculture, trade and consumer protection shall jointly identify the
24 tangible personal property, including records, and shall jointly develop and
25 implement a plan for their orderly transfer. In the event of any disagreement

1 between the departments, the secretary of administration shall decide the question.
2 If either department is dissatisfied with the secretary's decision, the department
3 may bring the matter to the cochairpersons of the joint committee on finance for
4 consideration by the committee, and the committee shall affirm or modify the
5 decision.

6 (e) *Pending matters.* Any matter pending with the department of agriculture,
7 trade and consumer protection that is primarily related to a program or function that
8 is transferred to the department of justice under this act is transferred to the
9 department of justice. All materials submitted or actions taken by the department
10 of agriculture, trade and consumer protection with respect to the pending matter are
11 considered as having been submitted to or taken by the department of justice.

12 (f) *Contracts.* All contracts entered into by the department of agriculture, trade
13 and consumer protection or the department of justice that are primarily related to
14 programs or functions transferred to the department of justice under this act, and
15 that are in effect on the effective date of this paragraph, remain in effect and those
16 contracts entered into by the department of agriculture, trade and consumer
17 protection are transferred to the department of justice. The departments of justice
18 and agriculture, trade and consumer protection shall jointly identify these contracts
19 and shall jointly develop and implement a plan for their orderly transfer. In the event
20 of any disagreement between the departments, the secretary of administration shall
21 decide the question. If either department is dissatisfied with the secretary's decision,
22 the department may bring the matter to the cochairpersons of the joint committee
23 on finance for consideration by the committee, and the committee shall affirm or
24 modify the decision. The department of justice shall carry out the obligations under

1 these contracts until the obligations are modified or rescinded by the department of
2 justice to the extent allowed under the contract.

3 (g) *Rules and orders.* All rules promulgated by the department of agriculture,
4 trade and consumer protection that are in effect on the effective date of this
5 paragraph and that are primarily related to programs or functions that are
6 transferred to the department of justice under this act remain in effect until their
7 specified expiration date or until amended or repealed by the department of justice.

8 All orders issued by the department of agriculture, trade and consumer protection
9 that are in effect on the effective date of this paragraph and that are primarily related
10 to programs or functions transferred to the department of justice under this act
11 remain in effect until their specified expiration date or until modified or rescinded
12 by the department of justice.

13 (h) *Decrease in positions.* The authorized FTE positions for the department of
14 agriculture, trade and consumer protection, funded from the appropriation under
15 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.”.

16 *b2997/1.3* **522.** Page 352, line 19: after that line insert:

17 “(1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the
18 appropriation account under section 20.215 (1) (cm) of the statutes, as created by this
19 act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the
20 Milwaukee Art Museum.”.

21 *b2753/1.3* **523.** Page 353, line 16: after that line insert:

22 *b2753/1.3* “(1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The
23 authorized FTE positions for the department of commerce are increased by 10.0 PR
24 positions on July 1, 2002, or on the day after publication, whichever is later, to be

1 funded from the appropriation under section 20.143 (1) (g) of the statutes, for the
2 division of international and export services.”.

3 ***b2945/1.5* 524.** Page 353, line 16: after that line insert:

4 ***b2945/1.5*** “(1c) GRANT TO FORWARD WISCONSIN, INC. FOR STUDY AND PROPOSAL
5 ON BRAND IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes,
6 as created by this act, the department of commerce shall provide a grant of \$50,000
7 in fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the
8 creation of a proposal for a national brand image for the state related to technology
9 and biotechnology. The department of commerce shall enter into an agreement with
10 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this
11 subsection and reporting and auditing requirements. No later than December 31,
12 2003, the department of commerce shall submit to the appropriate standing
13 committees of the legislature in the manner provided under section 13.172 (3) of the
14 statutes a report that includes the results of the study and the conclusions and
15 recommendations of Forward Wisconsin, Inc., with respect to a proposal for a
16 national brand image for the state.”.

17 ***b2949/3.17* 525.** Page 355, line 9: after that line insert:

18 ***b2949/3.17*** “(5q) NOTICE REGARDING CHANGES IN SENTENCING LAW.

19 (a) In this subsection, “department” means the department of corrections.

20 (b) If a person is serving a bifurcated sentence or, after having a bifurcated
21 sentence imposed and stayed, is on probation on the last day of the 6th month
22 beginning after the effective date of this paragraph, the department shall calculate
23 the maximum term of imprisonment, the maximum term of confinement, and the
24 maximum term of extended supervision to which the person would have been subject

1 if all provisions of this act had been in effect on the date on which the inmate
2 committed his or her offense. The department shall notify the person of the results
3 of that calculation no later than the first day of the 9th month beginning after the
4 effective date of this paragraph if the person is still serving that sentence or is still
5 on probation on that date.”.

6 *b2949/3.18* **526.** Page 355, line 9: after that line insert:

7 *b2949/3.18* “(6q) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION
8 REQUIREMENTS. The department of corrections shall develop a plan to implement
9 section 301.03 (3a) of the statutes, as created by this act, which it shall submit to the
10 joint committee on finance no later than the first day of the 2nd month beginning
11 after the effective date of this subsection. No later than the first day of the 4th month
12 beginning after the effective date of this subsection, the department shall begin
13 reducing caseloads for probation, extended supervision, and parole agents in Brown,
14 Dane, Kenosha, Milwaukee, Racine, and Rock counties who supervise more than 25
15 persons on probation, extended supervision, or parole.”.

16 *b2706/6.12* **527.** Page 355, line 14: after that line insert:

17 *b2706/6.12* “(1wo) NONSEVERABILITY; CAMPAIGN FINANCING.

18 (a) *Certain communications and matching grants.* Notwithstanding section
19 990.001 (11) of the statutes, if a court finds that all or any portion of sections 11.01
20 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), or 11.50 (9) (b) or (bb) of the statutes, as created
21 by this act, is unconstitutional, then sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m),
22 and 11.50 (9) (b) and (bb) of the statutes, as created by this act, are void in their
23 entirety.

1 (b) *Other provisions.* Notwithstanding section 990.001 (11) of the statutes, if
2 a court finds that any part of section 11.12 (8) or 11.50 (9) (ba) of the statutes, as
3 created by this act, is unconstitutional, then the treatment of sections 5.02 (13), 7.08
4 (2) (c), (cm), and (cs), 8.10 (3) (intro.), 8.15 (6) (intro.), 8.20 (4), 8.30 (2), 8.35 (4) (a)
5 1. a. and b., 8.35 (4) (c) and (d), 11.001 (2m), 11.01 (12s), and (16) (a) 3., 11.05 (1) (b),
6 (2) (b), (2r) (title), (3) (c), (m), (o), and (r), (5), (9) (title), (12) (b), and (13), 11.06 (1)
7 (intro.) and (e), (2), (2m) (b) to (d), (4) (b), (5), (7m) (a) and (c), and (11) (c), 11.07 (1)
8 and (5), 11.09 (3), 11.10 (1), 11.12 (2), (2m), (4), (5), (6) (c) and (d), (8), and (9), 11.14
9 (3), 11.16 (2) and (5), 11.19 (title) and (1), 11.20 (1), (2s), (2t), (7), (9), (10) (a), and (12),
10 11.21 (2), (15), and (16), 11.22 (3), 11.23 (1) and (2), 11.24 (1w), (2), and (4), 11.25 (2)
11 (b), 11.26 (1) (intro.), (2) (intro.), (a), and (ad) to (au), (4), (8), (8m), (9) (a) 1. to 7., (b)
12 1. to 7., and (c), (10), and (12m), 11.265, 11.31 (1) (intro.), (a) to (d), (de), (e), and (f),
13 (1m), (2), (2m), (3), (3p), and (9), 11.38 (1) (a) 2., (6), and (8) (b), 11.50 (1) (a) 1. (intro.),
14 2., and 2m., (am), (bm), and (cm), (2) (a), (b) 5., (2) (c), (g), (h), (i), and (j), (2m), (2s),
15 (2w), (3), (4), (4m), (5), (6), (9) (title), (b), (ba), and (bb), (11) (a) and (e), and (14), 11.60
16 (3s), (3t), and (4), 11.61 (1) (a) (with regard to the reference to 11.05 (2r) and 11.24
17 (1)), 13.625 (3m), 19.42 (3m), (4g), and (4r), 19.45 (13), 19.49 (1m) and (5) (b), 19.53
18 (6), 19.535, 19.59 (1) (br), (7) (b), and (8) (c), (cm), and (cn), 20.510 (1) (q), 20.855 (4)
19 (ba), 25.42, 71.10 (3) (a) and (b), and 806.04 (11m) of the statutes, the renumbering
20 and amendment of sections 11.05 (1), (2), and (2r), 11.12 (6), 11.26 (9) (a) and (b), 11.50
21 (9), 19.49 (5), and 19.59 (7) of the statutes, and the renumbering of section 11.50 (1)
22 (a) 1. of the statutes by this act are void.”.

23 ***b2929/2.6* 528.** Page 355, line 15: after that line insert:

1 ***b2929/2.6*** “(1v) HIRING FREEZE EXEMPTION. Notwithstanding any action of the
2 governor or the secretary of administration under section 16.505 (3) of the statutes
3 before the effective date of this subsection, the department of employee trust funds
4 may fill 3.5 FTE GPR positions that are vacant on the effective date of this
5 subsection, that are authorized to the department under section 16.505 of the
6 statutes, and that are funded from the appropriation under section 20.512 (2) (a) of
7 the statutes.”.

8 ***b2967/4.4* 529.** Page 355, line 15: after that line insert:

9 ***b2967/4.4*** “(1q) EARLY RETIREMENT OPTION FOR CERTAIN PARTICIPATING
10 EMPLOYEES IN THE WISCONSIN RETIREMENT SYSTEM.

11 (a) *Definitions.* The definitions in section 40.02 of the statutes are applicable
12 in this subsection, except that “elected official” means a participating employee
13 elected to an office by vote of the people and “participating employer” does not include
14 a school district.

15 (b) *Eligibility for early retirement benefits.* All of the following individuals who
16 are participating employees on the effective date of this paragraph and who were
17 employed by a participating employer, or on a leave of absence from a position with
18 a participating employer, on February 1, 2002, are eligible for the early retirement
19 benefits provided under this subsection:

20 1. Any state agency employee, other than an elected official, an employee of the
21 board of regents of the University of Wisconsin System, or an employee of the
22 department of employee funds, who has at least 10 years of creditable service, who
23 terminates covered employment during the period that begins on July 1, 2002, and
24 ends on January 1, 2003, and who receives an immediate annuity.

1 2. Any employee of the board of regents of the University of Wisconsin System
2 who has at least 10 years of creditable service, who terminates covered employment
3 during the period that begins on January 1, 2003, and ends on July 1, 2003, and who
4 receives an immediate annuity.

5 3. Any employee of the department of employee trust funds, who has at least
6 10 years of creditable service and who does either of the following:

7 a. Terminates covered employment during the period that begins on July 1,
8 2002, and ends on January 1, 2003, and who receives an immediate annuity.

9 b. Submits a letter of resignation to the department of employee trust funds
10 during the period that begins on July 1, 2002, and ends on January 1, 2003, with an
11 effective date of resignation after January 1, 2003, but before April 1, 2004, and who
12 at the time of the effective date of resignation receives an immediate annuity. Any
13 employee who submits such a letter may subsequently change the effective date of
14 resignation but only if the department consents to the change and the changed date
15 of resignation is before April 1, 2004.

16 4. Any employee who is not a state agency employee, a school district employee,
17 a technical college district employee, or an elected official, whose employer has
18 elected under paragraph (e) to make its employees eligible for the early retirement
19 benefits, who has at least 10 years of creditable service, who terminates covered
20 employment during the period that begins on July 1, 2002, and ends on January 1,
21 2003, and who receives an immediate annuity.

22 5. Any employee who is a technical college district employee, whose employer
23 has elected under paragraph (e) to make its employees eligible for the early
24 retirement benefits, who has at least 10 years of creditable service, who terminates

1 covered employment during the period that begins on January 1, 2003, and ends on
2 July 1, 2003, and who receives an immediate annuity.

3 (c) *Early retirement benefits: calculation of retirement annuity and receipt of*
4 *other benefits.* Any participating employee described in paragraph (b) shall receive
5 all of the following:

6 1. The earliest retirement age for the employee under section 40.23 (1) of the
7 statutes is reduced by 2 years for the purpose of calculating his or her retirement
8 annuity under section 40.23 of the statutes.

9 2. a. At the time of termination, the employee's years of creditable service are
10 increased by 3 years for the purpose of calculating his or her retirement annuity
11 under section 40.23 of the statutes, for the purpose of calculating creditable military
12 service under section 40.02 (15) of the statutes, and for the purpose of life insurance
13 coverage under subchapter VI of chapter 40 of the statutes.

14 b. For any employee having creditable service of more than one type under
15 section 40.23 (2m) (e) of the statutes, the creditable service received under this
16 subdivision shall be based on the employee's last type of creditable service at the time
17 of termination.

18 c. For the purpose of calculating the value of a money purchase annuity under
19 section 40.23 (3) of the statutes, the initial monthly amount of the retirement annuity
20 in the normal form shall be increased by the amount that equals the increase in the
21 initial monthly amount of the retirement annuity under section 40.23 (2m) of the
22 statutes that results from providing the additional 3 years of creditable service and
23 the 2 years of age reduction.

24 3. The employee's age is increased by 2 years only for the purpose of making
25 the calculation under section 40.23 (2m) (f) of the statutes.

1 4. Any limitation in the initial retirement annuity amount under section 40.23
2 (2m) (b) of the statutes shall not apply for the purpose of calculating his or her
3 retirement annuity under section 40.23 of the statutes.

4 (d) *Early retirement benefits: health insurance premium credits.*
5 Notwithstanding section 40.95 (2) of the statutes, for any participating employee
6 described in paragraph (b) 1. to 3., the number of health insurance premium credits
7 provided to the employee under subchapter IX of chapter 40 of the statutes are
8 increased by the number that yields an additional \$20,000 in health insurance
9 premium credits.

10 (e) *Early retirement option for participating employers other than the state.*

11 1. Any participating employer, other than a state agency and a technical college
12 district, may elect to make its participating employees eligible for the early
13 retirement benefits provided under paragraph (c) by notifying the department, in
14 writing, before July 1, 2002.

15 2. A technical college district may elect to make its participating employees
16 eligible for the early retirement benefits provided under paragraph (c) by notifying
17 the department, in writing, before January 1, 2003.

18 (f) *Actuarial valuation of the cost of early retirement benefits.* Not later than
19 January 1, 2005, the department of employee trust funds shall contract with the
20 actuary retained under section 40.03 (1) (d) of the statutes for an actuarial valuation
21 of the costs of the retirement benefits provided under this subsection, as well as the
22 costs incurred by the department of employee trust funds for administering the
23 retirement benefits, for the purpose of determining contribution rates for
24 participating employers whose employees receive retirement benefits under this
25 subsection. The contribution rates established by the actuary shall be sufficient to

1 fund the full cost of the retirement benefits and administrative costs over a 10-year
2 amortization period, including any amount paid under section 40.05 (2) (h) of the
3 statutes, as created by this act, and shall take effect beginning on the January 1 that
4 first occurs after the actuary completes the valuation. The department shall certify
5 to the actuary all costs, including estimated future costs, that are incurred by the
6 department in administering the retirement benefits provided under this
7 subsection.

8 (g) *Establishment of initial employer contribution rates.* Beginning on June 1,
9 2002, and ending on the January 1 that first occurs after the actuary completes the
10 valuation under paragraph (f), for any participating employer whose participating
11 employees terminate covered employment or, with respect to the department of
12 employee trust funds, submit a letter of resignation with a delayed effective date,
13 during the period that begins on July 1, 2002, and ends on January 1, 2003, and
14 beginning on December 1, 2002, and ending on the January 1 that first occurs after
15 the actuary completes the valuation under paragraph (f), for any participating
16 employer whose participating employees terminate covered employment during the
17 period that begins on January 1, 2003, and ends on July 1, 2003, the department of
18 employee trust funds shall establish, and require the payment of, employer
19 contribution rates to fund the cost of the retirement benefits provided under this
20 subsection. For state agencies, the department shall establish, and require the
21 payment of, a temporary employer contribution rate, expressed as a level percent of
22 payroll, to fund the retirement benefits that are received by participating state
23 employees. This rate shall remain in effect until the January 1 that first occurs after
24 the actuary completes the valuation under paragraph (f), unless the actuary
25 certifies, and the employee trust funds board approves, a change in the rate to more

1 accurately reflect the costs of the benefits provided under this subsection. For
2 participating employers that are not state agencies, the department shall establish,
3 and require the payment of, a temporary employer contribution rate, expressed as
4 a level percent of payroll, to fund the retirement benefits that are received by the
5 employees of the participating employers. This rate shall remain in effect until the
6 January 1 that first occurs after the actuary completes the valuation under
7 paragraph (f), unless the actuary certifies, and the employee trust funds board
8 approves, a change in the rate to more accurately reflect the costs of the benefits
9 provided under this subsection.

10 (h) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
11 the department of employee trust funds may promulgate rules to administer the
12 retirement benefits provided under this subsection and any funding mechanism to
13 pay the cost of the retirement benefits for the period before the date on which
14 permanent rules take effect, but not to exceed the period authorized under section
15 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),
16 and (3) of the statutes, the department is not required to provide evidence that
17 promulgating a rule under this paragraph as an emergency rule is necessary for the
18 preservation of the public peace, health, safety, or welfare and is not required to
19 provide a finding of emergency for a rule promulgated under this paragraph.”

20 *b2879/1.7* **530.** Page 356, line 1: delete lines 1 to 4.

21 *b2863/1.7* **531.** Page 357, line 24: after that line insert:

22 *b2863/1.7* “(2w) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE; RULES. The
23 department of health and family services shall submit in proposed form the rules
24 required under section 49.45 (2) (a) 9. of the statutes, as affected by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than the first
2 day of the 7th month beginning after the effective date of this subsection.”.

3 *b2766/1.1* **532.** Page 357, line 25: delete the material beginning with that
4 line and ending with page 358, line 15.

5 *b2865/3.2* **533.** Page 358, line 15: after that line insert:

6 *b2865/3.2* “(5c) STUDY ON USE OF MEDICAL ASSISTANCE PREFERRED PRESCRIPTION
7 DRUG LIST IN CERTAIN FACILITIES. By January 1, 2003, the department of health and
8 family services shall study the feasibility of using a preferred prescription drug list
9 for the prescription drugs provided to medical assistance recipients who are
10 residents of nursing homes, institutions for mental diseases, and intermediate care
11 facilities for the mentally retarded and shall report findings of the study to the
12 legislature in the manner provided under section 13.172 (3) of the statutes, and to
13 the governor.”.

14 *b2940/2.3* **534.** Page 358, line 15: after that line insert:

15 *b2940/2.3* “(4e) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The
16 department of health and family services shall submit in proposed form the rules
17 required under section 146.83 (3m) of the statutes, as created by this act, to the
18 legislative council staff under section 227.15 (1) of the statutes no later than the first
19 day of the 5th month beginning after the effective date of this subsection.”.

20 *b2974/1.4* **535.** Page 358, line 15: after that line insert:

21 *b2974/1.4* “(5qq) LIMITATIONS ON HOSPITALS AND AMBULATORY SURGERY CENTERS;
22 RULES.

23 *b2974/1.4* (a) The department of health and family services shall submit in
24 proposed form the rule required under section 150.935 (6) of the statutes, as created

1 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
2 later than the first day of the 4th month beginning after the effective date of this
3 paragraph.

4 *b2974/1.4* (b) Using the procedure under section 227.24 of the statutes, the
5 department of health and family services may promulgate the rule required under
6 section 150.935 (6) of the statutes, as created by this act, for the period before the
7 effective date of the rule submitted under paragraph (a), but not to exceed the period
8 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
9 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
10 to provide evidence that promulgating a rule under this paragraph as an emergency
11 rule is necessary for the preservation of the public peace, health, safety, or welfare
12 and is not required to provide a finding of emergency for a rule promulgated under
13 this paragraph.

14 *b2974/1.4* (5qr) REQUIREMENTS OF HOSPITALS AND AMBULATORY SURGERY
15 CENTERS. An ambulatory surgery center shall and, as a condition of approval under
16 section 50.35 of the statutes, as affected by this act, a hospital shall, within 60 days
17 after the effective date of this subsection, apply under section 49.45 (2) (a) 11. of the
18 statutes for certification as a provider of medical assistance and apply for
19 certification as a provider of services under medicare, as defined under section 49.45
20 (3) (L) 1. b. of the statutes.”.

21 *b2828/2.1* **536.** Page 358, line 18: after that line insert:

22 *b2828/2.1* “(1d) The historical society shall allocate \$100,000 in fiscal year
23 2001–02 and \$100,000 in fiscal year 2002–03 for the office of local history and the
24 historical society library.”.

1 ***b2929/2.7* 537.** Page 358, line 21: after that line insert:

2 ***b2929/2.7*** “(1v) RULES RELATED TO SMALL EMPLOYER HEALTH INSURANCE RATES.
3 Using the procedure under section 227.24 of the statutes, the commissioner of
4 insurance may promulgate the rules required under section 635.05 (1) of the
5 statutes, as affected by this act, for the period before the effective date of the
6 permanent rules required under section 635.05 (1) of the statutes, as affected by this
7 act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the
8 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
9 commissioner is not required to provide evidence that promulgating a rule under this
10 subsection as an emergency rule is necessary for the preservation of public peace,
11 health, safety, or welfare and is not required to provide a finding of emergency for a
12 rule promulgated under this subsection.”.

13 ***b2854/1.3* 538.** Page 358, line 25: after that line insert:

14 ***b2854/1.3*** “(2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION
15 FOR CITY OF RACINE. From the appropriation under section 20.455 (2) (cr) of the
16 statutes, as created by this act, the department of justice shall award \$63,200 to the
17 city of Racine police department in fiscal year 2002–03 for the purchase of an
18 automated fingerprint identification system work station and for the installation of
19 a Badgernet line for the work station. The city of Racine police department and the
20 department of justice shall enter into an agreement regarding the duties and
21 obligations of the police department and the department of justice with respect to the
22 use of the automated fingerprint identification system work station and regarding
23 the use of, and access to, the state automated fingerprint identification system and
24 to other criminal record databases.”.

1 ***b2913/2.19* 539.** Page 358, line 25: after that line insert:

2 ***b2913/2.19*** “(2xz) INCREASE IN POSITIONS. The authorized FTE positions for
3 the department of justice, funded from the appropriation under section 20.455 (1) (j)
4 of the statutes, as created by this act, are increased by 5.5 PR positions.”.

5 ***b2898/1.1* 540.** Page 359, line 1: after that line insert:

6 ***b2898/1.1*** “(1c) PROGRAM EVALUATION AND MANAGEMENT AUDIT OF DEPARTMENT
7 OF ADMINISTRATION.

8 (a) The joint legislative audit committee is requested to direct the legislative
9 audit bureau to conduct a program evaluation and management audit of the
10 department of administration to determine whether state government could
11 function effectively without the department. If the audit is undertaken, the bureau
12 is requested to include each of the following elements to the extent they are
13 considered appropriate by the bureau:

14 1. A comparison of the functions and responsibilities of the department at the
15 time that it was created and the current functions and responsibilities of the
16 department.

17 2. A review of whether any administrative functions have been removed from
18 the department since the time that it was created and whether the administrative
19 functions that the department retains are significant enough to justify a separate
20 department.

21 3. A comparison of the department’s central administrative functions,
22 efficiencies, and related budgetary impacts with the central administrative
23 functions, efficiencies, and budgetary impacts associated with similar agencies in
24 other states.

1 4. A comparison of the budgeted and per capita costs of the department at the
2 time of its creation with the current budgeted and per capita costs of the department,
3 together with the costs of any other agencies or subunits thereof to which original
4 functions or responsibilities of the department have been transferred.

5 5. A review of the policy-making responsibilities that have been assigned to the
6 department, including an assessment of whether such responsibilities could be more
7 effectively administered by other state agencies.

8 6. An assessment of whether any functions or responsibilities of the
9 department duplicate those of other state agencies and could therefore be reduced
10 or eliminated.

11 7. A review of whether the efficiencies and cost savings intended by the
12 legislature and governor when the department was created have been realized.

13 8. An assessment of whether there are any impediments to decentralizing those
14 responsibilities and functions that are currently assigned to the department by
15 assigning these functions and responsibilities to the office of the governor or to other
16 state agencies.

17 9. A review of the costs charged by the department to other state agencies or
18 to local governments and an assessment of whether the responsibilities and
19 functions funded by these charges could be effectively undertaken by this state if the
20 department did not exist.

21 (b) If the bureau undertakes the audit, the bureau is requested to submit a
22 report of its findings and recommendations to the distributees specified in section
23 13.94 (1) (b) of the statutes no later than the first day of the 9th month beginning after
24 the effective date of this paragraph.”

1 ***b2973/1.1* 541.** Page 359, line 1: after that line insert:

2 “(3q) STUDY OF CERTAIN ELECTION ADMINISTRATION SERVICES. The joint legislative
3 council is requested to conduct a study of election administration services performed
4 by municipalities and counties and prepare recommendations for the consolidation
5 of those services. If the joint legislative council conducts the study and prepares the
6 recommendations, it shall report its findings, conclusions, and recommendations, in
7 the manner provided under section 13.172 (2) of the statutes, to the 2003 legislature
8 when that legislature convenes.”.

9 ***b2879/1.8* 542.** Page 359, line 12: delete lines 12 to 15.

10 ***b2916/3.5* 543.** Page 360, line 13: after that line insert:

11 ***b2916/3.5*** “(2fxq) INVASIVE SPECIES COUNCIL STAGGERED TERMS.
12 Notwithstanding the length of term specified in section 15.347 (18) (b) 7. of the
13 statutes, as created in this act, of the members first appointed to the invasive species
14 council under section 15.347 (18) (b) 7. of the statutes, as created by this act, the
15 governor shall designate 2 members to serve for terms expiring on July 1, 2007, 2
16 members to serve for terms expiring on July 1, 2008, and 3 members to serve for
17 terms expiring on July 1, 2009.

18 ***b2916/3.5*** (2fxr) POSITIONS FOR INVASIVE SPECIES PROGRAM. The authorized
19 FTE positions for the department of natural resources are increased by 2.0 SEG
20 positions to be funded from the appropriation under section 20.370 (4) (aq) of the
21 statutes, as affected by this act, to provide a program director and staff position for
22 the statewide invasive species program under s. 23.22 of the statutes, as created by
23 this act.”.

24 ***b2844/1.1* 544.** Page 360, line 23: delete lines 23 to 25.

1 ***b2844/1.2* 545.** Page 361, line 1: delete lines 1 to 12.

2 ***b2891/1.1* 546.** Page 361, line 13: delete lines 13 to 16.

3 ***b2725/5.16* 547.** Page 361, line 16: after that line insert:

4 ***b2725/5.16*** “(3q) TRANSFER OF DUTIES FROM THE TECHNOLOGY FOR EDUCATIONAL
5 ACHIEVEMENT IN WISCONSIN BOARD.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
7 liabilities of the department of administration primarily related to the functions of
8 the technology for educational achievement in Wisconsin board, as determined by
9 the secretary of administration, shall become the assets and liabilities of the
10 department of public instruction.

11 (b) *Position and employee transfers.* All positions authorized for the technology
12 for educational achievement in Wisconsin board on the day before the effective date
13 of this paragraph, except for the position of executive director, are, on the effective
14 date of this paragraph, transferred to the department of public instruction, and the
15 incumbent employees in those positions are transferred on the effective date of this
16 paragraph to the department of public instruction.

17 (c) *Employee status.* Employees transferred under paragraph (b) have all the
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
19 statutes in the department of public instruction that they enjoyed in the technology
20 for educational achievement in Wisconsin board immediately before the transfer.
21 Notwithstanding section 230.28 (4) of the statutes, no transferred employee who has
22 attained permanent status in class is required to serve a probationary period.

23 (cm) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the department of administration

1 that is primarily related to the functions of the technology for educational
2 achievement in Wisconsin board, as determined by the secretary of administration,
3 is transferred to the department of public instruction.

4 (d) *Contracts.* 1. All contracts entered into by the technology for educational
5 achievement in Wisconsin board in effect on the effective date of this paragraph
6 remain in effect and are transferred to the department of public instruction. The
7 department of public instruction shall carry out any obligations under a transferred
8 contract until the department of public instruction modifies or rescinds the contract.

9 2. All contracts entered into by the department of administration in effect on
10 the effective date of this paragraph that are primarily related to the functions of the
11 technology for educational achievement in Wisconsin board, as determined by the
12 secretary of administration, remain in effect and are transferred to the department
13 of public instruction. The department of public instruction shall carry out any
14 obligations under a transferred contract until the department of public instruction
15 modifies or rescinds the contract.

16 (e) *Rules and orders.* All rules promulgated by the technology for educational
17 achievement in Wisconsin board that are in effect on the effective date of this
18 paragraph remain in effect until their specified expiration date or until the
19 department of public instruction amends or repeals them. All orders issued by the
20 technology for educational achievement in Wisconsin board that are in effect on the
21 effective date of this paragraph remain in effect until their specified expiration date
22 or until the department of public instruction modifies or rescinds them.

23 (f) *Pending matters.* Any matter pending with the technology for educational
24 achievement in Wisconsin board on the effective date of this paragraph is transferred
25 to the department of public instruction, and all materials submitted to or actions

1 taken by the technology for educational achievement in Wisconsin board concerning
2 the pending matter are considered to have been submitted to or taken by the
3 department of public instruction.”.

4 *b2875/2.1* **548.** Page 361, line 16: after that line insert:

5 *b2875/2.1* “(2w) TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS.

6 (a) Notwithstanding section 115.999 (1) of the statutes, as created by this act,
7 the department of public instruction shall ensure that all of the following occur:

8 1. Except as provided in subdivision 3., all persons who received grants under
9 section 115.999 (1) of the statutes, as created by this act, in the 2001–02 fiscal year
10 receive no less grant money in the 2002–03 fiscal year than they received in the
11 2001–02 fiscal year.

12 2. No additional persons receive grants under section 115.999 (1) of the
13 statutes, as created by this act, in the 2002–03 fiscal year.

14 3. If the amount appropriated under section 20.255 (4) (et) of the statutes, as
15 affected by this act, in the 2002–03 fiscal year is less than or greater than the amount
16 appropriated in the 2001–02 fiscal year, the department of public instruction
17 prorates the grants for the 2002–03 fiscal year.

18 (b) A grant recipient may use the grant for technical assistance and training
19 in the use of educational technology, as the grant recipient considers appropriate, if
20 the grant recipient agrees to submit a report by the end of the 2002–03 fiscal year
21 to the the department of public instruction on how the grant recipient spent the
22 grant.”.

23 *b2871/1.7* **549.** Page 362, line 12: after that line insert:

1 ***b2871/1.7***“(2q) LEGISLATIVE INTENT. The treatment of section 196.37 (2) of the
2 statutes is intended only to clarify the authority of the public service commission.
3 No substantive change is intended.

4 ***b2871/1.7*** (2r) STUDY OF CROSS SUBSIDIZATION. The joint legislative council is
5 requested to study the requirements regarding cross subsidization under section
6 196.204 of the statutes and whether any changes to those requirements would
7 promote competition for telecommunications services in rural markets. If the council
8 undertakes such a study, the council shall report its findings, conclusions, and
9 recommendations to the 2003 legislature when it convenes.”.

10 ***b2877/2.2* 550.** Page 362, line 12: after that line insert:

11 ***b2877/2.2*** “(1z) COGENERATION FACILITY AT THE UNIVERSITY OF
12 WISCONSIN–MADISON.

13 (a) In this subsection:

14 1. “Board” means the board of regents of the University of Wisconsin System.

15 2. “Cogeneration facility” means a facility that provides electric, steam, and
16 chilled water service.

17 3. “Commission” means the public service commission.

18 4. “Department” means the department of administration.

19 5. “Site” means the property located immediately north of the university’s
20 Walnut Street plant and bounded by Walnut Street on the west, Herrick Drive on the
21 north, the university’s existing physical plant buildings on the east, and the north
22 wall of the existing Walnut Street heating plant on the south.

23 6. “University” means the University of Wisconsin–Madison.

1 7. “Utility” means the public utility that provides electric service to the
2 university or an affiliate of such a public utility.

3 (b) The board may not allow the construction of a cogeneration facility at the
4 site that provides electric, steam, or chilled water services to the university after July
5 1, 2004, unless all of the following are satisfied:

6 1. The utility, department, and board agree on a plan for allocating the costs
7 of constructing the cogeneration facility between the utility and the university and
8 for establishing the terms and conditions under which the university shall purchase
9 electric, steam, or chilled water services from the utility.

10 2. The utility submits a plan under subdivision 1. to the commission and the
11 commission, upon finding the plan is reasonable, approves the plan.

12 3. Construction of the cogeneration facility is completed before July 1, 2004.

13 (c) If the utility submits a plan to the commission under paragraph (b) 2., the
14 utility shall, at the same time that it submits the plan, apply for a certificate of public
15 convenience and necessity for the cogeneration facility under section 196.491 (3) of
16 the statutes. Notwithstanding section 196.491 (3) (a) 3. a. of the statutes, the utility
17 shall provide the department of natural resources with an engineering plan for the
18 cogeneration facility at the same time that the utility submits the application to the
19 commission for the certificate of public convenience and necessity.”.

20 ***b2955/1.1* 551.** Page 362, line 12: after that line insert:

21 ***b2955/1.1*** “(1x) **HIRING FREEZE EXEMPTION.** Notwithstanding any action of the
22 governor or the secretary of administration under section 16.505 (3) of the statutes
23 before the effective date of this subsection, the public service commission may fill 3.0
24 FTE PR positions that are vacant on the effective date of this subsection, that are

1 related to the performance of environmental analyses and engineering reviews, that
2 are authorized to the commission under section 16.505 of the statutes, and that are
3 funded from the appropriation under section 20.155 (1) (g) of the statutes. If the
4 public service commission does not fill the positions by the first day of the 6th month
5 beginning after the effective date of this subsection, the commission shall, no later
6 than the first day of the 7th month beginning after the effective date of this
7 subsection, submit a report to the joint committee on finance of the legislature that
8 explains the reasons for not filling the positions.”.

9 *b2960/1.1* **552.** Page 362, line 12: after that line insert:

10 *b2960/1.1* “(1t) ENERGY CONSERVATION.

11 (a) In this subsection:

12 1. “Commission” means the public service commission.

13 2. “Utility” has the meaning given in section 196.374 (1) (c) of the statutes.

14 (b) Notwithstanding the requirement under section 196.374 (3) of the statutes
15 for a utility to make specified contributions to the commission in a fiscal year of the
16 amounts determined by the commission under section 196.374 (2) of the statutes, the
17 commission may allow a utility to retain, until December 31, 2004, a portion of the
18 amounts determined by the commission under section 196.374 (2) (b), (c), and (d) of
19 the statutes, instead of contributing the portion to the commission, if the commission
20 determines that the portion is attributable to energy conservation programs for
21 industrial, commercial, and agricultural customers in the utility’s service area. If the
22 commission allows a utility to retain a portion under this paragraph, the utility must
23 contribute 1.75% of the portion to the commission for research and development for

1 energy conservation and efficiency and must contribute 4.5% of the portion to the
2 commission for renewable resource programs.”.

3 *b2890/2.144* **553.** Page 362, line 15: delete lines 15 to 18.

4 *b2757/1.3* **554.** Page 362, line 18: after that line insert:

5 *b2757/1.3* “(1m) PENALTY FOR CONVERTING AGRICULTURAL LAND.
6 Notwithstanding section 70.32 (2s) (c) of the statutes, as created by this act, and
7 section 74.485 of the statutes, as created by this act, land assessed as agricultural
8 land for the property tax assessments as of January 1, 2002, that may no longer be
9 assessed as agricultural land for the property tax assessments as of January 1, 2003,
10 because the land is not used as a farm, as defined under section 70.32 (2s) (a) 2. of
11 the statutes, is not subject to the penalty under section 74.485 of the statutes with
12 regard to the property tax assessments as of January 1, 2002, and January 1, 2003.”.

13 *b2853/1.7* **555.** Page 362, line 18: after that line insert:

14 *b2853/1.7* “(1q) DIRECT MARKETING OF CIGARETTES AND TOBACCO PRODUCTS. The
15 authorized FTE positions for the department of revenue are increased by 1.5 PR
16 positions on July 1, 2002, to be funded from the appropriation under section 20.566
17 (1) (gc) of the statutes, as created by this act, for the purpose of enforcing and
18 administering cigarette and tobacco product direct marketing permits and
19 penalties.”.

20 *b2888/1.4* **556.** Page 362, line 19: delete lines 19 to 24.

21 *b2826/1.1* **557.** Page 362, line 24: after that line insert:

22 *b2826/1.1* “(2d) ALCOHOL AND TOBACCO ENFORCEMENT AGENTS. The
23 department of revenue shall retain 13 agents in the department’s alcohol and tobacco
24 enforcement section at least until July 1, 2003.”.

1 ***b2867/1.1* 558.** Page 363, line 21: delete that line and substitute “avoid
2 adverse impacts on activities related to highway planning and programming.”

3 ***b2867/1.2* 559.** Page 364, line 5: delete that line and substitute “avoid
4 adverse impacts on activities related to highway planning and programming.”

5 ***b2759/1.1* 560.** Page 364, line 6: after that line insert:

6 “(1x) TRAFFIC CONTROL SIGNALS IN OAK CREEK. No later than June 30, 2003, the
7 department of transportation shall install traffic control signals at the intersection
8 of STH 38 and Oakwood Road in the city of Oak Creek in Milwaukee County.”

9 ***b2762/2.6* 561.** Page 364, line 6: after that line insert:

10 ***b2762/2.6*** “(4q) REQUEST ON SOUTHEAST WISCONSIN FREEWAY REHABILITATION.
11 By the date specified by the cochairpersons of the joint committee on finance for the
12 submission of requests for consideration at the next quarterly meeting of the
13 committee occurring after the effective date of this subsection, the department of
14 transportation shall submit a request for the transfer of moneys from the
15 appropriations under section 20.395 (3) (cq), (cv), and (cx) of the statutes, as affected
16 by this act, to the appropriations under section 20.395 (3) (cr), (cw), and (cy) of the
17 statutes to allocate funds for rehabilitation of the southeast Wisconsin freeways. The
18 department’s request, and the committee’s action on the request, may not include
19 funding now allocated for projects in other parts of the state or other funding that
20 is not currently allocated to rehabilitation of southeast Wisconsin freeways.”

21 ***b2824/1.1* 562.** Page 364, line 6: after that line insert:

22 ***b2824/1.1*** “(2f) IMPROVEMENTS TO USH 51 IN CITY OF MADISON.
23 Notwithstanding section 85.07 of the statutes, during the 2001–03 fiscal biennium,
24 the department of transportation shall expend funds not to exceed \$300,000 from

1 federal funds available under 23 USC 152 for a highway improvement project on
2 USH 51 at the intersection of Rieder Road in the city of Madison in Dane County, if
3 the project is consistent with the requirements of 23 USC 152 and regulations
4 promulgated under 23 USC 152. The project shall include reconstruction of the
5 southbound lanes of USH 51 at Rieder Road to incorporate a divided deceleration and
6 turn lane on USH 51 for southbound traffic turning east onto Rieder Road from USH
7 51 and a divided acceleration lane on USH 51 for traffic traveling west on Rieder
8 Road turning south onto USH 51. The project shall also include installation of any
9 traffic control signals necessary to allow traffic traveling west on Rieder Road to turn
10 onto southbound USH 51 without requiring southbound traffic on USH 51 to stop.”.

11 *b2796/3.3* *b2389/1.2* **563.** Page 364, line 7: after that line insert:

12 *b2796/3.3* *b2389/1.2* “(1f) GRANDFATHER PROVISION; UNCLAIMED GIFT
13 CERTIFICATES. The treatment of sections 177.01 (10) (a) 2. and 177.14 of the statutes
14 does not apply to any property paid or delivered to the state treasurer under section
15 177.17 (4) (a) 2. of the statutes or section 177.19 (1), 1999 stats., before the effective
16 date of this subsection.”.

17 *b2944/3.1* **564.** Page 364, line 24: after that line insert:

18 *b2944/3.1* “(1q) ORDER OF STATE EMPLOYEE LAYOFFS.

19 (a) In this subsection, “state agency” has the meaning given in section 16.375
20 (1) of the statutes, but does not include the board of regents of the University of
21 Wisconsin System.

22 (b) If a state agency is required to lay off any of its employees as a result of any
23 appropriation reduction required under this act, no employee of the state agency who
24 is in the classified service of the state civil service system may be laid off until all

1 employees of the state agency who are in the unclassified service of the state civil
2 service system are laid off other than the chief administrative officer of the state
3 agency.”.

4 *b2879/1.9* **565.** Page 364, line 25: delete the material beginning with that
5 line and ending with page 365, line 9.

6 *b2984/1.1* **566.** Page 365, line 16: after that line insert:

7 *b2984/1.1* “(4q) WISCONSIN PUBLIC TELEVISION. The board of regents of the
8 University of Wisconsin System shall endeavor to raise by March 1, 2003, at least
9 \$250,000 more in program revenue than was raised in the 2001–02 fiscal year for the
10 Wisconsin Public Television production facility at the University of
11 Wisconsin–Green Bay and shall report the results of its efforts to the joint committee
12 on finance by July 1, 2003.”.

13 *b2967/4.5* **567.** Page 366, line 15: after “subsection” insert “, except that
14 “state agency” does not include the department of employee trust funds or the
15 investment board”.

16 *b2947/3.34* **568.** Page 368, line 8: after that line insert:

17 *b2947/3.34* “(4x) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR CERTAIN
18 ELIMINATED STATE POSITIONS.

19 (a) The definitions in section 20.001 of the statutes are applicable in this
20 subsection.

21 (b) 1. The secretary of administration shall reduce the number of authorized
22 positions for each state agency by the number of positions under section 15.04 (2),
23 1999 stats., section 15.05 (3), 1999 stats., and section 15.06 (4m), 1999 stats., and by
24 the number of unclassified division administrators that are eliminated for that state

1 agency under this act. The secretary shall also reduce the authorized FTE positions
2 for the office of the secretary of state by 1.0 assistant secretary of state position; for
3 the office of state treasurer by 1.0 assistant state treasurer position; and for the
4 historical society by 1.0 associate director position.

5 2. The secretary shall determine for each state agency the amount that the
6 agency would have been required to expend for compensation and fringe benefits
7 during the period that begins on the effective date of this subdivision and ends on
8 June 30, 2003, for state employees occupying a position described under subdivision
9 1. and from each appropriation from which the moneys would have been expended,
10 other than appropriations of federal revenues.

11 (c) From each sum certain appropriation of general purpose revenue identified
12 in paragraph (b) 2., the secretary of administration shall lapse to the general fund
13 the amount specified in paragraph (b) 2. that would otherwise have been expended
14 from each of the appropriations. After the secretary of administration makes the
15 lapse, each of the sum certain appropriations is decreased by the amount specified
16 in paragraph (b) 2. for that appropriation.

17 (d) For each sum sufficient appropriation of general purpose revenue identified
18 in paragraph (b) 2., the expenditure estimate for the appropriation during the
19 2001–03 fiscal biennium, is reestimated to subtract the amount specified in
20 paragraph (b) 2. for that appropriation.

21 (e) From each appropriation of program revenues or program revenues–service
22 identified in paragraph (b), other than an appropriation to the investment board, the
23 secretary of administration shall lapse to the general fund the amount specified in
24 paragraph (b) 2. that would otherwise have been expended from each of the
25 appropriations. After the secretary of administration makes the lapse, each of the

1 sum certain program revenues or program revenues–service appropriations is
2 decreased by the amount specified in paragraph (b) 2. for that appropriation.

3 (f) From each appropriation of segregated fund revenues or segregated fund
4 revenues — service identified in paragraph (b), the secretary of administration shall
5 lapse to the underlying fund the amount specified in paragraph (b) 2. that would
6 otherwise have been expended from each of the appropriations. After the secretary
7 of administration makes the lapse, each of the sum certain segregated revenues or
8 segregated revenues — service appropriations is decreased by the amount specified
9 in paragraph (b) for that appropriation and the expenditure estimate for each of the
10 appropriations that are not sum certain appropriations is reestimated to subtract
11 the amount specified in paragraph (b) for that appropriation. The secretary of
12 administration shall then transfer the lapsed amounts and an amount equal to the
13 amount subtracted from the estimates to the general fund, but not including any
14 amount lapsed from an appropriation of segregated fund revenues to the department
15 of employee trust funds.”.

16 *b2962/2.1* **569**. Page 368, line 8: after that line insert:

17 *b2962/2.1* “(4z) VOLUNTARY EMPLOYEE FURLOUGH. Any chief administrative
18 officer of a state agency, as defined in section 20.001 (1) of the statutes, may permit
19 any employee of that agency, other than an employee who is an elected official or is
20 nominated or appointed by the governor for a fixed term to his or her position, to take
21 a voluntary unpaid leave of absence during the 2001–03 fiscal biennium for a period
22 not to exceed 8 weeks. During any time in which an employee is on a leave of absence
23 granted under this subsection, the chief administrative officer shall continue to
24 make all required employer contributions for that employee, as well as any required

1 employee contributions that the employer is required to make on behalf of that
2 employee in accordance with a collective bargaining agreement under subchapter V
3 of chapter 111 or section 230.12 of the statutes, for benefits provided under chapter
4 40 of the statutes, but not including any such contributions under section 40.05 (1)
5 and (2) of the statutes. During the leave of absence, the employee's employment shall
6 be considered not to have been interrupted for all purposes relating to wages, hours,
7 and conditions of employment, except that the employee shall not be paid a salary
8 nor accrue creditable service, as defined in section 40.02 (17) of the statutes, for
9 purposes of the Wisconsin retirement system. The timing of any leave of absence
10 granted under this subsection shall be at the discretion of the chief administrative
11 officer. Notwithstanding section 111.91 (1) of the statutes, for employees who are
12 included in a collective bargaining unit for which a representative is recognized or
13 certified under subchapter V of chapter 111 of the statutes, this subsection shall
14 apply except as otherwise provided in a collective bargaining agreement.”.

15 *b2967/4.6* **570.** Page 368, line 8: after that line insert:

16 *b2967/4.6* “(4r) COMPENSATION AND FRINGE BENEFIT SAVINGS FOR STATE
17 EMPLOYEES WHO ELECT TO RECEIVE RETIREMENT ANNUITIES DURING PART OF THE 2002-03
18 FISCAL YEAR.

19 (a) The definitions in section 20.001 of the statutes are applicable in this
20 subsection, except that “state agency” does not include the department of employee
21 trust funds, the board of regents of the University of Wisconsin System, or the
22 investment board.

23 (b) The secretary of administration shall determine for each state agency the
24 amount that the agency would have been required to expend for compensation and

1 fringe benefits during the period that begins on January 1, 2003, and ends on June
2 30, 2003, for state employees who elect to receive retirement benefits under SECTION
3 9116 (1q) (c) of this act and each appropriation from which the moneys would have
4 been expended, other than appropriations of federal revenues. For the purpose of
5 making this calculation, the secretary shall reduce the amount by the increased
6 employer contribution costs under the Wisconsin retirement system for that state
7 agency that results from the retirement benefits granted under SECTION 9116 (1q) (c)
8 of this act.

9 (c) From each sum certain appropriation of general purpose revenue identified
10 in paragraph (b), the secretary of administration shall lapse to the general fund the
11 amount specified in paragraph (b) that would otherwise have been expended from
12 each of the appropriations. After the secretary of administration makes the lapse,
13 each of the sum certain appropriations is decreased by the amount specified in
14 paragraph (b) for that appropriation.

15 (d) For each sum sufficient appropriation of general purpose revenue identified
16 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03
17 fiscal year is reestimated to subtract the amount specified in paragraph (b) for that
18 appropriation.

19 (e) From each appropriation of program revenues or program revenues–service
20 identified in paragraph (b), the secretary of administration shall lapse to the general
21 fund the amount specified in paragraph (b) that would otherwise have been
22 expended from each of the appropriations. After the secretary of administration
23 makes the lapse, each of the sum certain program revenues or program
24 revenues–service appropriations is decreased by the amount specified in paragraph
25 (b) for that appropriation.

1 (f) From each sum certain appropriation of segregated fund revenues or
2 segregated fund revenues — service identified in paragraph (b), the secretary of
3 administration shall lapse to the underlying fund the amount specified in paragraph
4 (b) that would otherwise have been expended from each of the appropriations. After
5 the secretary of administration makes the lapse, each of the sum certain segregated
6 revenues or segregated revenues — service appropriations is decreased by the
7 amount specified in paragraph (b) for that appropriation. For each appropriation of
8 segregated fund revenues or segregated fund revenues — services identified in
9 paragraph (b) that is not a sum certain appropriation, the expenditure estimate is
10 reestimated to subtract the amount specified in paragraph (b) for that appropriation.
11 The secretary of administration shall transfer from the underlying fund the lapsed
12 amounts and an amount equal to the amount subtracted from the estimates to the
13 general fund.

14 ***b2967/4.6*** (4rq) EMPLOYER OBLIGATION TO FILL CERTAIN VACANT POSITIONS. Any
15 employer that elects under SECTION 9116 (1q) (e) of this act to provide the retirement
16 benefits under SECTION 9116 (1q) (c) of this act to its employees shall fill, no later than
17 January 1, 2004, all law enforcement and fire fighting positions that are vacated by
18 employees who receive the retirement benefits under SECTION 9116 (1q) (c) of this act,
19 but only if the employer can fill the positions with qualified individuals.

20 ***b2967/4.6*** (4rqq) POSITION AUTHORIZATIONS RELATED TO PROVISION OF EARLY
21 RETIREMENT BENEFITS. The authorized FTE positions for the department of employee
22 trust funds are increased by 53.0 SEG project positions, to be funded from the
23 appropriation under section 20.515 (1) (vm) of the statutes, as created by this act, for
24 the period beginning on the effective date of this subsection and ending on December

1 31, 2004, for the purpose of administering the early retirement benefits provided
2 under SECTION 9116 (1q) (c) of this act.”.

3 *b2897/1.1* **571.** Page 369, line 2: after that line insert:

4 *b2897/1.1* “(5z) IMPLEMENTATION OF APPROPRIATION DECREASES.

5 (a) In this subsection, “department” has the meaning given for “executive
6 branch agency” under section 16.70 (4) of the statutes.

7 (b) In implementing appropriation decreases made by or under this act for the
8 2002–03 fiscal year, each department shall ensure that any reduction of services
9 provided by the department under each affected appropriation is equitably
10 apportioned between residents of rural areas and residents of urban areas.

11 (c) Notwithstanding section 16.50 (1) of the statutes, the secretary of
12 administration shall require each department to submit an expenditure estimate for
13 any expenditure to be made from an appropriation that is decreased by or under this
14 act for the 2002–03 fiscal year. Notwithstanding section 16.50 (2) of the statutes, the
15 secretary shall disapprove any such estimate that provides for any reallocation of
16 services provided by the department in contravention of the requirement under
17 paragraph (b).”.

18 *b2900/2.26* **572.** Page 369, line 2: after that line insert:

19 *b2900/2.26* “(5t) ABOLITION OF DEPARTMENT OF ELECTRONIC GOVERNMENT.

20 (a) *Assets and liabilities.* Except as provided in SECTION 9259 (9r) of this act,
21 on the effective date of this paragraph, the assets and liabilities of the department
22 of electronic government shall become assets and liabilities of the department of
23 administration.

24 (b) *Positions and employees.*

1 1. On the effective date of this subdivision, all full-time equivalent positions
2 in the department of electronic government, except the positions occupied by the
3 secretary, the deputy secretary, the executive assistant, and 2 division administrator
4 positions determined by the secretary of administration, are transferred to the
5 department of administration.

6 2. All incumbent employees holding positions specified in subdivision 1. are
7 transferred on the effective date of this subdivision to the department of
8 administration.

9 3. Employees transferred under subdivision 2. have all of the rights and the
10 same status under subch. V of ch. 111 and chapter 230 of the statutes in the
11 department of administration that they enjoyed in the department of electronic
12 government immediately before the transfer. Notwithstanding section 230.28 (4) of
13 the statutes, no employee so transferred who has attained permanent status in class
14 is required to serve a probationary period.

15 (c) *Tangible personal property.* On the effective date of this paragraph, all
16 tangible personal property, including records, of the department of electronic
17 government is transferred to the department of administration.

18 (d) *Contracts.* All contracts entered into by the department of electronic
19 government that are in effect on the effective date of this paragraph are transferred
20 to the department of administration. The department of administration shall carry
21 out any contractual obligations under such a contract until the contract is modified
22 or rescinded by the department of administration to the extent allowed under the
23 contract.

24 (e) *Rules and orders.* All rules promulgated by the department of electronic
25 government that are in effect on the effective date of this paragraph remain in effect

1 until their specified expiration dates or until amended or repealed by the department
2 of administration. All orders issued by the department of electronic government that
3 are in effect on the effective date of this paragraph remain in effect until their
4 specified expiration dates or until modified or rescinded by the department of
5 administration.

6 (f) *Pending matters.* Any matter pending with the department of electronic
7 government on the effective date of this paragraph is transferred to the department
8 of administration, and all materials submitted to or actions taken by the department
9 of electronic government with respect to the pending matter are considered as having
10 been submitted to or taken by the department of administration.”.

11 ***b2908/1.1* 573.** Page 370, line 6: delete “decreased by \$175,000” and
12 substitute “increased by \$75,000”.

13 ***b2908/1.2* 574.** Page 370, line 7: delete that line and substitute “increased
14 by \$75,000 for fiscal year 2002–03 to increase funding for the purpose for”.

15 ***b2900/2.27* 575.** Page 370, line 14: after that line insert:

16 ***b2900/2.27*** “(7q) TELECOMMUNICATIONS AND VETERANS SERVICES. In the
17 schedule under section 20.005 (3) of the statutes for the appropriation to the
18 department of administration under section 20.505 (1) (ke) of the statutes, as
19 affected by the acts of 2001, the dollar amount is decreased by \$102,500 for fiscal year
20 2002–03 to decrease funding for the purposes for which the appropriation is made.”.

21 ***b2906/1.1* 576.** Page 371, line 23: after that line insert:

22 ***b2906/1.1*** “(13c) STATE BUDGET OFFICE. In the schedule under section 20.005
23 (3) of the statutes for the appropriation to the department of administration under
24 section 20.505 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount

1 is decreased by by \$900,000 for fiscal year 2002–03 to decrease the authorized FTE
2 positions for the department by 13.15 GPR positions associated primarily with the
3 preparation of the executive budget bill.”.

4 *b2859/1.1* **577.** Page 372, line 15: delete lines 15 to 20.

5 *b2741/2.17* **578.** Page 373, line 2: delete the material beginning with “and”
6 and ending with “2002–03” on line 3.

7 *b2741/2.18* **579.** Page 375, line 19: delete the material beginning with
8 “and” and ending with “2002–03” on line 20.

9 *b2741/2.19* **580.** Page 375, line 24: delete the material beginning with
10 “and” and ending with “2002–03” on page 376, line 1.

11 *b2741/2.20* **581.** Page 376, line 8: after that line insert:

12 *b2741/2.20* “(14q) LAND AND WATER RESOURCE MANAGEMENT TRANSFER. In the
13 schedule under section 20.005 (3) of the statutes for the appropriation to the
14 department of agriculture, trade and consumer protection under section 20.115 (7)
15 (a) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by
16 \$544,700 for fiscal year 2002–03 to reflect the transfer of responsibilities related to
17 land and water resource management, drainage districts, and the conservation
18 reserve enhancement program away from the department.”.

19 *b2913/2.20* **582.** Page 376, line 8: after that line insert:

20 *b2913/2.20* “(14xz) CONSUMER PROTECTION TRANSFER.

21 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
22 to the department of agriculture, trade and consumer protection under section
23 20.115 (1) (a) of the statutes, as affected by the acts of 2001, the dollar amount is
24 decreased by \$2,292,100 for fiscal year 2002–03 to reflect the transfer of certain

1 consumer protection programs, functions, and enforcement activities to the
2 department of justice and to decrease the authorized FTE positions for the
3 department of agriculture, trade and consumer protection by 41.25 GPR positions
4 related to those consumer protection programs, functions, and enforcement
5 activities.

6 *b2913/2.20* (b) In the schedule under section 20.005 (3) of the statutes for the
7 appropriation to the department of agriculture, trade and consumer protection
8 under section 20.115 (8) (a) of the statutes, as affected by the acts of 2001, the dollar
9 amount is decreased by \$292,400 for fiscal year 2002–03 to reflect the transfer of
10 certain consumer protection programs, functions, and enforcement activities to the
11 department of justice and to decrease the authorized FTE positions for the
12 department of agriculture, trade and consumer protection by 2.5 GPR positions
13 related to those consumer protection programs, functions, and enforcement
14 activities.”.

15 *b2848/5.1* **583.** Page 378, line 13: after that line insert:

16 *b2848/5.1* “(5q) GENERAL PROGRAM OPERATIONS REDUCTION. In the schedule
17 under section 20.005 (3) of the statutes for the appropriation to the department of
18 commerce under section 20.143 (1) (a) of the statutes, as affected by the acts of 2001,
19 the dollar amount is decreased by \$39,000 for fiscal year 2002–03 to decrease funding
20 for the purposes for which the appropriation is made.”.

21 *b2752/1.1* **584.** Page 379, line 15: after that line insert:

22 *b2752/1.1* “(10w) WISCONSIN DEVELOPMENT FUND. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of commerce
24 under section 20.143 (1) (c) of the statutes, as affected by the acts of 2001, the dollar