



State of Wisconsin

2007 – 2008 LEGISLATURE

March 2008 Special Session

LRBs0378/en

CMH:cjs:...

CONFERENCE SUBSTITUTE AMENDMENT 1, TO ASSEMBLY BILL 1

1 **AN ACT** *to repeal* 16.526, 20.505 (1) (sd), 20.505 (1) (sh), 20.505 (1) (sm), 20.505
2 (1) (sp), 25.17 (1) (es) and 25.59; *to renumber* 40.08 (2), 71.34 (1) and 71.42 (1);
3 *to renumber and amend* 71.26 (2) (a), 79.04 (4m) and 946.42 (1) (a); *to amend*
4 13.101 (6) (a), 13.40 (3) (b), 16.50 (1) (b), 16.518 (title), 16.52 (10), 16.527 (title),
5 16.527 (1), 16.527 (3) (b) 2. and 3., 16.527 (10), 16.63 (2), 20.003 (4) (ft), 20.003
6 (4) (fv), 20.505 (1) (br), 20.505 (1) (iq), 20.835 (1) (d), 20.866 (2) (uur), 25.69,
7 49.175 (1) (p), 66.0721 (title), 66.0721 (2), 66.0721 (3), 70.11 (intro.), 70.11 (4),
8 71.05 (6) (a) 15., 71.30 (2), 71.45 (2) (a) 10., 71.80 (1) (b), 86.30 (2) (e), 100.52 (1)
9 (f), 118.14 (title), 118.153 (4) (b), 121.004 (7) (c) 1. (intro.), 121.004 (7) (cm),
10 121.007, 121.15 (1m) (a) 3., 121.15 (1m) (b), 350.12 (3j) (b), 628.348 (1) and
11 973.01 (2) (c) 2. a.; *to create* 16.518 (2m), 16.518 (3) (b) 3., 16.527 (1) (b), 16.527
12 (2) (d), 16.527 (2) (e), 16.527 (3) (c), 16.527 (8) (f), 20.255 (2) (at), 20.505 (1) (bq),
13 20.505 (1) (iw), 23.225, 23.245, 40.02 (48g), 40.05 (4r), 40.08 (2) (b), 40.80 (2t),

1 49.155 (6m), 66.0721 (1) (ae), 70.11 (4a), 70.11 (4b), 71.01 (1am), 71.01 (1t),
2 71.01 (5s), 71.01 (9ad), 71.01 (9am), 71.01 (9an), 71.05 (6) (a) 24., 71.05 (6) (b)
3 45., 71.05 (6) (b) 46., 71.22 (1b), 71.22 (1tm), 71.22 (3m), 71.22 (9ad), 71.22
4 (9am), 71.22 (9an), 71.26 (2) (a) 7., 71.26 (2) (a) 8., 71.26 (2) (a) 9., 71.34 (1am),
5 71.34 (1b), 71.34 (1e), 71.34 (1k) (j), 71.34 (1k) (k), 71.34 (1k) (L), 71.34 (1L),
6 71.34 (1p), 71.34 (1r), 71.42 (1b), 71.42 (1s), 71.42 (1t), 71.42 (4d), 71.42 (4m),
7 71.42 (4n), 71.45 (2) (a) 16., 71.45 (2) (a) 17., 71.45 (2) (a) 18., 71.80 (23), 79.04
8 (4m) (b), 100.52 (1) (bm), 118.14 (3), 121.15 (1m) (a) 4., 946.42 (1) (a) 1. bm.,
9 946.42 (1) (a) 1. c. and h., 946.42 (2m) and 946.42 (4) of the statutes; and **to**
10 **affect** 2007 Wisconsin Act 20, section 9201 (1c) (a); **relating to:** state finances
11 and appropriations.

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

12 **SECTION 1.** 13.101 (6) (a) of the statutes, as affected by 2007 Wisconsin Act 20,
13 is amended to read:

14 13.101 (6) (a) As an emergency measure necessitated by decreased state
15 revenues and to prevent the necessity for a state tax on general property, the
16 committee may reduce any appropriation made to any board, commission,
17 department, or the University of Wisconsin System, or to any other state agency or
18 activity, by such amount as it deems feasible, not exceeding 25% of the
19 appropriations, except appropriations made by ss. 20.255 (2) (ac), (at), (bc), (bh), (cg),
20 and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6)
21 (af), (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and 20.437 (2) (a) and (dz) or for
22 forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,
23 city, village, town, or school district. Appropriations of receipts and of a sum

1 sufficient shall for the purposes of this section be regarded as equivalent to the
2 amounts expended under such appropriations in the prior fiscal year which ended
3 June 30. All functions of said state agencies shall be continued in an efficient
4 manner, but because of the uncertainties of the existing situation no public funds
5 should be expended or obligations incurred unless there shall be adequate revenues
6 to meet the expenditures therefor. For such reason the committee may make
7 reductions of such appropriations as in its judgment will secure sound financial
8 operations of the administration for said state agencies and at the same time
9 interfere least with their services and activities.

10 **SECTION 2.** 13.40 (3) (b) of the statutes is amended to read:

11 13.40 (3) (b) An appropriation to honor a moral obligation undertaken
12 pursuant to ss. ~~16.526 (8)~~, 16.527 (10), 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50
13 (7), 229.74 (7), 229.830 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93
14 (6), 234.932 (6), 234.933 (6), and 281.59 (13m).

15 **SECTION 3.** 16.50 (1) (b) of the statutes is amended to read:

16 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
17 (2) (ac), and (at), 20.835, and 20.865 (4).

18 **SECTION 4.** 16.518 (title) of the statutes is amended to read:

19 **16.518 (title) ~~Transfers~~ Reductions in school aid; delayed payment and**
20 **transfers to the budget stabilization fund and the cash building projects**
21 **fund.**

22 **SECTION 5.** 16.518 (2m) of the statutes is created to read:

23 16.518 (2m) (a) If the amount of moneys projected to be deposited in the general
24 fund during the fiscal year that are designated as “Taxes” in the summary are less
25 than the amount of such moneys actually deposited in the general fund during the

1 fiscal year, the secretary shall reduce the amount of the delayed general school aid
2 payment required under s. 121.15 (1m) (a) 4. by the difference.

3 (b) If there is a balance remaining after the amount of the delayed general
4 school aid payment required under s. 121.15 (1m) (a) 4. is reduced to zero under par.
5 (a), the secretary shall use it to reduce the amount of the delayed general school aid
6 payment required under s. 121.15 (1m) (a) 3.

7 **SECTION 6.** 16.518 (3) (b) 3. of the statutes is created to read:

8 16.518 (3) (b) 3. If the amounts of the delayed general school aid payments
9 required under s. 121.15 (1m) (a) 3. and 4. are not reduced to zero under sub. (2m),
10 the secretary may not make the transfer under par. (a).

11 **SECTION 7.** 16.52 (10) of the statutes is amended to read:

12 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
13 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal
14 year shall not apply to the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
15 (at).

16 **SECTION 8.** 16.526 of the statutes is repealed.

17 **SECTION 9.** 16.527 (title) of the statutes is amended to read:

18 **16.527 (title) Retirement of state's unfunded liabilities under the**
19 **~~Wisconsin Retirement System; appropriation~~ Appropriation obligations.**

20 **SECTION 10.** 16.527 (1) of the statutes is amended to read:

21 16.527 (1) LEGISLATIVE FINDING ~~AND DETERMINATION~~ FINDINGS AND
22 DETERMINATIONS.

23 (a) Recognizing that the state, by prepaying part or all of the state's unfunded
24 prior service liability under s. 40.05 (2) (b) and the state's unfunded liability under
25 s. 40.05 (4) (b), (bc), and (bw) and subch. IX of ch. 40, may reduce its costs and better

1 ensure the timely and full payment of retirement benefits to participants and their
2 beneficiaries under the Wisconsin Retirement System, the legislature finds and
3 determines that it is in the public interest for the state to issue appropriation
4 obligations to obtain proceeds to pay the state’s anticipated unfunded prior service
5 liability under s. 40.05 (2) (b) and to pay part or all of the state’s unfunded prior
6 service liability under s. 40.05 (2) (b) and the state’s unfunded liability under s. 40.05
7 (4) (b), (bc), and (bw) and subch. IX of ch. 40.

8 **SECTION 11.** 16.527 (1) (b) of the statutes is created to read:

9 16.527 (1) (b) The legislature finds and determines that the purchase of any
10 of the tobacco settlement revenues that had been sold by the secretary under s. 16.63
11 from the net proceeds of appropriation obligations issued under this section is
12 appropriate and in the public interest and will serve a public purpose.

13 **SECTION 12.** 16.527 (2) (d) of the statutes is created to read:

14 16.527 (2) (d) “Tobacco settlement agreement” has the meaning given in s.
15 16.63 (1) (b).

16 **SECTION 13.** 16.527 (2) (e) of the statutes is created to read:

17 16.527 (2) (e) “Tobacco settlement revenues” has the meaning given in s. 16.63
18 (1) (c).

19 **SECTION 14.** 16.527 (3) (b) 2. and 3. of the statutes are amended to read:

20 16.527 (3) (b) 2. The sum of appropriation obligations issued under this section
21 for the purpose under subd. 1., excluding any obligations that have been defeased
22 under a cash optimization program administered by the building commission and
23 any obligations issued pursuant to subd. 3., ~~and revenue obligations issued under s.~~
24 ~~16.526, if any,~~ may not exceed \$1,500,000,000.

1 3. The department may contract appropriation obligations as the department
2 determines is desirable to fund or refund outstanding appropriation obligations
3 issued under this section for the purpose under subd. 1., to pay issuance or
4 administrative expenses, to make deposits to reserve funds, to pay accrued or funded
5 interest, to pay the costs of credit enhancement, or to make payments under other
6 agreements entered into under sub. (4) (e).

7 **SECTION 15.** 16.527 (3) (c) of the statutes is created to read:

8 16.527 (3) (c) 1. Before July 1, 2009, subject to the limitation under subd. 2.,
9 the department may contract appropriation obligations of the state under this
10 section for the purpose of purchasing any of the tobacco settlement revenues that had
11 been sold by the secretary under s. 16.63.

12 2. The sum of appropriation obligations issued under this section for the
13 purpose under subd. 1., excluding any obligations that have been defeased under a
14 cash optimization program administered by the building commission and any
15 obligations issued pursuant to subd. 3., may not exceed \$1,700,000,000, excluding
16 amounts representing original issue discount, unless a higher amount is required by
17 Badger Tobacco Asset Securitization Corporation to defease any outstanding
18 indebtedness secured by such tobacco settlement revenues and to release
19 repurchased tobacco settlement revenues to the state free and clear of any security
20 interest therein. The secretary's certification as to the amount so required shall be
21 conclusive for all purposes of this section.

22 3. The department may contract appropriation obligations as the department
23 determines is desirable to fund outstanding appropriation obligations issued under
24 this section for the purpose under subd. 1., to pay issuance or administrative
25 expenses, to make deposits to reserve funds, to pay accrued or funded interest, to pay

1 the costs of credit enhancement, or to make payments under other agreements
2 entered into under sub. (4) (e).

3 **SECTION 16.** 16.527 (8) (f) of the statutes is created to read:

4 16.527 **(8)** (f) The department may enter into a contract with any firm or
5 individual engaged in financial services for the performance of any of its duties under
6 this section, using selection and procurement procedures established by the
7 department. The contract is not subject to s. 16.705 or 16.75.

8 **SECTION 17.** 16.527 (10) of the statutes is amended to read:

9 16.527 **(10)** MORAL OBLIGATION PLEDGE. Recognizing its moral obligation to do
10 so, the legislature expresses its expectation and aspiration that it shall make timely
11 appropriations from moneys in the general fund that are sufficient to pay the
12 principal and interest due with respect to any appropriation obligations in any year,
13 to make payments of the state under agreements and ancillary arrangements
14 entered into under sub. (4) (e), to make deposits into reserve funds created under sub.
15 (3) (b) 3. or (c) 3., and to pay related issuance or administrative expenses.

16 **SECTION 18.** 16.63 (2) of the statutes is amended to read:

17 16.63 **(2)** The Before July 1, 2009, the secretary may sell for cash or other
18 consideration the state's right to receive any of the payments under the tobacco
19 settlement agreement.

20 **SECTION 19.** 20.003 (4) (ft) of the statutes is amended to read:

21 20.003 **(4)** (ft) For fiscal year 2007–08, \$65,000,000 \$25,000,000.

22 **SECTION 20.** 20.003 (4) (fv) of the statutes is amended to read:

23 20.003 **(4)** (fv) For fiscal year 2008–09, \$65,000,000 \$25,000,000.

24 **SECTION 21.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
25 insert the following amounts for the purposes indicated:

2007–08 2008–09

20.505 Administration, department of

(1) SUPERVISION AND MANAGEMENT

(bq) Appropriation obligations repay-
ment; tobacco settlement reve-
nues

GPR A –0– 165,000,000

SECTION 22. 20.255 (2) (at) of the statutes is created to read:

20.255 (2) (at) *General equalization aids; reduction in delayed payment.* A sum sufficient equal to the amount of the reductions made under s. 16.518 (2m) in the current fiscal year to the amounts of the delayed school aid payments under s. 121.15 (1m) (a) 3. and 4., for the payment of educational aids under s. 121.08.

SECTION 23. 20.505 (1) (bq) of the statutes is created to read:

20.505 (1) (bq) *Appropriation obligations repayment; tobacco settlement revenues.* The amounts in the schedule to pay debt service costs due in the current fiscal year on appropriation obligations issued under s. 16.527 for the purpose under s. 16.527 (3) (c) 1., to make payments of the state under agreements and ancillary arrangements entered into under s. 16.527 (4) (e), and to pay related issuance or administrative expenses.

SECTION 24. 20.505 (1) (br) of the statutes is amended to read:

20.505 (1) (br) *Appropriation obligations repayment; unfunded liabilities under the Wisconsin Retirement System.* The amounts in the schedule to pay debt service costs due in the current fiscal year on appropriation obligations issued under s. 16.527 for the purpose under s. 16.527 (3) (b) 1., to make payments of the state under agreements and ancillary arrangements entered into under s. 16.527 (4) (e),

1 to make deposits into reserve funds created under s. 16.527 (3) (b) 3., and to pay
2 related issuance or administrative expenses.

3 **SECTION 25.** 20.505 (1) (iq) of the statutes is amended to read:

4 20.505 (1) (iq) *Appropriation obligation proceeds; unfunded liabilities under*
5 *the Wisconsin Retirement System.* All moneys received from the sale of appropriation
6 obligations that are issued under s. 16.527 for the purpose under s. 16.527 (3) (b) 1.,
7 and any earnings on such moneys and on any other moneys held for the purpose of
8 this paragraph, to pay part or all of the state's unfunded prior service liability under
9 s. 40.05 (2) (b) and the state's unfunded liability under s. 40.05 (4) (b), (bc), and (bw)
10 and subch. IX of ch. 40, as determined by the department of administration, and to
11 provide for reserves and for expenses of issuance and administration of the
12 appropriation obligations, and to pay interest on the appropriation obligations, the
13 redemption price of refunded appropriation obligations and any related obligations
14 incurred under agreements entered into under s. 16.527 (4) (e), as determined by the
15 department of administration. Estimated disbursements under this paragraph
16 shall not be included in the schedule under s. 20.005.

17 **SECTION 26.** 20.505 (1) (iw) of the statutes is created to read:

18 20.505 (1) (iw) *Appropriation obligation proceeds; tobacco settlement revenues.*
19 All moneys received from the sale of appropriation obligations that are issued under
20 s. 16.527 for the purpose under s.16.527 (3) (c) 1., and any earnings on such moneys
21 and on any other moneys held for the purpose of this paragraph, to purchase any of
22 the tobacco settlement revenues that had been sold by the secretary under s. 16.63,
23 as determined by the department of administration, and to provide for reserves and
24 for expenses of issuance and administration of the appropriation obligations, and to
25 pay interest on the appropriation obligations, the redemption price of refunded

1 appropriation obligations and any related obligations incurred under agreements
2 entered into under s. 16.527 (4) (e), as determined by the department of
3 administration. Estimated disbursements under this paragraph shall not be
4 included in the schedule under s. 20.005.

5 **SECTION 27.** 20.505 (1) (sd) of the statutes is repealed.

6 **SECTION 28.** 20.505 (1) (sh) of the statutes is repealed.

7 **SECTION 29.** 20.505 (1) (sm) of the statutes is repealed.

8 **SECTION 30.** 20.505 (1) (sp) of the statutes is repealed.

9 **SECTION 31.** 20.835 (1) (d) of the statutes is amended to read:

10 20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the
11 requirements of the shared revenue account established under s. 79.01 (2) to provide
12 for the distributions from the shared revenue account to counties, towns, villages and
13 cities under ss. 79.03, 79.04 (1) to ~~(4)~~ (4m), and 79.06.

14 **SECTION 32.** 20.866 (2) (uur) of the statutes is amended to read:

15 20.866 (2) (uur) *Transportation; state highway rehabilitation projects.* From
16 the capital improvement fund, a sum sufficient for the department of transportation
17 to fund state highway rehabilitation projects, as provided under s. 84.95. The state
18 may contract public debt in an amount not to exceed \$250,000,000 for this purpose.
19 In addition, the state may contract public debt in an amount not to exceed \$50 million
20 for this purpose.

21 **SECTION 33.** 23.225 of the statutes is created to read:

22 **23.225 Invasive fish species. (1)** In this section, “invasive fish species”
23 means a species of fish that is not native to the waters of this state and that causes,
24 or is likely to cause, harm to the economy, to the environment, or to human health.

1 **(2)** No person may possess, release, control, store, sell, or transport any fish,
2 or viable fish eggs, that are of an invasive fish species if the person knows, or should
3 know, that the fish or the eggs are of an invasive fish species.

4 **(3)** The prohibitions under sub. (2) do not apply to any of the following:

5 (a) A person who holds a scientific collector permit under s. 29.614.

6 (b) A person who holds a permit to import fish under s. 29.735.

7 (c) A person who holds a permit to introduce, plant, or stock fish under s. 29.736.

8 (e) A person who operates a state or municipal fish hatchery.

9 (f) A person who is authorized by the department to possess, release, control,
10 sell, or transport fish or fish eggs for scientific or educational purposes or for the
11 purpose of controlling the population of fish that are of an invasive fish species.

12 (g) A person who, while lawfully fishing, inadvertently catches a fish that is of
13 an invasive fish species.

14 **(4)** The department shall promulgate rules specifying fish that are of an
15 invasive fish species for purposes of this section and the requirements for sub. (3) (g).

16 **(5)** Any person who violates sub. (2) shall forfeit not more than \$1,000.

17 **SECTION 34.** 23.245 of the statutes is created to read:

18 **23.245 Transporting certain boats and equipment on highways. (1)** In
19 this section:

20 (a) “Highway” has the meaning given in s. 340.01 (22).

21 (b) “Invasive species” has the meaning given in s. 23.22 (1) (c).

22 **(2)** No person may transport a boat, boat trailer, or boating equipment upon
23 a highway if the boat, boat trailer, or boating equipment has an invasive species, as
24 specified by the department by rule, in, or attached to, the boat, boat trailer, or
25 boating equipment.

1 **(3)** The prohibition under sub. (2) does not apply to the persons described under
2 s. 23.225 (3).

3 **(4)** Any person who violates sub. (2) shall forfeit not more than \$1,000.

4 **SECTION 35.** 25.17 (1) (es) of the statutes is repealed.

5 **SECTION 36.** 25.59 of the statutes is repealed.

6 **SECTION 37.** 25.69 of the statutes, as affected by 2007 Wisconsin Act 20, is
7 amended to read:

8 **25.69 Permanent endowment fund.** There is established a separate
9 nonlapsible trust fund designated as the permanent endowment fund, consisting of
10 all of the proceeds from the sale of the state's right to receive payments under the
11 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
12 and all investment earnings on the proceeds. There ~~Any revenues or proceeds that~~
13 are derived from the repurchase by the state of the tobacco settlement revenues
14 under s. 16.527 (3) (c) 1. are also deposited into the permanent endowment fund.
15 Beginning in the 2009–10 fiscal year, there is transferred from the permanent
16 endowment fund to the Medical Assistance trust fund \$50,000,000 in each fiscal year
17 and the remainder of moneys deposited into the permanent endowment fund in each
18 fiscal year is transferred to the general fund.

19 **SECTION 38.** 40.02 (48g) of the statutes is created to read:

20 40.02 **(48g)** “Public safety officer” has the meaning given in 26 USC 402 (I) (4)
21 (C).

22 **SECTION 39.** 40.05 (4r) of the statutes is created to read:

23 40.05 **(4r)** PAYMENT OF CERTAIN INSURANCE PREMIUMS. If an annuitant is a public
24 safety officer and receives health care coverage or long–term care coverage under a
25 plan other than one offered under subch. IV, and if the annuitant so elects by

1 providing written notice to the department, the premium shall be paid as a deduction
2 under s. 40.06 (1) (a) from the annuitant's annuity. If the annuitant receives an
3 annuity that is not sufficient to cover premium payments, the annuitant shall make
4 premium payments directly to the insurer. The department shall establish
5 procedures to permit an annuitant who is a public safety officer to elect to have his
6 or her premium paid as a deduction under s. 40.06 (1) (a) from his or her annuity.
7 The annuitant shall provide the department with all necessary information to
8 permit the department to make the payment in a timely manner.

9 **SECTION 40.** 40.08 (2) of the statutes is renumbered 40.08 (2) (a).

10 **SECTION 41.** 40.08 (2) (b) of the statutes is created to read:

11 40.08 (2) (b) If permitted under a deferred compensation plan established
12 under subch. VII, insurance premiums for health or long-term care insurance
13 coverage for a public safety officer may be deducted from an amount distributed
14 under a deferred compensation plan and paid directly to an insurer.

15 **SECTION 42.** 40.80 (2t) of the statutes is created to read:

16 40.80 (2t) The deferred compensation board may require a deferred
17 compensation plan under this subchapter, upon election by a participant who is a
18 public safety officer, to allow for the deduction of insurance premiums for health or
19 long-term care insurance coverage from an amount distributed from a participant's
20 account and for the payment of the premiums directly to an insurer.

21 **SECTION 43.** 49.155 (6m) of the statutes is created to read:

22 49.155 (6m) AUTHORIZATION FOR PAYMENT. (a) In this subsection:

23 1. "Certified provider" means a child care provider certified under s. 48.651.

24 2. "Child care administrative agency" means any agency that has a contract
25 with the department to administer child care funds or any agency that has a

1 subcontract to administer child care funds with an agency that has a contract with
2 the department.

3 3. “Licensed provider” means a child care provider licensed under s. 48.65.

4 (b) A child care administrative agency shall authorize payment to child care
5 providers as follows:

6 1. For a licensed provider, the child care administrative agency shall authorize
7 payment based on authorized units of service, except as follows:

8 a. The child care administrative agency may authorize payment to a licensed
9 provider based on units of service used by each child, up to the maximum number of
10 authorized units, with the reimbursement rate increased by 10 percent to account
11 for absent days, if the schedule of child care to be used is expected to vary widely.

12 b. The child care administrative agency may authorize payment to a licensed
13 provider based on units of service used by each child, up to the maximum number of
14 authorized units, if the child care administrative agency has documented 3 separate
15 occasions on which the provider significantly overreported the attendance of a child.

16 2. For a certified provider, the child care administrative agency shall authorize
17 payment for units of service used by each child, up to the maximum number of
18 authorized units, except as provided in par. (c).

19 (c) A child care administrative agency may authorize payment to a licensed or
20 certified provider to hold a slot for a child if the child’s parent has a temporary break
21 in employment and intends to return to work and to continue to use the services of
22 the provider upon returning to work. The child care administrative agency may
23 authorize payment for no more than 6 weeks if the absence is due to a medical reason
24 and is documented by a physician or for no more than 4 weeks if the absence is due
25 to another reason. The department and child care administrative agency may not

1 consider payment for a temporary absence to be an overpayment if the parent
2 intended to, but does not actually, return to work.

3 **SECTION 44.** 49.175 (1) (p) of the statutes, as affected by 2007 Wisconsin Act 20,
4 is amended to read:

5 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
6 49.155, ~~\$340,601,800~~ \$359,201,800 in fiscal year 2007–08 and \$355,352,000 in fiscal
7 year 2008–09.

8 **SECTION 45.** 66.0721 (title) of the statutes is amended to read:

9 **66.0721 (title) Special assessments on certain farmland or camps for**
10 **construction of sewerage or water system.**

11 **SECTION 46.** 66.0721 (1) (ae) of the statutes is created to read:

12 66.0721 (1) (ae) “Camp” means all real property and the personal property
13 situated therein, of any camp conducted by a nonprofit corporation, a charitable
14 trust, or other nonprofit association that is described in section 501 (c) (3) of the
15 Internal Revenue Code and is exempt from federal tax under section 501 (a) of the
16 Internal Revenue Code and that is organized under the laws of this state, so long as
17 the property is used primarily for camping for children and not for pecuniary profit
18 of any individual.

19 **SECTION 47.** 66.0721 (2) of the statutes is amended to read:

20 66.0721 (2) Except as provided in sub. (3), no town sanitary district or town
21 may levy any special assessment on eligible farmland or a camp for the construction
22 of a sewerage or water system.

23 **SECTION 48.** 66.0721 (3) of the statutes is amended to read:

24 66.0721 (3) (a) If any eligible farmland or camp contains a structure that is
25 connected to a sanitary sewer or public water system at the time, or after the time,

1 that a town sanitary district or town first levies a special assessment for the
2 construction of a sewerage or water system in the service area in which the eligible
3 farmland or camp is located, the town sanitary district or town may levy a special
4 assessment for the construction of a sewerage or water system on the eligible
5 farmland or camp that includes that structure. If that connection is made after the
6 first assessment, the town sanitary district or town may also charge interest, from
7 the date that the connection is made, on the special assessment at an annual rate
8 that does not exceed the average interest rate paid by the district or town on its
9 obligations between the time the district or town first levies a special assessment for
10 the construction of a sewerage or water system in the service area in which the
11 eligible farmland or camp is located and the time it levies the special assessment on
12 that eligible farmland or camp. That assessment may not exceed the equivalent of
13 an assessment for that purpose on a square acre or, if the governing body of a town
14 sanitary district or town so specifies by ordinance, the maximum size of any lot that
15 is in that service area and that is not devoted exclusively to agricultural use or
16 exclusively to use as a camp.

17 (b) If after an initial special assessment for the construction of a sewerage or
18 water system is levied in a service area any eligible farmland or camp subject to par.
19 (a) or exempted from a special assessment under sub. (2) is divided into 2 or more
20 parcels at least one of which is not devoted exclusively to agricultural use or
21 exclusively to use as a camp, the town sanitary district or town may levy on each
22 parcel on which it has either levied a special assessment under par. (a) or has not
23 levied a special assessment for the construction of a sewerage or water system a
24 special assessment for that purpose that does not exceed the amount of the special
25 assessment for that purpose that would have been levied on the parcel if the parcel

1 had not been exempt under sub. (2) or that has already been levied under par. (a).
2 The special assessment shall be apportioned among the parcels resulting from the
3 division in proportion to their area. The town sanitary district or town may also
4 charge interest, from the date the eligible farmland or camp is divided into 2 or more
5 parcels at least one of which is not devoted exclusively to agricultural use or
6 exclusively to use as a camp, on the special assessment at an annual rate that does
7 not exceed the average interest rate paid by the district or town on its obligations
8 between the time the district or town first levies a special assessment for the
9 construction of a sewerage or water system in the service area in which the eligible
10 farmland or camp is located and the time it levies the special assessment on that
11 eligible farmland or camp under this paragraph. This paragraph does not apply to
12 any eligible farmland or camp unless the town sanitary district or town records a lien
13 on that eligible farmland or camp in the office of the register of deeds within 90 days
14 after it first levies a special assessment for the construction of a sewerage or water
15 system for the service area in which the eligible farmland or camp is located,
16 describing either the applicability of par. (a) or the exemption under sub. (2) and the
17 potential for a special assessment under this paragraph.

18 (c) If, after a town sanitary district or town first levies a special assessment for
19 the construction of a sewerage or water system in a service area, the eligible
20 farmland or camp in that service area exempted from the special assessment under
21 sub. (2) is not devoted exclusively to agricultural use or exclusively to use as a camp
22 for a period of one year or more, the town sanitary district or town may levy on that
23 eligible farmland or camp the special assessment for the construction of a sewerage
24 or water system that it would have levied if the eligible farmland or camp had not
25 been exempt under sub. (2). The town sanitary district or town may also charge

1 interest, from the date the eligible farmland or camp has not been devoted
2 exclusively to agricultural use or exclusively to use as a camp for a period of at least
3 one year, on the special assessment at an annual rate that does not exceed the
4 average interest rate paid by the district or town on its obligations between the time
5 the district or town first levies a special assessment for the construction of a sewerage
6 or water system in the service area in which the eligible farmland or camp is located
7 and the time it levies the special assessment on that eligible farmland or camp. This
8 paragraph does not apply to any land unless the town or special purpose district
9 records a lien on that eligible farmland or camp in the office of the register of deeds
10 within 90 days after it first levies a special assessment for the construction of a
11 sewerage or water system in the service area in which the eligible farmland or camp
12 is located, describing the exemption under sub. (2) and the potential for a special
13 assessment under this paragraph.

14 **SECTION 49.** 70.11 (intro.) of the statutes is amended to read:

15 **70.11 Property exempted from taxation.** (intro.) The property described
16 in this section is exempted from general property taxes if the property is exempt
17 under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and
18 its use, occupancy or ownership did not change in a way that makes it taxable; if the
19 property was taxable for the previous year, the use, occupancy or ownership of the
20 property changed in a way that makes it exempt and its owner, on or before March 1,
21 files with the assessor of the taxation district where the property is located a form
22 that the department of revenue prescribes or if the property did not exist in the
23 previous year and its owner, on or before March 1, files with the assessor of the
24 taxation district where the property is located a form that the department of revenue
25 prescribes. ~~Leasing~~ Except as provided in sub. (4a) (e), leasing a part of the property

1 described in this section does not render it taxable if the lessor uses all of the
2 leasehold income for maintenance of the leased property or construction debt
3 retirement of the leased property, or both, and, except for residential housing, if the
4 lessee would be exempt from taxation under this chapter if it owned the property.
5 Any lessor who claims that leased property is exempt from taxation under this
6 chapter shall, upon request by the tax assessor, provide records relating to the
7 lessor's use of the income from the leased property. Property exempted from general
8 property taxes is:

9 **SECTION 50.** 70.11 (4) of the statutes is amended to read:

10 **70.11 (4)** EDUCATIONAL, RELIGIOUS AND BENEVOLENT INSTITUTIONS; WOMEN'S CLUBS;
11 HISTORICAL SOCIETIES; FRATERNITIES; LIBRARIES. Property owned and used exclusively
12 by educational institutions offering regular courses 6 months in the year; or by
13 churches or religious, educational or benevolent associations, including benevolent
14 nursing homes and retirement homes for the aged but not including an organization
15 that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health
16 maintenance organization as defined in s. 609.01 (2) or a limited service health
17 organization as defined in s. 609.01 (3) or an organization that is issued a certificate
18 of authority under ch. 618 and that offers a health maintenance organization or a
19 limited service health organization and not including property owned by any
20 nonstock, nonprofit corporation which services guaranteed student loans for others
21 or on its own account, and also including property owned and used for housing for
22 pastors and their ordained assistants, members of religious orders and communities,
23 and ordained teachers, whether or not contiguous to and a part of other property
24 owned and used by such associations or churches, and also including property that
25 is low-income housing, as defined under sub. (4a) (a); or by women's clubs; or by

1 domestic, incorporated historical societies; or by domestic, incorporated, free public
2 library associations; or by fraternal societies operating under the lodge system
3 (except university, college and high school fraternities and sororities), but not
4 exceeding 10 acres of land necessary for location and convenience of buildings while
5 such property is not used for profit. Property owned by churches or religious
6 associations necessary for location and convenience of buildings, used for
7 educational purposes and not for profit, shall not be subject to the 10-acre limitation
8 but shall be subject to a 30-acre limitation. Property owned by churches or religious
9 or benevolent associations necessary for location and convenience of buildings, used
10 for a low-income housing project, as defined under sub. (4a) (b), including other
11 low-income housing projects under common control with such project, shall not be
12 subject to the 10-acre limitation but shall be subject to a limitation of 30 acres and
13 a limitation of 10 contiguous acres in any one municipality. Property that is exempt
14 from taxation under this subsection and is leased remains exempt from taxation only
15 if, in addition to the requirements specified in the introductory phrase of this section,
16 the lessee does not discriminate on the basis of race.

17 **SECTION 51.** 70.11 (4a) of the statutes is created to read:

18 70.11 **(4a)** LOW-INCOME HOUSING. (a) For purposes of sub. (4), “low-income
19 housing” means any housing project described in sub. (4b) or any residential unit
20 within a low-income housing project that is occupied by a low-income or very
21 low-income person or is vacant and is only available to such persons.

22 (b) For purposes of this subsection and sub. (4), “low-income housing project”
23 means a residential housing project for which all of the following apply:

1 1. At least 75 percent of the occupied residential units are occupied by
2 low-income or very low-income persons or are vacant and available only to
3 low-income or very low-income persons.

4 2. At least one of the following applies:

5 a. At least 20 percent of the residential units are rented to persons who are very
6 low-income persons or are vacant and are only available to such persons.

7 b. At least 40 percent of the residential units are rented to persons whose
8 income does not exceed 120 percent of the very low-income limit or are vacant and
9 only available to such persons.

10 (c) For purposes of this subsection, low-income persons and very low-income
11 persons shall be determined in accordance with the income limits published by the
12 federal department of housing and urban development for low-income and very
13 low-income families under the National Housing Act of 1937.

14 (d) For purposes of this subsection and sub. (4), all properties included within
15 the same federal department of housing and urban development contract or within
16 the same federal department of agriculture, rural development, contract are
17 considered to be one low-income housing project.

18 (e) Leasing property that is exempt from taxation under sub. (4) as low-income
19 housing does not render it taxable if the lessor uses all of the leasehold income from
20 the property for any of the following reasonable expenditures directly related to the
21 low-income housing project to which the property belongs, except that the lessor may
22 use up to 10 percent of the leasehold income for any of the following reasonable
23 expenditures directly related to any other low-income housing project under
24 common control with that project and located in this state, and except that the lessor
25 may use any of the leasehold income for debt service for any other low-income

1 housing project under common control with that project, under the same mortgage,
2 and located in this state and such amount is not considered for purposes of the 10
3 percent maximum described in this paragraph:

- 4 1. Maintenance.
- 5 2. Capital replacements.
- 6 3. Insurance premiums.
- 7 4. Project management.
- 8 5. Debt retirement.
- 9 6. Moneys reserved for project–related purposes.
- 10 7. General and administrative expenses.
- 11 8. Social services and other resident services provided at the project.
- 12 9. Utilities.
- 13 10. Financing costs.
- 14 11. Any other expenditure related to preserving and managing the project.
- 15 12. Any other similar project–related expenditure.

16 (f) 1. Annually, no later than March 1, each person who owns a low–income
17 housing project shall file with the assessor of the taxation district in which the project
18 is located a statement that specifies which units were occupied on January 1 of that
19 year by persons whose income satisfied the income limit requirements under par. (a),
20 as certified by the property owner to the appropriate federal or state agency, and a
21 copy of the federal department of housing and urban development contract or federal
22 department of agriculture, rural development, contract, if applicable.

23 2. The format and distribution of statements under this paragraph shall be
24 governed by s. 70.09 (3).

1 3. If the statement required under this paragraph is not received on or before
2 March 1, the taxation district assessor shall send the property owner a notice, by
3 certified mail to the owner’s last known address of record, stating that failure to file
4 a statement is subject to the penalties under subd. 5.

5 4. In addition to the statement under subd. 1., the taxation district assessor
6 may require that a property owner submit other information to prove that the
7 person’s property qualifies as low-income housing that is exempt from taxation
8 under sub. (4).

9 5. A person who fails to file a statement within 30 days after notification under
10 subd. 3. shall forfeit \$10 for each succeeding day on which the form is not received
11 by the taxation district assessor, but not more than \$500.

12 **SECTION 52.** 70.11 (4b) of the statutes is created to read:

13 **70.11 (4b) HOUSING PROJECTS FINANCED BY HOUSING AND ECONOMIC**
14 **DEVELOPMENT AUTHORITY.** All property of a housing project that satisfies all of the
15 following:

16 (a) It is owned by a corporation, organization, or association described in
17 section 501 (c) (3) of the Internal Revenue Code that is exempt from taxation under
18 section 501 (a) of the Internal Revenue Code.

19 (b) It is financed by the Housing and Economic Development Authority under
20 s. 234.03 (13).

21 (c) The Housing and Economic Development Authority holds a first-lien
22 mortgage security interest on it.

23 (d) It is in existence on January 1, 2008.

24 **SECTION 53.** 71.01 (1am) of the statutes is created to read:

1 71.01 **(1am)** “Aggregate effective tax rate” means the sum of the effective tax
2 rates imposed by a state, U.S. possession, foreign country, or any combination
3 thereof, on the person or entity.

4 **SECTION 54.** 71.01 (1t) of the statutes is created to read:

5 71.01 **(1t)** “Effective tax rate” means the maximum tax rate imposed by the
6 state, U.S. possession, or foreign country, multiplied by the apportionment
7 percentage, if any, applicable to the person or entity under the laws of that state, U.S.
8 possession, or foreign country.

9 **SECTION 55.** 71.01 (5s) of the statutes is created to read:

10 71.01 **(5s)** For purposes of s. 71.05 (6) (a) 24. and (b) 46., “interest expenses”
11 means interest that would otherwise be deductible under section 163 of the Internal
12 Revenue Code and deductible in the computation of Wisconsin adjusted gross
13 income.

14 **SECTION 56.** 71.01 (9ad) of the statutes is created to read:

15 71.01 **(9ad)** “Qualified real estate investment trust” has the meaning given in
16 s. 71.22 (9ad).

17 **SECTION 57.** 71.01 (9am) of the statutes is created to read:

18 71.01 **(9am)** “Related entity” means any person related to a taxpayer as
19 provided under section 267 or 1563 of the Internal Revenue Code during all or a
20 portion of the taxpayer’s taxable year and any real estate investment trust under
21 section 856 of the Internal Revenue Code, except a qualified real estate investment
22 trust, if more than 50 percent of any class of the beneficial interests or shares of the
23 real estate investment trust are owned directly, indirectly, or constructively by the
24 taxpayer, or any person related to the taxpayer, during all or a portion of the
25 taxpayer’s taxable year. For purposes of this subsection, the constructive ownership

1 rules of section 318 (a) of the Internal Revenue Code, as modified by section 856 (d)
2 (5) of the Internal Revenue Code, shall apply in determining the ownership of stock,
3 assets, or net profits of any person.

4 **SECTION 58.** 71.01 (9an) of the statutes is created to read:

5 71.01 **(9an)** For purposes of s. 71.05 (6) (a) 24. and (b) 46., “rental expenses”
6 means the gross amounts that would otherwise be deductible in the computation of
7 Wisconsin adjusted gross income for the use of, or the right to use, real property and
8 tangible personal property in connection with real property, including services
9 furnished or rendered in connection with such property, regardless of how reported
10 for financial accounting purposes and regardless of how computed.

11 **SECTION 59.** 71.05 (6) (a) 15. of the statutes, as affected by 2007 Wisconsin Acts
12 20 and 96, is amended to read:

13 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
14 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3h), (3n), (3p), (3s), (3t), (3w), (5e),
15 (5f), (5h), (5i), (5j), and (5k) and not passed through by a partnership, limited liability
16 company, or tax–option corporation that has added that amount to the partnership’s,
17 company’s, or tax–option corporation’s income under s. 71.21 (4) or 71.34 ~~(4)~~ (1k) (g).

18 **SECTION 60.** 71.05 (6) (a) 24. of the statutes is created to read:

19 71.05 **(6)** (a) 24. The amount deducted or excluded under the Internal Revenue
20 Code for interest expenses and rental expenses that are directly or indirectly paid,
21 accrued, or incurred to, or in connection directly or indirectly with one or more direct
22 or indirect transactions with, one or more related entities.

23 **SECTION 61.** 71.05 (6) (b) 45. of the statutes is created to read:

24 71.05 **(6)** (b) 45. An amount added to federal adjusted gross income under par.
25 (a) 24., to the extent that the conditions under s. 71.80 (23) are satisfied.

1 **SECTION 62.** 71.05 (6) (b) 46. of the statutes is created to read:

2 71.05 **(6)** (b) 46. An amount added, pursuant to par. (a) 24. or s. 71.26 (2) (a) 7.,
3 71.34 (1k) (j), or 71.45 (2) (a) 16., to the federal income of a related entity that paid
4 interest expenses or rental expenses to the individual or fiduciary, to the extent that
5 the related entity could not offset such amount with the deduction allowable under
6 subd. 45. or s. 71.26 (2) (a) 8., 71.34 (1k) (k), or 71.45 (2) (a) 17.

7 **SECTION 63.** 71.22 (1b) of the statutes is created to read:

8 71.22 **(1b)** “Aggregate effective tax rate” means the sum of the effective tax
9 rates imposed by a state, U.S. possession, foreign country, or any combination
10 thereof, on the person or entity.

11 **SECTION 64.** 71.22 (1tm) of the statutes is created to read:

12 71.22 **(1tm)** “Effective tax rate” means the maximum tax rate imposed by the
13 state, U.S. possession, or foreign country, multiplied by the apportionment
14 percentage, if any, applicable to the person or entity under the laws of that state, U.S.
15 possession, or foreign country.

16 **SECTION 65.** 71.22 (3m) of the statutes is created to read:

17 71.22 **(3m)** For purposes of s. 71.26 (2) (a) 7. and 9., “interest expenses” means
18 interest that would otherwise be deductible under section 163 of the Internal
19 Revenue Code, as modified under s. 71.26 (3).

20 **SECTION 66.** 71.22 (9ad) of the statutes is created to read:

21 71.22 **(9ad)** (a) “Qualified real estate investment trust” means a real estate
22 investment trust, except a real estate investment trust the shares or beneficial
23 interests of which are not regularly traded on an established securities market and
24 more than 50 percent of the voting power or value of any class of the beneficial
25 interests or shares of which are owned or controlled, directly, indirectly or

1 constructively, by a single entity that is treated as an association taxable as a
2 corporation under the Internal Revenue Code.

3 (b) For purposes of this subsection, the following entities are not considered an
4 association taxable as a corporation:

5 1. An entity that is exempt from taxation under s. 71.26 (1) and exempt from
6 federal income tax pursuant to the provisions of section 501 (a) of the Internal
7 Revenue Code.

8 2. A real estate investment trust that is a qualified real estate investment trust.

9 3. A qualified real estate investment trust subsidiary under section 856 (i) of
10 the Internal Revenue Code that is a subsidiary of a qualified real estate investment
11 trust.

12 4. An Australian unit trust under the Australian Corporations Act in which the
13 principal class of units is listed on a recognized stock exchange in Australia and is
14 regularly traded on an established securities market, or an entity organized as a
15 trust, if an Australian unit trust described in this subdivision owns or controls,
16 directly or indirectly, 75 percent or more of the voting power or value of the beneficial
17 interests or shares of such trust.

18 5. A corporation, trust, association, or partnership organized outside the laws
19 of the United States that satisfies all of the following:

20 a. At least 75 percent of the entity's total asset value at the close of its taxable
21 year consists of real estate assets, as defined in section 856 (c) (5) (B) of the Internal
22 Revenue Code, cash and cash equivalents, and U.S. government securities.

23 b. The entity is not subject to tax on amounts distributed to its beneficial
24 owners or is exempt from entity-level taxation.

1 c. The entity distributes at least 85 percent of its taxable income, as computed
2 in the jurisdiction in which it is organized, to the holders of its shares or certificates
3 of beneficial interest on an annual basis.

4 d. Either no more than 10 percent of the voting power or value in the entity is
5 held directly, indirectly, or constructively by a single entity or individual or the
6 shares or beneficial interests of the entity are regularly traded on an established
7 securities market.

8 e. The entity is organized in a country that has a tax treaty with the United
9 States.

10 (c) For purposes of this subsection, the constructive ownership rules of section
11 318 (a) of the Internal Revenue Code, as modified by section 856 (d) (5) of the Internal
12 Revenue Code, shall apply in determining the ownership of stock, assets, or net
13 profits of any person.

14 **SECTION 67.** 71.22 (9am) of the statutes is created to read:

15 71.22 **(9am)** “Related entity” means any person related to a taxpayer as
16 provided under section 267 or 1563 of the Internal Revenue Code during all or a
17 portion of the taxpayer’s taxable year and any real estate investment trust under
18 section 856 of the Internal Revenue Code, except a qualified real estate investment
19 trust, if more than 50 percent of any class of the beneficial interests or shares of the
20 real estate investment trust are owned directly, indirectly, or constructively by the
21 taxpayer, or any person related to the taxpayer, during all or a portion of the
22 taxpayer’s taxable year. For purposes of this subsection, the constructive ownership
23 rules of section 318 (a) of the Internal Revenue Code, as modified by section 856 (d)
24 (5) of the Internal Revenue Code, shall apply in determining the ownership of stock,
25 assets, or net profits of any person.

1 **SECTION 68.** 71.22 (9an) of the statutes is created to read:

2 71.22 **(9an)** For purposes of s. 71.26 (2) (a) 7. and 9., “rental expenses” means
3 the gross amounts that would otherwise be deductible under the Internal Revenue
4 Code, as modified under s. 71.26 (3), for the use of, or the right to use, real property
5 and tangible personal property in connection with real property, including services
6 furnished or rendered in connection with such property, regardless of how reported
7 for financial accounting purposes and regardless of how computed.

8 **SECTION 69.** 71.26 (2) (a) of the statutes, as affected by 2007 Wisconsin Acts 20
9 and 96, is renumbered 71.26 (2) (a) (intro.) and amended to read:

10 71.26 **(2)** (a) *Corporations in general.* (intro.) The “net income” of a corporation
11 means the gross income as computed under the Internal Revenue Code as modified
12 under sub. (3) ~~minus~~ and modified as follows:

13 1. Minus the amount of recapture under s. 71.28 (1di) ~~plus.~~

14 2. Plus the amount of credit computed under s. 71.28 (1), (3), (4), and (5) ~~minus.~~

15 3. Minus, as provided under s. 71.28 (3) (c) 7., the amount of the credit under
16 s. 71.28 (3) that the taxpayer added to income under this paragraph at the time that
17 the taxpayer first claimed the credit ~~plus.~~

18 4. Plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di),
19 (1dj), (1dL), (1dm), (1ds), (1dx), (3g), (3h), (3n), (3p), (3t), (3w), (5e), (5f), (5g), (5h), (5i),
20 (5j), and (5k) and not passed through by a partnership, limited liability company, or
21 tax-option corporation that has added that amount to the partnership’s, limited
22 liability company’s, or tax-option corporation’s income under s. 71.21 (4) or 71.34 ~~(1)~~
23 ~~(1k)~~ (g) ~~plus.~~

24 5. Plus the amount of losses from the sale or other disposition of assets the gain
25 from which would be wholly exempt income, as defined in sub. (3) (L), if the assets

1 were sold or otherwise disposed of at a gain and minus deductions, as computed
2 under the Internal Revenue Code as modified under sub. (3), ~~plus~~.

3 6. Plus or minus, as appropriate, an amount equal to the difference between
4 the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or
5 otherwise disposed of in a taxable transaction during the taxable year, except as
6 provided in par. (b) and s. 71.45 (2) and (5).

7 **SECTION 70.** 71.26 (2) (a) 7. of the statutes is created to read:

8 71.26 (2) (a) 7. Plus the amount deducted or excluded under the Internal
9 Revenue Code for interest expenses and rental expenses that are directly or
10 indirectly paid, accrued, or incurred to, or in connection directly or indirectly with
11 one or more direct or indirect transactions with, one or more related entities.

12 **SECTION 71.** 71.26 (2) (a) 8. of the statutes is created to read:

13 71.26 (2) (a) 8. Minus the amount added to gross income under subd. 7., to the
14 extent that the conditions under s. 71.80 (23) are satisfied.

15 **SECTION 72.** 71.26 (2) (a) 9. of the statutes is created to read:

16 71.26 (2) (a) 9. Minus the amount added, pursuant to subd. 7. or s. 71.05 (6) (a)
17 24., 71.34 (1k) (j), or 71.45 (2) (a) 16., to the federal income of a related entity that
18 paid interest expenses or rental expenses to the corporation, to the extent that the
19 related entity could not offset such amount with the deduction allowable under subd.
20 8. or s. 71.05 (6) (b) 45., 71.34 (1k) (k), or 71.45 (2) (a) 17.

21 **SECTION 73.** 71.30 (2) of the statutes is amended to read:

22 71.30 (2) ALLOCATION OF GROSS INCOME, DEDUCTIONS, CREDITS BETWEEN 2 OR MORE
23 BUSINESSES. In any case of 2 or more organizations, trades or businesses (whether or
24 not incorporated, whether or not organized in the United States and whether or not
25 affiliated) owned or controlled directly or indirectly by the same interests, the

1 secretary or his or her delegate may distribute, apportion or allocate gross income,
2 deductions, credits or allowances between or among such organizations, trades or
3 businesses, if he or she determines that such distribution, apportionment or
4 allocation is necessary in order to prevent evasion of taxes or clearly to reflect the
5 income of any of such organizations, trades or businesses. The authority granted
6 under this subsection is in addition to, and not a limitation of or dependent on, the
7 provisions of ss. 71.05 (6) (a) 24. and (b) 45., 71.26 (2) (a) 7. and 8., 71.34 (1k) (j) and
8 (k), 71.45 (2) (a) 16. and 17., and 71.80 (23).

9 **SECTION 74.** 71.34 (1) of the statutes is renumbered 71.34 (1k).

10 **SECTION 75.** 71.34 (1am) of the statutes is created to read:

11 71.34 **(1am)** “Aggregate effective tax rate” means the sum of the effective tax
12 rates imposed by a state, U.S. possession, foreign country, or any combination
13 thereof, on the person or entity.

14 **SECTION 76.** 71.34 (1b) of the statutes is created to read:

15 71.34 **(1b)** “Effective tax rate” means the maximum tax rate imposed by the
16 state, U.S. possession, or foreign country, multiplied by the apportionment
17 percentage, if any, applicable to the person or entity under the laws of that state, U.S.
18 possession, or foreign country.

19 **SECTION 77.** 71.34 (1e) of the statutes is created to read:

20 71.34 **(1e)** For purposes of sub. (1k) (j) and (L), “interest expenses” means
21 interest that would otherwise be deductible under section 163 of the Internal
22 Revenue Code and deductible in the computation of Wisconsin adjusted gross
23 income.

24 **SECTION 78.** 71.34 (1k) (j) of the statutes is created to read:

1 71.34 **(1k)** (j) An addition shall be made for any amount deducted or excluded
2 under the Internal Revenue Code for interest expenses and rental expenses that are
3 directly or indirectly paid, accrued, or incurred to, or in connection directly or
4 indirectly with one or more direct or indirect transactions with, one or more related
5 entities.

6 **SECTION 79.** 71.34 (1k) (k) of the statutes is created to read:

7 71.34 **(1k)** (k) A deduction shall be allowed for the amount added to gross
8 income under par. (j), to the extent that the conditions under s. 71.80 (23) are
9 satisfied.

10 **SECTION 80.** 71.34 (1k) (L) of the statutes is created to read:

11 71.34 **(1k)** (L) A deduction shall be allowed for the amount added, pursuant to
12 par. (j) or s. 71.05 (6) (a) 24., 71.26 (2) (a) 7., or 71.45 (2) (a) 16., to the federal income
13 of a related entity that paid interest expenses or rental expenses to the corporation,
14 to the extent that the related entity could not offset such amount with the deduction
15 allowable under par. (k) or s. 71.05 (6) (b) 45., 71.26 (2) (a) 8., or 71.45 (2) (a) 17.

16 **SECTION 81.** 71.34 (1L) of the statutes is created to read:

17 71.34 **(1L)** “Qualified real estate investment trust” has the meaning given in
18 s. 71.22 (9ad).

19 **SECTION 82.** 71.34 (1p) of the statutes is created to read:

20 71.34 **(1p)** “Related entity” means any person related to a taxpayer as provided
21 under section 267 or 1563 of the Internal Revenue Code during all or a portion of the
22 taxpayer’s taxable year and any real estate investment trust under section 856 of the
23 Internal Revenue Code, except a qualified real estate investment trust, if more than
24 50 percent of any class of the beneficial interests or shares of the real estate
25 investment trust are owned directly, indirectly, or constructively by the taxpayer, or

1 any person related to the taxpayer, during all or a portion of the taxpayer’s taxable
2 year. For purposes of this subsection, the constructive ownership rules of section 318
3 (a) of the Internal Revenue Code, as modified by section 856 (d) (5) of the Internal
4 Revenue Code, shall apply in determining the ownership of stock, assets, or net
5 profits of any person.

6 **SECTION 83.** 71.34 (1r) of the statutes is created to read:

7 71.34 (1r) For purposes of sub. (1k) (j) and (L), “rental expenses” means the
8 gross amounts that would otherwise be deductible in the computation of Wisconsin
9 adjusted gross income for the use of, or the right to use, real property and tangible
10 personal property in connection with real property, including services furnished or
11 rendered in connection with such property, regardless of how reported for financial
12 accounting purposes and regardless of how computed.

13 **SECTION 84.** 71.42 (1) of the statutes is renumbered 71.42 (1g).

14 **SECTION 85.** 71.42 (1b) of the statutes is created to read:

15 71.42 (1b) “Aggregate effective tax rate” means the sum of the effective tax
16 rates imposed by a state, U.S. possession, foreign country, or any combination
17 thereof, on the person or entity.

18 **SECTION 86.** 71.42 (1s) of the statutes is created to read:

19 71.42 (1s) “Effective tax rate” means the maximum tax rate imposed by the
20 state, U.S. possession, or foreign country, multiplied by the apportionment
21 percentage, if any, applicable to the person or entity under the laws of that state, U.S.
22 possession, or foreign country.

23 **SECTION 87.** 71.42 (1t) of the statutes is created to read:

1 71.42 **(1t)** For purposes of s. 71.45 (2) (a) 16. and 18., “interest expenses” means
2 interest that would otherwise be deductible under section 163 of the Internal
3 Revenue Code, as adjusted under s. 71.45 (2).

4 **SECTION 88.** 71.42 (4d) of the statutes is created to read:

5 71.42 **(4d)** “Qualified real estate investment trust” has the meaning given in
6 s. 71.22 (9ad).

7 **SECTION 89.** 71.42 (4m) of the statutes is created to read:

8 71.42 **(4m)** “Related entity” means any person related to a taxpayer as provided
9 under section 267 or 1563 of the Internal Revenue Code during all or a portion of the
10 taxpayer’s taxable year and any real estate investment trust under section 856 of the
11 Internal Revenue Code, except a qualified real estate investment trust, if more than
12 50 percent of any class of the beneficial interests or shares of the real estate
13 investment trust are owned directly, indirectly, or constructively by the taxpayer, or
14 any person related to the taxpayer, during all or a portion of the taxpayer’s taxable
15 year. For purposes of this subsection, the constructive ownership rules of section 318
16 (a) of the Internal Revenue Code, as modified by section 856 (d) (5) of the Internal
17 Revenue Code, shall apply in determining the ownership of stock, assets, or net
18 profits of any person.

19 **SECTION 90.** 71.42 (4n) of the statutes is created to read:

20 71.42 **(4n)** For purposes of s. 71.45 (2) (a) 16. and 18., “rental expenses” means
21 the gross amounts that would otherwise be deductible under the Internal Revenue
22 Code, as adjusted under s. 71.45 (2), for the use of, or the right to use, real property
23 and tangible personal property in connection with real property, including services
24 furnished or rendered in connection with such property, regardless of how reported
25 for financial accounting purposes and regardless of how computed.

1 **SECTION 91.** 71.45 (2) (a) 10. of the statutes, as affected by 2007 Wisconsin Acts
2 20 and 96, is amended to read:

3 71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit
4 computed under s. 71.47 (1dd) to (1dx), (3h), (3n), (3p), (3w), (5e), (5f), (5g), (5h), (5i),
5 (5j), and (5k) and not passed through by a partnership, limited liability company, or
6 tax–option corporation that has added that amount to the partnership’s, limited
7 liability company’s, or tax–option corporation’s income under s. 71.21 (4) or 71.34 ~~(1)~~
8 (1k) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

9 **SECTION 92.** 71.45 (2) (a) 16. of the statutes is created to read:

10 71.45 **(2)** (a) 16. By adding to federal taxable income any amount deducted or
11 excluded under the Internal Revenue Code for interest expenses and rental expenses
12 that are directly or indirectly paid, accrued, or incurred to, or in connection directly
13 or indirectly with one or more direct or indirect transactions with, one or more
14 related entities.

15 **SECTION 93.** 71.45 (2) (a) 17. of the statutes is created to read:

16 71.45 **(2)** (a) 17. By subtracting from federal taxable income the amount added
17 to federal taxable income under subd. 16., to the extent that the conditions under s.
18 71.80 (23) are satisfied.

19 **SECTION 94.** 71.45 (2) (a) 18. of the statutes is created to read:

20 71.45 **(2)** (a) 18. A deduction shall be allowed for the amount added, pursuant
21 to subd. 16. or s. 71.05 (6) (a) 24., 71.26 (2) (a) 7., or 71.34 (1k) (j), to the federal income
22 of a related entity that paid interest expenses or rental expenses to the insurer, to
23 the extent that the related entity could not offset such amount with the deduction
24 allowable under subd. 17. or s. 71.05 (6) (b) 45., 71.26 (2) (a) 8., or 71.34 (1k) (k).

25 **SECTION 95.** 71.80 (1) (b) of the statutes is amended to read:

1 71.80 (1) (b) In any case of 2 or more organizations, trades or businesses
2 (whether or not incorporated, whether or not organized in the United States and
3 whether or not affiliated) owned or controlled directly or indirectly by the same
4 interests, the secretary or the secretary's delegate may distribute, apportion or
5 allocate gross income, deductions, credits or allowances between or among such
6 organizations, trades or businesses, if the secretary determines that such
7 distribution, apportionment or allocation is necessary in order to prevent evasion of
8 taxes or clearly to reflect the income of any of such organizations, trades or
9 businesses. The authority granted under this subsection is in addition to, and not
10 a limitation of or dependent on, the provisions of sub. (23) and ss. 71.05 (6) (a) 24. and
11 (b) 45., 71.26 (2) (a) 7. and 8., 71.34 (1k) (j) and (k), and 71.45 (2) (a) 16. and 17.

12 **SECTION 96.** 71.80 (23) of the statutes is created to read:

13 71.80 (23) RELATED ENTITY ADDBACKS. (a) The deductions provided under ss.
14 71.05 (6) (b) 45., 71.26 (2) (a) 8., 71.34 (1k) (k), and 71.45 (2) (a) 17. shall be allowed
15 for any interest expenses or rental expenses described in ss. 71.05 (6) (a) 24., 71.26
16 (2) (a) 7., 71.34 (1k) (j), or 71.45 (2) (a) 16. if any of the following applies to the interest
17 expenses or rental expenses:

18 1. The related entity to which the taxpayer paid, accrued, or incurred the
19 interest expenses or rental expenses during the taxable year directly or indirectly
20 paid, accrued, or incurred such amounts in the same taxable year to a person who
21 is not a related entity or the related entity to which the taxpayer paid, accrued, or
22 incurred such expenses is a holding company or a direct or indirect subsidiary of a
23 holding company, as defined in 12 USC 1841 (a) or (l) or 12 USC 1467a (a) (1) (D), not
24 including any entity that is organized under the laws of another jurisdiction and that
25 primarily holds and manages investments of a bank, subsidiary, or affiliate. For

1 purposes of this subdivision, “interest” does not include interest that is paid in
2 connection with any debt that is incurred to acquire the taxpayer’s assets or stock
3 under section 368 of the Internal Revenue Code. If a portion of such an interest
4 expense or rental expense is paid, accrued, or incurred in the same taxable year to
5 a person who is not a related entity, that portion shall be allowed as a deduction to
6 the taxpayer.

7 2. The related entity was subject to tax on, or measured by, its net income or
8 receipts in this state or any state, U.S. possession, or foreign country; the related
9 entity’s tax base in such state, U.S. possession, or foreign country included the
10 income received from the taxpayer for the interest expenses or rental expenses; the
11 related entity’s aggregate effective tax rate applied to such income or receipts was
12 at least 80 percent of the taxpayer’s aggregate effective tax rate; and the related
13 entity is not a real estate investment trust under section 856 of the Internal Revenue
14 Code, other than a qualified real estate investment trust. For purposes of this
15 subdivision, “any state, U.S. possession, or foreign country” does not include any
16 state, U.S. possession, or foreign country under the laws of which the taxpayer files
17 with the related entity, or the related entity files with another entity, a combined
18 income tax report or return, a consolidated income tax report or return, or any other
19 report or return that is due because of the imposition of a tax that is measured on or
20 by income or receipts, if the report or return results in eliminating the tax effects of
21 transactions, directly or indirectly, between either the taxpayer and the related
22 entity or between the related entity and another entity.

23 3. The taxpayer establishes that the transaction satisfies any other conditions
24 that the department considers relevant, based on the facts and circumstances, to
25 determine that the primary motivation for the transaction was one or more business

1 purposes other than the avoidance or reduction of state income or franchise taxes;
2 that the transaction changed the economic position of the taxpayer in a meaningful
3 way apart from tax effects; and that the interest expenses or rental expenses were
4 paid, accrued, or incurred using terms that reflect an arm's-length relationship.

5 (b) Notwithstanding par. (a), the deductions provided under ss. 71.05 (6) (b) 45.,
6 71.26 (2) (a) 8., 71.34 (1k) (k), and 71.45 (2) (a) 17. shall not be allowed for any interest
7 expenses or rental expenses that are directly or indirectly paid, accrued, or incurred
8 to, or in connection directly or indirectly with one or more direct or indirect
9 transactions with, one or more related entities, if the aggregate amount paid,
10 accrued, or incurred for those related entity transactions is not disclosed on a
11 separate form prescribed by the department in the manner prescribed by the
12 department.

13 **SECTION 97.** 79.04 (4m) of the statutes, as created by 2007 Wisconsin Act 20,
14 is renumbered 79.04 (4m) (a) and amended to read:

15 79.04 **(4m)** (a) Beginning Except as provided in par. (b), beginning with
16 distributions in 2009, for production plants described under subs. (1) and (2), if in any
17 year the payments to the municipality and county in which the production plant is
18 located would be greater under subs. (6) and (7) (c) 1. based on the production plant's
19 name-plate capacity than under sub. (1) or (2) based on the depreciated net book
20 value of the production plant, the municipality and county shall receive payments
21 under subs. (6) and (7) (c) 1., rather than under sub. (1) or (2), beginning in that year
22 and in each year thereafter.

23 **SECTION 98.** 79.04 (4m) (b) of the statutes is created to read:

24 79.04 **(4m)** (b) For municipalities where production plants are located, if the
25 combination of amounts determined for production plants under sub. (1) or under

1 subs. (6) and (7) (c) 1. and the amounts determined for substations and general
2 structures under sub. (1) are less for a municipality than the amount determined
3 under sub. (1) based on the value of the property used to calculate the municipality's
4 payment in 1990, reduced to reflect the value of property that is no longer in use, the
5 municipality's payment shall be calculated under sub. (1) using the value of the
6 property used to calculate the municipality's payment in 1990, reduced to reflect the
7 value of property no longer in use.

8 **SECTION 99.** 86.30 (2) (e) of the statutes is amended to read:

9 86.30 (2) (e) *Aid payments.* General transportation aids under this section
10 shall be calculated and distributed on the basis of a calendar year. General
11 transportation aids to municipalities shall be paid in 4 equal installments on the first
12 Monday in January, April, July and October. General transportation aids to counties
13 shall be paid in 3 installments consisting of 25 percent of the amount under sub. (9)
14 (b) on the first Monday in January, 50 percent of the amount under sub. (9) (b) on the
15 first Monday in July, and 25 percent of the amount under sub. (9) (b) on the first
16 Monday in October. If adjustments are necessary, the department may adjust any
17 of the scheduled aid payments in a calendar year. The payments shall be made from
18 the appropriation under s. 20.395 (1) (as) or (at) for the fiscal year in which the
19 payments are made.

20 **SECTION 100.** 100.52 (1) (bm) of the statutes is created to read:

21 100.52 (1) (bm) "Commercial mobile service" has the meaning given in s. 196.01
22 (2i).

23 **SECTION 101.** 100.52 (1) (f) of the statutes is amended to read:

24 100.52 (1) (f) "Residential customer" means an individual who is furnished
25 with basic local exchange service or commercial mobile service by a

1 telecommunications utility, but does not include an individual who operates a
2 business at his or her residence.

3 **SECTION 102.** 118.14 (title) of the statutes is amended to read:

4 **118.14 (title) Age of pupils; phase in of 4-year-old kindergarten.**

5 **SECTION 103.** 118.14 (3) of the statutes is created to read:

6 118.14 (3) (a) Except as provided in par. (b), if a school board establishes a
7 4-year-old kindergarten program, the program shall be available to all pupils
8 eligible for the program under sub. (1) (a) or s. 120.12 (25).

9 (b) A school board that was operating a 4-year-old kindergarten program in
10 the 2007–08 school year that did not comply with par. (a) shall make a 4-year-old
11 kindergarten program available to all pupils eligible for the program under sub. (1)
12 (a) or s. 120.12 (25) by the beginning of the 2013–14 school year.

13 **SECTION 104.** 118.153 (4) (b) of the statutes is amended to read:

14 118.153 (4) (b) Upon receipt of a school board's annual report under par. (a) the
15 state superintendent shall pay to the school district from the appropriation under s.
16 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
17 at least 3 of the objectives under par. (c) in the previous school year, additional state
18 aid in an amount equal to 10% of the school district's average per pupil aids provided
19 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (at) in the previous
20 school year.

21 **SECTION 105.** 121.004 (7) (c) 1. (intro.) of the statutes is amended to read:

22 121.004 (7) (c) 1. (intro.) A pupil enrolled in kindergarten may be counted only
23 if the pupil attains the age permitted under s. 120.12 (25) or required under s. 118.14
24 for kindergarten admission. A kindergarten pupil, including a pupil enrolled in a

1 4-year-old kindergarten program being phased in under s. 118.14 (3) (b), shall be
2 counted as one-half pupil except that:

3 **SECTION 106.** 121.004 (7) (cm) of the statutes is amended to read:

4 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
5 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
6 that provides the required number of hours of direct pupil instruction under s. 121.02
7 (1) (f) 2. shall be counted as 0.6 pupil if the program annually provides at least 87.5
8 additional hours of outreach activities.

9 **SECTION 107.** 121.007 of the statutes is amended to read:

10 **121.007 Use of state aid; exemption from execution.** All moneys paid to
11 a school district under s. 20.255 (2) (ac), (at), (bc), (cg), and (cr), shall be used by the
12 school district solely for the purposes for which paid. Such moneys are exempt from
13 execution, attachment, garnishment, or other process in favor of creditors, except as
14 to claims for salaries or wages of teachers and other school employees and as to
15 claims for school materials, supplies, fuel, and current repairs.

16 **SECTION 108.** 121.15 (1m) (a) 3. of the statutes is amended to read:

17 121.15 (1m) (a) 3. Beginning in the ~~1999–2000~~ 2007–2008 school year,
18 annually the state shall pay to school districts, from the appropriation under s.
19 20.255 (2) (ac), an amount equal to \$75,000,000, less the sum of the reductions made
20 to the amount in the previous and current fiscal years under s. 16.518 (2m) (b), on
21 the 4th first Monday in July of the following school year.

22 **SECTION 109.** 121.15 (1m) (a) 4. of the statutes is created to read:

23 121.15 (1m) (a) 4. Beginning in the 2007–08 school year, in addition to the
24 payment delay under subd. 3., annually the state shall pay to school districts, from
25 the appropriation under s. 20.255 (2) (ac), an amount equal to \$125,000,000, less the

1 sum of the reductions made to the amount in the previous and current fiscal years
2 under s. 16.518 (2m) (a), on the first Monday in July of the following school year.

3 **SECTION 110.** 121.15 (1m) (b) of the statutes is amended to read:

4 121.15 **(1m)** (b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced
5 proportionally to reflect the payments made under par. (a)- 3. The percentage paid
6 in June under subs. (1) (a) and (1g) (a) shall be reduced to reflect the payment made
7 under par. (a) 4. School districts shall treat the payments made in July under par.
8 (a) as if they had been received in the previous school year.

9 **SECTION 111.** 350.12 (3j) (b) of the statutes is amended to read:

10 350.12 **(3j)** (b) The fee for a trail use sticker issued for a snowmobile that is
11 exempt from registration under sub. (2) (b) or (bn) is ~~\$17.25~~ \$34.25. A trail use
12 sticker issued for such a snowmobile may be issued only by the department and
13 persons appointed by the department and expires on June 30 of each year.

14 **SECTION 112.** 628.348 (1) of the statutes, as created by 2007 Wisconsin Act 20,
15 is amended to read:

16 628.348 **(1)** TRAINING REQUIREMENT. ~~No~~ On and after January 1, 2009, no person
17 may solicit, negotiate, or sell long-term care insurance unless the person is a licensed
18 intermediary and he or she ~~completes~~ has completed the initial training portion of
19 the training program under s. 49.45 (31) (c) ~~by January 1, 2009,~~ and completes the
20 ongoing training under s. 49.45 (31) (c) every 24 months after completing the initial
21 training.

22 **SECTION 113.** 946.42 (1) (a) of the statutes is renumbered 946.42 (1) (a) 1.
23 (intro.) and amended to read:

24 946.42 **(1)** (a) 1. (intro.) “Custody” includes without limitation actual all of the
25 following:

1 a. Actual custody of an institution, including a juvenile correctional facility, as
2 defined in s. 938.02 (10p), a secured residential care center for children and youth,
3 as defined in s. 938.02 (15g), a juvenile detention facility, as defined in s. 938.02 (10r),
4 a Type 2 residential care center for children and youth, as defined in s. 938.02 (19r),
5 a facility used for the detention of persons detained under s. 980.04 (1), a facility
6 specified in s. 980.065, or a juvenile portion of a county jail, ~~or actual.~~

7 b. Actual custody of a peace officer or institution guard. “Custody” also includes
8 ~~the constructive~~

9 e. Constructive custody of persons placed on supervised release under ch. 980
10 ~~and constructive.~~

11 f. Constructive custody of prisoners and juveniles subject to an order under s.
12 48.366, 938.183, 938.34 (4d), (4h), or (4m), or 938.357 (4) or (5) (e) temporarily outside
13 the institution whether for the purpose of work, school, medical care, a leave granted
14 under s. 303.068, a temporary leave or furlough granted to a juvenile, or otherwise.
15 Under s. 303.08 (6) it means, without limitation, that

16 g. Custody of the sheriff of the county to which the prisoner was transferred
17 after conviction. ~~It~~

18 2. “Custody” does not include the constructive custody of a probationer, parolee,
19 or person on extended supervision by the department of corrections or a probation,
20 extended supervision, or parole officer agent or the constructive custody of a person
21 who has been released to aftercare supervision under ch. 938 ~~unless the person is in~~
22 ~~actual custody or is subject to a confinement order under s. 973.09 (4).~~

23 **SECTION 114.** 946.42 (1) (a) 1. bm. of the statutes is created to read:

24 946.42 (1) (a) 1. bm. Actual custody or authorized physical control of a
25 correctional officer.

1 **SECTION 115.** 946.42 (1) (a) 1. c. and h. of the statutes are created to read:

2 946.42 (1) (a) 1. c. Actual custody or authorized physical control of a
3 probationer, parolee, or person on extended supervision by the department of
4 corrections.

5 h. Custody of a person subject to a confinement order under s. 973.09 (4).

6 **SECTION 116.** 946.42 (2m) of the statutes is created to read:

7 946.42 (2m) A person who is in the custody of a probation, parole, or extended
8 supervision agent, or a correctional officer, based on an allegation or a finding that
9 the person violated the rules or conditions of probation, parole, or extended
10 supervision and who intentionally escapes from custody is guilty of a Class H felony.

11 **SECTION 117.** 946.42 (4) of the statutes is created to read:

12 946.42 (4) If a person is convicted of an escape under this section, the maximum
13 term of imprisonment for the escape may be increased by not more than 5 years if
14 an individual who had custody of the person who escaped is injured during the course
15 of the escape.

16 **SECTION 118.** 973.01 (2) (c) 2. a. of the statutes is amended to read:

17 973.01 (2) (c) 2. a. Sections 939.621, 939.632, 939.645, 946.42 (4), 961.46, and
18 961.49.

19 **SECTION 119.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

20 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
21 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary
22 of administration shall lapse to the general fund or transfer to the general fund from
23 the unencumbered balances of appropriations to executive branch state agencies,
24 other than sum sufficient appropriations and appropriations of federal revenues, an
25 amount equal to \$200,000,000 during the 2007–09 fiscal biennium and \$200,000,000

1 during the 2009–11 fiscal biennium. This paragraph shall not apply to
2 appropriations to the Board of Regents of the University of Wisconsin System and,
3 to the technical college system board, and to the department of transportation except
4 with respect to the appropriation account under section 20.395 (3) (cq) of the statutes.
5 The amount in the current biennium from section 20.395 (3) (cq) of the statutes is
6 limited to \$50 million.

7 **SECTION 9114. Nonstatutory provisions; Employee Trust Funds.**

8 (1w) ANNUITY DEDUCTIONS. The authorized FTE positions for the department
9 of employee trust funds are increased by 2.1 SEG project positions to be funded from
10 the appropriation under section 20.515 (1) (w) of the statutes for the implementation
11 of program changes under sections 40.05 (4r) and 40.80 (2t) of the statutes, as created
12 by this act, and by 1.1 SEG positions to be funded from the appropriation under
13 section 20.515 (1) (w) of the statutes for the administration of the program changes
14 under sections 40.05 (4r) and 40.80 (2t) of the statutes, as created by this act.

15 **SECTION 9137. Nonstatutory provisions; Public Instruction.**

16 (1) EQUALIZATION AID SHIFT. For the following purposes, the department of
17 public instruction shall consider the amount appropriated under section 20.255 (2)
18 (ac) of the statutes as if the decrease in that amount under SECTION 9237 (1) of this
19 act had not occurred:

20 (a) For the purpose of calculating the payment under section 119.23 (4) (b) 2.
21 of the statutes in the 2007–08 and 2008–09 fiscal years.

22 (b) For the purpose of calculating the secondary guaranteed valuation per
23 member under section 121.07 (7) (b) of the statutes and the school aid reduction
24 under section 121.08 (4) of the statutes in the 2007–08 fiscal year.

25 **SECTION 9141. Nonstatutory provisions; Revenue.**

1 (1) RELATED ENTITY ADDBACK. The department of revenue has entered into a
2 substantial number of settlement agreements with banks and other financial
3 institutions regarding their investment subsidiaries. The intent of the legislature
4 in enacting this act is to have no effect on those settlement agreements.

5 (2) OMITTED PROPERTY. Notwithstanding section 70.44 (1) of the statutes,
6 section 70.44 (1) of the statutes does not apply to property described under section
7 70.11 (4a) of the statutes, as created in this act, for the years before 2009 during
8 which the property was omitted from assessment.

9 **SECTION 9148. Nonstatutory provisions; Transportation.**

10 (1) JOINT FINANCE COMMITTEE SUPPLEMENTAL FUNDING RELATED TO REAL ID ACT
11 IMPLEMENTATION. Notwithstanding section 13.101 (1), (3), and (5) of the statutes, the
12 joint committee on finance may not, for purposes relating to implementation of the
13 federal REAL ID Act of 2005, supplement in the 2007–09 fiscal biennium, from the
14 appropriation account under section 20.865 (4) (u) of the statutes, any appropriation
15 of the department of transportation for expenditures of the department of
16 transportation in the 2007–09 fiscal biennium relating to implementation of the
17 federal REAL ID Act of 2005.

18 (2) ESTIMATES FOR CERTAIN DEPARTMENT OF TRANSPORTATION APPROPRIATIONS.
19 Notwithstanding section 84.03 (2) of the statutes, the secretary of administration
20 and department of transportation shall estimate additional revenues as specified in
21 paragraphs (a) to (cm), which additional revenues are not reflected in the schedule
22 under section 20.005 (3) of the statutes, as created by 2007 Wisconsin Act 20.

23 (a) The additional revenues in fiscal year 2007–08 for the appropriation
24 account under section 20.395 (3) (bx) of the statutes are \$20,000,000.

1 (b) The additional revenues in fiscal year 2007–08 for the appropriation
2 account under section 20.395 (3) (cx) of the statutes are \$56,967,500.

3 (cm) The additional revenues in fiscal year 2008–09 for the appropriation
4 account under section 20.395 (3) (br) of the statutes are \$28 million.

5 (4m) DEPARTMENT OF TRANSPORTATION REQUESTS FOR 2009–11 BIENNIAL BUDGET BILL.

6 (a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
7 information under section 16.42 of the statutes for purposes of the 2009–11 biennial
8 budget bill, the department of transportation shall submit dollar amounts reflecting
9 the modifications as specified in subdivisions 1. to 3., before submitting any
10 information relating to any increase or decrease in the dollar amounts for these
11 appropriations for the 2009–11 fiscal biennium.

12 1. For the appropriation under section 20.395 (3) (bq) of the statutes, a dollar
13 amount that is \$28 million more than the total amount appropriated under section
14 20.395 (3) (bq) of the statutes for the 2008–09 fiscal year.

15 2. For the appropriation under section 20.395 (3) (eq) of the statutes, a dollar
16 amount that is \$24,846,900 less than the total amount appropriated under section
17 20.395 (3) (eq) of the statutes for the 2008–09 fiscal year.

18 3. For the appropriation under section 20.395 (1) (as) of the statutes, a dollar
19 amount that is \$24,846,900 more than the total amount appropriated under section
20 20.395 (1) (as) of the statutes for the 2008–09 fiscal year.

21 (b) In addition to the requirement under paragraph (a), the department of
22 transportation’s submission of information under section 16.42 of the statutes for
23 purposes of the 2009–11 biennial budget bill shall not reflect the modified estimate
24 required under subsection (3) related to the appropriation account under section
25 20.395 (3) (br) of the statutes.

1 **SECTION 9155. Nonstatutory provisions; other.**

2 (1) BUDGET STABILIZATION FUND. Notwithstanding section 20.875 (2) (q) of the
3 statutes, any transfer from the budget stabilization fund to the general fund during
4 the 2007–08 fiscal year under section 20.875 (2) (q) of the statutes, as affected by this
5 act, shall occur before July 1, 2008.

6 **SECTION 9201. Fiscal changes; Administration.**

7 (1) LAPSE OR TRANSFER OF ANY UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
8 AND FUNDS.

9 (a) Notwithstanding sections 20.001 (3) (a) to (c) of the statutes, but subject to
10 paragraph (b), the secretary of administration shall lapse or transfer to the general
11 fund from the unencumbered balances of appropriations to executive branch state
12 agencies, other than sum sufficient appropriations and appropriations of federal
13 revenues, an amount equal to \$69,000,000 during the 2007–09 fiscal biennium and
14 \$69,000,000 during the 2009–11 fiscal biennium. The amounts lapsed or transferred
15 under this paragraph shall be in addition to the amounts lapsed or transferred under
16 2007 Wisconsin Act 20, section 9201 (1c) (a) to (c). This paragraph shall not apply
17 to an appropriation to the department of public instruction under section 20.255 (2)
18 of the statutes, to appropriations to the department of health and family services
19 under section 20.435 (4) (bv) and (5) (fm) of the statutes, to an appropriation to the
20 department of revenue under section 20.566 of the statutes, or to an appropriation
21 to the department of transportation under section 20.395 of the statutes.

22 (b) The secretary of administration may not lapse moneys under paragraph (a)
23 if the lapse would violate a condition imposed by the federal government on the
24 expenditure of the moneys or if the lapse would violate the federal or state
25 constitution.

1 **SECTION 9214. Fiscal changes; Employee Trust Funds.**

2 (1w) ANNUITY DEDUCTIONS. In the schedule under section 20.005 (3) of the
3 statutes for the appropriation to the department of employee trust funds under
4 section 20.515 (1) (w) of the statutes, as affected by the acts of 2007, the dollar amount
5 is increased by \$307,100 for fiscal year 2008–09 to fund the positions authorized
6 under SECTION 9114 (1w) of this act.

7 **SECTION 9221. Fiscal changes; Health and Family Services.**

8 (1) MEDICAL ASSISTANCE DECREASE. In the schedule under section 20.005 (3) of
9 the statutes for the appropriation to the department of health and family services
10 under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007, the dollar
11 amount is decreased by \$209,000,000 for fiscal year 2008–09 to decrease funding for
12 the purposes for which the appropriation is made.

13 (2) MEDICAL ASSISTANCE INCREASE. In the schedule under section 20.005 (3) of
14 the statutes for the appropriation to the department of health and family services
15 under section 20.435 (4) (w) of the statutes, as affected by the acts of 2007, the dollar
16 amount is increased by \$209,000,000 for fiscal year 2008–09 to increase funding for
17 the purposes for which the appropriation is made.

18 (3f) MEDICAL ASSISTANCE DECREASE. In the schedule under section 20.005 (3) of
19 the statutes for the appropriation to the department of health and family services
20 under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007, the dollar
21 amount is decreased by \$10,000,000 for fiscal year 2008–09 to decrease funding for
22 the purposes for which the appropriation is made.

23 (3t) TOBACCO USE CONTROL GRANTS INCREASE. In the schedule under section
24 20.005 (3) of the statutes for the appropriation to the department of health and family
25 services under section 20.435 (5) (fm) of the statutes, as affected by the acts of 2007,

1 the dollar amount is increased by \$250,000 for fiscal year 2008–09 to increase
2 funding for the purpose for which the appropriation is made.

3 **SECTION 9237. Fiscal changes; Public Instruction.**

4 (1) EQUALIZATION AID SHIFT. In the schedule under section 20.005 (3) of the
5 statutes for the appropriation to the department of public instruction under section
6 20.255 (2) (ac) of the statutes, as affected by the acts of 2007, the dollar amount is
7 decreased by \$125,000,000 for fiscal year 2007–08.

8 **SECTION 9248. Fiscal changes; Transportation.**

9 (1) TRANSFER TO GENERAL FUND. Notwithstanding section 25.40 (3) (a) of the
10 statutes, the secretary of administration shall transfer \$22 million from the
11 transportation fund to the general fund in the current biennium.

12 (2f) HIGHWAY MAINTENANCE. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of transportation under section
14 20.395 (3) (eq) of the statutes, as affected by the acts of 2007, the dollar amount is
15 increased by \$24,846,900 for fiscal year 2008–09 to increase funding for the purposes
16 for which the appropriation is made.

17 (2g) TRANSPORTATION AIDS. In the schedule under section 20.005 (3) of the
18 statutes for the appropriation to the department of transportation under section
19 20.395 (1) (as) of the statutes, as affected by the acts of 2007, the dollar amount is
20 decreased by \$24,846,900 for fiscal year 2008–09 to decrease funding for the
21 purposes for which the appropriation is made.

22 (2h) APPROPRIATION CHANGE FOR MAJOR HIGHWAY PROJECTS. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of
24 transportation under section 20.395 (3) (bq) of the statutes, as affected by the acts

1 of 2007, the dollar amount is decreased by \$28 million for fiscal year 2008–09 to
2 decrease funding for major development of state trunk and connecting highways.

3 **SECTION 9254. Fiscal changes; Workforce Development.**

4 (1) CHILD CARE FUNDS. In the schedule under section 20.005 (3) of the statutes
5 for the appropriation to the department of workforce development under section
6 20.445 (3) (cm) of the statutes, as affected by the acts of 2007, the dollar amount is
7 increased by \$18,600,000 for fiscal year 2007–08 to increase funding for the purpose
8 for which the appropriation is made.

9 **SECTION 9255. Fiscal changes; other.**

10 (1) BUDGET STABILIZATION FUND. In the schedule under section 20.005 (3) of the
11 statutes for the appropriation under section 20.875 (2) (q) of the statutes, as affected
12 by the acts of 2007, the dollar amount is increased by \$57,000,000 for fiscal year
13 2007–08 for the purpose for which the appropriation is made.

14 (2) TRANSFER OF MONEYS FROM THE PERMANENT ENDOWMENT FUND TO THE MEDICAL
15 ASSISTANCE TRUST FUND. If appropriation obligations are issued under section 16.527
16 (3) (c) 1. of the statutes, as created by this act, before July 1, 2009, during the 2008–09
17 fiscal year, \$309,000,000 is transferred from the permanent endowment fund to the
18 Medical Assistance trust fund.

19 **SECTION 9341. Initial applicability; Revenue.**

20 (1) RELATED ENTITY ADDBACK. The renumbering of sections 71.34 (1) and 71.42
21 (1) of the statutes, the renumbering and amendment of section 71.26 (2) (a) of the
22 statutes, the amendment of sections 71.05 (6) (a) 15., 71.30 (2), 71.45 (2) (a) 10., and
23 71.80 (1) (b) of the statutes, and the creation of sections 71.01 (1am), (1t), (5s), (9ad),
24 (9am), and (9an), 71.05 (6) (a) 24. and (b) 45. and 46., 71.22 (1b), (1tm), (3m), (9ad),
25 (9am), and (9an), 71.26 (2) (a) 7., 8., and 9., 71.34 (1am), (1b), (1e), (1k) (j), (k), and

1 (L), (1L), (1p), and (1r), 71.42 (1b), (1s), (1t), (4d), (4m), and (4n), 71.45 (2) (a) 16., 17.,
2 and 18., and 71.80 (23) of the statutes first apply to taxable years beginning on
3 January 1, 2008.

4 (2) **LOW-INCOME HOUSING.** The treatment of section 70.11 (intro.), (4), (4a), and
5 (4b) of the statutes first applies to the property tax assessments as of January 1,
6 2009.

7 **SECTION 9355. Initial applicability; other.**

8 (1) **SPECIAL ASSESSMENTS ON CAMPS.** The treatment of section 66.0721 (title), (1)
9 (ae), (2), and (3) of the statutes first applies to a special assessment that is levied on
10 the first day of the 4th month beginning after the effective date of this subsection.

11 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
12 SECTIONS 9401 to 9455 of this act, this act takes effect on the day after publication.

13 **SECTION 9414. Effective dates; Employee Trust Funds.**

14 (1w) **PAYMENT OF PREMIUMS FOR PUBLIC SAFETY OFFICERS.** The treatment of
15 sections 40.02 (48g), 40.05 (4r), and 40.80 (2t) of the statutes, the renumbering of
16 section 40.08 (2) of the statutes, and the creation of section 40.08 (2) (b) of the statutes
17 take effect on January 1, 2009.

18 **SECTION 9435. Effective dates; Natural Resources.**

19 (1) The treatment of section 350.12 (3j) (b) of the statutes takes effect on July
20 1, 2008.

21 **SECTION 9437. Effective dates; Public Instruction.**

22 (1) **EQUALIZATION AID SHIFT.** The treatment of section 13.101 (6) (a) of the
23 statutes takes effect on July 1, 2008.

24 **SECTION 9448. Effective dates; Transportation.**

