



State of Wisconsin
2017 - 2018 LEGISLATURE

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JK/SWB/MPG/MED:cjs

SENATE AMENDMENT 1,
TO SENATE BILL 884

December 4, 2018 - Offered by JOINT COMMITTEE ON FINANCE.

AUTHORS SUBJECT TO CHANGE

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 8: after "operations," insert "absentee ballots,".

3 2. Page 12, line 8: after that line insert:

4 "SECTION 1b. 5.02 (12n) of the statutes is created to read:

5 5.02 (12n) "Overseas elector" means a U.S. citizen who is residing outside of
6 the United States, who is not disqualified from voting under s. 6.03, who has attained
7 or will attain the age of 18 by the date of an election at which the citizen proposes to
8 vote, who was last domiciled in this state or whose parent was last domiciled in this
9 state immediately prior to the parent's departure from the United States, and who
10 is not registered to vote or voting in any other state, territory, or possession.

11 SECTION 1c. 5.05 (13) (c) of the statutes is amended to read:

12 5.05 (13) (c) The commission shall maintain a freely accessible system under
13 which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined

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1 in s. 6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has
2 been received by the appropriate municipal clerk.

3 **SECTION 1d.** 5.05 (13) (d) 1. of the statutes is amended to read:

4 5.05 (13) (d) 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an
5 overseas elector, ~~as defined in s. 6.34 (1) (b)~~, to request a voter registration
6 application or an application for an absentee ballot at any election at which the
7 elector is qualified to vote in this state.

8 **SECTION 1e.** 6.22 (2) (b) of the statutes is amended to read:

9 6.22 (2) (b) A military elector shall make and subscribe to the certification
10 under s. 6.87 (2) before a witness who is an adult U.S. citizen.

11 **SECTION 1f.** 6.22 (2) (e) of the statutes is amended to read:

12 6.22 (2) (e) A military elector may file an application for an absentee ballot by
13 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
14 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
15 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),
16 and the elector so requests, shall transmit an absentee ballot to the elector by means
17 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)
18 (d).

19 **SECTION 1fg.** 6.22 (4) (a) of the statutes is amended to read:

20 6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.
21 (b) by an individual who qualifies as a military elector, the municipal clerk shall send
22 or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit
23 to the elector upon the elector's request an absentee ballot for all elections that occur
24 in the municipality or portion thereof where the elector resides in the same calendar
25 year in which the request is received, unless the individual otherwise requests.

1 **SECTION 1fm.** 6.22 (4) (c) of the statutes is amended to read:

2 6.22 (4) (c) A military elector may indicate an alternate address on his or her
3 absentee ballot application. If the elector's ballot is returned as undeliverable prior
4 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains
5 eligible to receive absentee ballots under this section, the municipal clerk shall
6 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),
7 transmit an absentee ballot to the elector at the alternate address.

8 **SECTION 1g.** 6.24 (2) of the statutes is amended to read:

9 6.24 (2) ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election
10 for national office, including the partisan primary and presidential preference
11 primary and any special primary or election. Such elector may not vote in an election
12 for state or local office unless the elector qualifies as a resident of this state under
13 s. 6.10. An overseas elector shall vote in the ward or election district in which the
14 elector was last domiciled or in which the elector's parent was last domiciled prior
15 to departure from the United States.

16 **SECTION 1gc.** 6.24 (4) (c) of the statutes is amended to read:

17 6.24 (4) (c) Upon receipt of a timely application from an individual who
18 qualifies as an overseas elector and who has registered to vote in a municipality
19 under sub. (3), the municipal clerk of the municipality shall send, or if the individual
20 is an overseas elector, ~~as defined in s. 6.34 (1) (b)~~, shall transmit, an absentee ballot
21 to the individual upon the individual's request for all subsequent elections for
22 national office to be held during the year in which the ballot is requested, except as
23 otherwise provided in this paragraph, unless the individual otherwise requests or
24 until the individual no longer qualifies as an overseas elector of the municipality.
25 The clerk shall not send an absentee ballot for an election if the overseas elector's

1 name appeared on the registration list in eligible status for a previous election
2 following the date of the application but no longer appears on the list in eligible
3 status. The municipal clerk shall ensure that the envelope containing the absentee
4 ballot is clearly marked as not forwardable. If an overseas elector who files an
5 application under this subsection no longer resides at the same address that is
6 indicated on the application form, the elector shall so notify the municipal clerk.

7 **SECTION 1gd.** 6.24 (4) (d) of the statutes is amended to read:

8 6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as
9 a resident of this state under s. 6.10, who is not registered may request both a
10 registration form and an absentee ballot at the same time, and the municipal clerk
11 shall send or transmit the ballot automatically if the registration form is received
12 within the time prescribed in s. 6.28 (1). The commission shall prescribe a special
13 certificate form for the envelope in which the absentee ballot for such overseas
14 electors is contained, which shall be substantially similar to that provided under s.
15 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate
16 form before a witness who is an adult U.S. citizen.

17 **SECTION 1gf.** 6.24 (4) (e) of the statutes is amended to read:

18 6.24 (4) (e) An overseas elector, regardless of whether the elector qualifies as
19 a resident of this state under s. 6.10, may file an application for an absentee ballot
20 by means of electronic mail or facsimile transmission in the manner prescribed in s.
21 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
22 elector an absentee ballot or, if the elector ~~is an overseas elector, as defined in s. 6.34~~
23 ~~(1) (b) and the elector~~ so requests, shall transmit an absentee ballot to the elector by
24 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87
25 (3) (d).

1 **SECTION 1h.** 6.25 (1) (b) of the statutes is amended to read:

2 6.25 (1) (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~
3 ~~(1), regardless of whether the elector qualifies as a resident of this state under s. 6.10,~~
4 and who transmits an application for an official absentee ballot for an election ~~for~~
5 ~~national office~~, including a primary election, no later than the latest time specified
6 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
7 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
8 candidates of any recognized political party ~~for national office~~ listed on the official
9 ballot at that election, if the federal write-in absentee ballot is received by the
10 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
11 (6).

12 **SECTION 1i.** 6.276 (1) of the statutes is amended to read:

13 6.276 (1) In this section, “military elector” ~~and “overseas elector”~~ have ~~has~~ the
14 ~~meanings meaning~~ given in s. 6.34 (1).

15 **SECTION 1j.** 6.34 (1) (intro.) and (a) of the statutes are consolidated,
16 renumbered 6.34 (1) and amended to read:

17 6.34 (1) In this section: (a) ~~“Military,~~ “military elector” means a member of a
18 uniformed service on active duty who, by reason of that duty, is absent from the
19 residence where the member is otherwise qualified to vote; a member of the
20 merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the
21 merchant marine, is absent from the residence where the member is otherwise
22 qualified to vote; or the spouse or dependent of any such member who, by reason of
23 the duty or service of the member, is absent from the residence where the spouse or
24 dependent is otherwise qualified to vote.

25 **SECTION 1jb.** 6.34 (1) (b) of the statutes is repealed.

1 **SECTION 1js.** 6.855 (5) of the statutes is created to read:

2 6.855 (5) A governing body may designate more than one alternate site under
3 sub. (1).

4 **SECTION 1k.** 6.86 (1) (b) of the statutes is amended to read:

5 6.86 (1) (b) Except as provided in this section, if application is made by mail,
6 the application shall be received no later than 5 p.m. on the 5th day immediately
7 preceding the election. If application is made in person, the application shall be
8 made no earlier than the opening of business on the 3rd Monday ~~Saturday~~ preceding
9 the election and no later than 7 p.m. on the Friday Sunday preceding the election.

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10 No application may be received on a legal holiday. An application made in person
11 may only be received Monday to Friday between the hours of 8 a.m. and 7 p.m. each
12 day. A municipality shall specify the hours in the notice under s. 10.01 (2) (e). The
13 municipal clerk or an election official shall witness the certificate for any in-person
14 absentee ballot cast. Except as provided in par. (c), if the elector is making written
15 application for an absentee ballot at the partisan primary, the general election, the
16 presidential preference primary, or a special election for national office, and the
17 application indicates that the elector is a military elector, as defined in s. 6.34 (1), the
18 application shall be received by the municipal clerk no later than 5 p.m. on election
19 day. If the application indicates that the reason for requesting an absentee ballot is
20 that the elector is a sequestered juror, the application shall be received no later than
21 5 p.m. on election day. If the application is received after 5 p.m. on the Friday
22 immediately preceding the election, the municipal clerk or the clerk's agent shall
23 immediately take the ballot to the court in which the elector is serving as a juror and
24 deposit it with the judge. The judge shall recess court, as soon as convenient, and
25 give the elector the ballot. The judge shall then witness the voting procedure as

1 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
2 shall deliver it to the polling place or, in municipalities where absentee ballots are
3 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
4 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
5 on the Friday immediately preceding the election.

6 **SECTION 1L.** 6.865 (1) of the statutes is amended to read:

7 6.865 (1) In this section, “military elector” ~~and “overseas elector”~~ have has the
8 meanings meaning given under s. 6.34 (1).

9 **SECTION 1m.** 6.87 (2) of the statutes is amended to read:

10 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
11 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
12 the name, official title and post-office address of the clerk upon its face. The other
13 side of the envelope shall have a printed certificate which shall include a space for
14 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
15 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
16 identification to the clerk and the clerk verified the proof presented. The certificate
17 shall also include a space for the municipal clerk or deputy clerk to enter his or her
18 initials indicating that the elector is exempt from providing proof of identification
19 because the individual is a military elector or an overseas elector who does not
20 qualify as a resident of this state under s. 6.10 or is exempted from providing proof
21 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the
22 following form:

23 [STATE OF

24 County of]

25 or

1 [(name of foreign country and city or other jurisdictional unit)]

2 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
3 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
4 the aldermanic district in the city of, residing at* in said city, the county
5 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
6 the election to be held on; that I am not voting at any other location in this election;
7 that I am unable or unwilling to appear at the polling place in the (ward) (election
8 district) on election day or have changed my residence within the state from one ward
9 or election district to another later than 28 days before the election. I certify that I
10 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
11 presence and in the presence of no other person marked the ballot and enclosed and
12 sealed the same in this envelope in such a manner that no one but myself and any
13 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
14 could know how I voted.

15 Signed

16 Identification serial number, if any:

17 The witness shall execute the following:

18 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
19 Stats., for false statements, certify that I am an adult U.S. citizen** and that the
20 above statements are true and the voting procedure was executed as there stated.
21 I am not a candidate for any office on the enclosed ballot (except in the case of an
22 incumbent municipal clerk). I did not solicit or advise the elector to vote for or against
23 any candidate or measure.

24(Name Printed name)

25(Address)***_

1 Signed

2 * — An elector who provides an identification serial number issued under s.
3 6.47 (3), Wis. Stats., need not provide a street address.

4 ** — An individual who serves as a witness for a military elector or an overseas
5 elector voting absentee, regardless of whether the elector qualifies as a resident of
6 Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years
7 of age or older.

8 *** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
9 Wis. Stats., both deputies shall witness and sign.

10 **SECTION 1mg.** 6.87 (3) (d) of the statutes is amended to read:

11 6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military
12 elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~
13 regardless of whether the elector qualifies as a resident of this state under s. 6.10,
14 of a facsimile transmission number or electronic mail address where the elector can
15 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's
16 ballot to that elector in lieu of mailing under this subsection. An elector may receive
17 an absentee ballot only if the elector is a military elector or an overseas elector ~~under~~
18 ~~s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1).
19 If the clerk transmits an absentee ballot to a military or overseas elector
20 electronically, the clerk shall also transmit a facsimile or electronic copy of the text
21 of the material that appears on the certificate envelope prescribed in sub. (2),
22 together with instructions prescribed by the commission. The instructions shall
23 require the military or overseas elector to make and subscribe to the certification as
24 required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope
25 contained within a larger envelope, that shall include the completed certificate. The

1 elector shall then affix sufficient postage unless the absentee ballot qualifies for
2 mailing free of postage under federal free postage laws and shall mail the absentee
3 ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot
4 received from a military or overseas elector who receives the ballot electronically
5 shall not be counted unless it is cast in the manner prescribed in this paragraph and
6 sub. (4) and in accordance with the instructions provided by the commission.

7 **SECTION 1mp.** 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated,
8 renumbered 6.87 (4) (a) and amended to read:

9 6.87 (4) (a) In this subsection: 1. ~~“Military, “military elector”~~ has the meaning
10 given in s. 6.34 (1) (a).

11 **SECTION 1mq.** 6.87 (4) (a) 2. of the statutes is repealed.

12 **SECTION 1ms.** 6.87 (4) (b) 1. of the statutes is amended to read:

13 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, ~~the an~~ elector voting
14 absentee, other than a military elector or an overseas elector, shall make and
15 subscribe to the certification before one witness who is an adult U.S. citizen. A
16 military elector or an overseas elector voting absentee, regardless of whether the
17 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
18 to the certification before one witness who is an adult but who need not be a U.S.
19 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
20 a manner that will not disclose how the elector’s vote is cast. The elector shall then,
21 still in the presence of the witness, fold the ballots so each is separate and so that the
22 elector conceals the markings thereon and deposit them in the proper envelope. If
23 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
24 the elector conceals the markings thereon and deposit the ballot in the proper
25 envelope. If proof of residence under s. 6.34 is required and the document enclosed

1 by the elector under this subdivision does not constitute proof of residence under s.
2 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
3 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
4 a military elector or an overseas elector and the elector registered by mail or by
5 electronic application and has not voted in an election in this state. If the elector
6 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
7 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
8 original signature of the elector. The elector may receive assistance under sub. (5).
9 The return envelope shall then be sealed. The witness may not be a candidate. The
10 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
11 issuing the ballot or ballots. If the envelope is mailed from a location outside the
12 United States, the elector shall affix sufficient postage unless the ballot qualifies for
13 delivery free of postage under federal law. Failure to return an unused ballot in a
14 primary does not invalidate the ballot on which the elector's votes are cast. Return
15 of more than one marked ballot in a primary or return of a ballot prepared under s.
16 5.655 or a ballot used with an electronic voting system in a primary which is marked
17 for candidates of more than one party invalidates all votes cast by the elector for
18 candidates in the primary.

19 **SECTION 1mt.** 6.88 (1) of the statutes is amended to read:

20 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
21 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
22 unopened, in a carrier envelope which shall be securely sealed and endorsed with the
23 name and official title of the clerk, and the words "This envelope contains the ballot
24 of an absent elector and must be opened in the same room where votes are being cast
25 at the polls during polling hours on election day or, in municipalities where absentee

1 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of
2 absentee ballot canvassers under s. 7.52, stats.”. If the elector is a military elector,
3 as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~
4 regardless of whether the elector qualifies as a resident of this state under s. 6.10,
5 and the ballot was received by the elector by facsimile transmission or electronic mail
6 and is accompanied by a separate certificate, the clerk shall enclose the ballot in a
7 certificate envelope and securely append the completed certificate to the outside of
8 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
9 the ballot in the clerk’s office or at the alternate site, if applicable until delivered, as
10 required in sub. (2).

11 **SECTION 1mv.** 6.97 (1) of the statutes is amended to read:

12 6.97 (1) Whenever any individual who is required to provide proof of residence
13 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
14 cannot provide the required proof of residence, the inspectors shall offer the
15 opportunity for the individual to vote under this section. Whenever any individual,
16 other than a military elector, as defined in s. 6.34 (1) (a), ~~or,~~ an overseas elector, as
17 ~~defined in s. 6.34 (1) (b),~~ or an elector who has a confidential listing under s. 6.47 (2),
18 appears to vote at a polling place and does not present proof of identification under
19 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly
20 offer the opportunity for the individual to vote under this section. If the individual
21 wishes to vote, the inspectors shall provide the elector with an envelope marked
22 “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and
23 shall require the individual to execute on the envelope a written affirmation stating
24 that the individual is a qualified elector of the ward or election district where he or
25 she offers to vote and is eligible to vote in the election. The inspectors shall, before

1 giving the elector a ballot, write on the back of the ballot the serial number of the
2 individual corresponding to the number kept at the election on the poll list or other
3 list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used
4 in the municipality where the individual is voting, the individual's vote may be
5 received only upon an absentee ballot furnished by the municipal clerk which shall
6 have the corresponding number from the poll list or other list maintained under s.
7 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors
8 before the ballot is given to the elector. When receiving the individual's ballot, the
9 inspectors shall provide the individual with written voting information prescribed
10 by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact
11 that the individual is required to provide proof of residence or proof of identification
12 under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he
13 or she may provide proof of residence or proof of identification to the municipal clerk
14 or executive director of the municipal board of election commissioners. The
15 inspectors shall also promptly notify the municipal clerk or executive director of the
16 name, address, and serial number of the individual. The inspectors shall then place
17 the ballot inside the envelope and place the envelope in a separate carrier envelope.

18 **SECTION 1n.** 7.15 (1) (cm) of the statutes is amended to read:

19 7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting
20 them, and except as provided in this paragraph, send an official absentee ballot to
21 each elector who has requested a ballot by mail, and to each military elector, as
22 defined in s. 6.34 (1) (a), and overseas elector, ~~as defined in s. 6.34 (1) (b)~~, who has
23 requested a ballot by mail, electronic mail, or facsimile transmission, no later than
24 the 47th day before each partisan primary and general election and no later than the
25 21st day before each other primary and election if the request is made before that

1 day; otherwise, the municipal clerk shall send or transmit an official absentee ballot
 2 within one business day of the time the elector's request for such a ballot is received.
 3 The clerk shall send or transmit an absentee ballot for the presidential preference
 4 primary to each elector who has requested that ballot no later than the 47th day
 5 before the presidential preference primary if the request is made before that day, or,
 6 if the request is not made before that day, within one business day of the time the
 7 request is received. For purposes of this paragraph, "business day" means any day
 8 from Monday to Friday, not including a legal holiday under s. 995.20.

9 **SECTION 1ng.** 7.15 (1) (j) of the statutes is amended to read:

10 7.15 (1) (j) Send an absentee ballot automatically to each elector and send or
 11 transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and
 12 each overseas elector, ~~as defined in s. 6.34 (1) (b),~~ making an authorized request
 13 therefor in accordance with s. 6.22 (4), 6.24 (4) (e), or 6.86 (2) or (2m)."

14 ✓ **3.** Page 17, line 16: after "by the legislature" insert "in consultation with the
 15 department of justice".

16 ✓ **4.** Page 20, line 18: after "committee." insert "If there is a risk of imminent
 17 danger, the department may take any action related to security at the capitol that
 18 is necessary to prevent or mitigate the danger and the cochairpersons may review
 19 the action later if the cochairpersons determine review is necessary."

20 **5.** Page 33, line 5: delete the material beginning with that line and ending with
 21 page 35, line 2, and substitute:

22 "SECTION 42m. 227.135 (2) of the statutes is amended to read:

23 227.135 (2) An agency that has prepared a statement of the scope of the
 24 proposed rule shall present the statement to the department of administration,

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1 which shall make a determination as to whether the agency has the explicit
2 authority to promulgate the rule as proposed in the statement of scope and shall
3 report the statement of scope and its determination to the governor who, in his or her
4 discretion, may approve or reject the statement of scope. The agency may not send
5 the statement to the legislative reference bureau for publication under sub. (3) until
6 the governor issues a written notice of approval of the statement and may not,
7 without the written approval of the governor, send the statement to the legislative
8 reference bureau for publication under sub. (3) more than 30 days after the date of
9 the governor's approval of the statement of scope. The agency shall also present the
10 statement to the individual or body with policy-making powers over the subject
11 matter of the proposed rule for approval. The individual or body with policy-making
12 powers may not approve the statement until at least 10 days after publication of the
13 statement under sub. (3) and, if a preliminary public hearing and comment period
14 are held by the agency under s. 227.136, until the individual or body has received and
15 reviewed any public comments and feedback received from the agency under s.
16 227.136 (5). No state employee or official may perform any activity in connection
17 with the drafting of a proposed rule, except for an activity necessary to prepare the
18 statement of the scope of the proposed rule until the governor and the individual or
19 body with policy-making powers over the subject matter of the proposed rule
20 approve the statement. This subsection does not prohibit an agency from performing
21 an activity necessary to prepare a petition and proposed rule for submission under
22 s. 227.26(4)."

23 **6.** Page 40, line 23: delete the material beginning with that line and ending
24 with page 41, line 7.

1 ✓ 7. Page 41, line 11: delete the material beginning with that line and ending
2 with page 42, line 8.

3 ✓ 8. Page 48, line 4: delete lines 4 to 22 and substitute:

4 "SECTION 82m. 238.02 (1) of the statutes is amended to read:

5 238.02 (1) There is created an authority, which is a public body corporate and
6 politic, to be known as the "Wisconsin Economic Development Corporation." The
7 members of the board shall consist of 6 members nominated by the governor, and
8 with the advice and consent of the senate appointed, to serve at the pleasure of the
9 governor; ~~3~~⁴ members appointed by the speaker of the assembly, ~~consisting of one~~
10 ~~majority and one minority party representative to the assembly, appointed as are the~~
11 ~~members of standing committees in the assembly, and one person employed in the~~
12 ~~private sector, to serve at the speaker's pleasure; and 3~~ 4-year terms; one member
13 appointed by the minority leader of the assembly to serve a 4-year term; ~~5~~⁴ members
14 appointed by the senate majority leader, ~~consisting of one majority and one minority~~
15 ~~party senator, appointed as are members of standing committees in the senate, and~~
16 ~~one person employed in the private sector, to serve at the majority leader's pleasure~~
17 4-year terms; and one member appointed by the minority leader of the senate to
18 serve a 4-year term. Neither the speaker of the assembly nor the senate majority
19 leader may appoint more than 2 members of the legislature to the board. The
20 secretary of administration and the secretary of revenue shall also serve on the board
21 as nonvoting members. The board shall elect a chairperson from among its
22 nonlegislative voting members. A vacancy on the board shall be filled in the same
23 manner as the original appointment to the board for the remainder of the unexpired
24 term, if any."

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1 ✓ **9.** Page 49, line 9: after that line insert:

2 "SECTION 84e. 238.03 (2) (c) of the statutes is amended to read:

3 238.03 (2) (c) Require that each recipient of a grant or, loan award, or tax credit
4 under the program submit a report to the corporation. Each contract with a recipient
5 of a grant or, loan award, or tax credit under the program must specify the frequency
6 and format of the report to be submitted to the corporation and the performance
7 measures to be included in the report. Each recipient shall submit a statement to
8 the corporation signed by the recipient or the director or principal officer of the
9 recipient attesting to the accuracy and truthfulness of the information.

10 SECTION 84f. 238.03 (2) (e) of the statutes is amended to read:

11 238.03 (2) (e) Annually and independently verify, from a sample of grants and
12 loans, loan awards, and tax credits, the accuracy of the information required to be
13 reported under par. (c).

14 ✓ **10.** Page 49, line 12: after that line insert:

15 "SECTION 85e. 238.16 (5) (e) of the statutes is amended to read:

16 238.16 (5) (e) The corporation shall ~~annually verify, under s. 238.03 (2) (e),~~ the
17 information submitted to the corporation by the person for the purpose of claiming
18 tax benefits under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q).

19 SECTION 85k. 238.306 (1) (a) of the statutes is amended to read:

20 238.306 (1) (a) ~~Annually verify~~ Verify, under s. 238.03 (2) (e), the information
21 submitted to the ~~department of revenue under ss. 71.07 (2dy), 71.28 (1dy), 71.47~~
22 ~~(1dy), and 76.637 by persons certified under s. 238.301 (2) and eligible to receive tax~~
23 ~~benefits under s. 238.303~~ corporation by the person for the purpose of claiming tax
24 benefits.

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49-13

SECTION 85m. 238.308 (5) (b) of the statutes is amended to read:

238.308 (5) (b) The corporation shall ~~annually verify, under s. 238.03 (2) (e), the~~ information submitted to it the corporation by the person for the purpose of claiming tax benefits under ss. 71.07 (3y), 71.28 (3y), and 71.47 (3y).

SECTION 85o. 238.395 (3) (d) of the statutes is amended to read:

238.395 (3) (d) The corporation ~~annually shall verify, under s. 238.03 (2) (e), the~~ information submitted to the corporation ~~under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), 71.47 (1dm) or (1dx), or 76.636~~ by the person for the purpose of claiming tax benefits.

SECTION 85r. 238.396 (4) (d) of the statutes is amended to read:

238.396 (4) (d) The corporation shall ~~annually verify, under s. 238.03 (2) (e), the~~ information submitted to the corporation ~~under ss. 71.07 (3wm) and 71.28 (3wm) by~~ the person for the purpose of claiming tax benefits."

11. Page 50, line 7: after that line insert:

SECTION 88f. 238.399 (6) (f) of the statutes is amended to read:

238.399 (6) (f) The corporation shall ~~annually verify, under s. 238.03 (2) (e), the~~ information submitted to the corporation ~~under ss. 71.07 (3w), 71.28 (3w), or 71.47 (3w)~~ by the person for the purpose of claiming tax benefits."

12. Page 64, line 3: after "by the legislature" insert "in consultation with the department of justice".

13. Page 66, line 8: delete lines 8 to 25 and substitute:

"(2m) WEDC; STAGGERING OF INITIAL TERMS. Notwithstanding the length of terms specified for the members of the board of directors of the Wisconsin Economic Development Corporation under s. 238.02 (1), the initial members appointed by the

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25

1 speaker and minority leader of the assembly and the majority leader and minority
2 leader of the senate beginning on the effective date of this subsection shall be
3 appointed for terms expiring as follows:

4 (a) The terms of 2 members appointed by the speaker of the assembly and 2
5 members appointed by the senate majority leader shall expire on October 1, 2020.

6 (b) The terms of 2 members appointed by the speaker of the assembly, the
7 member appointed by the assembly minority leader, 2 members appointed by the
8 senate majority leader, and the member appointed by the senate minority leader,
9 shall expire on October 1, 2022.

10 (c) The terms of one member appointed by the speaker of the assembly and one
11 member appointed by the senate majority leader shall expire on October 1, 2024.

12 (2s) WEDC; CURRENT BOARD MEMBERS. The members of the board of directors
13 of the Wisconsin Economic Development Corporation serving at the pleasure of the
14 speaker of the assembly and senate majority leader on the day before the effective
15 date of this subsection shall continue to serve at pleasure pending the appointment
16 of members under sub. (2m), but may not serve after January 6, 2019, unless
17 appointed under sub. (2m).

18 **14.** Page 67, line 23: delete the material beginning with that line and ending
19 with page 68, line 2.

20 (END)

INS MPG

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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✓

1 (2t) WEDC; ADDITIONAL BOARD MEMBERS. Notwithstanding s. 238.02 (1), the
2 board of directors of the Wisconsin Economic Development Corporation shall include
3 one additional member appointed by the speaker of the assembly and one additional
4 member appointed by the senate majority leader, to serve terms expiring on
5 September 1, 2019. ✓

6 (2v) WEDC; CEO. Notwithstanding s. 238.02 (3), the chief executive officer of
7 the Wisconsin Economic Development Corporation shall be appointed by the board
8 of directors of the Wisconsin Economic Development Corporation. This subsection
9 does not apply after September 1, 2019.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2615/P2
SWB/RAC/CMH:wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,
TO SENATE BILL (LRB-6076/1)**

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 15, line 1: delete “applied, or challenges” and substitute “applied,
3 challenges”.

4 ✓ **2.** Page 15, line 1: after “federal law,” insert “or otherwise challenges the
5 construction or validity of a statute.” INS
15-1

6 ✓ **3.** Page 15, line 14: on lines 14 and 17, delete “state” and substitute
7 “legislature”.

8 ✓ ✓ **4.** Page 17, line 12: delete “state” and substitute “legislature”.

9 ✓ ✓ **5.** Page 17, line 12: delete the material beginning with “In an action” and
10 ending with “appointed” on line 20.

1 ✓ ✓ **6.** Page 22, line 13: delete the material beginning with that line and ending
2 with line 18.

3 ✓ ✓ **7.** Page 24, line 3: delete the material beginning with "if the joint" and ending
4 with "s. 803.09 (2m)," on line 4.

5 ✓ **8.** Page 24, line 8: delete the material beginning with "Nothing" and ending
6 with "s. 803.09 (2m), nothing" on line 13 and substitute "The joint committee on
7 legislative organization may intervene as permitted under s. 803.09 (2m) at any
8 time. Nothing". (WJ)
24-8

9 ✓ **9.** Page 24, line 15: delete "in any other matter".

10 ✓ **10.** Page 24, line 17: delete the material beginning with "the joint committee"
11 and ending with "s. 803.09 (2m), if" on line 18.

12 ✓ ✓ **11.** Page 24, line 25: delete the material beginning with ", and if" and ending
13 with "matter" on page 25, line 2.

14 ✓ **12.** Page 25, line 6: delete the material beginning with that line and ending
15 with page 26, line 16.

16 ✓ **13.** Page 63, line 3: delete "applied, or challenges" and substitute "applied,
17 challenges".

18 ✓ **14.** Page 63, line 4: after "federal law," insert "or otherwise challenges the
19 construction or validity of a statute,". (WJ)
63-7

20 ✓ **15.** Page 63, line 5: delete "the state legislature may intervene" and substitute
21 "the legislature may intervene as set forth under s. 13.365".

22 ✓ **16.** Page 63, line 15: after "federal law," insert "or if the construction or
23 validity of a statute is otherwise challenged,". (WJ)
63-14

1 ✓ **17.** Page 63, line 16: delete "except as provided under this subsection.".

2 **18.** Page 63, line 18: after "federal law," insert "or if the construction or
3 validity of a statute is otherwise challenged." (NS)
63-18

4 ✓ **19.** Page 63, line 24: delete "state" and substitute "legislature".

5 ✓ **20.** Page 63, line 24: delete the material beginning with "In an action" and
6 ending with "appointed" on page 64, line 7.

7 ✓ **21.** Page 65, line 9: delete the material beginning with "ACTIONS" and
8 ending with "INVALID" on line 11 and substitute "STATUTORY CHALLENGES".

9 ✓ **22.** Page 65, line 13: delete the material beginning with "Actions" and ending
10 with "federal law" on line 14 and substitute "Statutory challenges".

11 **23.** Page 65, line 15: after "federal law," insert "or if the construction or
12 validity of a statute is otherwise challenged." (NS)
65-18

13 ✓ **24.** Page 65, line 16: delete the material beginning with "and, except" and
14 ending with "be heard" on line 17 and substitute "and is entitled to be heard.".

15 ✓ **25.** Page 65, line 19: after "federal law," insert "or if the construction or
16 validity of a statute is otherwise challenged." (NS) 65-19

17 ✓ **26.** Page 66, line 2: delete the material beginning with "If" and ending with
18 "action", on line 7.

19 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2615/P2
SWB/RAC/CMH:wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE AMENDMENT,
TO SENATE BILL (LRB-6076/1)**

1 At the locations indicated, amend the bill as follows:

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4 **2.** Page 15, line 1: after “federal law,” insert “or otherwise challenges the
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8 ✓ **4.** Page 17, line 12: delete “state” and substitute “legislature”.

9 ✓ **5.** Page 17, line 12: delete the material beginning with “In an action” and
10 ending with “appointed” on line 20.

1 ✓ **6.** Page 22, line 13: delete the material beginning with that line and ending
2 with line 18.

3 ✓ **7.** Page 24, line 3: delete the material beginning with "if the joint" and ending
4 with "s. 803.09 (2m)," on line 4.

5 **8.** Page 24, line 8: delete the material beginning with "Nothing" and ending
6 with "s. 803.09 (2m), nothing" on line 13 and substitute "The joint committee on
7 legislative organization may intervene as permitted under s. 803.09 (2m) at any
8 time. Nothing". (NS) 24-8

9 ✓ **9.** Page 24, line 15: delete "in any other matter".

10 ✓ **10.** Page 24, line 17: delete the material beginning with "the joint committee"
11 and ending with "s. 803.09 (2m), if" on line 18.

12 ✓ **11.** Page 24, line 25: delete the material beginning with ", and if" and ending
13 with "matter" on page 25, line 2.

14 ✓ **12.** Page 25, line 6: delete the material beginning with that line and ending
15 with page 26, line 16.

16 **13.** Page 63, line 3: delete "applied, or challenges" and substitute "applied,
17 challenges".

18 **14.** Page 63, line 4: after "federal law," insert "or otherwise challenges the
19 construction or validity of a statute,". (NS) 63-7

20 **15.** Page 63, line 5: delete "the state legislature may intervene" and substitute
21 "the legislature may intervene as set forth under s. 13.365".

22 **16.** Page 63, line 15: after "federal law," insert "or if the construction or
23 validity of a statute is otherwise challenged,". (NS) 63-14

1 **17.** Page 63, line 16: delete “, except as provided under this subsection.”

2 **18.** Page 63, line 18: after “federal law,” insert “or if the construction or
3 validity of a statute is otherwise challenged.” (NS)
63-18

4 **19.** Page 63, line 24: delete “state” and substitute “legislature”.

5 **20.** Page 63, line 24: delete the material beginning with “In an action” and
6 ending with “appointed” on page 64, line 7.

7 **21.** Page 65, line 9: delete the material beginning with “ACTIONS” and
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9 **22.** Page 65, line 13: delete the material beginning with “Actions” and ending
10 with “federal law” on line 14 and substitute “Statutory challenges”.

11 **23.** Page 65, line 15: after “federal law,” insert “or if the construction or
12 validity of a statute is otherwise challenged.” (NS)
65-18

13 **24.** Page 65, line 16: delete the material beginning with “and, except” and
14 ending with “be heard” on line 17 and substitute “and is entitled to be heard.”

15 **25.** Page 65, line 19: after “federal law,” insert “or if the construction or
16 validity of a statute is otherwise challenged.” (NS) 65-19

17 **26.** Page 66, line 2: delete the material beginning with “If” and ending with
18 “action” on line 7.

19 (END)

1 20.455 (3) (g) *Gifts, grants and proceeds.* The amounts in the schedule to carry
2 out the purposes for which gifts and grants are made and collected. All moneys
3 received from gifts and grants and all proceeds from services, conferences, and sales
4 of publications and promotional materials ~~to carry out the purposes for which made~~
5 ~~or collected~~, except as provided in sub. (2) (gm) and (gp) and to transfer to s. 20.505
6 (1) (kg), at the discretion of the attorney general, an amount not to exceed \$98,300
7 annually, shall be credited to this appropriation account.

8 **SECTION 22.** 35.93 (2) (b) 3. im. of the statutes is created to read:

9 35.93 (2) (b) 3. im. Notices of public comment periods on proposed guidance
10 documents under s. 227.112 (1) (a).

11 **SECTION 23.** 45.57 of the statutes is amended to read:

12 ^(RSD) **45.57 Veterans homes; transfer of funding.** The department may transfer
13 all or part of the unencumbered balance of any of the appropriations under s. 20.485
14 (1) (g), (gd), (gk), or (i) to the veterans trust fund or to the veterans mortgage loan
15 repayment fund. The department shall notify the joint committee on finance in
16 writing of any balance transferred under this section.

17 **SECTION 24.** 165.055 (3) of the statutes is repealed.

18 **SECTION 26.** 165.08 of the statutes is renumbered 165.08 (1) and amended to
19 read:

20 165.08 (1) Any civil action prosecuted by the department by direction of any
21 officer, department, board, or commission, ~~shall be compromised or discontinued~~
22 ~~when so directed by such officer, department, board or commission.~~ Any or any civil
23 action prosecuted by the department on the initiative of the attorney general, or at
24 the request of any individual may be compromised or discontinued ~~with the approval~~
25 of the governor only by submission of a proposed plan to the joint committee on

1 and (3) (g) before the effective date of this subsection may be expended pursuant to
2 the terms of the encumbrance.

3 **SECTION 104. Initial applicability.**

4 (1) AGENCY PUBLICATIONS. The treatment of s. 227.05 with respect to printed
5 publications first applies to guidance documents, forms, pamphlets, or other
6 informational materials that are printed 60 days after the effective date of this
7 subsection.

8 **SECTION 105. Effective date.**

9 (1) AGENCY PUBLICATIONS. The treatment of s. 227.05 takes effect on the first day
10 of the 7th month beginning after publication.

11 (END)

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act