2003 ASSEMBLY BILL 117


**AN ACT** to repeal 11.01 (12s), 11.05 (3) (o) and 11.265; to amend 5.02 (13), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b) and 11.50 (9); to repeal and recreate 5.02 (13), 11.01 (4m), 11.05 (3) (c), 11.05 (9) (b), 11.06 (2), 11.06 (7m) (a), 11.06 (7m) (c), 11.16 (5), 11.26 (2) (intro.), 11.26 (4), 11.26 (8), 11.26 (9) (a), 11.26 (9) (b) and 11.26 (10a) and 11.50 (9) (a); to create 11.01 (4m), 11.01 (11m), 11.26 (8L) and 11.26 (10a) of the statutes; and to affect 2001 Wisconsin Act 109, section 9115 (2y) (b); relating to: limits on certain contributions made and received by political parties and elimination of legislative campaign committees, providing an exemption from emergency rule procedures and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

Currently, the adherents of any political party in either house of the legislature may organize a “legislative campaign committee” to support the candidacy of members of their party for legislative office. Committees other than legislative campaign committees and political party committees are generally subject to a
limitation upon the contributions that they may make to candidates for legislative
office or to political parties. Legislative campaign committees are subject only to
overall limitations on the aggregate contributions that may be accepted by a
candidate from entities other than individuals.

This bill eliminates the special treatment of legislative campaign committees
under the statutes, thus causing them to be treated in the same manner as other
special interest committees for the purpose of contribution limitations. The bill does
not preclude a committee from utilizing any name it wishes.

Currently, a committee may annually contribute up to $6,000 to a particular
political party, a political party may annually accept up to $6,000 from a particular
committee, and a political party may accept up to $150,000 in contributions from all
committees during any biennium.

Under this bill, the limitation on committee contributions to a particular
political party, and on the annual amount that a political party may accept from a
particular committee, is increased to $18,000, and the aggregate limitation on
contributions that a political party may accept during a biennium from all
committees is increased to $450,000. The bill also creates a biennial cost-of-living
adjustment that causes these contribution limitations to be adjusted quadrennially,
beginning in 2006, in accordance with a formula tied to the “consumer price index”
determined by the U.S. Department of Labor.

This bill prohibits a political party from making contributions exceeding
$10,000 annually to an individual or committee that makes disbursements
reportable under current law independently of any candidate, or to an organization
that make other expenditures for the purpose of making certain mass
communications during the period beginning on the 30th day preceding a primary
for an office and ending on the date of the election for that office, or if no primary is
held, during the period beginning on the 60th day preceding an election for an office
and ending on the date of that election.

Currently, there is no similar provision.

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

SECTION 1. 5.02 (13) of the statutes is amended to read:

5.02 (13) “Political party” or “party” means a state committee registered under
s. 11.05 and organized exclusively for political purposes under whose name
candidates appear on a ballot at any election, and all county, congressional,
legislative, local, and other affiliated committees authorized to operate under the
same name. For purposes of ch. 11, the term does not include a legislative campaign committee or a committee filing an oath under s. 11.06 (7).

**SECTION 2.** 5.02 (13) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

5.02 (13) “Political party” or “party” means a state committee registered under s. 11.05 and organized exclusively for political purposes under whose name candidates appear on a ballot at any election, and all county, congressional, legislative, local and other affiliated committees authorized to operate under the same name. For purposes of ch. 11, the term does not include a committee filing an oath under s. 11.06 (7).

**SECTION 3.** 11.01 (4m) of the statutes is created to read:

11.01 (4m) “Communication” means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

**SECTION 4.** 11.01 (4m) of the statutes, as created by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.01 (4m) “Communication” means a message, other than a communication that is exempt from reporting under s. 11.29, that is transmitted by means of a printed advertisement, billboard, handbill, marked sample ballot, radio or television advertisement, mass electronic communication, mass telephoning, or mass mailing, or any medium that may be utilized for the purpose of disseminating or broadcasting
a message, but not including a poll conducted solely for the purpose of identifying or
collecting data concerning the attitudes or preferences of electors.

**SECTION 5.** 11.01 (11m) of the statutes is created to read:

11.01 (11m) “Independent expenditure” means an expenditure made for the
purpose of making a communication that is made during the 30-day period
preceding any primary for an office and the date of the election for which that
primary is held, or if no primary is held, during the 60-day period preceding an
election for an office; that contains a reference to a clearly identified candidate at that
election; that is made without cooperation or consultation with such a candidate, or
any authorized committee or agent of such a candidate; and that is not made in
concert with, or at the request or suggestion of, such a candidate, or any authorized
committee or agent of such a candidate.

**SECTION 6.** 11.01 (12s) of the statutes is repealed.

**SECTION 7.** 11.05 (3) (c) of the statutes is amended to read:

11.05 (3) (c) In the case of a committee, a statement as to whether the
committee is a personal campaign committee, a political party committee, a
legislative campaign committee, a support committee, or a special interest committee.

**SECTION 8.** 11.05 (3) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
is repealed and recreated to read:

11.05 (3) (c) In the case of a committee, a statement as to whether the
committee is a personal campaign committee, a political party committee, a support
committee, or a special interest committee.

**SECTION 9.** 11.05 (3) (o) of the statutes is repealed.

**SECTION 10.** 11.05 (9) (b) of the statutes is amended to read:
11.05 (9) (b) An individual who or a committee or group which receives a contribution of money and transfers the contribution to another individual, committee, or group while acting as a conduit is not subject to registration under this section unless the individual, committee, or group transfers the contribution to a candidate or a personal campaign, legislative campaign, political party, or support committee.

**SECTION 11.** 11.05 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.05 (9) (b) An individual who or a committee or group which receives a contribution of money and transfers the contribution to another individual, committee, or group while acting as a conduit is not subject to registration under this section unless the individual, committee, or group transfers the contribution to a candidate or a personal campaign, political party, or support committee.

**SECTION 12.** 11.06 (2) of the statutes is amended to read:

11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate or by a committee or group which is not primarily organized for political purposes, and the disbursement does not constitute a contribution to any candidate or other individual, committee, or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party, legislative campaign, personal campaign, or support committee.

**SECTION 13.** 11.06 (2) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:
11.06 (2) Disclosure of Certain Indirect Disbursements. Notwithstanding sub. (1), if a disbursement is made or obligation incurred by an individual other than a candidate, or by a committee or group which is not primarily organized for political purposes, for a purpose other than to make a communication described in s. 11.01 (16) (a) 3., and the disbursement does not constitute a contribution to any candidate or other individual, committee or group, the disbursement or obligation is required to be reported only if the purpose is to expressly advocate the election or defeat of a clearly identified candidate or the adoption or rejection of a referendum. The exemption provided by this subsection shall in no case be construed to apply to a political party, personal campaign, or support committee.

SECTION 14. 11.06 (7m) (a) of the statutes is amended to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political party committee or legislative campaign committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate who is nominated to appear on the party ballot of the party at a general or special election, that the committee does not act in concert with, or at the request or suggestion of, such a candidate, that the committee does not act in cooperation or consultation with such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, and that the committee does not act in concert with, or at the request or suggestion of, such a candidate or agent or authorized committee of such a candidate who benefits from a disbursement made in opposition to another candidate, the committee filing the oath may not make any contributions in support of any candidate of the party at the general or special election or in opposition to any
such candidate's opponents exceeding the amounts specified in s. 11.26 (2), except as
authorized in par. (c).

SECTION 15. 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act
109, is repealed and recreated to read:

11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
party committee supporting candidates of a political party files an oath under sub. (7) affirming that it does not act in cooperation or consultation with any candidate
who is nominated to appear on the party ballot of the party at a general or special
election, that the committee does not act in concert with, or at the request or
suggestion of, such a candidate, that the committee does not act in cooperation or
consultation with such a candidate or agent or authorized committee of such a
candidate who benefits from a disbursement made in opposition to another
candidate, and that the committee does not act in concert with, or at the request or
suggestion of, such a candidate or agent or authorized committee of such a candidate
who benefits from a disbursement made in opposition to another candidate, the
committee filing the oath may not make any contributions in support of any
candidate of the party at the general or special election or in opposition to any such
candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) and
(2m), except as authorized in par. (c).

SECTION 16. 11.06 (7m) (c) of the statutes is amended to read:

11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change
its status to a political party committee or legislative campaign committee may do
so as of December 31 of any even-numbered year. Section 11.26 does not apply to
contributions received by such a committee prior to the date of the change. Such a
committee may change its status at other times only by filing a termination
statement under s. 11.19 (1) and reregistering as a newly organized committee under s. 11.05.

**SECTION 17.** 11.06 (7m) (c) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.06 (7m) (c) A committee filing an oath under sub. (7) which desires to change its status to a political party committee may do so as of December 31 of any even-numbered year. Section 11.26 does not apply to contributions received by such a committee prior to the date of the change. Such a committee may change its status at other times only by filing a termination statement under s. 11.19 (1) and reregistering as a newly organized committee under s. 11.05.

**SECTION 18.** 11.16 (5) of the statutes is amended to read:

11.16 (5) **Escrow Agreements.** Any personal campaign committee, or political party committee, or legislative campaign committee, may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6)
for the effort or program, and shall transmit a copy of the schedule to each candidate who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

**SECTION 19.** 11.16 (5) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.16 (5) Escrow Agreements. Any personal campaign committee or political party committee may, pursuant to a written escrow agreement with more than one candidate, solicit contributions for and conduct a joint fund raising effort or program on behalf of more than one named candidate. The agreement shall specify the percentage of the proceeds to be distributed to each candidate by the committee conducting the effort or program. The committee shall include this information in all solicitations for the effort or program. All contributions received and disbursements made by the committee in connection with the effort or program shall be received and disbursed through a separate depository account under s. 11.14 (1) that is identified in the agreement. For purposes of s. 11.06 (1), the committee conducting the effort or program shall prepare a schedule in the form prescribed by the board supplying all required information under s. 11.06 (1) and items qualifying for exclusion under s. 11.31 (6) for the effort or program, and shall transmit a copy of the schedule to each candidate who receives any of the proceeds within the period prescribed in s. 11.06 (4) (c).

**SECTION 20.** 11.26 (2) (intro.) of the statutes is amended to read:

11.26 (2) (intro.) No committee other than a political party committee or legislative campaign committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate
or solely in opposition to the candidate’s opponent to the extent of more than a total of the amounts specified per candidate:

**SECTION 21.** 11.26 (2) (intro.) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (2) (intro.) Subject to sub. (10a) and except as provided under subs. (2m), (2t), and (9m), no committee other than a political party committee may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate’s opponent to the extent of more than a total of the following amounts specified per candidate:

**SECTION 22.** 11.26 (4) of the statutes is amended to read:

11.26 (4) No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals who or committees which are subject to a registration requirement under s. 11.05, including legislative campaign committees and committees of a political party, to the extent of more than a total of $10,000 in any calendar year.

**SECTION 23.** 11.26 (4) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (4) Subject to sub. (10a), no individual may make any contribution or contributions to all candidates for state and local offices and to any individuals who or committees which are subject to a registration requirement under s. 11.05, including committees of a political party, to the extent of more than a total of $10,000 in any calendar year.

**SECTION 24.** 11.26 (8) of the statutes is amended to read:
11.26 (8) (a) No political party as defined in s. 5.02 (13) may receive more than a total of $150,000 in value of its contributions in any biennium from all other committees, excluding contributions from legislative campaign committees and transfers between party committees of the party. In this paragraph, a biennium commences with January 1 of each odd-numbered year and ends with December 31 of each even-numbered year.

(b) No such political party may receive more than a total of $6,000 in value of its contributions in any calendar year from any specific committee or its subunits or affiliates, excluding legislative campaign and political party committees.

(c) No committee, other than a political party or legislative campaign committee, may make any contribution or contributions, directly or indirectly, to a political party under s. 5.02 (13) in a calendar year exceeding a total value of $6,000.

SECTION 25. 11.26 (8) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (8) (a) Subject to sub. (10a) and except as provided in sub. (8n), no political party as defined in s. 5.02 (13) may receive more than a total of $450,000 in value of its contributions in any biennium from all other committees, excluding transfers between party committees of the same party. In this paragraph, “biennium” means the time period commencing with January 1 of each odd-numbered year and ending with December 31 of each even-numbered year.

(b) Subject to sub. (10a) and except as provided in sub. (8n), no such political party may receive more than a total of $18,000 in value of its contributions in any
calendar year from any specific committee or that specific committee’s subunits or
affiliates, excluding transfers between party committees of the same party.

(c) Subject to sub. (10a) and except as provided in sub. (8n), no committee, other
than a political party committee, may make any contribution or contributions,
directly or indirectly, to a political party under s. 5.02 (13) in a calendar year
exceeding a total value of $18,000.

**SECTION 26.** 11.26 (8L) of the statutes is created to read:

11.26 (8L) No political party as defined in s. 5.02 (13) may make any
contribution or contributions exceeding a total of $10,000 cumulatively within a
calendar year to an individual or committee that is required to file a statement under
s. 11.06 (7) or an organization that makes independent expenditures.

**SECTION 27.** 11.26 (9) (a) (intro.) of the statutes, as affected by 2001 Wisconsin
Act 109, is repealed and recreated to read:

11.26 (9) (a) (intro.) Except as provided under sub. (9m), no individual who is
a candidate for state or local office may receive and accept more than 65% of the value
of the total disbursement level determined under s. 11.31 (1), adjusted as provided
under s. 11.31 (9), for the office for which he or she is a candidate during any primary
and election campaign combined from all committees subject to a filing requirement,
including political party committees, except as follows:

**SECTION 28.** 11.26 (9) (a) of the statutes is amended to read:

11.26 (9) (a) No individual who is a candidate for state or local office may receive
and accept more than 65% of the value of the total disbursement level determined
under s. 11.31 for the office for which he or she is a candidate during any primary and
election campaign combined from all committees subject to a filing requirement,
including political party and legislative campaign committees.
SECTION 29. 11.26 (9) (b) of the statutes is amended to read:

11.26 (9) (b) No individual who is a candidate for state or local office may receive and accept more than 45% of the value of the total disbursement level determined under s. 11.31 for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party and legislative campaign committees subject to a filing requirement.

SECTION 30. 11.26 (9) (b) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (9) (b) No individual who is a candidate for state office, other than a state office described in par. (am), or local office may receive and accept more than 45% of the value of the total disbursement level determined under s. 11.31 (1), adjusted as provided under s. 11.31 (9), for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party committees subject to a filing requirement.

SECTION 31. 11.26 (10a) of the statutes is created to read:

11.26 (10a) (a) In this subsection, “consumer price index” means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The dollar amounts of the limitations under sub. (8) are subject to a quadrennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall, in each year that the adjustment is made, calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for calendar year 2001. Beginning in 2006 and every 4 years thereafter, the board shall multiply the amount of each limitation under sub. (8) by
the percentage difference in the consumer price indices. The board shall adjust the amount of each limitation to substitute that result for the existing amount to the extent required to reflect any difference, rounded to the nearest multiple of $5. The amount so determined shall then be in effect until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety, or welfare and without a finding of emergency.

SECTION 32. 11.26 (10a) of the statutes, as created by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.26 (10a) (a) In this subsection, “consumer price index” means the average of the consumer price index over each 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the U.S. department of labor.

(b) The dollar amounts of the limitations under subs. (1), (1m), (2), (2m), (4), (8), and (8n) are subject to a biennial adjustment to be determined by rule of the board in accordance with this subsection. To determine the adjustment, the board shall, in each year that the adjustment is made, calculate the percentage difference between the consumer price index for the 12-month period ending on December 31 of the preceding year and the consumer price index for calendar year 2003. Beginning in 2006 and every 2 years thereafter, the board shall multiply the amount of each limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n) by the percentage difference in the consumer price indexes. The board shall then add that product to the applicable limitation under subs. (1), (1m), (2), (2m), (4), (8), and (8n), round each sum to the nearest multiple of $5, and adjust the amount of each limitation to substitute the resulting amount. The amount so determined shall then be in effect
until a subsequent rule is promulgated under this subsection. Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), determinations under this subsection may be promulgated as an emergency rule under s. 227.24 without providing evidence that the emergency rule is necessary for the public peace, health, safety, or welfare and without a finding of emergency.

**SECTION 33.** 11.265 of the statutes is repealed.

**SECTION 34.** 11.50 (9) of the statutes is amended to read:

11.50 (9) LIMITATION ON GRANTS. The total grant available to an eligible candidate may not exceed that amount which, when added to all other contributions accepted from sources other than individuals, political party committees and legislative campaign committees, is equal to 45% of the disbursement level specified for the applicable office under s. 11.31. The board shall scrutinize accounts and reports and records kept under this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are not exceeded and any violation is reported. No candidate or campaign treasurer may accept grants exceeding the amount authorized by this subsection.

**SECTION 35.** 11.50 (9) (a) of the statutes, as affected by 2001 Wisconsin Act 109, is repealed and recreated to read:

11.50 (9) (a) Except as provided in sub. (4) (bg) and (br), the total grant available to an eligible candidate for the office of governor may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and political party committees, is equal to 35% of the disbursement level specified for the office that the candidate seeks, as determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9).

**SECTION 36.** 2001 Wisconsin Act 109, section 9115 (2y) (b) is amended to read:
Notwithstanding section 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7), and 71.10 (3) (a) of the statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (e), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (e), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and recreation of sections 11.05 (9) (title) and 11.50 (3) (b) of the statutes, the creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24
(1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04 (11m) of the statutes or Sections 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment of those provisions by this act is void.

Section 37. Nonstatutory provisions.

(1) Notwithstanding section 990.001 (11) of the statutes, if a court finds that sections 5.02 (13), 11.05 (3) (c) or (9) (b), 11.06 (2) or (7m) (a) or (c), 11.16 (5), 11.26 (2) (intro.), (4), (8) or (9) (a) (intro.) or (b) or 11.50 (9) (a) of the statutes, as affected by this act, or sections 11.01 (4m) or 11.26 (10a) of the statutes, as created by this act, or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as affected by this act, is unconstitutional, the repeal and recreation of sections 5.02 (13), 11.01 (4m), 11.05 (3) (c) and (9) (b), 11.06 (2) and (7m) (a) and (c), 11.16 (5), 11.26 (2) (intro.), (4), (8), (9) (a) (intro.) and (b) and (10a) and 11.50 (9) (a) of the statutes by this act is void.

Section 38. Initial applicability.

(1) Cost of living adjustments. The creation of section 11.26 (10a) of the statutes first applies to adjustments for the 4-year period beginning on January 1, 2006.
SECTION 39. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of sections 5.02 (13), 11.01 (4m), 11.05 (3) (c) and (9) (b), 11.06 (2) and (7m) (a) and (c), 11.16 (5), 11.26 (2) (intro.), (4), (8), (9) (a) (intro.) and (b) and (10a) and 11.50 (9) (a) of the statutes takes effect on July 1, 2003, or on the day after publication, whichever is later.

(END)