

2001-02
Wisconsin State Budget

Drafting File For:
Enrolled SB-55

Part **A**

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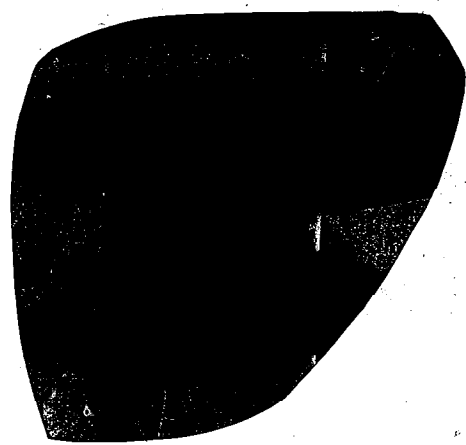
State of Wisconsin
2001 - 2002 LEGISLATURE

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SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

June 18, 2001 – Offered by JOINT COMMITTEE ON FINANCE.



1 AN ACT relating to: state finances and appropriations, constituting the
2 executive budget act of the 2001 legislature.

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

3 SECTION 1bg. 1.055 (1) of the statutes is amended to read:

4 1.055 (1) Consent of this state is given to the acquisition by the United States
5 by purchase, gift, lease or condemnation, with adequate compensation therefor, of
6 such areas of land not exceeding 2,000,000 acres as the United States deems
7 necessary for the establishment of national forests in the state, in accordance with
8 the act of congress approved June 7, 1924, and the board of commissioners of public
9 lands are authorized to sell and convey for a fair consideration to the United States
10 any state lands included within such areas; provided, that this state shall retain
11 concurrent jurisdiction with the United States in and over such areas so far that civil
12 process, in all cases, and such criminal process as may issue under the authority of

1 this state against any persons charged with the commission of any crime within or
2 without said areas, may be executed thereon in like manner as if this consent had
3 not been given. Provided, further, that the boundaries of any areas so selected shall
4 be first approved by the governor, the board of commissioners of public lands, the
5 department of natural resources, the department of forestry, and the county board
6 of each county in which any such area is located.

7 **SECTION 1br.** 1.056 of the statutes is amended to read:

8 **1.056 State conservation areas.** Consent of this state is given to the United
9 States to acquire by purchase, gift, lease, or condemnation, with adequate
10 compensation therefor, areas of land and water within boundaries approved by the
11 governor and the county board of the county in which the land is located, for the
12 establishment of state forests, state parks or other state conservation areas to be
13 administered by the state under long-term leases, treaties or cooperative
14 agreements, ~~which the~~. The department of natural resources is hereby authorized,
15 on behalf of the state, to enter into on behalf of the state, with the federal
16 government, such leases, treaties, or cooperative agreements covering land under its
17 jurisdiction. The department of forestry is authorized, on behalf of the state, to enter
18 into, with the federal government, such leases, treaties, or cooperative agreements
19 covering land under its jurisdiction.

20 **SECTION 1d.** 1.10 (title) of the statutes is amended to read:

21 **1.10 (title) State song, state ballad, state waltz, state dance, and state**
22 **symbols.**

23 **SECTION 1f.** 1.10 (1m) of the statutes is created to read:

24 **1.10 (1m)** The Wisconsin state ballad is “Oh Wisconsin, Land of My Dreams,”
25 music written by Shari A. Sarazin and lyrics written by Erma Barrett, the words to

1 which are as follows: “Oh Wisconsin, land of beauty, with your hillsides and your
2 plains, with your jackpine and your birch tree, and your oak of mighty frame. Land
3 of rivers, lakes and valleys, land of warmth and winter snows, land of birds and
4 beasts and humanity, oh Wisconsin, I love you so. Oh Wisconsin, land of my dreams.
5 Oh Wisconsin, you’re all I’ll ever need. A little heaven here on earth could you be?
6 Oh Wisconsin, land of my dreams. In the summer, golden grain fields; in the winter,
7 drift of white snow; in the springtime, robins singing; in the autumn, flaming colors
8 show. Oh I wonder who could wander, or who could want to drift for long, away from
9 all your beauty, all your sunshine, all your sweet song? Oh Wisconsin, land of my
10 dreams. Oh Wisconsin, you’re all I’ll ever need. A little heaven here on earth could
11 you be? Oh Wisconsin, land of my dreams. And when it’s time, let my spirit run free
12 in Wisconsin, land of my dreams.”

13 **SECTION 1g.** 1.10 (1r) of the statutes is created to read:

14 1.10 (1r) The Wisconsin state waltz is “The Wisconsin Waltz,” music and lyrics
15 written by Eddie Hansen, the words to which are as follows: “Music from heaven
16 throughout the years; the beautiful Wisconsin Waltz. Favorite song of the pioneers;
17 the beautiful Wisconsin Waltz. Song of my heart on that last final day, when it is time
18 to lay me away. One thing I ask is to let them play the beautiful Wisconsin Waltz.
19 My sweetheart, my complete heart, it’s for you when we dance together; the beautiful
20 Wisconsin Waltz. I remember that September, before love turned into an ember, we
21 danced to the Wisconsin Waltz. Summer ended, we intended that our lives then
22 would both be blended, but somehow our planning got lost. Memory now sings a
23 dream song, a faded love theme song; the beautiful Wisconsin Waltz.”

24 **SECTION 1j.** 1.10 (4) of the statutes is amended to read:

1 1.10 (4) The Wisconsin Blue Book shall include the information contained in
2 this section concerning the state song, ballad, waltz, dance, beverage, tree, grain,
3 flower, bird, fish, animal, domestic animal, wildlife animal, dog, insect, fossil,
4 mineral, rock, and soil.

5 **SECTION 1x.** 5.02 (1) of the statutes is renumbered 5.02 (1c).

6 **SECTION 72m.** 7.03 (1) (a) of the statutes is amended to read:

7 7.03 (1) (a) A reasonable daily compensation shall be paid to each inspector,
8 voting machine custodian, automatic tabulating equipment technician, member of
9 a board of canvassers, messenger and tabulator who is employed and performing
10 duties under chs. 5 to 12. Daily compensation shall also be provided for attendance
11 at training sessions and examinations required by the board under s. 7.31.
12 Alternatively, such officials may be paid by the hour at a proportionate rate for each
13 hour actually worked.

14 **SECTION 81aa.** 7.15 (1) (e) of the statutes is amended to read:

15 7.15 (1) (e) ~~Instruct~~ In coordination with the board, instruct election officials
16 in their duties, calling them together whenever advisable, advise them of changes
17 in laws, rules and procedures affecting the performance of their duties, and
18 administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure
19 that officials who serve at polling places where an electronic voting system is used
20 are familiar with the system and competent to instruct electors in its proper use. The
21 clerk shall inspect systematically and thoroughly the conduct of elections in the
22 municipality so that elections are honestly, efficiently and uniformly conducted.

23 **SECTION 83ab.** 7.30 (1) of the statutes is amended to read:

24 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each
25 election. In municipalities where voting machines are used, the municipal governing

1 body may reduce the number of inspectors to 5. A municipal governing body may
2 provide for the appointment of additional inspectors whenever more than one voting
3 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing
4 body may provide by ordinance for the selection of alternate officials or the selection
5 of 2 or more sets of officials to work at different times on election day, and may permit
6 the municipal clerk or board of election commissioners to establish different working
7 hours for different officials assigned to the same polling place. Alternate officials
8 shall also be appointed in a number sufficient to maintain adequate staffing of
9 polling places. Unless officials are appointed without regard to party affiliation
10 under sub. (4) (c), additional officials shall be appointed in such a manner that the
11 total number of officials is an odd number and the predominant party under sub. (2)
12 is represented by one more official than the other party.

13 **SECTION 85m.** 7.30 (6) (b) of the statutes is amended to read:

14 7.30 (6) (b) Prior to the first election following the appointment of the
15 inspectors, the inspectors at each polling place shall elect one of their number to act
16 as chief inspector. No person may serve as chief inspector at any election who is not
17 certified by the board under s. 7.31 at the time of the election. The chief inspector
18 shall hold the position for the remainder of the term unless the inspector ceases to
19 be certified under s. 7.31, except that whenever wards are combined or separated
20 under s. 5.15 (6) (b), the inspectors shall elect a new chief inspector who is certified
21 under s. 7.31. If a vacancy occurs in the position of chief inspector, the municipal
22 clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the
23 vacancy.

24 **SECTION 85s.** 7.31 of the statutes is created to read:

1 **7.31 Training and certification of chief inspectors.** (1) The board shall,
2 by rule, prescribe requirements for certification of individuals to serve as chief
3 inspectors.

4 (2) No individual may serve as a chief inspector at a polling place in an election
5 unless the individual is certified by the board to hold that office on the date of the
6 election at which the individual serves.

7 (3) The board shall, upon application, issue certificates to qualified individuals
8 who meet the requirements to be certified as chief inspectors. Each certificate shall
9 carry an expiration date.

10 (4) The board shall require each individual to whom a certificate is issued
11 under this section to meet requirements to maintain that certification. The board
12 shall renew the certificate of any individual who requests renewal and who meets the
13 requirements prescribed under this subsection.

14 (5) The board shall conduct regular training and administer examinations to
15 ensure that individuals who are certified by the board under this section are
16 knowledgeable concerning their authority and responsibilities. The board shall pay
17 all costs required to conduct the training and to administer the examinations from
18 the appropriation under s. 20.510 (1) (b).

19 **SECTION 2m.** 5.02 (1e) of the statutes is amended to read:

20 5.02 (1e) "Ballot" means a ~~tabulating card~~, ballot label, sheet of paper or
21 envelope on which votes are recorded. The term also includes a sheet or card,
22 filmstrip or other device listing or containing information relative to offices,
23 candidates and referenda which is placed, projected or composed on the board or
24 screen inside a voting machine.

25 **SECTION 2p.** 5.02 (1m) of the statutes is repealed.

1 **SECTION 8m.** 5.35 (2) of the statutes is amended to read:

2 5.35 (2) **VOTING BOOTHS.** There shall be one voting booth for every 200 electors
3 who voted at the last general election. The booths shall have a surface on which to
4 write or work and be sufficiently enclosed to assure privacy for the elector and anyone
5 lawfully assisting the elector while marking ~~or punching~~ the elector's ballot.

6 **SECTION 8p.** 5.35 (6) (b) of the statutes is amended to read:

7 5.35 (6) (b) At each polling place in the state where a consolidated ballot under
8 s. 5.655 is used or an electronic voting system is utilized at a partisan primary
9 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for
10 candidates of more than one recognized political party or for candidates of a
11 recognized political party and independent candidates, the municipal clerk or board
12 of election commissioners shall prominently post a sign in the form prescribed by the
13 board warning electors in substance that on any ballot with votes cast for candidates
14 of more than one recognized political party or any ballot with votes cast for
15 candidates of a recognized political party and independent candidates, no votes cast
16 for any candidates for partisan office will be counted unless a preference for a party
17 or for the independent candidates is made. If the elector designates a preference,
18 only votes cast for candidates of that preference will be counted.

19

20 **SECTION 9e.** 5.54 of the statutes is amended to read:

21 **5.54 Notice to electors.** Every ballot, except a ~~ballot label or~~ voting machine
22 ballot, shall bear substantially the following information on the face: "NOTICE TO
23 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast
24 as an absentee ballot, the ballot must bear the initials of the municipal clerk or
25 deputy clerk.

1 **SECTION 9g.** 5.55 of the statutes is amended to read:

2 **5.55 Ballot identification.** On every ballot, except a ~~ballot label or~~ voting
3 machine ballot, shall be printed “Official Ballot” or “Official Ballot for”
4 followed by the designation of the polling place for which the ballot has been
5 prepared, the date of the election, and the official endorsement and blank
6 certificates. The number of the ward or wards or aldermanic district, if any, and the
7 name of the municipality may be omitted in printing and stamped or written on the
8 ballots at any location which is clearly visible at the option of the county clerk.
9 Printed information and initials shall appear on the back and outside of the ballot.
10 ~~When a ballot card is employed with an electronic voting system, the date of the~~
11 ~~election may be printed or stamped on the back of the ballot card in such a manner~~
12 ~~that the card is not reusable, at the option of the county clerk.~~

13 **SECTION 9i.** 5.66 (2) of the statutes is amended to read:

14 **5.66 (2)** The county clerk or board of election commissioners shall print a
15 sufficient number of sample ballots. The municipal clerk or board of election
16 commissioners shall print sample ballots whenever the municipality prepares
17 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored
18 paper and shall be overprinted “SAMPLE”. Voting machine sample ballots shall be
19 a reduced size diagram of the face of the board or screen inside the voting machine
20 with all candidates, issues and voting instructions as they will appear on the official
21 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~
22 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an
23 actual size copy of the ballot ~~label and ballot card~~. The clerk or board of election
24 commissioners printing the ballots shall distribute the samples approximately as
25 follows: 45% shall be kept in the clerk’s or board’s office and distributed to electors

1 requesting them; 45% shall be sent to the municipalities, or, if the municipality
2 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%
3 shall be reserved to be sent to the polling places by municipalities in proportion to
4 the number certified in sub. (1) and made available to electors at the polls on election
5 day.

6 **SECTION 9k.** 5.68 (3) of the statutes is amended to read:

7 5.68 (3) If voting machines are used or if an electronic voting system is used
8 in which all candidates and referenda appear on the same ballot card, the ballots for
9 all national, state and county offices and for county and state referenda shall be
10 prepared and paid for by the county wherein they are used. If the voting machine
11 or electronic voting system ballot includes a municipal or school, technical college,
12 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be
13 reimbursed to the county or paid for by the municipality or district, except as
14 provided in a 1st class city school district under sub. (2).

15 **SECTION 9m.** 5.79 of the statutes is amended to read:

16 **5.79 Instruction of electors.** At polling places where an electronic voting
17 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices
18 is used, the election officials shall offer each elector instruction in the operation of
19 the voting device and ~~ballot label or ballot card~~ before the elector enters the voting
20 booth. No instructions may be given after the elector has entered the voting booth,
21 except as authorized under s. 6.82 (2). All instructions shall be given by election
22 officials in such a manner that they may be observed by other persons in the polling
23 place.

24 **SECTION 9n.** 5.81 (1) of the statutes is amended to read:

1 5.81 (1) Whenever the statutes provide for the use of separate ballots or
2 columns or rows for offices, parties or referenda, and an electronic voting system
3 ~~employing a ballot label or ballot card in which ballots are distributed to electors is~~
4 used at a polling place, a single ballot may be used for all offices, referenda and
5 parties. The ballot information, whether placed on the ballot or on the voting device,
6 shall, as far as practicable, be grouped and ordered in the same manner as provided
7 for other ballots under this chapter, except that the information on the ballot card
8 need not be in separate columns or rows ~~and the information in the ballot label~~
9 ~~booklet may appear on a number of pages.~~

10 **SECTION 9p.** 5.81 (2) of the statutes is repealed.

11 **SECTION 9r.** 5.81 (3) of the statutes is amended to read:

12 5.81 (3) If a municipality utilizes an electronic voting system in which ballots
13 distributed to electors are employed, absentee ballots may consist of ballots utilized
14 with the system or paper ballots and envelopes voted in person in the office of the
15 municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~
16 ~~be accompanied by a punching tool or marking device, elector instructions and a~~
17 ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~
18 ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~
19 ~~on a suitable material.~~

20 **SECTION 9t.** 5.82 of the statutes is amended to read:

21 **5.82 Write-in ballots.** If the ballot card employed by a municipality does not
22 provide a space for write-in votes, the municipality shall provide a separate write-in
23 ballot, which may be in the form of a paper ballot, to permit electors to write in the
24 names of persons whose names are not on the ballot whenever write-in votes are
25 authorized.

1 **SECTION 9tm.** 5.84 (1) of the statutes is amended to read:

2 5.84 (1) Where any municipality employs an electronic voting system which
3 utilizes automatic tabulating equipment, either at the polling place or at a central
4 counting location, the municipal clerk shall, on any day not more than 10 days prior
5 to the election day on which the equipment is to be utilized, have the equipment
6 tested to ascertain that it will correctly count the votes cast for all offices and on all
7 measures. Public notice of the time and place of the test shall be given by the clerk
8 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
9 one or more newspapers published within the municipality if a newspaper is
10 published therein, otherwise in a newspaper of general circulation therein. The test
11 shall be open to the public. The test shall be conducted by processing a preaudited
12 group of ballots so ~~punched or~~ marked as to record a predetermined number of valid
13 votes for each candidate and on each referendum. The test shall include for each
14 office one or more ballots which have votes in excess of the number allowed by law
15 and, for a partisan primary election, one or more ballots which have votes cast for
16 candidates of more than one recognized political party, in order to test the ability of
17 the automatic tabulating equipment to reject such votes. If any error is detected, the
18 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
19 an errorless count before the automatic tabulating equipment is approved by the
20 clerk for use in the election.

21 **SECTION 9w.** 5.85 (2) and (3) of the statutes are amended to read:

22 5.85 (2) The election officials shall examine the ballots or record of votes cast
23 for write-in votes and shall count and tabulate the write-in votes. When an
24 electronic voting system is used which utilizes a ballot which is distributed to
25 electors, before separating the remaining ~~ballot cards~~ ballots from their respective

1 covering envelopes, the election officials shall examine the ballots for write-in votes.
2 When an elector has cast a write-in vote, the election officials shall compare the
3 write-in vote with the votes on the ballot to determine whether the write-in vote
4 results in an overvote for any office. In case of an overvote for any office, the election
5 officials shall make a true duplicate ballot of all votes on the ballot ~~card~~ except for
6 the office which is overvoted, by using ~~the an official ballot label booklet and voting~~
7 ~~device for the ward, if any of that kind used by the elector who voted the original~~
8 ballot, and one of the ~~punching or marking~~ devices so as to transfer all votes of the
9 elector except for the office overvoted, to an official ballot of that kind used in the
10 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)
11 without regard to party affiliation, the election officials shall consist in each case of
12 at least one election official of each of the 2 major political parties, whenever officials
13 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)
14 (d). The original ballot upon which there is an overvote shall be clearly labeled
15 “Overvoted Ballot” and the ballot so produced “Duplicate Overvoted Ballot”, and
16 each shall bear the same serial number which shall be placed thereon by the election
17 officials, commencing with number “1” and continuing consecutively for each of the
18 ballots of that kind in that ward or election district. The election officials shall initial
19 the “Duplicate Overvoted Ballot” ballots and shall place them in the container for
20 return of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be
21 placed in the “Original Ballots” envelope. Ballots bearing write-in votes marked in
22 the place designated therefor and bearing the initials of an election official and not
23 resulting in an overvote and otherwise complying with the election laws as to
24 marking shall be counted, tallied, and their votes recorded on a tally sheet provided
25 by the municipal clerk. ~~Ballot cards~~ Ballots and ballot ~~card~~ envelopes shall be

1 separated and all ballots except any which are defective or overvoted shall be placed
2 separately in the container for return of the ballots, along with the ballots marked
3 “Duplicate Overvoted Ballots”.

4 (3) The election officials shall examine the ballots to determine if any is
5 damaged or defective so that it cannot be counted by the automatic tabulating
6 equipment. If any ballot is damaged or defective so that it cannot be properly counted
7 by the automatic tabulating equipment, the election officials, in the presence of
8 witnesses, shall make a true duplicate ballot of all votes on that ballot by using the
9 ~~ballot label booklet and voting device for the ward, if any, and one of the punching~~
10 ~~or marking devices so as to transfer all votes of the elector to an official ballot of that~~
11 ~~kind used in the ward by the elector who voted the original ballot~~ in that election.
12 Unless election officials are selected under s. 7.30 (4) (c) without regard to party
13 affiliation, the election officials shall consist in each case of at least one election
14 official of each of the 2 major political parties, whenever officials of both parties are
15 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot
16 so produced “Duplicate Damaged Ballot”, and each shall bear the same number
17 which shall be placed thereon by the election officials, commencing with number “1”
18 and continuing consecutively for the ballots of that kind in the ward. The election
19 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them
20 in the container for return of the ballots. The officials shall place “Damaged Ballot”
21 ballots and their envelopes in the “Original Ballots” envelope.

22 **SECTION 9x.** 5.91 (14) of the statutes is created to read:

23 5.91 (14) It does not employ any mechanism by which a ballot is punched or
24 punctured to record the votes cast by an elector.

25 **SECTION 9y.** 5.94 of the statutes is amended to read:

1 **5.94 Sample ~~ballot labels and cards~~ ballots; publication.** When an
2 electronic voting system employing a ~~ballot label and ballot card~~ that is distributed
3 to electors is used, the county and municipal clerk of the county and municipality in
4 which the polling place designated for use of the system is located shall cause to be
5 published, in the type B notices, a true actual-size copy of the ~~ballot label and ballot~~
6 ~~card~~ containing the names of offices and candidates and statements of measures to
7 be voted on, as nearly as possible, in the form in which they will appear on the official
8 ~~ballot label and ballot card~~ on election day. The notice may be published as a
9 newspaper insert. Municipal clerks may post the notice if the remainder of the type
10 B notice is posted.

11 **SECTION 16ab.** 6.15 (3) (a) 1. of the statutes is amended to read:

12 6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,
13 the municipal clerk shall inform the elector that he or she may vote for the
14 presidential electors not sooner than 9 days nor later than 5 p.m. on the day before
15 the election at the office of the municipal clerk, or at a specified polling place on
16 election day. When voting at the municipal clerk's office, the applicant shall provide
17 identification and shall ~~mark or punch~~ the ballot in the clerk's presence in a manner
18 that will not disclose his or her vote. Unless the ballot is utilized with an electronic
19 voting system, the applicant shall fold the ballot so as to conceal his or her vote. The
20 applicant shall then deposit the ballot and seal it in an envelope furnished by the
21 clerk.

22 **SECTION 17ab.** 6.15 (3) (b) of the statutes is amended to read:

23 6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for
24 the ward or election district where he or she resides and make application for a ballot
25 under sub. (2). In such case, the inspector or special registration deputy shall

1 perform the duties of the municipal clerk. The elector shall provide identification.
2 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark
3 ~~or punch~~ the ballot and, unless the ballot is utilized with an electronic voting system,
4 the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give
5 it to the inspector. The inspector shall deposit it directly into the ballot box. Voting
6 machines or ballots utilized with electronic voting systems may only be used by
7 electors voting under this section if they permit voting for president and vice
8 president only.

9 **SECTION 19m.** 6.22 (4) and (5) of the statutes are amended to read:

10 6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military
11 elector may request an absentee ballot for any election, or for all elections until the
12 individual otherwise requests or until the individual no longer qualifies as a military
13 elector. A military elector's application may be received at any time. The municipal
14 clerk shall not send a ballot for an election if the application is received later than
15 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,
16 as soon as available, to each military elector who requests a ballot. The board shall
17 prescribe the instructions for marking ~~or punching~~ and returning ballots and the
18 municipal clerk shall enclose instructions with each ballot and shall also enclose
19 supplemental instructions for local elections. The envelope, return envelope and
20 instructions may not contain the name of any candidate appearing on the enclosed
21 ballots other than that of the municipal clerk affixed in the fulfillment of his or her
22 duties. Whenever the material is mailed, the material shall be prepared and mailed
23 to make use of the federal free postage laws. The mailing list established under this
24 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

1 (5) VOTING PROCEDURE. Except as authorized in s. 6.25, the ballot shall be
2 marked ~~or punched~~ and returned, deposited and recorded in the same manner as
3 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a
4 statement of the elector's birth date. Failure to return any unused ballots in a
5 primary election does not invalidate the ballot on which the elector casts his or her
6 votes.

7 **SECTION 22m.** 6.24 (6) and (7) of the statutes are amended to read:

8 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
9 as soon as available, to each overseas elector by whom a request has been made. The
10 board shall prescribe the instructions for marking ~~or punching~~ and returning ballots
11 and the municipal clerk shall enclose such instructions with each ballot. The
12 envelope, return envelope and instructions may not contain the name of any
13 candidate appearing on the enclosed ballots other than that of the municipal clerk
14 affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the
15 municipal clerk shall mail the material postage prepaid to any place in the world.
16 The overseas elector shall provide return postage.

17 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall be
18 marked ~~or punched~~ and returned, deposited and recorded in the same manner as
19 other absentee ballots. In addition, the certificate shall have a statement of the
20 elector's birth date. Failure to return the unused ballots in a primary election does
21 not invalidate the ballot on which the elector casts his or her votes.

22 **SECTION 68ab.** 6.82 (1) (a) and (2) (a) and (b) of the statutes are amended to
23 read:

24 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
25 to the polling place who as a result of disability is unable to enter the polling place,

1 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any
2 individual selected by the elector, except the elector's employer or an agent of that
3 employer or an officer or agent of a labor organization which represents the elector.
4 The inspectors shall issue a ballot to the individual selected by the elector and shall
5 accompany the individual to the polling place entrance where the assistance is to be
6 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
7 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual
8 shall then immediately take the ballot into the polling place and give the ballot to an
9 inspector. The inspector shall distinctly announce that he or she has "a ballot offered
10 by (stating person's name), an elector who, as a result of disability, is unable to
11 enter the polling place without assistance". The inspector shall then ask, "Does
12 anyone object to the reception of this ballot?" If no objection is made, the inspectors
13 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box,
14 and shall make a notation on the registration or poll list: "Ballot received at poll
15 entrance".

16 (2) (a) If an elector declares to the presiding election official that he or she
17 cannot read or write, or has difficulty in reading, writing or understanding English
18 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or
19 lever on a voting machine, the elector shall be informed by the officials that he or she
20 may have assistance. When assistance is requested, the elector may select any
21 individual to assist in casting his or her vote. The selected individual rendering
22 assistance may not be the elector's employer or an agent of that employer or an officer
23 or agent of a labor organization which represents the elector. The selected individual
24 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her

1 assistance. Where voting machines are used, certification shall be made on the
2 registration list.

3 (b) The individual chosen shall enter the voting booth or machine with the
4 elector and shall read the names of all candidates on the ballot for each office, and
5 ask, "For which one do you vote?". The ballot shall be marked ~~or punched~~ or the lever
6 or button depressed according to the elector's expressed preference. The individual
7 selected to assist may not disclose to anyone how the elector voted."

8 **SECTION 69e.** 6.87 (3) (d) of the statutes is amended to read:

9 6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~
10 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A
11 municipal clerk of a municipality may, if the clerk is reliably informed by an absent
12 elector of a facsimile transmission number or electronic mail address where the
13 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
14 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
15 judgment of the clerk, the time required to send the ballot through the mail may not
16 be sufficient to enable return of the ballot by the time provided under sub. (6). An
17 elector may receive an absentee ballot under this subsection only if the elector has
18 filed a valid application for the ballot under sub. (1). If the clerk transmits an
19 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
20 electronic copy of the text of the material that appears on the certificate envelope
21 prescribed in sub. (2), together with instructions prescribed by the board. The
22 instructions shall require the absent elector to make and subscribe to the
23 certification as required under sub. (4) and to enclose the absentee ballot in a
24 separate envelope contained within a larger envelope, that shall include the
25 completed certificate. The elector shall then mail the absentee ballot with postage

1 prepaid to the municipal clerk. An absentee ballot received under this paragraph
2 shall not be counted unless it is cast in the manner prescribed in this paragraph and
3 in accordance with the instructions provided by the board.

4 **SECTION 69m.** 6.87 (4) and (5) of the statutes are amended to read:

5 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
6 shall make and subscribe to the certification before one witness. The absent elector,
7 in the presence of the witness, shall mark ~~or punch~~ the ballot in a manner that will
8 not disclose how the elector's vote is cast. The elector shall then, still in the presence
9 of the witness, fold the ballots if they are paper ballots so each is separate and so that
10 the elector conceals the markings thereon and deposit them in the proper envelope.
11 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is
12 a paper ballot so that the elector conceals the markings thereon and deposit the ballot
13 in the proper envelope. The elector may receive assistance under sub. (5). The return
14 envelope shall then be sealed. The witness may not be a candidate. The envelope
15 shall be mailed by the elector, postage prepaid, or delivered in person, to the
16 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
17 a primary does not invalidate the ballot on which the elector's votes are cast. Return
18 of more than one marked ~~or punched~~ ballot in a primary or return of a ballot prepared
19 under s. 5.655 or a ballot used with an electronic voting system in a primary which
20 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast
21 by the elector for candidates in the primary.

22 (5) If the absent elector declares that he or she is unable to read, has difficulty
23 in reading, writing or understanding English or due to disability is unable to mark
24 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's
25 employer or an agent of that employer or an officer or agent of a labor organization

1 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the
2 assistant shall then sign his or her name to a certification on the back of the ballot,
3 as provided under s. 5.55.

4 **SECTION 69s.** 6.875 (6) of the statutes is amended to read:

5 6.875 (6) Special voting deputies in each municipality shall, not later than 5
6 p.m. on the Friday preceding an election, arrange one or more convenient times with
7 the administrator of each nursing home or qualified retirement home and qualified
8 community-based residential facility in the municipality from which one or more
9 occupants have filed an application under s. 6.86 to conduct absentee voting for the
10 election. The time may be no earlier than the 4th Monday preceding the election and
11 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
12 of an occupant of a nursing home or qualified retirement home or qualified
13 community-based residential facility, the administrator may notify the relative of
14 the time or times at which special voting deputies will conduct absentee voting at the
15 home or facility, and permit the relative to be present in the room where the voting
16 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
17 the nursing home or qualified retirement home or qualified community-based
18 residential facility. The municipal clerk or executive director of the board of election
19 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
20 provide for the number of valid applications received by the clerk, and a reasonable
21 additional number of ballots. The municipal clerk or executive director shall keep
22 a careful record of all ballots issued to the deputies and shall require the deputies to
23 return every ballot issued to them. The deputies shall personally offer each elector
24 who has filed a proper application the opportunity to cast his or her absentee ballot.
25 If an elector is present who has not filed a proper application, the 2 deputies may

1 accept an application from the elector and shall issue a ballot to the elector if the
2 elector is qualified and the application is proper. The deputies shall administer the
3 oath and may, upon request of the elector, assist the elector in marking ~~or punching~~
4 the elector's ballot. Upon request of the elector, a relative of the elector who is present
5 in the room may assist the elector in marking ~~or punching~~ the elector's ballot. All
6 voting shall be conducted in the presence of the deputies. No individual other than
7 a deputy may administer the oath and no individual other than a deputy or relative
8 of an elector may render voting assistance to the elector. Upon completion of the
9 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any
10 absentee ballot applications and the sealed certificate envelope containing each
11 ballot to the clerk or board of election commissioners of the municipality in which the
12 elector casting the ballot resides, within such time as will permit delivery to the
13 polling place serving the elector's residence on election day. Personal delivery may
14 be made by the deputies no later than noon on election day. If a qualified elector is
15 not able to cast his or her ballot on 2 separate visits by the deputies to the nursing
16 home or qualified retirement home, they shall so inform the municipal clerk or
17 executive director of the board of election commissioners, who may then send the
18 ballot to the elector no later than 5 p.m. on the Friday preceding the election.

19 **SECTION 76ab.** 7.08 (7) of the statutes is created to read:

20 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under
21 s. 20.510 (1) (c), provide assistance to municipalities that used punch card electronic
22 voting systems at the 2001 spring election to enable the municipalities to employ
23 another type of electronic voting system, and provide training for election officials
24 in the use of replacement systems.

1 **SECTION 76ac.** 7.08 (7) of the statutes, as created by 2001 Wisconsin Act (this
2 act), is repealed.

3 **SECTION 81m.** 7.15 (3) (b) of the statutes is amended to read:

4 7.15 (3) (b) Sample ballots, and voting machine ballots ~~and ballot labels for~~
5 ~~electronic voting systems, whenever the labels are affixed to the voting devices,~~ shall
6 be furnished to the officials in the ward or election district at least one day before each
7 election.

8 **SECTION 29n.** 6.10 (7m) of the statutes is created to read:

9 6.10 (7m) (a) The residence of a person who is detained, or committed and
10 institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by
11 applying the standards under sub. (1) to whichever of the following dates is
12 applicable to the circumstances of the person:

13 1. For a person detained or committed under s. 51.20, the date that the person
14 was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2),
15 the date that the person was committed under s. 51.20 (13).

16 2. For a person committed under s. 971.14 or 971.17, the date of the offense or
17 alleged offense that resulted in the person's commitment.

18 3. For a person detained or committed under ch. 980, the date that the person
19 committed the sexually violent offense that resulted in the sentence, placement, or
20 commitment that was in effect when the state filed a petition under s. 980.02 against
21 the person.

22 (b) That the person's habitation was fixed at the place established under par.
23 (a) before he or she was detained or committed shall be considered prima facie
24 evidence that the person intends to return to that place. The prima facie evidence
25 of intent to return to the place determined under par. (a) may be rebutted by

1 presenting information that indicates that the person is not likely to return to that
2 place if the person's detention or commitment is terminated.

3 **SECTION 86.** 7.33 (1) (c) of the statutes is amended to read:

4 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
5 includes an authority created under ch. 231, 232, 233 ~~or~~, 234, or 237.

6 **SECTION 87f.** 7.33 (4) of the statutes is amended to read:

7 7.33 (4) ~~Each~~ Except as otherwise provided in this subsection, each local
8 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
9 proper application under sub. (3), permit each of its employees to serve as an election
10 official without loss of fringe benefits or seniority privileges earned for scheduled
11 working hours during the period specified in sub. (3), ~~and~~ without loss of pay for
12 scheduled working hours during the period specified in sub. (3) except as provided
13 in sub. (5), and ~~shall not impose~~ without any other penalty ~~upon an employee who~~
14 ~~serves as an election official.~~ For employees who are included in a collective
15 bargaining unit for which a representative is recognized or certified under subch. V
16 of ch. 111, this subsection shall apply unless otherwise provided in a collective
17 bargaining agreement.

18 **SECTION 87m.** 7.33 (5) of the statutes is amended to read:

19 7.33 (5) Any employee of ~~the state~~ a local governmental unit, as defined in s.
20 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order
21 to serve as an election official under s. 7.30 shall certify in writing to the head of the
22 local governmental unit or state agency by which he or she is employed the amount
23 of compensation that the employee receives for such service. Upon receipt of the
24 certification, the head of the local governmental unit or state agency shall deduct

1 that amount from the employee's pay earned for scheduled working hours during the
2 period specified in sub. (2) when the employee is on a paid leave of absence.

3 **SECTION 93m.** 9.01 (1) (a) of the statutes is amended to read:

4 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
5 upon any referendum question at any election may request a recount. The petitioner
6 shall file a verified petition or petitions ~~accompanied by the fee prescribed in par.~~
7 ~~(ag), if any,~~ with the proper clerk or body under par. (ar) not earlier than the time of
8 completion of the canvass and not later than 5 p.m. on the 3rd business day following
9 the last meeting day of the municipal or county board of canvassers determining the
10 election for that office or on that referendum question or, if more than one board of
11 canvassers makes the determination not later than 5 p.m. on the 3rd business day
12 following the last meeting day of the last board of canvassers which makes a
13 determination. If the chairperson of the board or chairperson's designee makes the
14 determination for the office or the referendum question, the petitioner shall file the
15 petition not earlier than the last meeting day of the last county board of canvassers
16 to make a statement in the election or referendum and not later than 5 p.m. on the
17 3rd business day following the day on which the elections board receives the last
18 statement from a county board of canvassers for the election or referendum. Each
19 verified petition shall state that at the election the petitioner was a candidate for the
20 office in question or that he or she voted on the referendum question in issue; that
21 the petitioner is informed and believes that a mistake or fraud has been committed
22 in a specified ward or municipality in the counting and return of the votes cast for
23 the office or upon the question; or shall specify any other defect, irregularity or
24 illegality in the conduct of the election. The petition shall specify each ward, or each
25 municipality where no wards exist, in which a recount is desired. If a recount is

1 requested for all wards within a jurisdiction, each ward need not be specified. The
2 petition may be amended to include information discovered as a result of the
3 investigation of the board of canvassers or the chairperson of the board or
4 chairperson's designee after the filing of the petition, if the petitioner moves to
5 amend the petition as soon as possible after the petitioner discovered or reasonably
6 should have discovered the information which is the subject of the amendment and
7 the petitioner was unable to include information in the original petition.

8 **SECTION 93n.** 9.01 (1) (ad) of the statutes is created to read:

9 9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving
10 the petition shall calculate any fee due under par. (ag) 1m. or reasonably estimate
11 any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly
12 with the total due or estimate.

13 **SECTION 93o.** 9.01 (1) (ag) 1. of the statutes is amended to read:

14 9.01 (1) (ag) 1. ~~Each petition for a recount shall be accompanied by the fee~~
15 ~~prescribed in this paragraph.~~ If the difference between the votes cast for the leading
16 candidate and those cast for the petitioner or the difference between the affirmative
17 and negative votes cast upon any referendum question is less than 10 if 1,000 or less
18 votes are cast or less not more than .5% 0.5% of the total votes cast for the office or
19 on the question if more than 1,000 votes are cast, the petitioner is not required to pay
20 a fee.

21 **SECTION 93p.** 9.01 (1) (ag) 1m. of the statutes is created to read:

22 9.01 (1) (ag) 1m. If the difference between the votes cast for the leading
23 candidate and those cast for the petitioner or the difference between the affirmative
24 and negative votes cast upon any referendum question is at least 10 if 1,000 or less
25 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes

1 are cast, the petitioner shall pay a fee of \$5 for each ward for which the petition
2 requests a ballot recount, or \$5 for each municipality for which the petition requests
3 a recount where no wards exist.

4 **SECTION 93q.** 9.01 (1) (ag) 2. of the statutes is amended to read:

5 9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate
6 and those cast for the petitioner or the difference between the affirmative and
7 negative votes cast upon any referendum question is at least 10 if 1,000 or less votes
8 are cast or at least .5% more than 2% if more than 1,000 votes are cast, the petitioner
9 shall pay a fee of \$5 for equal to the actual cost of performing the recount in each ward
10 for which the petition requests a ballot recount, or \$5 for in each municipality for
11 which the petition request a recount where no wards exist.

12 **SECTION 93r.** 9.01 (1) (ag) 3. of the statutes is amended to read:

13 9.01 (1) (ag) 3. All fees calculated or estimated under par. (ad) shall be prepaid
14 in cash or another form of payment which is acceptable to the officer to whom they
15 are paid. No petition for which a fee is required is valid unless the proper calculated
16 or estimated fee is paid at the time of filing.

17 **SECTION 93s.** 9.01 (1) (ag) 3m. of the statutes is created to read:

18 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due
19 under subd. 2. within 30 days after the clerk or body receiving the petition provides
20 the petitioner with a written statement of the amount due. If the petitioner has
21 overpaid the fee due under subd. 2. the clerk or body receiving the petition shall
22 refund the amount overpaid within 30 days after the board of canvassers makes its
23 determination in the recount.

24 **SECTION 93t.** 9.01 (1) (ar) 3. of the statutes is amended to read:

1 9.01 (1) (ar) 3. ~~Upon receipt of~~ Whenever a clerk receives a valid petition and
2 any payment under par. (ag) 3., the clerk shall thereupon notify the proper board of
3 canvassers. ~~Upon receipt of~~ Whenever the board receives a valid petition ~~by the~~
4 ~~board~~ and any payment under par. (ag) 3., the board shall promptly by certified mail
5 or other expeditious means order the proper county boards of canvassers to
6 commence the recount. County boards of canvassers shall convene no later than 9
7 a.m. on the second day following after receipt of an order and may adjourn for not
8 more than one day at a time until the recount is completed in the county, except that
9 the board may permit extension of the time for adjournment. Returns from a recount
10 ordered by the board shall be transmitted to the office of the board as soon as possible,
11 but in no case later than 13 days from the date of the order of the board directing the
12 recount. The chairperson of the board or the chairperson's designee may not make
13 a determination in any election if a recount is pending before any county board of
14 canvassers in that election. The chairperson of the board or the chairperson's
15 designee need not recount actual ballots, but shall verify the returns of the county
16 boards of canvassers in making his or her determinations.

17 **SECTION 87e.** 7.37 (4) of the statutes is amended to read:

18 7.37 (4) **BALLOTING PROCEDURE.** At polling places which utilize paper ballots or
19 electronic voting systems in which ballots are distributed to electors, 2 inspectors
20 shall be assigned to take charge of the official ballots. They shall write their initials
21 on the back of each ballot and deliver to each elector as he or she enters the voting
22 booth one ballot properly endorsed by each of them. Where paper ballots are used,
23 the inspectors shall fold each ballot in the proper manner to be deposited before
24 delivering it to the elector. If asked, inspectors may instruct any elector as to the
25 proper manner of marking ~~or~~ punching the ballot, but they may not give advice,

1 suggestions, express any preferences or make any requests as to the person for
2 whom, the question on which or the ballot on which the elector shall vote.

3 **SECTION 87m.** 7.37 (8) of the statutes is amended to read:

4 7.37 (8) ELECTRONIC VOTING SYSTEMS. Prior to the opening of the polling place,
5 wherever electronic voting systems employing voting devices are used, the
6 inspectors shall place the voting devices in position for voting and examine them to
7 see that they are in proper working order and that they have the correct ballot labels
8 by comparing them with the sample ballots. ← plain period (I have prepared a CCC-ejs)

9 **SECTION 87s.** 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are amended to
10 read:

11 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in
12 a partisan primary, and the same ballot is utilized to cast votes for candidates of more
13 than one recognized political party or candidates of a party and independent
14 candidates, if an elector designates a preference for a party or for independent
15 candidates, only votes cast within that preference category may be counted. If an
16 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a
17 sticker opposite candidates of more than one recognized political party or opposite
18 a candidate in the independent candidates' column and a candidate of a recognized
19 political party, no votes cast by the elector for any candidate for partisan office are
20 valid. Votes for other candidates and votes on ballot questions, if any, shall be
21 counted if otherwise valid.

22 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~
23 ~~punches a hole~~ under a party designation at the head of a column in or near the space
24 indicated for that purpose, it is a vote for all the candidates whose names appear in
25 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If

1 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a
2 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate
3 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~
4 in the square to the right of a specific candidate's name or at the place designated on
5 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,
6 it is a vote for that specific candidate and no vote may be counted for the candidate
7 for the same office in the column marked ~~or punched~~ for a straight party vote.

8 (b) A ballot cast without any marks, or stickers ~~or punches~~ may not be counted.
9 A ballot without a mark ~~or punch~~ at the top of a party column may be counted only
10 for persons for whom marks ~~or punches~~ are applicable.

11 (d) If an elector writes a person's name in the proper space for write-in
12 candidates for an office, it is a vote for the person written in for the office indicated,
13 regardless of whether the elector strikes the names appearing in the same column
14 for the same office, or places a mark ~~or punch~~ by the same or any other name for the
15 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If
16 an elector is permitted to vote for more than one candidate for the same office in an
17 election and casts one or more write-in votes which, when added to the votes cast for
18 candidates whose names appear on the ballot, exceed the number of votes authorized
19 to be cast for the office, the write-in votes shall be counted and the votes for
20 candidates whose names appear on the ballot may not be counted, unless there are
21 more write-in votes than votes authorized to be cast, in which case no votes may be
22 counted for the office.

23 **SECTION 94f.** 9.10 (2) (b) of the statutes is amended to read:

24 9.10 (2) (b) A ~~recall~~ petition for requesting the recall of a city, village, town or
25 school district ~~office~~ officer shall contain a statement of a reason for the recall which

1 ~~is related to the official responsibilities of the official for whom removal is sought~~
2 ~~each cause for the recall and the specific allegations that constitute each cause. In~~
3 ~~this paragraph, “cause” means neglect of duty or official misconduct.~~

4 **SECTION 94i.** 9.10 (2) (d) of the statutes is amended to read:

5 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
6 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
7 filing officer with whom the petition is filed. The petitioner shall append to the
8 registration a statement indicating his or her intent to circulate a recall petition, the
9 name of the officer for whom recall is sought and, in the case of a petition for the recall
10 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~
11 ~~which is related to the official responsibilities of the official for whom removal is~~
12 ~~sought each cause, as defined in par. (b), for the recall and the specific allegations~~
13 ~~that constitute each cause.~~ No petitioner may circulate a petition for the recall of an
14 officer prior to completing registration. The last date that a petition for the recall of
15 a state, congressional, legislative, judicial or county officer may be offered for filing
16 is 5 p.m. on the 60th day commencing after registration. The last date that a petition
17 for the recall of a city, village, town or school district officer may be offered for filing
18 is 5 p.m. on the 30th day commencing after registration. After the recall petition has
19 been offered for filing, no name may be added or removed. No signature may be
20 counted unless the date of the signature is within the period provided in this
21 paragraph.

22 **SECTION 94L.** 9.10 (4) (a) of the statutes is amended to read:

23 9.10 (4) (a) Immediately after a petition for the recall of a city, village, town,
24 or school district officer is offered for filing, the municipal clerk, board of election
25 commissioners, or school district clerk shall notify the officer against whom the

1 petition is filed. Within 10 days after ~~a~~ the petition for the recall of a city, village,
2 town or school district official, is offered for filing, the officer against whom the
3 petition is filed may file a written challenge with the municipal clerk or board of
4 election commissioners or school district clerk ~~with whom it is filed,~~ specifying any
5 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
6 to the challenge with the clerk or board of election commissioners within 5 days after
7 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
8 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
9 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
10 reply to a rebuttal, the clerk or board of election commissioners shall file the
11 certificate or an amended certificate. Within 31 days after the petition is offered for
12 filing, the clerk or board of election commissioners shall determine by careful
13 examination of the face of the petition whether the petition is sufficient and shall so
14 state in a certificate attached to the petition. If the petition is found to be insufficient,
15 the certificate shall state the particulars creating the insufficiency. The petition may
16 be amended to correct any insufficiency within 5 days following the affixing of the
17 original certificate. Within 2 days after the offering of the amended petition for filing,
18 the clerk or board of election commissioners shall again carefully examine the face
19 of the petition to determine sufficiency and shall attach to the petition a certificate
20 stating the findings. Immediately upon finding an original or amended petition
21 sufficient, ~~except in cities over 500,000 population,~~ the municipal clerk or, school
22 district clerk, or board of election commissioners shall notify, in writing, the officer
23 against whom the petition is filed. Within 3 days following receipt of the notification,
24 the officer shall inform the municipal clerk, school district clerk, or board of election
25 commissioners, in writing, as to whether the officer contests the petition. If the

1 officer fails to inform the municipal clerk, school district clerk, or board of election
2 commissioners within 3 days following receipt of the notification, or if the officer does
3 not contest the petition, the municipal clerk, school district clerk, or board of election
4 commissioners shall issue a certificate declaring that an election will be held under
5 this section. If the certificate is issued by the municipal clerk, the municipal clerk
6 shall immediately transmit the petition and certificate to the governing body of the
7 municipality. If the certificate is issued by the school district clerk, the school district
8 clerk shall immediately transmit the petition and certificate to the school board. If
9 the officer contests the petition, the municipal clerk, school district clerk, or board
10 of election commissioners shall transmit the petition to the governing body or to the
11 school board. Immediately upon finding an original or amended petition sufficient,
12 in cities over 500,000 population, the board of election commissioners shall file the
13 petition in its office circuit court for the county in which the office of the clerk or board
14 of election commissioners is located.

15 **SECTION 94p.** 9.10 (4) (b) and (c) of the statutes are created to read:

16 9.10 (4) (b) Within 10 days after receipt of a petition under par. (a), the circuit
17 court shall determine, after hearing, whether the allegations in the petition are true
18 and, if true, whether the allegations constitute cause, as defined in sub. (2) (b), for
19 the recall. The clerk of court shall notify the officer for whom the recall is sought of
20 the hearing date. The officer and the person who offers the petition for filing may
21 appear by counsel and the court may take testimony with respect to the petition. If
22 the circuit court determines that the allegations in the petition are true and
23 constitute cause, as defined in sub. (2) (b), for the recall, the court shall issue a
24 certificate directing that an election be held under this section. If the petition
25 concerns a city, village, or town office, the court shall transmit the petition and

1 certificate to the governing body of the city, village, or town, except that in cities over
2 500,000 population the court shall transmit the petition and certificate to the board
3 of election commissioners. If the petition concerns a school district office, the court
4 shall transmit the petition and certificate to the school board. Upon receiving a
5 petition and certificate, the governing body, board of election commissioners, or
6 school board shall file the petition and certificate in its office. If the court determines
7 that the allegations in the petition are not true or do not constitute cause, as defined
8 in sub. (2) (b), for the recall, the court may not issue the certificate.

9 (c) Any party aggrieved by a circuit court determination under par. (b) may
10 appeal to the court of appeals within the time period specified in s. 808.04 (2). An
11 appeal under this paragraph shall be given precedence over other matters not
12 accorded similar precedence by law. The appeal shall stay the holding of a recall
13 primary and election under a certificate issued by the circuit court under par. (b)
14 until the court of appeals determines the validity of the certificate, but other acts
15 required to be undertaken to prepare for the primary and election shall proceed
16 during the pendency of the appeal.

17 **SECTION 94s.** 9.10 (4) (d) of the statutes is amended to read:

18 9.10 (4) (d) The governing body, school board or board of election
19 commissioners, upon receiving the a certificate from the circuit court under par. (b)
20 or upon receiving or issuing a certificate under par. (a), shall call an election to be held
21 on the Tuesday of the 6th week commencing after the date of the certificate. If
22 Tuesday is a legal holiday, the recall election shall be held on the first day after
23 Tuesday which is not a legal holiday.

24 **SECTION 94w.** 13.093 (2) (c) of the statutes is repealed.

25 **SECTION 94sm.** 10.01 (2) (b) of the statutes is amended to read:

1 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile
2 ballots and the relevant portions of voting instructions to electors under s. 10.02 for
3 each office or referendum and shall specify the date of the election. In counties or
4 municipalities where an electronic voting system ~~employing a ballot label and ballot~~
5 ~~card in which ballots are distributed to electors~~ is used, the notice shall include the
6 information specified in s. 5.94. The type B notice shall be published once by the
7 county clerks, and for primaries and other elections in municipalities or special
8 purpose districts, once by the clerk of the municipality or special purpose district on
9 the day preceding each primary and other election.

10 **SECTION 95m.** 10.06 (3) (e) of the statutes is amended to read:

11 10.06 (3) (e) When electronic or mechanical voting machines or electronic
12 voting systems ~~employing a ballot card or label in which ballots are distributed to~~
13 ~~electors~~ are used in a municipality at a municipal election, the municipal clerk shall
14 publish a type B notice on the Monday before the election. The notice shall include
15 all offices and questions to be voted on at the election. The cost of this notice shall
16 be shared under s. 5.68 (2) and (3).

17 **SECTION 95ms.** 12.13 (1) (f) of the statutes is amended to read:

18 12.13 (1) (f) Shows his or her marked ~~or punched~~ ballot to any person or places
19 a mark upon the ballot so it is identifiable as his or her ballot.

20 **SECTION 96m.** 12.13 (3) (e) and (j) of the statutes are amended to read:

21 12.13 (3) (e) Prepare or cause to be prepared an official ballot with intent to
22 change the result of the election as to any candidate or referendum; prepare an
23 official ballot which is premarked ~~or prepunched~~ or which has an unauthorized
24 sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot

1 bearing a mark ~~or punch~~ opposite the name of a candidate or referendum question
2 that might be counted as a vote for or against a candidate or question.

3 (j) When called upon to assist an elector who cannot read or write, has difficulty
4 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot
5 or depress a lever or button on a voting machine, inform the elector that a ballot
6 contains names or words different than are printed or displayed on the ballot with
7 the intent of inducing the elector to vote contrary to his or her inclination,
8 intentionally fail to cast a vote in accordance with the elector's instructions or reveal
9 the elector's vote to any 3rd person.

10 **SECTION 97m.** 13.0975 of the statutes is created to read:

11 **13.0975 Prison impact assessments.** (1) In this section:

12 (a) "Bureau" means the legislative fiscal bureau.

13 (b) "Prison" means a state prison described under s. 302.01.

14 (2) The bureau shall prepare a prison impact assessment for any bill or, if
15 requested, for any bill draft that creates a felony or modifies the period of
16 imprisonment for a felony. Except as otherwise provided by the joint rules of the
17 legislature, the bureau shall prepare the assessment within 21 days after the date
18 on which the bureau receives a copy of a bill under sub. (4) or the date on which the
19 bureau receives a request to prepare the assessment from the requester of the bill
20 draft, whichever occurs first. The assessment shall contain all of the following:

21 (a) Projections of the impact on statewide populations of prisoners,
22 probationers, parolees, and persons on extended supervision.

23 (b) An estimate of the fiscal impact of population changes under par. (a) on state
24 expenditures, including expenditures for the construction and operation of state
25 prisons for the current fiscal year and on an annualized basis.

1 (c) A statement of the methodologies and assumptions that the bureau used in
2 preparing the assessment.

3 (3) The legislature shall reproduce and distribute assessments under sub. (2)
4 in the same manner as it reproduces and distributes amendments.

5 (4) A bill draft that requires an assessment by the bureau under this section
6 shall have that requirement noted on its jacket when the jacket is prepared. When
7 a bill that requires an assessment under this section is introduced, the legislative
8 reference bureau shall submit a copy of the bill to the legislative fiscal bureau.

9 (5) No public hearing before a standing committee may be held and no
10 committee vote may be taken regarding any bill or bill draft described in sub. (2)
11 unless the assessment under sub. (2) has been prepared.

12 (6) The department of corrections shall provide the bureau with information
13 on current and past admissions and on length of time served and any other
14 information needed by the bureau in order to prepare assessments under sub. (2).

15 (7) The circuit courts and the office of justice assistance in the department of
16 administration shall provide the bureau any information needed by the bureau in
17 order to prepare assessments under sub. (2).

18 (8) This section applies to bills introduced or requests for assessments for bill
19 drafts made on or after July 1, 2002.

20 **SECTION 98.** 13.101 (4) of the statutes is amended to read:

21 13.101 (4) The committee may transfer between appropriations and programs
22 if the committee finds that unnecessary duplication of functions can be eliminated,
23 more efficient and effective methods for performing programs will result or
24 legislative intent will be more effectively carried out because of such transfer, if
25 legislative intent will not be changed as the result of such transfer and the purposes

1 for which the transfer is requested have been authorized or directed by the
2 legislature, ~~or to implement s. 16.847 (8) (b) 3.~~ The authority to transfer between
3 appropriations includes the authority to transfer between 2 fiscal years of the same
4 biennium, between 2 appropriations of the same agency and between an
5 appropriation of one agency and an appropriation of a different agency. No transfer
6 between appropriations or programs may be made to offset deficiencies arising from
7 the lack of adequate expenditure controls by a department, board, institution,
8 commission or agency. The authority to transfer between appropriations shall not
9 include the authority to transfer from sum sufficient appropriations as defined under
10 s. 20.001 (3) (d) to other types of appropriations.

11 **SECTION 99.** 13.101 (6) (a) of the statutes is amended to read:

12 13.101 (6) (a) As an emergency measure necessitated by decreased state
13 revenues and to prevent the necessity for a state tax on general property, the
14 committee may reduce any appropriation made to any board, commission,
15 department, or the University of Wisconsin System, or to any other state agency or
16 activity, by such amount as it deems feasible, not exceeding 25% of the
17 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
18 (cr) ~~and (q)~~, 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and
19 (6) (aq) and (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry
20 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
21 village, town, or school district. Appropriations of receipts and of a sum sufficient
22 shall for the purposes of this section be regarded as equivalent to the amounts
23 expended under such appropriations in the prior fiscal year which ended June 30.
24 All functions of said state agencies shall be continued in an efficient manner, but
25 because of the uncertainties of the existing situation no public funds should be

1 expended or obligations incurred unless there shall be adequate revenues to meet the
2 expenditures therefor. For such reason the committee may make reductions of such
3 appropriations as in its judgment will secure sound financial operations of the
4 administration for said state agencies and at the same time interfere least with their
5 services and activities.

6 **SECTION 99m.** 13.101 (6) (a) of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is amended to read:

8 13.101 (6) (a) As an emergency measure necessitated by decreased state
9 revenues and to prevent the necessity for a state tax on general property, the
10 committee may reduce any appropriation made to any board, commission,
11 department, or the University of Wisconsin System, or to any other state agency or
12 activity by such amount as it deems feasible, not exceeding 25% of the
13 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
14 (cr), 20.395 (1), (2) (cq), (fq) to (fx), and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (aq) and
15 (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry purposes
16 under s. ~~20.370 (1)~~ 20.375 (2), or any other moneys distributed to any county, city,
17 village, town, or school district. Appropriations of receipts and of a sum sufficient
18 shall for the purposes of this section be regarded as equivalent to the amounts
19 expended under such appropriations in the prior fiscal year which ended June 30.
20 All functions of said state agencies shall be continued in an efficient manner, but
21 because of the uncertainties of the existing situation no public funds should be
22 expended or obligations incurred unless there shall be adequate revenues to meet the
23 expenditures therefor. For such reason the committee may make reductions of such
24 appropriations as in its judgment will secure sound financial operations of the

1 administration for said state agencies and at the same time interfere least with their
2 services and activities.

3 **SECTION 100.** 13.101 (14) of the statutes is amended to read:

4 13.101 (14) With the concurrence of the joint committee on information policy
5 and technology, direct the department of ~~administration~~ electronic government to
6 report to the committee concerning any specific information technology system
7 project in accordance with s. 13.58 (5) (b) 4.

8 **SECTION 100m.** 13.101 (16) of the statutes is created to read:

9 13.101 (16) (a) Annually, on June 15, beginning in 2004, the committee shall
10 transfer from the permanent endowment fund to the general fund an amount equal
11 to the amount calculated by the investment board under s. 25.17 (16).

12 (b) Annually, on June 15, beginning in 2004, the committee shall transfer from
13 the permanent endowment fund to the tobacco control fund the lesser of \$25,000,000
14 or 8.5% of the market value of the investments in the permanent endowment fund
15 on June 1 in that year.

16 **SECTION 102.** 13.123 (1) (a) 1. of the statutes is amended to read:

17 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
18 filed with the department of administration, the necessity of establishing a
19 temporary residence at the state capital for the period of any regular or special
20 legislative session shall be entitled to an allowance for expenses incurred for food and
21 lodging for each day that he or she is in Madison on legislative business, but not
22 including any Saturday or Sunday unless the legislator is in actual attendance on
23 such day at a session of the legislature or a meeting of a standing committee of which
24 the legislator is a member. The amount of the allowance for each biennial session
25 ~~shall be established under s. 20.916 (8)~~ 90% of the per diem rate for travel for federal

1 government business within the city of Madison, as established by the federal
2 general services administration. For the purpose of determining the amount of the
3 allowance, the secretary of employment relations shall certify to the chief clerk of
4 each house the federal per diem rate in effect on December 1, or the first business day
5 thereafter if December 1 is not a business day, in each even-numbered year. Each
6 legislator shall file an affidavit with the chief clerk of his or her house certifying the
7 specific dollar amount within the authorized allowance the member wishes to
8 receive. Such affidavit, when filed, shall remain in effect for the biennial session,
9 ~~except that a new affidavit may be filed for any month following an adjustment in~~
10 ~~the amount of the authorized allowance under s. 20.916 (8).~~

11 **SECTION 102m.** 13.123 (3) (a) of the statutes is amended to read:

12 13.123 (3) (a) Any senator authorized by the committee on senate organization
13 to attend a meeting outside the state capital, any representative to the assembly
14 authorized by the committee on assembly organization to attend an out-of-state
15 meeting or authorized by the speaker to attend a meeting within this state outside
16 the state capital, and all members of the legislature required by law, legislative rule,
17 resolution or joint resolution to attend such meetings, shall be paid no additional
18 compensation for such services but shall be reimbursed for actual and necessary
19 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may
20 be reimbursed under this subsection for expenses on any day for which the legislator
21 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~
22 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~

23 **SECTION 102p.** 13.205 of the statutes is created to read:

24 **13.205 Legislative hotline prohibited.** (1) Except as provided in sub. (2),
25 the joint committee on legislative organization, the assembly committee on

1 organization, and the senate committee on organization may not maintain a toll-free
2 telephone service for the use of members of the public to contact members of the
3 legislature or for the use of members of the legislature to contact members of the
4 public.

5 (2) An organization committee under sub. (1) may maintain or allow the
6 maintenance of one toll-free telephone service per member of the legislature for the
7 use of members of the public to contact the member of the legislature. The senate
8 committee on organization and the assembly committee on organization shall
9 publish the number of the toll-free telephone service of each member of its house.

10 **SECTION 103.** 13.40 of the statutes is created to read:

11 **13.40 Limitation on state appropriations from general purpose**
12 **revenue.** (1) In this section:

13 (a) “Fiscal biennium” means a 2-year period beginning on July 1 of an
14 odd-numbered year.

15 (b) “General purpose revenue” has the meaning given for “general purpose
16 revenues” in s. 20.001 (2) (a).

17

18 (2) Except as provided in sub. (3), the amount appropriated from general
19 purpose revenue for each fiscal biennium, excluding any amount under an
20 appropriation specified in sub. (3) (a) to (i), as determined under sub. (4), may not
21 exceed the sum of:

22 (a) The amount appropriated from general purpose revenue, excluding any
23 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the
24 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and
25 the annual percentage change in this state’s aggregate personal income, expressed

1 as a decimal, for the calendar year that begins on the January 1 that immediately
2 precedes the first year of the fiscal biennium, as estimated by the legislative fiscal
3 bureau, in consultation with the department of revenue, no later than November 20
4 of each even-numbered year.

5 (b) The amount determined under par. (a) multiplied by the sum of 1.0 and the
6 annual percentage change in this state's aggregate personal income, expressed as a
7 decimal, for the calendar year that begins on the January 1 that immediately
8 precedes the 2nd year of the fiscal biennium, as estimated by the legislative fiscal
9 bureau, in consultation with the department of revenue, no later than November 20
10 of each even-numbered year.

11 (3) The limitation under sub. (2) does not apply to any of the following:

12 (a) An appropriation for principal repayment and interest payments on public
13 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

14 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
15 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4),
16 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59
17 (13m).

18 (c) An appropriation to make a payment to the United States that the building
19 commission determines to be payable under s. 13.488 (1) (m).

20 (d) An appropriation contained in a bill that is enacted with approval of at least
21 two-thirds of the members of each house of the legislature.

22 (e) An appropriation for legal expenses and the costs of judgments, orders, and
23 settlements of actions and appeals incurred by the state.

24 (f) An appropriation to make a payment for tax relief under s. 20.835 (2).

1 (g) An appropriation to make a transfer from the general fund to the budget
2 stabilization fund under s. 20.875 (1) (a).

3 (h) An appropriation to make a transfer from the general fund to the cash
4 building projects fund under s. 20.867 (6) (a).

5 (i) An appropriation to any of the following:

6 1. The higher educational aids board.

7 2. The department of public instruction.

8 3. The board of regents of the University of Wisconsin System.

9 (4) For purposes of sub. (2), the legislative fiscal bureau shall determine the
10 amount appropriated from general purpose revenue for any fiscal biennium to which
11 sub. (2) applies. The legislative fiscal bureau shall make this determination no later
12 than December 1 of each even-numbered year.

13 **SECTION 103m.** 13.45 (3) (a) of the statutes is amended to read:

14 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
15 13.123 (1), any legislator appointed to serve on a legislative committee or a
16 committee to which the legislator was appointed by either house or the officers
17 thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (q) and s.~~
18 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the
19 committee.

20 **SECTION 104m.** 13.48 (7) of the statutes is amended to read:

21 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
22 and formally adopt recommendations for the long-range state building program on
23 a biennial basis. The building commission shall not recommend any project for
24 enumeration in the authorized state building program unless the commission adopts
25 and provides with its recommendation a statement of the amount of the anticipated

1 annual operating costs or the amount of any increased annual operating costs, plus
2 the amount of any anticipated annual debt service costs, generated by the project in
3 the first full year following completion, and the amount of such costs to be funded
4 from each revenue source under s. 20.001 (2). The building commission shall include
5 in its report any projects proposed by the state fair park board involving a cost of not
6 more than \$250,000, together with the method of financing those projects proposed
7 by the board, without recommendation. Unless a later date is requested by the
8 building commission and approved by the joint committee on finance, the building
9 commission shall, no later than the first Tuesday in April of each odd-numbered
10 year, transmit the report prepared by the department of administration under s.
11 16.40 (20) and the commission's recommendations for the succeeding fiscal biennium
12 that require legislative approval to the joint committee on finance in the form of
13 proposed legislation prepared in proper form.

14 **SECTION 105.** 13.48 (10) (b) 3m. of the statutes is created to read:

15 13.48 (10) (b) 3m. Rehabilitation projects of the Fox River Navigational System
16 Authority.

17 **SECTION 105m.** 13.48 (12) (b) 2. of the statutes is amended to read:

18 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, if the
19 cost of constructing the facility does not exceed the amount specified in sub. (3).

20 **SECTION 106.** 13.48 (12) (b) 4. of the statutes is created to read:

21 13.48 (12) (b) 4. A facility constructed by or for the Fox River Navigational
22 System Authority.

23 **SECTION 107.** 13.48 (13) (a) of the statutes is amended to read:

24 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
25 facility that is constructed for the benefit of or use of the state, any state agency,

1 board, commission or department, the University of Wisconsin Hospitals and Clinics
2 ~~Authority, the Fox River Navigational System Authority,~~ or any local professional
3 baseball park district created under subch. III of ch. 229 if the construction is
4 undertaken by the department of administration on behalf of the district, shall be
5 in compliance with all applicable state laws, rules, codes and regulations but the
6 construction is not subject to the ordinances or regulations of the municipality in
7 which the construction takes place except zoning, including without limitation
8 because of enumeration ordinances or regulations relating to materials used,
9 permits, supervision of construction or installation, payment of permit fees, or other
10 restrictions.

11 **SECTION 107m.** 13.48 (14) (am) of the statutes is amended to read:

12 13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall
13 have the authority to sell or lease all or any part of a state-owned building or
14 structure or state-owned land, including farmland, where such authority is not
15 otherwise provided to an agency by law, and may transfer land under its jurisdiction
16 among agencies.

17 **SECTION 107mm.** 13.48 (14) (am) of the statutes, as affected by 2001 Wisconsin
18 Act (this act), is amended to read:

19 13.48 (14) (am) Subject to par. (d) ~~and s. 20.9145~~, the building commission shall
20 have the authority to sell or lease all or any part of a state-owned building or
21 structure or state-owned land, including farmland, where such authority is not
22 otherwise provided to an agency by law, and may transfer land under its jurisdiction
23 among agencies.

24 **SECTION 107n.** 13.48 (14) (b) of the statutes is amended to read:

1 13.48 (14) (b) Subject to par. (d) and s. 20.9145, the building commission shall
2 sell or lease on the basis of either public bids, with the building commission reserving
3 the right to reject any or all bids in the best interest of the state, or negotiated prices.
4 Buildings, structures and land mentioned in this subsection shall be subject to
5 general property taxes levied by those taxing bodies within whose area they lie if
6 used for commercial purposes, and shall be subject to special assessments for public
7 improvements in the same manner and to the same extent as privately owned
8 buildings, structures and land, subject to approval of the building commission when
9 required under s. 66.0703 (6).

10 **SECTION 107nm.** 13.48 (14) (b) of the statutes, as affected by 2001 Wisconsin
11 Act ... (this act), is amended to read:

12 13.48 (14) (b) Subject to par. (d) and s. 20.9145, the building commission shall
13 sell or lease on the basis of either public bids, with the building commission reserving
14 the right to reject any or all bids in the best interest of the state, or negotiated prices.
15 Buildings, structures and land mentioned in this subsection shall be subject to
16 general property taxes levied by those taxing bodies within whose area they lie if
17 used for commercial purposes, and shall be subject to special assessments for public
18 improvements in the same manner and to the same extent as privately owned
19 buildings, structures and land, subject to approval of the building commission when
20 required under s. 66.0703 (6).

21 **SECTION 107p.** 13.48 (14) (d) 4. of the statutes is amended to read:

22 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus
23 land having a fair market value of at least \$20,000 that is not subject to sale under
24 s. 20.9145, the commission shall notify the joint committee on finance in writing of
25 its proposed action. If the cochairpersons of the committee do not notify the

1 commission that the committee has scheduled a meeting for the purpose of reviewing
2 the proposed sale or transfer within 14 working days after the date of the
3 commission's notification, the parcel may be sold or transferred by the commission.
4 If, within 14 working days after the date of the commission's notification, the
5 cochairpersons of the committee notify the commission that the committee has
6 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the
7 parcel may be sold or transferred under this subdivision only upon approval of the
8 committee.

9 **SECTION 107pm.** 13.48 (14) (d) 4. of the statutes, as affected by 2001 Wisconsin
10 Act (this act), is amended to read:

11 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus
12 land having a fair market value of at least \$20,000 ~~that is not subject to sale under~~
13 ~~s. 20.9145~~, the commission shall notify the joint committee on finance in writing of
14 its proposed action. If the cochairpersons of the committee do not notify the
15 commission that the committee has scheduled a meeting for the purpose of reviewing
16 the proposed sale or transfer within 14 working days after the date of the
17 commission's notification, the parcel may be sold or transferred by the commission.
18 If, within 14 working days after the date of the commission's notification, the
19 cochairpersons of the committee notify the commission that the committee has
20 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the
21 parcel may be sold or transferred under this subdivision only upon approval of the
22 committee.

23 **SECTION 108b.** 13.48 (15) of the statutes is amended to read:

24 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
25 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the

1 authority to acquire leasehold interests in land and buildings where such authority
2 is not otherwise provided to an agency by law.

3 **SECTION 108c.** 13.48 (19) of the statutes is amended to read:

4 **13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION.** Whenever the building
5 commission determines that the use of innovative types of design and construction
6 processes will make better use of the resources and technology available in the
7 building industry, the building commission may waive any or all of s. 16.855 if such
8 action is in the best interest of the state and if the waiver is accomplished through
9 formal action of the building commission. The building commission may authorize
10 the lease, lease purchase or acquisition of such facilities constructed in the manner
11 authorized by the building commission. The Subject to the requirements of s. 20.924
12 (1) (i) and (j), the building commission may also authorize the lease, lease purchase
13 or acquisition of existing facilities in lieu of state construction of any project
14 enumerated in the authorized state building program.

15 **SECTION 108d.** 13.48 (25p) of the statutes is created to read:

16 **13.48 (25p) BIOSTAR INITIATIVE.** There is created a program, to be known as the
17 biostar initiative, for the purpose of providing financial support to attract federal and
18 private funds to construct biological sciences facilities to spur biological sciences
19 education and research activities at the University of Wisconsin–Madison. Projects
20 financed under the program shall be designed to provide biological sciences
21 education and research facilities, ancillary systems, and supporting infrastructure.
22 Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as
23 otherwise provided in the authorized state building program.

24 **SECTION 108e.** 13.48 (27) of the statutes is amended to read:

1 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
2 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
3 the department of corrections as a part of the authorized state building program,
4 with an option to purchase the facility by the state. Any lease shall provide for the
5 facility to be constructed in accordance with requirements and specifications
6 approved by the department of administration and shall permit inspection of the site
7 and facility by agents of the department.

8 **SECTION 108f.** 13.48 (31) of the statutes is created to read:

9 13.48 (31) DEBT INCREASE FOR CONSTRUCTION OF A BIOMEDICAL RESEARCH AND
10 TECHNOLOGY INCUBATOR AT THE MEDICAL COLLEGE OF WISCONSIN, INC. (a) The
11 legislature finds and determines that it is in the public interest to promote the public
12 health and welfare and to provide for economic development in this state by ensuring
13 a fundamental and expanding capacity to conduct biomedical research and to create
14 new technologies; by training students in the substance and methodology of
15 biomedical research; and by providing scientific support to individuals and
16 organizations in this state who are engaged in biomedical research and technological
17 innovation. It is therefore the public policy of this state to assist the Medical College
18 of Wisconsin, Inc., in the construction of facilities that will be used for biomedical
19 research and the creation of new technologies.

20 (b) On or after July 1, 2003, the building commission may authorize up to
21 \$25,000,000 of general fund supported borrowing to aid in the construction of a
22 biomedical research and technology incubator at the Medical College of Wisconsin,
23 Inc. The state funding commitment for the construction of the incubator shall be in
24 the form of a construction grant to the Medical College of Wisconsin, Inc. Before the
25 building commission may award the construction grant under this paragraph, the

1 Medical College of Wisconsin, Inc., must certify to the building commission that the
2 total funding commitments of the state and nonstate sources will pay for the
3 construction cost of the incubator.

4 (c) If the building commission awards a construction grant to the Medical
5 College of Wisconsin, Inc., under this subsection, the Medical College of Wisconsin,
6 Inc., shall provide the state with an option to purchase the biomedical research and
7 technology incubator under the following conditions:

8 1. The option price shall be the appraised fair market value at the time that the
9 option is exercised, less a credit recognizing the amount of the state's construction
10 grant. The option shall be subject to any mortgage or other security interest of any
11 private lenders.

12 2. The option may be exercised only upon the occurrence of any of the following:

13 a. Suspension of operation of a program of biomedical research and technology
14 at the Medical College of Wisconsin, Inc., or any successor organization.

15 b. Foreclosure of any mortgage on the incubator by a private lender.

16 (d) If the state does not exercise the option to purchase the biomedical research
17 and technology incubator under par. (c), and if the incubator is sold to any 3rd party,
18 any agreement to sell the incubator shall provide that the state has the right to
19 receive an amount equal to the construction grants awarded to the Medical College
20 of Wisconsin, Inc., under this subsection from the net proceeds of any such sale after
21 any mortgage on the incubator has been satisfied and all other secured debts have
22 been paid. This right shall be paramount to the right of the Medical College of
23 Wisconsin, Inc., to the proceeds upon such sale.

24 **SECTION 108m.** 13.489 (2) of the statutes is amended to read:

1 13.489 (2) DEPARTMENT TO REPORT PROPOSED PROJECTS. Subject to s. 85.05, the
2 department of transportation shall report to the commission not later than
3 September 15 of each even-numbered year and at such other times as required under
4 s. 84.013 (6) concerning its recommendations for adjustments in the major highway
5 projects program under s. 84.013. If the report under this subsection includes a
6 recommendation to enumerate one or more major highway projects under s. 84.013
7 (3), the department of transportation shall provide a life cycle cost statement for each
8 proposed project to the governor, the transportation projects commission, the
9 building commission, and the joint committee on finance. The life cycle cost
10 statement shall include an estimate of the costs of constructing, maintaining,
11 resurfacing, minor and major reconditioning, policing, plowing, painting, signing,
12 and reconstructing the major highway project until the first reconstruction of the
13 project is completed.

14 **SECTION 108m.** 13.48 (35) of the statutes is created to read:

15 13.48 (35) HR ACADEMY, INC., YOUTH AND FAMILY CENTER. (a) The building
16 commission may authorize up to \$1,500,000 in general fund supported borrowing to
17 aid in the construction of a youth and family center for HR Academy, Inc., in the city
18 of Milwaukee. The state funding commitment under this paragraph shall be in the
19 form of a grant to HR Academy, Inc. Before approving any such state funding
20 commitment, the building commission shall determine that HR Academy, Inc., has
21 secured additional funding at least equal to \$3,500,000 from nonstate donations for
22 the purpose of constructing a youth and family center.

23 (b) If the building commission authorizes a grant to HR Academy, Inc., under
24 par. (a) and if, for any reason, the facility that is constructed with funds from the

1 grant is not used as a youth and family center, the state shall retain an ownership
2 interest in the facility equal to the amount of the state's grant.

3 **SECTION 108m.** 13.48 (32r) of the statutes is created to read:

4 13.48 (32r) DEBT INCREASE FOR CONSTRUCTION OF THE DISCOVERY PLACE MUSEUM.

5 (a) Subject to par. (b), the building commission may authorize \$1,000,000 of general
6 fund supported borrowing to aid in the construction of the Discovery Place museum
7 as part of the Heritage museum in the city of Racine. The state funding commitment
8 for the construction of the museum shall be in the form of a construction grant to
9 Racine County. Before approving any state funding commitment for the museum
10 and before awarding the construction grant under this paragraph, the building
11 commission shall determine that Racine County has secured additional funding
12 commitments of at least \$1,000,000 from nonstate revenue sources.

13 (b) If the building commission authorizes a grant to Racine County under par.

14 (a) and if, for any reason, the facility that is constructed with funds from the grant
15 is not used as a Discovery Place museum as part of the Heritage museum, the state
16 shall retain an ownership interest in the facility equal to the amount of the state's
17 grant.

18 **SECTION 109.** 13.58 (5) (a) 5. of the statutes is amended to read:

19 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
20 ~~administration~~ electronic government, the joint committee on legislative
21 organization and the director of state courts, review and transmit comments
22 concerning the plans to the entities submitting the plans.

23 **SECTION 110.** 13.58 (5) (b) 1. of the statutes is amended to read:

24 13.58 (5) (b) 1. Direct the ~~subunit in the department of administration with~~
25 ~~policy making responsibility related to information technology~~ electronic

1 government to conduct studies or prepare reports on items related to the committee's
2 duties under par. (a).

3 **SECTION 111.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

4 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
5 direct the department of ~~administration~~ electronic government to report
6 semiannually to the committee and the joint committee on finance concerning any
7 specific information technology system project which is being designed, developed,
8 tested or implemented and which the committees anticipate will have a total cost to
9 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
10 report shall include all of the following:

11 **SECTION 112.** 13.62 (2) of the statutes is amended to read:

12 13.62 (2) "Agency" means any board, commission, department, office, society,
13 institution of higher education, council or committee in the state government, or any
14 authority created in ch. 231, 232, 233 ~~or~~, 234, or 237, except that the term does not
15 include a council or committee of the legislature.

16 **SECTION 113.** 13.90 (6) of the statutes is amended to read:

17 13.90 (6) The joint committee on legislative organization shall adopt, revise
18 biennially and submit to the cochairpersons of the joint committee on information
19 policy and technology, the governor and the ~~secretary of administration~~ chief
20 information officer, no later than September 15 of each even-numbered year, a
21 strategic plan for the utilization of information technology to carry out the functions
22 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
23 shall address the business needs of the legislature and legislative service agencies
24 and shall identify all resources relating to information technology which the
25 legislature and legislative service agencies desire to acquire, contingent upon

1 funding availability, the priority for such acquisitions and the justification for such
2 acquisitions. The plan shall also identify any changes in the functioning of the
3 legislature and legislative service agencies under the plan.

4 **SECTION 114.** 13.93 (2) (h) of the statutes is amended to read:

5 13.93 (2) (h) Approve specifications and scheduling for computer databases
6 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
7 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

8 **SECTION 114g.** 13.94 (4) (a) 1. of the statutes is amended to read:

9 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
10 credentialing board, commission, independent agency, council or office in the
11 executive branch of state government; all bodies created by the legislature in the
12 legislative or judicial branch of state government; any public body corporate and
13 politic created by the legislature including specifically the Fox River Navigational
14 System Authority, a professional baseball park district, a local professional football
15 stadium district, a local cultural arts district and a family care district ~~created~~ under
16 s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider
17 of medical assistance under subch. IV of ch. 49; technical college district boards;
18 development zones designated under s. 560.71; every county department under s.
19 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are
20 specifically appropriated by state law; and every corporation, institution, association
21 or other organization which receives more than 50% of its annual budget from
22 appropriations made by state law, including subgrantee or subcontractor recipients
23 of such funds.

24 **SECTION 114r.** 13.95 (intro.) of the statutes is amended to read:

1 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
2 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
3 shall be strictly nonpartisan and shall at all times observe the confidential nature
4 of the research requests received by it; however, with the prior approval of the
5 requester in each instance, the bureau may duplicate the results of its research for
6 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
7 designated employees shall at all times, with or without notice, have access to all
8 state agencies ~~and~~, the University of Wisconsin Hospitals and Clinics Authority, ~~and~~
9 the Fox River Navigational System Authority and to any books, records or other
10 documents maintained by such agencies or ~~the authority~~ authorities and relating to
11 their expenditures, revenues, operations and structure.

12 **SECTION 114v.** 13.95 (1) (dm) of the statutes is created to read:

13 13.95 (1) (dm) When required to do so under s. 13.0975 (2), prepare prison
14 impact assessments for bills or bill drafts.

15 **SECTION 115.** 13.95 (1m) of the statutes is created to read:

16 13.95 (1m) DUTIES OF THE BUREAU; BIENNIAL BUDGET BILL. (a) In this subsection,
17 “version of the biennial budget bill or bills” means the executive biennial budget bill
18 or bills, as modified by an amendment offered by the joint committee on finance, as
19 engrossed by the first house, as concurred in and amended by the 2nd house or as
20 nonconcurrent in by the 2nd house, or as reported by any committee on conference.

21 (b) The legislative fiscal bureau shall prepare a statement of estimated general
22 purpose revenue receipts and expenditures in the biennium following the succeeding
23 biennium based on recommendations in each version of the biennial budget bill or
24 bills. The statement shall contain all of the following:

25 1. For the 2nd year of the succeeding biennium, a comparison of the following:

1 a. The amount of moneys projected to be deposited in the general fund during
2 the fiscal year that are designated as “Revenues and Transfers” in the summary in
3 s. 20.005 (1), as published in each version of the biennial budget bill or bills, less the
4 amount designated as the “Opening Balance” in the summary, and adjusted by any
5 one-time deposit of revenues in the general fund.

6 b. The amount of moneys designated as “Total Expenditures” in the summary
7 in s. 20.005 (1), as published in each version of the biennial budget bill or bills,
8 adjusted by any one-time expenditure of general purpose revenue in excess of
9 \$5,000,000.

10 2. An estimate of the cost of any provision in each version of the biennial budget
11 bill or bills that would, without the enactment of subsequent legislation, increase
12 general purpose revenue expenditures or that would decrease the amount of
13 revenues deposited in the general fund in the biennium following the succeeding
14 biennium.

15 3. a. An estimate of the increase in general purpose revenue spending that will
16 be required in the biennium following the succeeding biennium for all of the
17 following: general equalization school aids; appropriations to the department of
18 corrections; the medical assistance program under subch. IV of ch. 49; the amount
19 designated as “Compensation Reserves” in the summary under s. 20.005 (1), as
20 printed in the revised schedule that is approved under s. 20.004 (2) for that fiscal
21 biennium; and public debt contracted under subchs. I and IV of ch. 18.

22 b. For the purpose of making the calculation under subd. 3. a., the bureau shall
23 assume that the increase in general purpose revenue spending between the
24 succeeding biennium and the biennium following the succeeding biennium for each
25 of the items identified in subd. 3. a. is the same as that between the current biennium

1 and the succeeding biennium for these items, as proposed in each version of the
2 biennial budget bill or bills.

3 4. An estimate of the difference between the amount of tax revenues that will
4 be deposited in the general fund in the biennium following the succeeding biennium
5 and the amount of tax revenues that are deposited in the general fund in the
6 succeeding biennium. For the purpose of making this calculation, the bureau shall:

7 a. Assume that the amount of tax revenues that are deposited in the general
8 fund in the succeeding biennium is the amount designated as “Taxes” in the
9 summary in s. 20.005 (1), as published in each version of the biennial budget bill or
10 bills.

11 b. Assume that the annual increase in tax revenues that are deposited in the
12 general fund in each fiscal year of the biennium following the succeeding biennium
13 is the average of the annual increase for each of the 10 preceding fiscal years.

14 c. Adjust the estimate of the amount of tax revenues that are deposited in the
15 general fund in the biennium following the succeeding biennium by any provision in
16 each version of the biennial budget bill or bills that would affect the amount of tax
17 revenues that are deposited in the general fund in the biennium.

18 5. a. A comparison of the following: the amount of moneys that are designated
19 as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in each
20 version of the biennial budget bill or bills, and that are available for appropriation
21 in the 2nd year of the succeeding biennium; and an amount that equals the sum of
22 the amount of moneys designated as “Total Expenditures” in the summary in s.
23 20.005 (1), as published in each version of the biennial budget bill or bills, for the 2nd
24 year of the succeeding biennium and the amount required to fund the increase in

1 general purpose revenue spending in the biennium following the succeeding
2 biennium for each of the items identified in subd. 3. a.

3 b. The bureau shall present this comparison in the format used for the
4 statement of the condition of the general fund in the statement prepared under s.
5 20.005 (1).

6 6. A summary of the amount of additional general purpose revenues that will
7 be available in the biennium following the succeeding biennium for increased
8 expenditures or tax reductions, other than the amount calculated in subd. 4.

9 **SECTION 117.** 14.019 (2) of the statutes is amended to read:

10 14.019 (2) EFFECT OF APPROPRIATION. Subsection (1) continues to apply to any
11 nonstatutory committee created by the governor even if a part of its expenses is later
12 defrayed from state funds, whether under the general appropriation of s. 20.505 (3)
13 (a) (4) (ba) or under an appropriation enacted specifically for the purposes of such
14 committee.

15 **SECTION 118.** 14.019 (4) of the statutes is amended to read:

16 14.019 (4) PROGRAM FEES. The governor may authorize any committee created
17 under this section to charge a fee for materials and services provided by it in the
18 course of carrying out its responsibilities. The fee may not exceed the actual cost of
19 the materials or services provided. All fees shall be ~~deposited in~~ credited to the
20 appropriation account ~~for the appropriation made~~ under s. 20.505 (3) (4) (h).

21 **SECTION 119.** 14.20 (1) (a) of the statutes is amended to read:

22 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
23 (7).

24 **SECTION 120g.** 14.26 (5g) (c) of the statutes is repealed.

25 **SECTION 120r.** 14.26 (5g) (e) of the statutes is repealed.

1 **SECTION 121.** 14.26 (7) of the statutes is repealed.

2 **SECTION 122.** 14.28 of the statutes is repealed.

3 **SECTION 124m.** 14.63 (10m) of the statutes is repealed.

4 **SECTION 126m.** 14.65 of the statutes is created to read:

5 **14.65 Repayment to the general fund.** (1) The secretary of administration
6 shall transfer from the tuition trust fund or the college savings program trust fund
7 to the general fund an amount equal to the amount expended from the
8 appropriations under s. 20.505 (9) (a), 1995 stats., and s. 20.585 (2) (a) and (am) when
9 the secretary of administration determines that funds in the tuition trust fund or the
10 college savings program trust fund are sufficient to make the transfer. The secretary
11 of administration may make the transfer in installments.

12 (2) Annually, by June 1, the state treasurer shall submit a report to the
13 secretary of administration and the joint committee on finance on the amount
14 available for repayment under sub. (1), the amount repaid under sub. (1), and the
15 outstanding balance under sub. (1).

16 **SECTION 126s.** 14.82 of the statutes is repealed.

17 **SECTION 127.** 14.90 (2) of the statutes is amended to read:

18 14.90 (2) The members of the commission shall serve without compensation
19 but shall be reimbursed from the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) for
20 actual and necessary expenses incurred in the performance of their duties. The
21 commission has the powers granted and the duties ~~granted and~~ imposed under s.
22 39.80.

23 **SECTION 128.** 14.90 (3) of the statutes is amended to read:

1 14.90 (3) From the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba), the department
2 of administration shall pay the costs of membership in and costs associated with the
3 midwestern higher education compact.

4 **SECTION 129.** 15.01 (2) of the statutes is amended to read:

5 15.01 (2) “Commission” means a 3-member governing body in charge of a
6 department or independent agency or of a division or other subunit within a
7 department, except for the Wisconsin waterways commission which shall consist of
8 5 members, the parole commission which shall consist of ~~6~~ 8 members, and the Fox
9 River management commission which shall consist of 7 members. A Wisconsin group
10 created for participation in a continuing interstate body, or the interstate body itself,
11 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
12 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
13 but is not a commission for purposes of s. 15.06.

14 **SECTION 130.** 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act 9,
15 section 12n, is repealed and recreated to read:

16 15.01 (4) “Council” means a part-time body appointed to function on a
17 continuing basis for the study, and recommendation of solutions and policy
18 alternatives, of the problems arising in a specified functional area of state
19 government, except the Wisconsin land council has the powers specified in s. 16.965
20 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River
21 revitalization council has the powers and duties specified in s. 23.18, the council on
22 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
23 state council on alcohol and other drug abuse has the powers and duties specified in
24 s. 14.24, and, before January 1, 2001, the council on health care fraud and abuse has
25 the powers and duties specified in s. 146.36.

1 **SECTION 131.** 15.06 (1) (e) of the statutes is repealed.

2 **SECTION 132.** 15.06 (3) (a) 4. of the statutes is repealed.

3 **SECTION 135.** 15.07 (2) (L) of the statutes is created to read:

4 15.07 (2) (L) The governor shall serve as chairperson of the information
5 technology management board and the chief information officer shall serve as
6 secretary of that board.

7 **SECTION 136.** 15.07 (3) (bm) 4. of the statutes is created to read:

8 15.07 (3) (bm) 4. The information technology management board shall meet at
9 least 4 times each year and may meet at other times on the call of the chairperson.

10 **SECTION 137.** 15.103 (3) of the statutes is repealed.

11 **SECTION 138.** 15.103 (5) of the statutes is repealed.

12 **SECTION 139.** 15.105 (3) of the statutes is amended to read:

13 15.105 (3) DEPOSITORY SELECTION BOARD. There is created a depository selection
14 board which is attached to the department of administration under s. 15.03. The
15 depository selection board shall consist of the state treasurer, the secretary of
16 administration, and the ~~executive director of the investment board~~ secretary of
17 revenue or their designees.

18

19 **SECTION 162.** 15.107 (7) (f) of the statutes is amended to read:

20 15.107 (7) (f) A representative of the ~~unit in the~~ department of administration
21 ~~that deals with information technology~~ electronic government.

22 **SECTION 163.** 15.107 (16) (b) 14. of the statutes is created to read:

23 15.107 (16) (b) 14. One member who is a representative from a public utility.

24 **SECTION 164.** 15.107 (16) (b) 15. of the statutes is created to read:

1 15.107 (16) (b) 15. One member who represents a professional land information
2 organization.

3 **SECTION 165.** 15.107 (16) (b) 16. of the statutes is created to read:

4 15.107 (16) (b) 16. One member who is nominated by a statewide association
5 whose purposes include support of a network of statewide land information systems.

6 **SECTION 166.** 15.107 (16) (d) of the statutes is amended to read:

7 15.107 (16) (d) *Terms, chairperson.* The members listed under par. (b) 8. to ~~13.~~
8 16. shall be appointed for 5-year terms. The governor shall appoint the chairperson
9 of the council, who shall serve at the pleasure of the governor.

10 **SECTION 167.** 15.107 (16) (e) of the statutes is repealed.

11 **SECTION 168.** 15.137 (1) of the statutes is created to read:

12 15.137 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. (a) There is created in
13 the department of agriculture, trade and consumer protection an agricultural
14 producer security council consisting of the following members appointed by the
15 secretary of agriculture for 3-year terms:

16 1. One person representing the Farmers' Educational and Cooperative Union
17 of America, Wisconsin Division.

18 2. One person representing the Midwest Food Processors Association, Inc.

19 3. One person representing the National Farmers' Organization, Inc.

20 4. One person representing the Wisconsin Agri-Service Association, Inc.

21 5. One person representing the Wisconsin Cheese Makers Association.

22 6. One person representing both the Wisconsin Corn Growers Association, Inc.,
23 and the Wisconsin Soybean Association, Inc.

24 7. One person representing the Wisconsin Dairy Products Association, Inc.

25 8. One person representing the Wisconsin Farm Bureau Federation.

1 9. One person representing the Wisconsin Federation of Cooperatives.

2 10. One person representing the Wisconsin Potato and Vegetable Growers
3 Association, Inc.

4 (b) Each organization identified in par. (a) shall nominate 2 persons to
5 represent that organization on the agricultural producer security council. The
6 secretary of agriculture, trade and consumer protection shall appoint members from
7 among the nominees.

8 **SECTION 168e.** 15.137 (2) of the statutes is created to read:

9 15.137 (2) FOOD ADVISORY COUNCIL. There is created in the department of
10 agriculture, trade and consumer protection a food advisory council consisting of
11 representatives of consumers, representatives of retail and wholesale grocers,
12 representatives of academic institutions, representatives of the federal department
13 of health and human services, representatives of the food industry or food industry
14 associations, and employees of the department of agriculture, trade and consumer
15 protection, all appointed by the secretary of agriculture, trade and consumer
16 protection.

17 **SECTION 169.** 15.145 (1) of the statutes is amended to read:

18 15.145 (1) PAROLE COMMISSION. There is created in the department of
19 corrections a parole commission consisting of ~~6~~ 8 members. Members shall have
20 knowledge of or experience in corrections or criminal justice. The members shall
21 include a chairperson who is nominated by the governor, and with the advice and
22 consent of the senate appointed, for a 2-year term expiring March 1 of the
23 odd-numbered years, subject to removal under s. 17.07 (3m), and ~~5~~ the remaining
24 members in the classified service appointed by the chairperson.

25 **SECTION 170d.** 15.157 (3) of the statutes is amended to read:

1 15.157 (3) DWELLING CODE COUNCIL. There is created in the department of
2 commerce, a dwelling code council, consisting of ~~17~~ 18 members appointed for
3 staggered 3-year terms. Four members shall be representatives of building trade
4 labor organizations; 4 members shall be certified building inspectors employed by
5 local units of government; 2 members shall be representatives of building contractors
6 actively engaged in on-site construction of one- and 2-family housing; 2 members
7 shall be representatives of manufacturers or installers of manufactured one- and
8 2-family housing; one member shall be an architect, engineer or designer actively
9 engaged in the design or evaluation of one- and 2-family housing; 2 members shall
10 represent the construction material supply industry; one member shall represent
11 remodeling contractors actively engaged in the remodeling of one-family and
12 2-family housing; and 2 members shall represent the public, one of whom shall
13 represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of
14 the department designated by the secretary of commerce shall serve as nonvoting
15 secretary of the council. The council shall meet at least twice a year. Eleven members
16 of the council shall constitute a quorum. For the purpose of conducting business a
17 majority vote of the council is required.

18 **SECTION 171.** 15.157 (8) (intro.) of the statutes is amended to read:

19 15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
20 department of commerce a rural health development council consisting of ~~11~~ 13
21 members nominated by the governor, and with the advice and consent of the senate
22 appointed, for 5-year terms, and the secretaries of commerce and health and family
23 services, or their designees. The appointed members shall include all of the
24 following:

25 **SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

1 15.157 (8) (g) A physician licensed under ch. 448 ~~and, a dentist licensed under~~
2 ~~ch. 447,~~ a nurse licensed under ch. 441, ~~both and a dental hygienist licensed under~~
3 ~~ch. 447,~~ all of whom practice in a rural area, and a representative of public health
4 services.

5 **SECTION 173p.** 15.195 (1) of the statutes is renumbered 15.195 (1) (intro.) and
6 amended to read:

7 15.195 (1) TOBACCO CONTROL BOARD. (intro.) There is created a tobacco control
8 board attached to the department of health and family services under s. 15.03. The
9 tobacco control board shall consist of 15 members and shall include all of the
10 following:

11 **SECTION 173r.** 15.195 (1) (a) of the statutes is created to read:

12 15.195 (1) (a) One majority party senator, one minority party senator, one
13 majority party representative to the assembly, and one minority party
14 representative to the assembly, appointed as are the members of standing
15 committees in their respective houses.

16 **SECTION 173s.** 15.195 (1) (b) of the statutes is created to read:

17 15.195 (1) (b) The attorney general or his or her designee.

18 **SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11) and amended
19 to read:

20 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.

21 There is created an adolescent pregnancy prevention and pregnancy services board
22 which is attached to the department of ~~health and family services~~ administration
23 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
24 (intro.), one member shall be the executive director of the women's council under s.
25 16.01, who shall be a nonvoting member and shall serve permanently as chairperson

1 of the board. Six members shall be state employees who are appointed for
2 membership by the women's council and shall be nonvoting members. The
3 remaining 6 members shall be appointed for 3-year terms, shall represent an equal
4 balance of points of view on pregnancy prevention and pregnancy services and shall
5 be persons who are nominated for membership by statewide organizations that
6 together represent an equal balance of points of view on pregnancy prevention and
7 pregnancy services.

8 **SECTION 174g.** 15.197 (11n) (cm) of the statutes is created to read:

9 15.197 (11n) (cm) Four members of the legislature, of which one each is
10 designated by the speaker of the assembly, the senate majority leader, and the
11 minority leader in each house of the legislature and appointed by the governor.

12 **SECTION 174h.** 15.197 (11n) (e) of the statutes is created to read:

13 15.197 (11n) (e) By January 31 of each year, the council shall prepare a report
14 for the preceding calendar year and shall submit the report to the legislature under
15 s. 13.172 (2). The report shall evaluate the waiting lists compiled by the department
16 of health and family services for services for persons with developmental disabilities.

17 **SECTION 174p.** 15.197 (25) (c) of the statutes is amended to read:

18 15.197 (25) (c) This subsection does not apply beginning on July 1, ~~2002~~ 2004.

19 **SECTION 175.** 15.21 of the statutes is created to read:

20 **15.21 Department of electronic government; creation.** There is created
21 a department of electronic government under the direction and supervision of the
22 secretary of electronic government, who shall be known as the "chief information
23 officer."

24 **SECTION 176.** 15.215 of the statutes is created to read:

1 **15.215 Same; attached boards.** (1) INFORMATION TECHNOLOGY MANAGEMENT
2 BOARD. There is created an information technology management board which is
3 attached to the department of electronic government under s. 15.03. The board shall
4 consist of the governor, the cochairpersons of the joint committee on information
5 policy and technology or a member of the legislature from the same house as a
6 cochairperson designated by that cochairperson, one member of the minority party
7 in each house of the legislature, appointed in the same manner as members of
8 standing committees are appointed, the secretary of administration, 2 heads of
9 departments or independent agencies appointed to serve at the pleasure of the
10 governor, 2 other members appointed to serve for 4-year terms, and the chief
11 information officer, who shall serve as a nonvoting member.

12 **SECTION 177.** 15.223 (3) of the statutes is repealed.

13 **SECTION 178d.** 15.225 (2) (b) of the statutes is amended to read:

14 15.225 (2) (b) *Membership.* The Wisconsin conservation corps board consists
15 of 7 members appointed by the governor from various areas of the state in a manner
16 designed to provide regional, environmental and agricultural representation. One
17 member of the board shall be a member or employee of a local workforce development
18 board established under 29 USC 2832.

19 **SECTION 178f.** 15.225 (2) (c) of the statutes is amended to read:

20 15.225 (2) (c) *Liaison representatives.* The secretary of agriculture, trade and
21 consumer protection, the secretary of health and family services, the secretary of
22 workforce development, the secretary of natural resources, the secretary of forestry,
23 and the chancellor of the University of Wisconsin–Extension, or a designee of such
24 a secretary or the chancellor, shall serve as liaison representatives to the Wisconsin
25 conservation corps board, and provide information to and assist the board. The

1 liaison representatives are not board members and may not vote on any board
2 decision or action.

3 **SECTION 179.** 15.225 (3) (b) 6. of the statutes is amended to read:

4 15.225 (3) (b) 6. ~~The An administrator of the a division of workforce excellence~~
5 in the department of workforce development, designated by the governor.

6 **SECTION 179q.** 15.34 of the statutes is amended to read:

7 **15.34 Department of natural resources; creation. (1)** There is created a
8 department of natural resources under the direction and supervision of the natural
9 resources board.

10 **(2) (a)** The natural resources board shall consist of 7 members appointed for
11 staggered 6–year terms.

12 **(b)** At least 3 members of the natural resources board shall be from the territory
13 north, and at least 3 members of the board shall be from the territory south, of a line
14 running east and west through the south limits of the city of Stevens Point.

15 **(c)** No person may be appointed to the natural resources board, or remain a
16 member thereof, ~~who is a permit holder or~~ of the board, who receives, or has during
17 the previous 2 years received, a significant portion of his or her income directly or
18 indirectly from ~~permit holders of or applicants for permits issued by the department.~~
19 ~~For purposes of this section, “permit holders” or “applicants for~~ under ch. 283, except
20 that this paragraph does not apply to permits issued under s. 283.33.

21 **(e)** The restrictions in pars. (c) and (d) do not apply with respect to permits ”
22 ~~shall not include~~ or licenses held or applied for by agencies, departments, or
23 subdivisions of this state.

24 **SECTION 179r.** 15.34 (2) (d) of the statutes is created to read:

1 15.34 (2) (d) The majority of members of the natural resources board may not
2 derive a significant portion of their incomes from persons who are subject to permits
3 or enforcement orders under ch. 285. Each board member shall inform the governor
4 of any significant change in the income that he or she derives from persons who are
5 subject to permits or enforcement orders under ch. 285.

6 **SECTION 179t.** 15.343 of the statutes is repealed.

7 **SECTION 180.** 15.345 (5) of the statutes is amended to read:

8 15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
9 department of natural resources a Fox River management commission consisting of
10 7 members. The commission shall cease to exist on the day after the date on which
11 the state and the Fox River Navigational System Authority enter into the lease
12 agreement specified in s. 237.06.

13 **SECTION 182g.** 15.405 (6) (a) of the statutes, as affected by 1997 Wisconsin Act
14 96, is repealed and recreated to read:

15 15.405 (6) (a) Six dentists who are licensed under ch. 447.

16 **SECTION 182i.** 15.405 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
17 96, is repealed and recreated to read:

18 15.405 (6) (b) Three dental hygienists who are licensed under ch. 447.
19 Notwithstanding s. 15.08 (1m) (a), the dental hygienist members may participate in
20 the preparation and grading of licensing examinations for dental hygienists.

21 **SECTION 181m.** 15.377 (2) of the statutes is created to read:

22 15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. There is created a
23 deaf and hard-of-hearing education council in the department of public instruction.
24 The council shall consist of the following members, at least 3 of whom must be