



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBs0142/en
ALL:ALL:ALL

SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

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 *b2221/3.1* 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 *b2221/3.1* 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 *b0659/1.1* 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 *b0659/1.1* 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 ***b0659/1.1* 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 ***b0659/1.1* 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 ***b0659/1.1* SECTION 1x.** 5.02 (1) of the statutes is renumbered 5.02 (1c).

6 ***b1601/1.1* SECTION 2m.** 5.02 (1e) of the statutes is amended to read:

7 5.02 (1e) “Ballot” means a ~~tabulating card~~, ballot label, sheet of paper or
8 envelope on which votes are recorded. The term also includes a sheet or card,
9 filmstrip or other device listing or containing information relative to offices,
10 candidates and referenda which is placed, projected or composed on the board or
11 screen inside a voting machine.

12 ***b1601/1.1* SECTION 2p.** 5.02 (1m) of the statutes is repealed.

13 ***b1601/1.1* SECTION 8m.** 5.35 (2) of the statutes is amended to read:

14 5.35 (2) VOTING BOOTHS. There shall be one voting booth for every 200 electors
15 who voted at the last general election. The booths shall have a surface on which to
16 write or work and be sufficiently enclosed to assure privacy for the elector and anyone
17 lawfully assisting the elector while marking ~~or punching~~ the elector’s ballot.

18 ***b1601/1.1* SECTION 8p.** 5.35 (6) (b) of the statutes is amended to read:

19 5.35 (6) (b) At each polling place in the state where a consolidated ballot under
20 s. 5.655 is used or an electronic voting system is utilized at a partisan primary
21 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for
22 candidates of more than one recognized political party or for candidates of a
23 recognized political party and independent candidates, the municipal clerk or board
24 of election commissioners shall prominently post a sign in the form prescribed by the
25 board warning electors in substance that on any ballot with votes cast for candidates

1 of more than one recognized political party or any ballot with votes cast for
2 candidates of a recognized political party and independent candidates, no votes cast
3 for any candidates for partisan office will be counted unless a preference for a party
4 or for the independent candidates is made. If the elector designates a preference,
5 only votes cast for candidates of that preference will be counted.

6 ***b1601/1.1* SECTION 9e.** 5.54 of the statutes is amended to read:

7 **5.54 Notice to electors.** Every ballot, except a ~~ballot label or~~ voting machine
8 ballot, shall bear substantially the following information on the face: "NOTICE TO
9 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast
10 as an absentee ballot, the ballot must bear the initials of the municipal clerk or
11 deputy clerk.

12 ***b1601/1.1* SECTION 9g.** 5.55 of the statutes is amended to read:

13 **5.55 Ballot identification.** On every ballot, except a ~~ballot label or~~ voting
14 machine ballot, shall be printed "Official Ballot" or "Official Ballot for"
15 followed by the designation of the polling place for which the ballot has been
16 prepared, the date of the election, and the official endorsement and blank
17 certificates. The number of the ward or wards or aldermanic district, if any, and the
18 name of the municipality may be omitted in printing and stamped or written on the
19 ballots at any location which is clearly visible at the option of the county clerk.
20 Printed information and initials shall appear on the back and outside of the ballot.
21 ~~When a ballot card is employed with an electronic voting system, the date of the~~
22 ~~election may be printed or stamped on the back of the ballot card in such a manner~~
23 ~~that the card is not reusable, at the option of the county clerk.~~

24 ***b1601/1.1* SECTION 9i.** 5.66 (2) of the statutes is amended to read:

1 5.66 (2) The county clerk or board of election commissioners shall print a
2 sufficient number of sample ballots. The municipal clerk or board of election
3 commissioners shall print sample ballots whenever the municipality prepares
4 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored
5 paper and shall be overprinted "SAMPLE". Voting machine sample ballots shall be
6 a reduced size diagram of the face of the board or screen inside the voting machine
7 with all candidates, issues and voting instructions as they will appear on the official
8 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~
9 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an
10 actual size copy of the ballot ~~label and ballot card~~. The clerk or board of election
11 commissioners printing the ballots shall distribute the samples approximately as
12 follows: 45% shall be kept in the clerk's or board's office and distributed to electors
13 requesting them; 45% shall be sent to the municipalities, or, if the municipality
14 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%
15 shall be reserved to be sent to the polling places by municipalities in proportion to
16 the number certified in sub. (1) and made available to electors at the polls on election
17 day.

18 ***b1601/1.1* SECTION 9k.** 5.68 (3) of the statutes is amended to read:

19 5.68 (3) If voting machines are used or if an electronic voting system is used
20 in which all candidates and referenda appear on the same ballot ~~card~~, the ballots for
21 all national, state and county offices and for county and state referenda shall be
22 prepared and paid for by the county wherein they are used. If the voting machine
23 or electronic voting system ballot includes a municipal or school, technical college,
24 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be

1 reimbursed to the county or paid for by the municipality or district, except as
2 provided in a 1st class city school district under sub. (2).

3 ***b1601/1.1* SECTION 9m.** 5.79 of the statutes is amended to read:

4 **5.79 Instruction of electors.** At polling places where an electronic voting
5 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices
6 is used, the election officials shall offer each elector instruction in the operation of
7 the voting device and ~~ballot label or ballot card~~ before the elector enters the voting
8 booth. No instructions may be given after the elector has entered the voting booth,
9 except as authorized under s. 6.82 (2). All instructions shall be given by election
10 officials in such a manner that they may be observed by other persons in the polling
11 place.

12 ***b1601/1.1* SECTION 9n.** 5.81 (1) of the statutes is amended to read:

13 5.81 (1) Whenever the statutes provide for the use of separate ballots or
14 columns or rows for offices, parties or referenda, and an electronic voting system
15 ~~employing a ballot label or ballot card~~ in which ballots are distributed to electors is
16 used at a polling place, a single ballot may be used for all offices, referenda and
17 parties. The ballot information, whether placed on the ballot or on the voting device,
18 shall, as far as practicable, be grouped and ordered in the same manner as provided
19 for other ballots under this chapter, except that the information on the ~~ballot card~~
20 need not be in separate columns or rows ~~and the information in the ballot label~~
21 ~~booklet may appear on a number of pages.~~

22 ***b1601/1.1* SECTION 9p.** 5.81 (2) of the statutes is repealed.

23 ***b1601/1.1* SECTION 9r.** 5.81 (3) of the statutes is amended to read:

24 5.81 (3) If a municipality utilizes an electronic voting system in which ballots
25 distributed to electors are employed, absentee ballots may consist of ballots utilized

1 with the system or paper ballots and envelopes voted in person in the office of the
2 municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~
3 ~~be accompanied by a punching tool or marking device, elector instructions and a~~
4 ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~
5 ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~
6 ~~on a suitable material.~~

7 *b1601/1.1* SECTION 9t. 5.82 of the statutes is amended to read:

8 **5.82 Write-in ballots.** If the ballot card employed by a municipality does not
9 provide a space for write-in votes, the municipality shall provide a separate write-in
10 ballot, which may be in the form of a paper ballot, to permit electors to write in the
11 names of persons whose names are not on the ballot whenever write-in votes are
12 authorized.

13 *b1601/1.1* SECTION 9tm. 5.84 (1) of the statutes is amended to read:

14 5.84 (1) Where any municipality employs an electronic voting system which
15 utilizes automatic tabulating equipment, either at the polling place or at a central
16 counting location, the municipal clerk shall, on any day not more than 10 days prior
17 to the election day on which the equipment is to be utilized, have the equipment
18 tested to ascertain that it will correctly count the votes cast for all offices and on all
19 measures. Public notice of the time and place of the test shall be given by the clerk
20 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
21 one or more newspapers published within the municipality if a newspaper is
22 published therein, otherwise in a newspaper of general circulation therein. The test
23 shall be open to the public. The test shall be conducted by processing a preaudited
24 group of ballots so punched or marked as to record a predetermined number of valid
25 votes for each candidate and on each referendum. The test shall include for each

1 office one or more ballots which have votes in excess of the number allowed by law
2 and, for a partisan primary election, one or more ballots which have votes cast for
3 candidates of more than one recognized political party, in order to test the ability of
4 the automatic tabulating equipment to reject such votes. If any error is detected, the
5 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
6 an errorless count before the automatic tabulating equipment is approved by the
7 clerk for use in the election.

8 ***b1601/1.1* SECTION 9w.** 5.85 (2) and (3) of the statutes are amended to read:

9 5.85 (2) The election officials shall examine the ballots or record of votes cast
10 for write-in votes and shall count and tabulate the write-in votes. When an
11 electronic voting system is used which utilizes a ballot which is distributed to
12 electors, before separating the remaining ~~ballot cards~~ ballots from their respective
13 covering envelopes, the election officials shall examine the ballots for write-in votes.
14 When an elector has cast a write-in vote, the election officials shall compare the
15 write-in vote with the votes on the ballot to determine whether the write-in vote
16 results in an overvote for any office. In case of an overvote for any office, the election
17 officials shall make a true duplicate ballot of all votes on the ballot ~~card~~ except for
18 the office which is overvoted, by using ~~the~~ an official ballot label booklet and voting
19 ~~device for the ward, if any~~ of that kind used by the elector who voted the original
20 ballot, and one of the ~~punching or~~ marking devices so as to transfer all votes of the
21 elector except for the office overvoted, to an official ballot of that kind used in the
22 ward at that election. Unless election officials are selected under s. 7.30 (1) (c)
23 without regard to party affiliation, the election officials shall consist in each case of
24 at least one election official of each of the 2 major political parties, whenever officials
25 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)

1 (d). The original ballot upon which there is an overvote shall be clearly labeled
2 “Overvoted Ballot” and the ballot so produced “Duplicate Overvoted Ballot”, and
3 each shall bear the same serial number which shall be placed thereon by the election
4 officials, commencing with number “1” and continuing consecutively for each of the
5 ballots of that kind in that ward or election district. The election officials shall initial
6 the “Duplicate Overvoted Ballot” ballots and shall place them in the container for
7 return of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be
8 placed in the “Original Ballots” envelope. Ballots bearing write-in votes marked in
9 the place designated therefor and bearing the initials of an election official and not
10 resulting in an overvote and otherwise complying with the election laws as to
11 marking shall be counted, tallied, and their votes recorded on a tally sheet provided
12 by the municipal clerk. ~~Ballot cards~~ Ballots and ~~ballot card~~ envelopes shall be
13 separated and all ballots except any which are defective or overvoted shall be placed
14 separately in the container for return of the ballots, along with the ballots marked
15 “Duplicate Overvoted Ballots”.

16 (3) The election officials shall examine the ballots to determine if any is
17 damaged or defective so that it cannot be counted by the automatic tabulating
18 equipment. If any ballot is damaged or defective so that it cannot be properly counted
19 by the automatic tabulating equipment, the election officials, in the presence of
20 witnesses, shall make a true duplicate ballot of all votes on that ballot by using ~~the~~
21 ~~ballot label booklet and voting device for the ward, if any, and one of the punching~~
22 ~~or marking devices~~ so as to transfer all votes of the elector to an official ballot of that
23 kind ~~in the ward~~ by the elector who voted the original ballot in that election.
24 Unless election officials are selected under s. 7.30 (4) (c) without regard to party
25 affiliation, the election officials shall consist in each case of at least one election

1 official of each of the 2 major political parties, whenever officials of both parties are
2 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot
3 so produced “Duplicate Damaged Ballot”, and each shall bear the same number
4 which shall be placed thereon by the election officials, commencing with number “1”
5 and continuing consecutively for the ballots of that kind in the ward. The election
6 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them
7 in the container for return of the ballots. The officials shall place “Damaged Ballot”
8 ballots and their envelopes in the “Original Ballots” envelope.

9 *b1601/1.1* SECTION 9x. 5.91 (14) of the statutes is created to read:

10 5.91 (14) It does not employ any mechanism by which a ballot is punched or
11 punctured to record the votes cast by an elector.

12 *b1601/1.1* SECTION 9y. 5.94 of the statutes is amended to read:

13 **5.94 Sample ballot labels and cards ballots; publication.** When an
14 electronic voting system employing a ballot label and ballot card that is distributed
15 to electors is used, the county and municipal clerk of the county and municipality in
16 which the polling place designated for use of the system is located shall cause to be
17 published, in the type B notices, a true actual-size copy of the ballot label and ballot
18 card containing the names of offices and candidates and statements of measures to
19 be voted on, as nearly as possible, in the form in which they will appear on the official
20 ballot label and ballot card on election day. The notice may be published as a
21 newspaper insert. Municipal clerks may post the notice if the remainder of the type
22 B notice is posted.

23 *b2053/2.1* SECTION 29n. 6.10 (7m) of the statutes is created to read:

24 6.10 (7m) (a) The residence of a person who is detained, or committed and
25 institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by

1 applying the standards under sub. (1) to whichever of the following dates is
2 applicable to the circumstances of the person:

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

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

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

12 (b) That the person's habitation was fixed at the place established under par.
13 (a) before he or she was detained or committed shall be considered prima facie
14 evidence that the person intends to return to that place. The prima facie evidence
15 of intent to return to the place determined under par. (a) may be rebutted by
16 presenting information that indicates that the person is not likely to return to that
17 place if the person's detention or commitment is terminated.

18 *b1601/1.1* SECTION 29p. 6.15 (3) (a) 1. of the statutes is amended to read:

19 6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,
20 the municipal clerk shall inform the elector that he or she may vote for the
21 presidential electors not sooner than 9 days nor later than 5 p.m. on the day before
22 the election at the office of the municipal clerk, or at a specified polling place on
23 election day. When voting at the municipal clerk's office, the applicant shall provide
24 identification and shall mark ~~or punch~~ the ballot in the clerk's presence in a manner
25 that will not disclose his or her vote. Unless the ballot is utilized with an electronic

1 voting system, the applicant shall fold the ballot so as to conceal his or her vote. The
2 applicant shall then deposit the ballot and seal it in an envelope furnished by the
3 clerk.

4 ***b1601/1.1* SECTION 29r.** 6.15 (3) (b) of the statutes is amended to read:

5 6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for
6 the ward or election district where he or she resides and make application for a ballot
7 under sub. (2). In such case, the inspector or special registration deputy shall
8 perform the duties of the municipal clerk. The elector shall provide identification.
9 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark
10 ~~or punch~~ the ballot and, unless the ballot is utilized with an electronic voting system,
11 the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give
12 it to the inspector. The inspector shall deposit it directly into the ballot box. Voting
13 machines or ballots utilized with electronic voting systems may only be used by
14 electors voting under this section if they permit voting for president and vice
15 president only.

16 ***b1601/1.1* SECTION 29t.** 6.22 (4) and (5) of the statutes are amended to read:

17 6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military
18 elector may request an absentee ballot for any election, or for all elections until the
19 individual otherwise requests or until the individual no longer qualifies as a military
20 elector. A military elector's application may be received at any time. The municipal
21 clerk shall not send a ballot for an election if the application is received later than
22 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,
23 as soon as available, to each military elector who requests a ballot. The board shall
24 prescribe the instructions for marking ~~or punching~~ and returning ballots and the
25 municipal clerk shall enclose instructions with each ballot and shall also enclose

1 supplemental instructions for local elections. The envelope, return envelope and
2 instructions may not contain the name of any candidate appearing on the enclosed
3 ballots other than that of the municipal clerk affixed in the fulfillment of his or her
4 duties. Whenever the material is mailed, the material shall be prepared and mailed
5 to make use of the federal free postage laws. The mailing list established under this
6 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

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

13 *b1601/1.1* SECTION 29v. 6.24 (6) and (7) of the statutes are amended to read:

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

23 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall be
24 marked ~~or punched~~ and returned, deposited and recorded in the same manner as
25 other absentee ballots. In addition, the certificate shall have a statement of the

1 elector's birth date. Failure to return the unused ballots in a primary election does
2 not invalidate the ballot on which the elector casts his or her votes.

3 *b1601/1.1* SECTION 68ab. 6.82 (1) (a) and (2) (a) and (b) of the statutes are
4 amended to read:

5 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
6 to the polling place who as a result of disability is unable to enter the polling place,
7 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any
8 individual selected by the elector, except the elector's employer or an agent of that
9 employer or an officer or agent of a labor organization which represents the elector.
10 The inspectors shall issue a ballot to the individual selected by the elector and shall
11 accompany the individual to the polling place entrance where the assistance is to be
12 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
13 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual
14 shall then immediately take the ballot into the polling place and give the ballot to an
15 inspector. The inspector shall distinctly announce that he or she has "a ballot offered
16 by (stating person's name), an elector who, as a result of disability, is unable to
17 enter the polling place without assistance". The inspector shall then ask, "Does
18 anyone object to the reception of this ballot?" If no objection is made, the inspectors
19 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box,
20 and shall make a notation on the registration or poll list: "Ballot received at poll
21 entrance".

22 (2) (a) If an elector declares to the presiding election official that he or she
23 cannot read or write, or has difficulty in reading, writing or understanding English
24 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or
25 lever on a voting machine, the elector shall be informed by the officials that he or she

1 may have assistance. When assistance is requested, the elector may select any
2 individual to assist in casting his or her vote. The selected individual rendering
3 assistance may not be the elector's employer or an agent of that employer or an officer
4 or agent of a labor organization which represents the elector. The selected individual
5 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her
6 assistance. Where voting machines are used, certification shall be made on the
7 registration list.

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

13 *b1601/1.1* SECTION 69e. 6.87 (3) (d) of the statutes is amended to read:

14 6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~
15 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A
16 municipal clerk of a municipality may, if the clerk is reliably informed by an absent
17 elector of a facsimile transmission number or electronic mail address where the
18 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
19 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
20 judgment of the clerk, the time required to send the ballot through the mail may not
21 be sufficient to enable return of the ballot by the time provided under sub. (6). An
22 elector may receive an absentee ballot under this subsection only if the elector has
23 filed a valid application for the ballot under sub. (1). If the clerk transmits an
24 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
25 electronic copy of the text of the material that appears on the certificate envelope

1 prescribed in sub. (2), together with instructions prescribed by the board. The
2 instructions shall require the absent elector to make and subscribe to the
3 certification as required under sub. (4) and to enclose the absentee ballot in a
4 separate envelope contained within a larger envelope, that shall include the
5 completed certificate. The elector shall then mail the absentee ballot with postage
6 prepaid to the municipal clerk. An absentee ballot received under this paragraph
7 shall not be counted unless it is cast in the manner prescribed in this paragraph and
8 in accordance with the instructions provided by the board.

9 ***b1601/1.1* SECTION 69m.** 6.87 (4) and (5) of the statutes are amended to read:

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

1 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast
2 by the elector for candidates in the primary.

3 (5) If the absent elector declares that he or she is unable to read, has difficulty
4 in reading, writing or understanding English or due to disability is unable to mark
5 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's
6 employer or an agent of that employer or an officer or agent of a labor organization
7 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the
8 assistant shall then sign his or her name to a certification on the back of the ballot,
9 as provided under s. 5.55.

10 *b1601/1.1* SECTION 69s. 6.875 (6) of the statutes is amended to read:

11 6.875 (6) Special voting deputies in each municipality shall, not later than 5
12 p.m. on the Friday preceding an election, arrange one or more convenient times with
13 the administrator of each nursing home or qualified retirement home and qualified
14 community-based residential facility in the municipality from which one or more
15 occupants have filed an application under s. 6.86 to conduct absentee voting for the
16 election. The time may be no earlier than the 4th Monday preceding the election and
17 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
18 of an occupant of a nursing home or qualified retirement home or qualified
19 community-based residential facility, the administrator may notify the relative of
20 the time or times at which special voting deputies will conduct absentee voting at the
21 home or facility, and permit the relative to be present in the room where the voting
22 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
23 the nursing home or qualified retirement home or qualified community-based
24 residential facility. The municipal clerk or executive director of the board of election
25 commissioners shall issue a supply of absentee ballots to the deputies sufficient to

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

25 ***b1597/1.1* SECTION 72m.** 7.03 (1) (a) of the statutes is amended to read:

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

8 ***b1601/1.1* SECTION 76ab.** 7.08 (7) of the statutes is created to read:

9 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under
10 s. 20.510 (1) (c), provide assistance to municipalities that used punch card electronic
11 voting systems at the 2001 spring election to enable the municipalities to employ
12 another type of electronic voting system, and provide training for election officials
13 in the use of replacement systems.

14 ***b1601/1.1* SECTION 76ac.** 7.08 (7) of the statutes, as created by 2001
15 Wisconsin Act (this act), is repealed.

16 ***b1597/1.1* SECTION 81aa.** 7.15 (1) (e) of the statutes is amended to read:

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

25 ***b1601/1.1* SECTION 81m.** 7.15 (3) (b) of the statutes is amended to read:

1 7.15 (3) (b) ~~Sample ballots, and voting machine ballots and ballot labels for~~
2 ~~electronic voting systems, whenever the labels are affixed to the voting devices, shall~~
3 ~~be furnished to the officials in the ward or election district at least one day before each~~
4 ~~election.~~

5 ***b1597/1.1* SECTION 83ab.** 7.30 (1) of the statutes is amended to read:

6 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each
7 election. In municipalities where voting machines are used, the municipal governing
8 body may reduce the number of inspectors to 5. A municipal governing body may
9 provide for the appointment of additional inspectors whenever more than one voting
10 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing
11 body may provide by ordinance for the selection of alternate officials or the selection
12 of 2 or more sets of officials to work at different times on election day, and may permit
13 the municipal clerk or board of election commissioners to establish different working
14 hours for different officials assigned to the same polling place. Alternate officials
15 shall also be appointed in a number sufficient to maintain adequate staffing of
16 polling places. Unless officials are appointed without regard to party affiliation
17 under sub. (4) (c), additional officials shall be appointed in such a manner that the
18 total number of officials is an odd number and the predominant party under sub. (2)
19 is represented by one more official than the other party.

20 ***b1597/1.1* SECTION 85m.** 7.30 (6) (b) of the statutes is amended to read:

21 7.30 (6) (b) Prior to the first election following the appointment of the
22 inspectors, the inspectors at each polling place shall elect one of their number to act
23 as chief inspector. No person may serve as chief inspector at any election who is not
24 certified by the board under s. 7.31 at the time of the election. The chief inspector
25 shall hold the position for the remainder of the term unless the inspector ceases to

1 be certified under s. 7.31, except that whenever wards are combined or separated
2 under s. 5.15 (6) (b), the inspectors shall elect a new chief inspector who is certified
3 under s. 7.31. If a vacancy occurs in the position of chief inspector, the municipal
4 clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the
5 vacancy.

6 *b1597/1.1* SECTION 85s. 7.31 of the statutes is created to read:

7 **7.31 Training and certification of chief inspectors.** (1) The board shall,
8 by rule, prescribe requirements for certification of individuals to serve as chief
9 inspectors.

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

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

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

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

25 *-1335/7.1* SECTION 86. 7.33 (1) (c) of the statutes is amended to read:

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

3 ***b1564/1.1* SECTION 87f.** 7.33 (4) of the statutes is amended to read:

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

15 ***b1564/1.1* SECTION 87m.** 7.33 (5) of the statutes is amended to read:

16 7.33 (5) Any employee of ~~the state~~ a local governmental unit, as defined in s.
17 16.97 (7), or state agency who obtains a paid leave of absence under sub. (4) in order
18 to serve as an election official under s. 7.30 shall certify in writing to the head of the
19 local governmental unit or state agency by which he or she is employed the amount
20 of compensation that the employee receives for such service. Upon receipt of the
21 certification, the head of the local governmental unit or state agency shall deduct
22 that amount from the employee’s pay earned for scheduled working hours during the
23 period specified in sub. (2) when the employee is on a paid leave of absence.

24 ***b1601/1.2* SECTION 87o.** 7.37 (4) of the statutes is amended to read:

1 7.37 (4) BALLOTING PROCEDURE. At polling places which utilize paper ballots or
2 electronic voting systems in which ballots are distributed to electors, 2 inspectors
3 shall be assigned to take charge of the official ballots. They shall write their initials
4 on the back of each ballot and deliver to each elector as he or she enters the voting
5 booth one ballot properly endorsed by each of them. Where paper ballots are used,
6 the inspectors shall fold each ballot in the proper manner to be deposited before
7 delivering it to the elector. If asked, inspectors may instruct any elector as to the
8 proper manner of marking ~~or punching~~ the ballot, but they may not give advice,
9 suggestions, express any preferences or make any requests as to the person for
10 whom, the question on which or the ballot on which the elector shall vote.

11 ***b1601/1.2* SECTION 87q.** 7.37 (8) of the statutes is amended to read:

12 7.37 (8) ELECTRONIC VOTING SYSTEMS. Prior to the opening of the polling place,
13 wherever electronic voting systems employing voting devices are used, the
14 inspectors shall place the voting devices in position for voting and examine them to
15 see that they are in proper working order ~~and that they have the correct ballot labels~~
16 ~~by comparing them with the sample ballots.~~

17 ***b1601/1.2* SECTION 87s.** 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are
18 amended to read:

19 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in
20 a partisan primary, and the same ballot is utilized to cast votes for candidates of more
21 than one recognized political party or candidates of a party and independent
22 candidates, if an elector designates a preference for a party or for independent
23 candidates, only votes cast within that preference category may be counted. If an
24 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a
25 sticker opposite candidates of more than one recognized political party or opposite

1 a candidate in the independent candidates' column and a candidate of a recognized
2 political party, no votes cast by the elector for any candidate for partisan office are
3 valid. Votes for other candidates and votes on ballot questions, if any, shall be
4 counted if otherwise valid.

5 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~
6 ~~punches a hole~~ under a party designation at the head of a column in or near the space
7 indicated for that purpose, it is a vote for all the candidates whose names appear in
8 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If
9 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a
10 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate
11 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~
12 in the square to the right of a specific candidate's name or at the place designated on
13 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,
14 it is a vote for that specific candidate and no vote may be counted for the candidate
15 for the same office in the column marked ~~or punched~~ for a straight party vote.

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

19 (d) If an elector writes a person's name in the proper space for write-in
20 candidates for an office, it is a vote for the person written in for the office indicated,
21 regardless of whether the elector strikes the names appearing in the same column
22 for the same office, or places a mark ~~or punch~~ by the same or any other name for the
23 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If
24 an elector is permitted to vote for more than one candidate for the same office in an
25 election and casts one or more write-in votes which, when added to the votes cast for

1 candidates whose names appear on the ballot, exceed the number of votes authorized
2 to be cast for the office, the write-in votes shall be counted and the votes for
3 candidates whose names appear on the ballot may not be counted, unless there are
4 more write-in votes than votes authorized to be cast, in which case no votes may be
5 counted for the office.

6 ***b1566/1.1* SECTION 93m.** 9.01 (1) (a) of the statutes is amended to read:

7 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
8 upon any referendum question at any election may request a recount. The petitioner
9 shall file a verified petition or petitions ~~accompanied by the fee prescribed in par.~~
10 ~~(ag), if any,~~ with the proper clerk or body under par. (ar) not earlier than the time of
11 completion of the canvass and not later than 5 p.m. on the 3rd business day following
12 the last meeting day of the municipal or county board of canvassers determining the
13 election for that office or on that referendum question or, if more than one board of
14 canvassers makes the determination not later than 5 p.m. on the 3rd business day
15 following the last meeting day of the last board of canvassers which makes a
16 determination. If the chairperson of the board or chairperson's designee makes the
17 determination for the office or the referendum question, the petitioner shall file the
18 petition not earlier than the last meeting day of the last county board of canvassers
19 to make a statement in the election or referendum and not later than 5 p.m. on the
20 3rd business day following the day on which the elections board receives the last
21 statement from a county board of canvassers for the election or referendum. Each
22 verified petition shall state that at the election the petitioner was a candidate for the
23 office in question or that he or she voted on the referendum question in issue; that
24 the petitioner is informed and believes that a mistake or fraud has been committed
25 in a specified ward or municipality in the counting and return of the votes cast for

1 the office or upon the question; or shall specify any other defect, irregularity or
2 illegality in the conduct of the election. The petition shall specify each ward, or each
3 municipality where no wards exist, in which a recount is desired. If a recount is
4 requested for all wards within a jurisdiction, each ward need not be specified. The
5 petition may be amended to include information discovered as a result of the
6 investigation of the board of canvassers or the chairperson of the board or
7 chairperson's designee after the filing of the petition, if the petitioner moves to
8 amend the petition as soon as possible after the petitioner discovered or reasonably
9 should have discovered the information which is the subject of the amendment and
10 the petitioner was unable to include information in the original petition.

11 ***b1566/1.1* SECTION 93n.** 9.01 (1) (ad) of the statutes is created to read:

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

16 ***b1566/1.1* SECTION 93o.** 9.01 (1) (ag) 1. of the statutes is amended to read:

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

24 ***b1566/1.1* SECTION 93p.** 9.01 (1) (ag) 1m. of the statutes is created to read:

1 9.01 (1) (ag) 1m. If the difference between the votes cast for the leading
2 candidate and those cast for the petitioner or the difference between the affirmative
3 and negative votes cast upon any referendum question is at least 10 if 1,000 or less
4 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes
5 are cast, the petitioner shall pay a fee of \$5 for each ward for which the petition
6 requests a ballot recount, or \$5 for each municipality for which the petition requests
7 a recount where no wards exist.

8 ***b1566/1.1* SECTION 93q.** 9.01 (1) (ag) 2. of the statutes is amended to read:

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

16 ***b1566/1.1* SECTION 93r.** 9.01 (1) (ag) 3. of the statutes is amended to read:

17 9.01 (1) (ag) 3. All fees calculated or estimated under par. (ad) shall be prepaid
18 in cash or another form of payment which is acceptable to the officer to whom they
19 are paid. No petition for which a fee is required is valid unless the proper calculated
20 or estimated fee is paid at the time of filing.

21 ***b1566/1.1* SECTION 93s.** 9.01 (1) (ag) 3m. of the statutes is created to read:

22 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due
23 under subd. 2. within 30 days after the clerk or body receiving the petition provides
24 the petitioner with a written statement of the amount due. If the petitioner has
25 overpaid the fee due under subd. 2. the clerk or body receiving the petition shall

1 refund the amount overpaid within 30 days after the board of canvassers makes its
2 determination in the recount.

3 *b1566/1.1* SECTION 93t. 9.01 (1) (ar) 3. of the statutes is amended to read:

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

20 *b0428/1.1* SECTION 94f. 9.10 (2) (b) of the statutes is amended to read:

21 9.10 (2) (b) A ~~recall~~ petition ~~for~~ requesting the recall of a city, village, town or
22 school district office officer shall contain a statement of a reason ~~for the recall which~~
23 ~~is related to the official responsibilities of the official for whom removal is sought~~
24 each cause for the recall and the specific allegations that constitute each cause. In
25 this paragraph, "cause" means neglect of duty or official misconduct.

1 ***b0428/1.1* SECTION 94i.** 9.10 (2) (d) of the statutes is amended to read:

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

19 ***b0428/1.1* SECTION 94L.** 9.10 (4) (a) of the statutes is amended to read:

20 9.10 (4) (a) Immediately after a petition for the recall of a city, village, town,
21 or school district officer is offered for filing, the municipal clerk, board of election
22 commissioners, or school district clerk shall notify the officer against whom the
23 petition is filed. Within 10 days after ~~a-~~ the petition for the recall of a city, village,
24 town or school district official, is offered for filing, the officer against whom the
25 petition is filed may file a written challenge with the municipal clerk or board of

1 election commissioners or school district clerk ~~with whom it is filed~~, specifying any
2 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
3 to the challenge with the clerk or board of election commissioners within 5 days after
4 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
5 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
6 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
7 reply to a rebuttal, the clerk or board of election commissioners shall file the
8 certificate or an amended certificate. Within 31 days after the petition is offered for
9 filing, the clerk or board of election commissioners shall determine by careful
10 examination of the face of the petition whether the petition is sufficient and shall so
11 state in a certificate attached to the petition. If the petition is found to be insufficient,
12 the certificate shall state the particulars creating the insufficiency. The petition may
13 be amended to correct any insufficiency within 5 days following the affixing of the
14 original certificate. Within 2 days after the offering of the amended petition for filing,
15 the clerk or board of election commissioners shall again carefully examine the face
16 of the petition to determine sufficiency and shall attach to the petition a certificate
17 stating the findings. Immediately upon finding an original or amended petition
18 sufficient, ~~except in cities over 500,000 population, the municipal clerk or, school~~
19 ~~district clerk, or board of election commissioners shall notify, in writing, the officer~~
20 against whom the petition is filed. Within 3 days following receipt of the notification,
21 the officer shall inform the municipal clerk, school district clerk, or board of election
22 commissioners, in writing, as to whether the officer contests the petition. If the
23 officer fails to inform the municipal clerk, school district clerk, or board of election
24 commissioners within 3 days following receipt of the notification, or if the officer does
25 not contest the petition, the municipal clerk, school district clerk, or board of election

1 commissioners shall issue a certificate declaring that an election will be held under
2 this section. If the certificate is issued by the municipal clerk, the municipal clerk
3 shall immediately transmit the petition and certificate to the governing body of the
4 municipality. If the certificate is issued by the school district clerk, the school district
5 clerk shall immediately transmit the petition and certificate to the school board. If
6 the officer contests the petition, the municipal clerk, school district clerk, or board
7 of election commissioners shall transmit the petition to the governing body or to the
8 school board. ~~Immediately upon finding an original or amended petition sufficient,~~
9 ~~in cities over 500,000 population, the board of election commissioners shall file the~~
10 ~~petition in its office~~ circuit court for the county in which the office of the clerk or board
11 of election commissioners is located.

12 *b0428/1.1* SECTION 94p. 9.10 (4) (b) and (c) of the statutes are created to read:

13 9.10 (4) (b) Within 10 days after receipt of a petition under par. (a), the circuit
14 court shall determine, after hearing, whether the allegations in the petition are true
15 and, if true, whether the allegations constitute cause, as defined in sub. (2) (b), for
16 the recall. The clerk of court shall notify the officer for whom the recall is sought of
17 the hearing date. The officer and the person who offers the petition for filing may
18 appear by counsel and the court may take testimony with respect to the petition. If
19 the circuit court determines that the allegations in the petition are true and
20 constitute cause, as defined in sub. (2) (b), for the recall, the court shall issue a
21 certificate directing that an election be held under this section. If the petition
22 concerns a city, village, or town office, the court shall transmit the petition and
23 certificate to the governing body of the city, village, or town, except that in cities over
24 500,000 population the court shall transmit the petition and certificate to the board
25 of election commissioners. If the petition concerns a school district office, the court

1 shall transmit the petition and certificate to the school board. Upon receiving a
2 petition and certificate, the governing body, board of election commissioners, or
3 school board shall file the petition and certificate in its office. If the court determines
4 that the allegations in the petition are not true or do not constitute cause, as defined
5 in sub. (2) (b), for the recall, the court may not issue the certificate.

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

14 ***b0428/1.1* SECTION 94s.** 9.10 (4) (d) of the statutes is amended to read:

15 9.10 (4) (d) The governing body, school board or board of election
16 commissioners, upon receiving the a certificate from the circuit court under par. (b)
17 or upon receiving or issuing a certificate under par. (a), shall call an election to be held
18 on the Tuesday of the 6th week commencing after the date of the certificate. If
19 Tuesday is a legal holiday, the recall election shall be held on the first day after
20 Tuesday which is not a legal holiday.

21 ***b1601/1.3* SECTION 94sm.** 10.01 (2) (b) of the statutes is amended to read:

22 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile
23 ballots and the relevant portions of voting instructions to electors under s. 10.02 for
24 each office or referendum and shall specify the date of the election. In counties or
25 municipalities where an electronic voting system ~~employing a ballot label and ballot~~

1 card in which ballots are distributed to electors is used, the notice shall include the
2 information specified in s. 5.94. The type B notice shall be published once by the
3 county clerks, and for primaries and other elections in municipalities or special
4 purpose districts, once by the clerk of the municipality or special purpose district on
5 the day preceding each primary and other election.

6 ***b1601/1.3* SECTION 95m.** 10.06 (3) (e) of the statutes is amended to read:

7 10.06 (3) (e) When electronic or mechanical voting machines or electronic
8 voting systems ~~employing a ballot card or label~~ in which ballots are distributed to
9 electors are used in a municipality at a municipal election, the municipal clerk shall
10 publish a type B notice on the Monday before the election. The notice shall include
11 all offices and questions to be voted on at the election. The cost of this notice shall
12 be shared under s. 5.68 (2) and (3).

13 ***b1601/1.3* SECTION 95ms.** 12.13 (1) (f) of the statutes is amended to read:

14 12.13 (1) (f) Shows his or her marked ~~or punched~~ ballot to any person or places
15 a mark upon the ballot so it is identifiable as his or her ballot.

16 ***b1601/1.3* SECTION 96m.** 12.13 (3) (e) and (j) of the statutes are amended to
17 read:

18 12.13 (3) (e) Prepare or cause to be prepared an official ballot with intent to
19 change the result of the election as to any candidate or referendum; prepare an
20 official ballot which is premarked ~~or prepunched~~ or which has an unauthorized
21 sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot
22 bearing a mark ~~or punch~~ opposite the name of a candidate or referendum question
23 that might be counted as a vote for or against a candidate or question.

24 (j) When called upon to assist an elector who cannot read or write, has difficulty
25 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot

1 or depress a lever or button on a voting machine, inform the elector that a ballot
2 contains names or words different than are printed or displayed on the ballot with
3 the intent of inducing the elector to vote contrary to his or her inclination,
4 intentionally fail to cast a vote in accordance with the elector's instructions or reveal
5 the elector's vote to any 3rd person.

6 ***b0833/1.1* SECTION 96w.** 13.093 (2) (c) of the statutes is repealed.

7 ***b2013/2.1* SECTION 97m.** 13.0975 of the statutes is created to read:

8 **13.0975 Prison impact assessments. (1)** In this section:

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

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

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

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

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

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

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

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

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

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

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

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

18 *~~1553/2.1~~* SECTION 98. 13.101 (4) of the statutes is amended to read:

19 13.101 (4) The committee may transfer between appropriations and programs
20 if the committee finds that unnecessary duplication of functions can be eliminated,
21 more efficient and effective methods for performing programs will result or
22 legislative intent will be more effectively carried out because of such transfer, if
23 legislative intent will not be changed as the result of such transfer and the purposes
24 for which the transfer is requested have been authorized or directed by the
25 legislature, ~~or to implement s. 16.847 (8) (b) 3.~~ The authority to transfer between

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

9 *~~0886/3.1~~* SECTION 99. 13.101 (6) (a) of the statutes is amended to read:

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

1 appropriations as in its judgment will secure sound financial operations of the
2 administration for said state agencies and at the same time interfere least with their
3 services and activities.

4 *b2221/3.2* SECTION 99m. 13.101 (6) (a) of the statutes, as affected by 2001
5 Wisconsin Act ... (this act), is amended to read:

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

25 *-1857/5.1* SECTION 100. 13.101 (14) of the statutes is amended to read:

1 13.101 (14) With the concurrence of the joint committee on information policy
2 and technology, direct the department of ~~administration~~ electronic government to
3 report to the committee concerning any specific information technology system
4 project in accordance with s. 13.58 (5) (b) 4.

5 ***b0696/2.1* SECTION 100m.** 13.101 (16) of the statutes is created to read:

6 13.101 (16) (a) Annually, on June 15, beginning in 2004, the committee shall
7 transfer from the permanent endowment fund to the general fund an amount equal
8 to the amount calculated by the investment board under s. 25.17 (16).

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

13 ***-2050/1.1* SECTION 102.** 13.123 (1) (a) 1. of the statutes is amended to read:

14 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
15 filed with the department of administration, the necessity of establishing a
16 temporary residence at the state capital for the period of any regular or special
17 legislative session shall be entitled to an allowance for expenses incurred for food and
18 lodging for each day that he or she is in Madison on legislative business, but not
19 including any Saturday or Sunday unless the legislator is in actual attendance on
20 such day at a session of the legislature or a meeting of a standing committee of which
21 the legislator is a member. The amount of the allowance for each biennial session
22 shall be established under s. 20.916 (8) 90% of the per diem rate for travel for federal
23 government business within the city of Madison, as established by the federal
24 general services administration. For the purpose of determining the amount of the
25 allowance, the secretary of employment relations shall certify to the chief clerk of

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

8 ***b1684/1.1* SECTION 102m.** 13.123 (3) (a) of the statutes is amended to read:

9 13.123 (3) (a) Any senator authorized by the committee on senate organization
10 to attend a meeting outside the state capital, any representative to the assembly
11 authorized by the committee on assembly organization to attend an out-of-state
12 meeting or authorized by the speaker to attend a meeting within this state outside
13 the state capital, and all members of the legislature required by law, legislative rule,
14 resolution or joint resolution to attend such meetings, shall be paid no additional
15 compensation for such services but shall be reimbursed for actual and necessary
16 expenses from the appropriation under s. 20.765 (1) (a) or (b), but no legislator may
17 be reimbursed under this subsection for expenses on any day for which the legislator
18 submits a claim under sub. (1). ~~Any expenses incurred by a legislator under s. 14.82~~
19 ~~shall be reimbursed from the appropriation under s. 20.315 (1) (q).~~

20 ***b2165/1.1* SECTION 102p.** 13.205 of the statutes is created to read:

21 **13.205 Legislative hotline prohibited.** (1) Except as provided in sub. (2),
22 the joint committee on legislative organization, the assembly committee on
23 organization, and the senate committee on organization may not maintain a toll-free
24 telephone service for the use of members of the public to contact members of the

1 legislature or for the use of members of the legislature to contact members of the
2 public.

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

8 ***-1063/6.1* SECTION 103.** 13.40 of the statutes is created to read:

9 **13.40 Limitation on state appropriations from general purpose**
10 **revenue. (1)** In this section:

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

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

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

19 (a) The amount appropriated from general purpose revenue, excluding any
20 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the
21 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and
22 the annual percentage change in this state’s aggregate personal income, expressed
23 as a decimal, for the calendar year that begins on the January 1 that immediately
24 precedes the first year of the fiscal biennium, as estimated by the legislative fiscal

1 bureau, in consultation with the department of revenue, no later than November 20
2 of each even-numbered year.

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

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

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

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

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

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

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

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

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

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

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

4 1. The higher educational aids board.

5 2. The department of public instruction.

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

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

11 *b1684/1.2* SECTION 103m. 13.45 (3) (a) of the statutes is amended to read:

12 13.45 (3) (a) For any day for which the legislator does not file a claim under s.
13 13.123 (1), any legislator appointed to serve on a legislative committee or a
14 committee to which the legislator was appointed by either house or the officers
15 thereof shall be reimbursed from the appropriations under ~~ss. 20.315 (1) (g) and s.~~
16 20.765 (1) (a) or (b) for actual and necessary expenses incurred as a member of the
17 committee.

18 *b0593/6.1* SECTION 104m. 13.48 (7) of the statutes is amended to read:

19 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
20 and formally adopt recommendations for the long-range state building program on
21 a biennial basis. The building commission shall not recommend any project for
22 enumeration in the authorized state building program unless the commission adopts
23 and provides with its recommendation a statement of the amount of the anticipated
24 annual operating costs or the amount of any increased annual operating costs, plus
25 the amount of any anticipated annual debt service costs, generated by the project in

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

12 ***-1335/7.2*** SECTION 105. 13.48 (10) (b) 3m. of the statutes is created to read:

13 13.48 (10) (b) 3m. Rehabilitation projects of the Fox River Navigational System
14 Authority.

15 ***b0593/6.2*** SECTION 105m. 13.48 (12) (b) 2. of the statutes is amended to read:

16 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, if the
17 cost of constructing the facility does not exceed the amount specified in sub. (3).

18 ***-1335/7.3*** SECTION 106. 13.48 (12) (b) 4. of the statutes is created to read:

19 13.48 (12) (b) 4. A facility constructed by or for the Fox River Navigational
20 System Authority.

21 ***-1335/7.4*** SECTION 107. 13.48 (13) (a) of the statutes is amended to read:

22 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
23 facility that is constructed for the benefit of or use of the state, any state agency,
24 board, commission or department, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, or any local professional

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

9 ***b2213/2.1* SECTION 107m.** 13.48 (14) (am) of the statutes is amended to read:

10 13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall
11 have the authority to sell or lease all or any part of a state-owned building or
12 structure or state-owned land, including farmland, where such authority is not
13 otherwise provided to an agency by law, and may transfer land under its jurisdiction
14 among agencies.

15 ***b2213/2.1* SECTION 107mm.** 13.48 (14) (am) of the statutes, as affected by
16 2001 Wisconsin Act (this act), is amended to read:

17 13.48 (14) (am) Subject to par. (d) and s. 20.9145, the building commission shall
18 have the authority to sell or lease all or any part of a state-owned building or
19 structure or state-owned land, including farmland, where such authority is not
20 otherwise provided to an agency by law, and may transfer land under its jurisdiction
21 among agencies.

22 ***b2213/2.1* SECTION 107n.** 13.48 (14) (b) of the statutes is amended to read:

23 13.48 (14) (b) Subject to par. (d) and s. 20.9145, the building commission shall
24 sell or lease on the basis of either public bids, with the building commission reserving
25 the right to reject any or all bids in the best interest of the state, or negotiated prices.

1 Buildings, structures and land mentioned in this subsection shall be subject to
2 general property taxes levied by those taxing bodies within whose area they lie if
3 used for commercial purposes, and shall be subject to special assessments for public
4 improvements in the same manner and to the same extent as privately owned
5 buildings, structures and land, subject to approval of the building commission when
6 required under s. 66.0703 (6).

7 *b2213/2.1* SECTION 107nm. 13.48 (14) (b) of the statutes, as affected by 2001
8 Wisconsin Act ... (this act), is amended to read:

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

18 *b2213/2.1* SECTION 107p. 13.48 (14) (d) 4. of the statutes is amended to read:

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

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

6 *b2213/2.1* SECTION 107pm. 13.48 (14) (d) 4. of the statutes, as affected by
7 2001 Wisconsin Act (this act), is amended to read:

8 13.48 (14) (d) 4. If the commission proposes to sell or transfer a parcel of surplus
9 land having a fair market value of at least \$20,000 ~~that is not subject to sale under~~
10 ~~s. 20.9145~~, the commission shall notify the joint committee on finance in writing of
11 its proposed action. If the cochairpersons of the committee do not notify the
12 commission that the committee has scheduled a meeting for the purpose of reviewing
13 the proposed sale or transfer within 14 working days after the date of the
14 commission's notification, the parcel may be sold or transferred by the commission.
15 If, within 14 working days after the date of the commission's notification, the
16 cochairpersons of the committee notify the commission that the committee has
17 scheduled a meeting for the purpose of reviewing the proposed sale or transfer, the
18 parcel may be sold or transferred under this subdivision only upon approval of the
19 committee.

20 *b0593/6.3* SECTION 108b. 13.48 (15) of the statutes is amended to read:

21 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
22 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
23 authority to acquire leasehold interests in land and buildings where such authority
24 is not otherwise provided to an agency by law.

25 *b0593/6.3* SECTION 108c. 13.48 (19) of the statutes is amended to read:

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

12 ***b0593/6.3* SECTION 108d.** 13.48 (25p) of the statutes is created to read:

13 13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the
14 biostar initiative, for the purpose of providing financial support to attract federal and
15 private funds to construct biological sciences facilities to spur biological sciences
16 education and research activities at the University of Wisconsin–Madison. Projects
17 financed under the program shall be designed to provide biological sciences
18 education and research facilities, ancillary systems, and supporting infrastructure.
19 Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as
20 otherwise provided in the authorized state building program.

21 ***b0593/6.3* SECTION 108e.** 13.48 (27) of the statutes is amended to read:

22 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
23 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
24 the department of corrections as a part of the authorized state building program,
25 with an option to purchase the facility by the state. Any lease shall provide for the

1 facility to be constructed in accordance with requirements and specifications
2 approved by the department of administration and shall permit inspection of the site
3 and facility by agents of the department.

4 ***b0593/6.3* SECTION 108f.** 13.48 (31) of the statutes is created to read:

5 13.48 (31) DEBT INCREASE FOR CONSTRUCTION OF A BIOMEDICAL RESEARCH AND
6 TECHNOLOGY INCUBATOR AT THE MEDICAL COLLEGE OF WISCONSIN, INC. (a) The
7 legislature finds and determines that it is in the public interest to promote the public
8 health and welfare and to provide for economic development in this state by ensuring
9 a fundamental and expanding capacity to conduct biomedical research and to create
10 new technologies; by training students in the substance and methodology of
11 biomedical research; and by providing scientific support to individuals and
12 organizations in this state who are engaged in biomedical research and technological
13 innovation. It is therefore the public policy of this state to assist the Medical College
14 of Wisconsin, Inc., in the construction of facilities that will be used for biomedical
15 research and the creation of new technologies.

16 (b) On or after July 1, 2003, the building commission may authorize up to
17 \$25,000,000 of general fund supported borrowing to aid in the construction of a
18 biomedical research and technology incubator at the Medical College of Wisconsin,
19 Inc. The state funding commitment for the construction of the incubator shall be in
20 the form of a construction grant to the Medical College of Wisconsin, Inc. Before the
21 building commission may award the construction grant under this paragraph, the
22 Medical College of Wisconsin, Inc., must certify to the building commission that the
23 total funding commitments of the state and nonstate sources will pay for the
24 construction cost of the incubator.

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

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

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

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

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

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

21 ***b2116/1.1* SECTION 108h.** 13.48 (32r) of the statutes is created to read:

22 13.48 (32r) DEBT INCREASE FOR CONSTRUCTION OF THE DISCOVERY PLACE MUSEUM.

23 (a) Subject to par. (b), the building commission may authorize \$1,000,000 of general
24 fund supported borrowing to aid in the construction of the Discovery Place museum
25 as part of the Heritage museum in the city of Racine. The state funding commitment