

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, FEBRUARY 24, 2003 AT 2:30 P.M.

Room 301-B City Hall

- | | |
|---------------|--------------------------------------|
| A-14 | Residence; Sex Offenders |
| A-59 | Name Change; Sex Offenders |
| A-53 | Prisoner Reimbursement; Municipality |
| SJR-15/AJR-17 | Bills Increasing Tax Rates |
| S-15 | Creation; State Mandates Committee |

Discussion on:

Residency Requirements
Senate Bill 44: State Budget

2003 ASSEMBLY BILL 14

January 30, 2003 - Introduced by Representatives J. FITZGERALD, GUNDRUM, POWERS, AINSWORTH, ALBERS, BIES, COGGS, FREESE, GIELOW, GRONEMUS, GROTHMAN, GUNDERSON, HINES, JESKEWITZ, KAUFERT, KRAWCZYK, KREIBICH, LEMAHIEU, M. LEHMAN, MUSSER, OLSEN, OTT, OWENS, SHILLING, STASKUNAS, STONE, TURNER, UNDERHEIM, VUKMIR, WARD, VRAKAS and MCCORMICK, cosponsored by Senators S. FITZGERALD, LEIBHAM, BRESKE, KANAVAS, KEDZIE, A. LASEE, REYNOLDS, STEPP, ROESSLER and LAZICH. Referred to Committee on Corrections and the Courts.

1 AN ACT *to repeal* 301.46 (2m) (am); *to amend* 301.46 (2m) (at), 301.46 (2m) (b)
2 (intro.), 301.46 (2m) (b) 1m., 301.46 (2m) (c), 301.46 (4) (d) and 980.08 (5); and
3 *to repeal and recreate* 301.46 (2m) (title) and (a) of the statutes; **relating to:**
4 notification to law enforcement of a sexual offender's residence.

Analysis by the Legislative Reference Bureau

Under current law, if the Department of Corrections or any other agency with jurisdiction confines a person, places a person in a community extensive sanctions program, or releases a person from confinement, and the person has, on only one occasion, been convicted of a sex offense, the department or agency may notify the police chief of the community and the sheriff of the county in which the person will be residing, employed, or attending school. The department or agency may provide the notice if the department or agency determines that the notification is necessary to protect the public. If the same situation exists, except that the person has two or more sex offense convictions, the department or agency must notify the police chief of the community and the sheriff of the county in which the person will be residing, employed, or attending school.

Under this bill, the department must immediately notify the police chief of the community and the sheriff of the county in which any sex offender is residing, employed, carrying on a vocation, or attending school when that person changes his or her residence, employment, or vocation in this state, attends a different school in this state, or becomes a resident of or a student in this state, is employed in this state, or starts carrying on a vocation in this state. The bill requires the department to

ASSEMBLY BILL 14

specifically address the notice to the police chief of the community and the sheriff of the county in which the person will be residing, attending school, employed, or carrying on a vocation and requires the department to provide identifying information about the person in addition to the the new address of the person, the school that the person will be attending, the name and address of the person's employer, and the name and address of the place where the person will be carrying on a vocation, whichever are applicable.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 301.46 (2m) (title) and (a) of the statutes are repealed and recreated
2 to read:

3 **301.46 (2m)** (title) NOTICE TO LAW ENFORCEMENT AGENCIES. (a) When a person
4 who is registered with the department under s. 301.45 (2) changes his or her
5 residence, employment, or vocation in this state, enrolls in a different school in this
6 state, becomes a resident of this state or a student in this state, becomes employed
7 in this state, or starts carrying on a vocation in this state, the department shall
8 immediately notify the police chief of the community and the sheriff of the county in
9 which the person will be residing, attending school, employed, or carrying on a
10 vocation. The department shall specifically address the notice to the police chief of
11 the community and the sheriff of the county in which the person will be residing,
12 attending school, employed, or carrying on a vocation. A notice that is addressed and
13 sent to all police chiefs and sheriffs does not fulfill the requirements of this
14 subsection. The notice shall include the information required under par. (b) and the
15 new address of the person, the school that the person will be attending, the name and
16 address of the person's employer, and the name and address of the place where the
17 person will be carrying on a vocation, whichever are applicable.

2003 ASSEMBLY BILL 59

February 13, 2003 - Introduced by Representatives GUNDRUM, GRONEMUS, ZIEGELBAUER, GUNDERSON, LADWIG, GROTHMAN, GIELOW, ALBERS, KRAWCZYK, STONE, HINES, MUSSER, STASKUNAS, OLSEN, PLOUFF, TOWNSEND, NISCHKE, LASSA, WASSERMAN, HUEBSCH, PETTIS, J. FITZGERALD, SUDER, JESKEWITZ, VAN ROY, FREESE, VRAKAS and COGGS, cosponsored by Senators DARLING, HARS DORF, REYNOLDS, LAZICH, KEDZIE, STEPP, ROESSLER, KANAVAS, HANSEN and LEIBHAM. Referred to Committee on Judiciary.

1 AN ACT *to amend* 69.11 (4) (b), 69.12 (1), 69.15 (4) (b), 301.45 (6) (ag), 767.20 and
2 786.36 (1) (intro.); and *to create* 301.45 (4u) of the statutes; **relating to:** name
3 changes and names used by sex offenders and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person may change his or her name by consistently and continuously using another name, by petitioning a court to have his or her name changed, or, after being granted a divorce, by asking the court to permit him or her to use a former surname. This bill prohibits a person required to register as a sex offender from changing his or her name or using a name other than one by which the person is identified with the Department of Corrections. This prohibition also applies to a person who has been found to have committed a sex offense for which registration will be, but is not yet, required. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

2003 ASSEMBLY BILL 53

February 13, 2003 - Introduced by Representatives GOTTLIEB, FOTI, AINSWORTH, BIES, J. FITZGERALD, GIELOW, GROTHMAN, GUNDERSON, GUNDRUM, HAHN, HUEBSCH, HUNDERTMARK, JENSEN, JESKEWITZ, LADWIG, LASSA, LEMAHIEU, M. LEHMAN, MCCORMICK, MUSSER, NASS, OTT, PETROWSKI, SERATTI, STONE, SUDER, TOWNSEND and VRAKAS, cosponsored by Senators S. FITZGERALD, WELCH, KANAVAS, KEDZIE, LAZICH, LEIBHAM, ROESSLER and STEPP. Referred to Committee on Corrections and the Courts.

1 AN ACT *to create* 302.373 of the statutes; **relating to:** prisoner reimbursement
2 to a municipality.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Corrections (DOC) may charge a prisoner for the some or all of the costs to DOC for the prisoner's incarceration in a state facility. The law allows the attorney general to bring a civil action to recover any costs DOC has not recovered. Current law also allows the county to seek reimbursement from a prisoner for any expenses incurred by the county for incarcerating a prisoner in a county jail who was sentenced for a crime. The county may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

Under current law, a city, village, or town is required to pay expenses incurred by a county to imprison persons that a court orders imprisoned for failing to pay a forfeiture and assessments and costs related to a municipal ordinance violation. Under this bill, the city, village, or town may seek reimbursement from the prisoner for the amount paid to a county for the expenses incurred by the county to incarcerate the prisoner. The city, village, or town may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

2003 SENATE JOINT RESOLUTION 15

February 5, 2003 – Introduced by Senators WELCH, HARSDORF, KANAVAS, KEDZIE, A. LASEE, LEIBHAM, REYNOLDS, STEPP and ZIEN, cosponsored by Representatives SUDER, ALBERS, BIES, J. FITZGERALD, GIELOW, GROTHMAN, GUNDERSON, HINES, JENSEN, KRAWCZYK, KREIBICH, LADWIG, F. LASEE, MCCORMICK, D. MEYER, MUSSER, NASS, NISCHKE, OWENS, PETROWSKI, STONE, TOWNS, VUKMIR, WARD, J. WOOD and ZIEGELBAUER. Referred to Committee on Judiciary, Corrections and Privacy.

1 **To amend** section 8 of article VIII; and **to create** section 8 (3) of article VIII of the
 2 constitution; **relating to:** the vote on bills that would increase certain tax rates
 3 (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2003 legislature on first consideration, requires a two-thirds vote in each house of the legislature to pass a bill to increase the rate of the state sales tax or any of the rates of the income tax or franchise tax.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

4 ***Resolved by the senate, the assembly concurring, That:***

5 **SECTION 1.** Section 8 of article VIII of the constitution is amended to read:

6 [Article VIII] Section 8 (1) On the passage in either house of the legislature of
 7 any law ~~which~~ that imposes, continues or renews a tax, or increases the rate of the
 8 state sales tax or increases any of the rates of the income tax or franchise tax, or
 9 creates a debt or charge, or makes, continues or renews an appropriation of public

2003 ASSEMBLY JOINT RESOLUTION 17

February 5, 2003 – Introduced by Representatives SUDER, ALBERS, BIES, J. FITZGERALD, GIELOW, GROTHMAN, GUNDERSON, HINES, JENSEN, KRAWCZYK, KREIBICH, LADWIG, F. LASEE, MCCORMICK, D. MEYER, MUSSER, NASS, NISCHKE, OWENS, PETROWSKI, STONE, TOWNS, VUKMIR, WARD, J. WOOD and ZIEGELBAUER, cosponsored by Senators WELCH, HARSDORF, KANAVAS, KEDZIE, A. LASEE, LEIBHAM, REYNOLDS, STEPP and ZIEN. Referred to Committee on Government Operations and Spending Limitations.

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2003 SENATE BILL 15

January 28, 2003 - Introduced by Senators WELCH, KANAVAS, LEIBHAM, REYNOLDS, ROESSLER, COWLES and A. LASEE, cosponsored by Representatives OWENS, OLSEN, ALBERS, SUDER, J. WOOD, GROTHMAN, SERATTI, MUSSER, KRAWCZYK, McCORMICK, HAHN, BIES, KREIBICH, GRONEMUS and LASSA. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1 AN ACT *to amend* 13.093 (2) (b); and *to create* 13.59, 13.591, 16.59, 20.505 (1)
2 (bm) and 227.112 of the statutes; **relating to:** creation of a Joint Survey
3 Committee on State Mandates and required funding of state mandates.

Analysis by the Legislative Reference Bureau

This bill creates a legislative Joint Survey Committee on State Mandates (committee). The committee consists of two majority party and one minority party members from each house, the secretary of administration or his or her designee, and two appointees of the governor.

The bill states that any bill or joint resolution placing a constitutional or statutory requirement on a local governmental unit must be referred to the committee and the committee must submit a report prior to further legislative consideration. If the committee's report concludes that the proposal has a negative uncompensated fiscal effect on local governmental units, and the mandate is a wholly state-imposed mandate upon local governmental units, the bill states that the committee must introduce an amendment to the proposal appropriating funds to offset the cost of the mandate.

The bill states that the legislature may not enact a bill that imposes future state-imposed mandates unless they are funded. If an enacted mandate is not funded, either upon passage or in the future, the mandate may not be enforced until it is funded. The bill also states that a state agency may not promulgate a rule or take an action that imposes a mandate and that a state agency shall not take an action required by law if the action would impose a mandate, unless there is a sufficient

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amount to fund the mandate. Under this bill, affected local governments are reimbursed annually for the approximate costs attributable to state-imposed mandates.

The bill directs the Legislative Fiscal Bureau, by May 1, 2005, to identify all mandates for the committee. The committee is directed to submit by August 1, 2005, legislation repealing all mandates to each house of the legislature. Any mandate existing on July 1, 2006, may not be enforced until the mandate is no longer unfunded.

The bill also requires the committee to review and evaluate existing requirements and limitations imposed on local governmental units by constitutional or statutory provisions. To carry out its duties, the committee may make investigations and hold hearings.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 13.093 (2) (b) of the statutes is amended to read:

2 13.093 (2) (b) Executive budget bills introduced under s. 16.47 (1) are exempt
3 from the fiscal estimate requirement under par. (a) but shall, if they contain a
4 provision affecting a public retirement fund ~~or~~, providing a tax exemption, or
5 imposing a mandate, as defined in s. 13.59 (1) (b), be analyzed as to those provisions
6 by the respective joint survey committee. If such a bill imposes a mandate, as defined
7 in s. 13.59 (1) (b), the bill shall be simultaneously referred to the joint survey
8 committee on state mandates and the joint committee on finance. If such a bill
9 contains a provision providing a tax exemption, the bill shall be simultaneously
10 referred to the joint survey committee on tax exemptions and the joint committee on
11 finance. The report of the joint survey committee on tax exemptions shall be
12 prepared within 60 days of introduction for bills introduced under s. 16.47 (1).

13 **SECTION 2.** 13.59 of the statutes is created to read: