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JLD

LRB-1780/P2

ALL:all:all

"/P2" -> "/P3"

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

A
Pt. 01
of 02

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0566/1 ***

INTRODUCTION

This bill is the "executive budget bill" under section 16.47 (1) of the statutes.

It contains the governor's recommendations for appropriations for the 2007-2009 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2007-2009 fiscal biennium.

The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending

authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "[year] Wisconsin Act ...") are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

91XX Nonstatutory provisions.

92XX Fiscal changes.

93XX Initial applicability.

94XX Effective dates.

The remaining two digits indicate the state agency to which the provision relates:

XX01 Administration.

XX02 Aging and Long-Term Care Board.

XX03 Agriculture, Trade and Consumer Protection.

XX04 Arts Board.

XX05 Building Commission.

XX06 Child Abuse and Neglect Prevention Board.

XX07 Circuit Courts.

XX08 Commerce.

XX09 Corrections.

XX10 Court of Appeals.

- XX11 District Attorneys.**
- XX12 Educational Communications Board.**
- XX13 Elections Board.**
- XX14 Employee Trust Funds.**
- XX15 Employment Relations Commission.**
- XX16 Ethics Board.**
- XX17 Financial Institutions.**
- XX18 Fox River Navigational System Authority.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health and Family Services.**
- XX22 Higher Educational Aids Board.**
- XX23 Historical Society.**
- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment Board.**
- XX27 Joint Committee on Finance.**
- XX28 Judicial Commission.**

XX29 Justice.

XX30 Legislature.

XX31 Lieutenant Governor.

XX32 Lower Wisconsin State Riverway Board.

XX33 Medical College of Wisconsin.

XX34 Military Affairs.

XX35 Natural Resources.

XX36 Public Defender Board.

XX37 Public Instruction.

XX38 Public Lands, Board of Commissioners of.

XX39 Public Service Commission.

XX40 Regulation and Licensing.

XX41 Revenue.

XX42 Secretary of State.

XX43 State Employment Relations, Office of

XX44 State Fair Park Board.

XX45 Supreme Court.

XX46 Technical College System.

XX47 Tourism.

XX48 Transportation.

XX49 Treasurer.

XX50 University of Wisconsin Hospitals and Clinics Authority.

XX51 University of Wisconsin Hospitals and Clinics Board.

XX52 University of Wisconsin System.

XX53 Veterans Affairs.

XX54 Workforce Development.

XX55 other.

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9123. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "55" (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state

agency, even if there are no provisions included in that section number and heading.

Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

DATCP ... Department of Agriculture, Trade and Consumer Protection

DETF Department of Employee Trust Funds

DFI Department of Financial Institutions

DHFS Department of Health and Family Services

DMA Department of Military Affairs

DNR Department of Natural Resources

DOA Department of Administration

DOC Department of Corrections

DOJ Department of Justice

DOR Department of Revenue

DOT Department of Transportation

DPI Department of Public Instruction

DRL Department of Regulation and Licensing

DVA Department of Veterans Affairs

DWD Department of Workforce Development

JCF Joint Committee on Finance

OCI Office of the Commissioner of Insurance

PSC Public Service Commission

UW University of Wisconsin

WHEDA . . Wisconsin Housing and Economic Development Authority

WHEFA . . . Wisconsin Health and Educational Facilities Authority

*** ANALYSIS FROM -1465/2 ***

AGRICULTURE

Under current law, the land to which a claim for the farmland preservation credit relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance that is certified by the Land and Water Conservation Board (LWCB).[✓] A farmland preservation agreement commits the owner to keep the land in agricultural use for the duration of the agreement, although DATCP or LWCB may release land from an agreement under certain circumstances. When land is rezoned from exclusive agricultural use, and in some

of the circumstances under which land is released from a farmland preservation agreement, ^{or, under certain} DATCP ^{is required to} file a lien against the land for the amount of the farmland preservation credit received ^{by the owner} during the preceding ten years.

This bill eliminates the requirement that DATCP file a lien against land that

is released from a farmland preservation agreement or that is rezoned from exclusive agricultural use. Under this bill, DATCP may not release land from a farmland

preservation agreement until the owner pays \$100 per acre to this state, ^{except in cases such as the death or disability of the owner;} except in cases such as the death or disability of the owner. Under the bill, rezoning of land from exclusive agricultural zoning ^{requires} must be conditioned on payment to the local governmental unit that grants the rezoning ^{of \$100 per acre of land that is rezoned.} of \$100 per acre of land that is rezoned.

This bill also provides that DATCP, rather than LWCB, certifies exclusive agricultural use zoning ordinances and county agricultural preservation plans.

*** ANALYSIS FROM -0320/2 ***

Under current law, DATCP administers the Soil and Water Resource Management Program. ^{currently} The program provides ^{awards} grants for land and water resource management projects and for the construction of animal waste management systems. This bill increases the general obligation bonding authority for the Soil and Water Resource Management ^{this} Program by \$7,000,000.

INS
SA

✓
a business

*** ANALYSIS FROM -1381/1 ***

AGRICULTURE

This bill authorizes DATCP to ~~provide funds to a business to~~ pay a portion of ~~the~~ costs of improvements to prevent pollution from agricultural chemicals.

*** ANALYSIS FROM -0323/1 ***

Currently, ~~DATCP administers laws regulating nurseries and laws related to~~ ~~plant pests.~~ A person violating these laws is subject to criminal penalties. This bill increases the criminal penalties for violating laws regulating nurseries and laws related to plant pests. The bill also provides forfeitures (civil penalties) for violating these laws, ranging from a minimum of \$200 to a maximum, for a repeat offense, of \$10,000.

*** ANALYSIS FROM -0319/3 ***

This bill requires DATCP to ~~provide funding~~ from the recycling fund, ~~for~~ research and development ~~concerning~~ ^{of} anaerobic digesters, which produce and collect methane from animal waste, at farms participating in the ~~discovery farms~~ ~~program of the~~ Wisconsin Agricultural Stewardship Initiative ~~Inc.~~

*** ANALYSIS FROM -0304/3 ***

COMMERCE AND ECONOMIC DEVELOPMENT ✓

ECONOMIC DEVELOPMENT ✓

Current law authorizes the Department of Commerce (Commerce) to award, from the Wisconsin development fund (WDF) any of the following: 1) a grant to a person for capitalizing a revolving loan fund whose purpose is to promote local or

regional economic development; 2) a "rapid response" loan to a person to purchase equipment or to purchase, renovate, or construct a building; 3) a grant to a business group to investigate reorganizing or incorporating an existing business as an employee-owned business; 4) a grant to a small business to prepare a proposal for a federal program; 5) a grant to fund the preliminary stages of the expansion or start-up of a business in an urban area; 6) grants to the Wisconsin Procurement Institute to secure federal contracts and create jobs; 7) a grant or loan to a person or small business for commercializing an innovative product, process, or service.

Current law also authorizes Commerce, at the request of the Development Finance Board (board), to make grants and loans from the WDF to any of the following: 1) a business or consortium for technical research into an industrial product or process; 2) a business for customized labor training; 3) a major economic development project (defined as a project that is necessary to retain or create a significant number of jobs that will lead to significant capital investment, or that will make a significant contribution to the state's economy), if the project is ineligible for technology development or customized labor training grants or loans; and 4) a business municipality, or nonprofit organization for researching, developing, and marketing products and processes involving pollution or waste.

authority of the Department of Commerce
(Commerce) to award a grant or make a loan for

This bill eliminates the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs, as well as the programs for revolving loan fund capitalization, rapid response loans, employee ownership assistance, urban area early planning, and the Wisconsin Procurement Institute. The bill authorizes Commerce, at the request of the ~~board~~ ^{Development Finance Board} to make a grant or loan of ~~WDF~~ funds to a governing body or other eligible person for any of the following: capital financing; worker training; entrepreneurial development; assistance to technology-based businesses or businesses at a foreign trade show; promoting urban or regional economic development; establishing revolving loan funds; providing working capital; and promoting employee ownership.

^d Under the bill, in deciding whether to award a WDF grant or loan, the board is required to consider, among other factors, whether the project serves a public purpose and whether the project might not occur without a WDF grant or loan. The bill eliminates certain factors from the board's consideration of whether a project will be located in a targeted area. ^e The bill also requires Commerce to establish procedures and conditions for ~~WDF~~ grants and loans, including a matching requirement of at least 25 percent.

*** ANALYSIS FROM -1083/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

Currently, WHEDA maintains a surplus fund consisting of assets that are not required to pay the cost of issuing bonds or notes, to make loans, or to honor agreements with bondholders and noteholders. *AP*

WAF This bill requires WHEDA to pay Commerce from the surplus fund \$2,000,000 in fiscal year 2007-08 and \$2,000,000 in fiscal year 2008-09 to fund housing cost grants and loans and grants to local housing organizations.

*** ANALYSIS FROM -1440/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

This bill creates a biennial appropriation from the recycling fund. Under the *authorizes* bill, Commerce *to* may award a grant or loan *from the recycling fund* to a business to increase renewable fuel or energy production or technology. A grant recipient must provide at least 50 percent of the cost of a project funded by a grant. The bill also requires Commerce to make grants ~~from the appropriation~~ totaling up to \$5,000,000 to a person who plans to construct a cellulosic ethanol plant. Commerce may also make grants and ~~loans from the appropriation under current programs that are funded by the WDF.~~

In addition, the bill ~~creates an annual appropriation from~~ ^{allowe moneys in} the recycling fund ~~for~~ ^{to be used} administering ^{for} the renewable fuel and energy grant and loan program and ^{for} current economic development programs funded by the ~~WDF.~~ ^{Wisconsin Development Fund}

*** ANALYSIS FROM -1307/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill authorizes Commerce to ~~make~~ ^{award} a grant to a technology-based nonprofit organization to assist manufacturers in adopting process improvements that result in more goods of higher quality produced with less effort. ~~Under the bill,~~ ^g Commerce may not award more than \$1,500,000 in such grants in a fiscal biennium.

*** ANALYSIS FROM -1484/4 ***

Under current law, Commerce provides funding for the promotion of science-based and technology-based businesses through a nonstock, nonprofit high-technology business development corporation. ~~Also under current law, an appropriation to~~ ^{also} Commerce provides funding to Forward Wisconsin, Inc., ~~which is~~ a private corporation, for its economic development promotion activities.

This bill requires Commerce to organize and assist in maintaining the Wisconsin Venture Center (WVC), a nonprofit corporation, ~~with the purpose of~~ ^d raising ^{to raise} capital to promote and support emerging industries in the state.

In fiscal year 2007-08, Commerce must make a one-time grant of \$700,000 to WVC for start-up capital and administrative expenses for which WVC need not provide matching funds. In fiscal year 2008-09 and thereafter, Commerce must make annual grants of up to \$500,000 to WVC for which WVC need not provide matching funds. Commerce may make additional grants to WVC if WVC agrees to contribute a 50 percent match of the grant funds and complies with reporting requirements and requirements regarding the use of the grant proceeds.

WVC ^{must} is to be governed by a board of directors that includes: the secretary of commerce or his or her designee; the secretary of financial institutions or his or her designee; and no more than 12 other members appointed by the governor.

***** ANALYSIS FROM -1629/2 *****

appropriates money^s to Commerce

This bill ~~creates an annual general purpose revenue appropriation~~ for advertising, marketing, and promotional activities for economic development of, and business recruitment to, this state.

***** ANALYSIS FROM -1519/1 *****

CS
COMMERCE, HOUSING, AND BUILDINGS AND SAFETY
CS

This bill increases the initial and renewal license fees for securities agents and investment adviser representatives from \$30 to \$60.

***** ANALYSIS FROM -1680/1 *****

annually

HOUSING

Under current law, DOA must allocate \$1,100,000 of federal funds in each federal fiscal year for expenses in administering a low-income energy assistance program. This bill deletes the specific amount and directs the secretary of administration to determine the amount to allocate for expenses.

***** ANALYSIS FROM -1366/1 *****

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, the Department of Commerce ^{directs} is required to contract with private organizations to ^{educate} provide education concerning construction standards, inspection requirements, and business practices of builders of one- and two-family dwellings. The department ^{commerce must} is also required to provide education ^{educate consumers} regarding the process involved in the building of these dwellings to consumers. This bill eliminates the requirement that the department ^{commerce educate} provide education to builders concerning building practices and eliminates the requirement that ^{the department educate} education be provided to consumers. ^{commerce may contract to educate builders or} As to education concerning construction standards and inspection requirements, ^{bill authorize this} the department is authorized to enter such a contract, but is not required to do so.

***** ANALYSIS FROM -1184/P7 *****

Beginning July 1, 2007

CORRECTIONAL SYSTEMS

ADULT CORRECTIONAL SYSTEM

Current law requires DOC to maintain global positioning system (GPS) tracking of sex offenders ~~who have been~~ committed as sexually violent persons (SVPs) and certain sex offenders who have committed specified sex offenses against a child ~~(serious child sex offense)~~. ~~These GPS tracking requirements begin on July 1, 2007. With some exceptions,~~ ^{Generally} DOC must monitor the sex offenders, ~~and, with some exceptions,~~ ^{their lives} the requirements apply for the rest of an offender's life. The sex offenders

to be tracked include individuals who have been committed as SVPs and released to supervised release or discharged from DHFS custody, individuals found not guilty of a serious child sex offense by reason of mental disease or defect and placed on conditional release or discharged, individuals who are released to extended supervision or parole while serving a sentence for committing a serious child sex offense, individuals who are placed on probation for committing a serious child sex offense, and individuals who are released from prison upon completing a sentence imposed for a serious child sex offense. DOC may petition a court to terminate the

GPS tracking requirement if the individual is permanently physically incapacitated.

This bill delays the implementation of the requirements ^{until} January 1, 2008.

^d The bill requires DOC only to record the sex offender's location rather than monitor

the person and ^{applies} changes the length of the tracking requirement to apply only while the sex offender is on supervised release, conditional release, extended supervision, parole, or lifetime supervision for the serious child sex offense. ^{The} This bill eliminates the requirement to track SVPs discharged from DHFS custody ^{and} individuals ^{who} found not guilty of a serious child sex offense by reason of mental disease or defect who are discharged from commitment, ^{and} individuals placed on probation for committing a serious child sex offense, and individuals released from prison upon completing a sentence imposed for a serious child sex offense. The bill also allows DOC to petition a court to terminate the ~~GPS~~ tracking requirement if DOC determines that the individual would not endanger the public if not tracked.

✓ *** ANALYSIS FROM -1403/2 ***

Currently, the parole commission in DOC determines whether, and under what conditions, inmates serving indeterminate sentences may be released from imprisonment to parole. A person who is serving a bifurcated sentence is not eligible for parole and generally must serve the entire confinement portion of his or her bifurcated sentence before being released to extended supervision. However, a person who is sentenced to a bifurcated sentence for a Class C to Class I felony may petition the sentencing court to adjust his or her sentence and release the person

from prison to extended supervision if he or she has served 85 percent (for Class C to ~~Class E~~ felonies) or 75 percent (for Class F to ~~Class I~~ felonies) of the confinement ~~in prison~~ portion of the sentence. Under current law, a person who is released to extended supervision must serve his or her entire sentence before extended supervision terminates.

Under this bill, the parole commission is ^{renamed} the earned release review commission. In addition to its duties under current law, the earned release review commission ^{may} release to extended supervision a prisoner who was sentenced to a bifurcated sentence for a Class F to ~~Class I~~ felony if the prisoner has served 75 percent of the confinement ^{in prison} portion of the sentence and ^{may} terminate the extended supervision of a prisoner who was sentenced to a bifurcated sentence for a Class F to ~~Class I~~ felony if the prisoner has served 75 percent of the extended supervision portion of the sentence. A prisoner who is serving a bifurcated sentence for a Class C to ~~Class E~~ felony must petition the sentencing court for ~~any~~ sentence adjustment.

*** ANALYSIS FROM -1386/1 ***

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

the Robert Ellsworth

Current law requires DOC and DHFS to provide, at a certain correctional institution, a substance abuse treatment program for inmates who are eligible to earn early release to parole or extended supervision upon successful completion of the program.

NO #

NO #

This bill allows DOC and DHFS to provide, at any correctional facility the departments determine is appropriate, the substance treatment abuse program.

the program

***** ANALYSIS FROM -1185/2 *****

Under current law, DOC may house, for up to 90 days, a person released to extended supervision in a regional detention facility or, with the approval of the sheriff, in a county jail.

MOVE

NO #

NO #

This bill allows DOC to house, for up to 90 days, a person released to extended supervision in any DOC facility, county jail, Huber facility, or work camp.

MOVE

***** ANALYSIS FROM -1546/1 *****

This bill requires DOC to provide funding for New Hope Project, Inc., a transitional employment program for criminal offenders.

***** ANALYSIS FROM -1349/1 *****

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC must allocate various state and federal moneys to

counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified by law. This bill increases those assessments.

***** ANALYSIS FROM -1181/8 *****

The bill also appropriates for youth aids moneys from the county aid fund, which consists of real estate transfer fees retained by the state, and requires DOC to allocate ~~these~~ ^{the} moneys to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period for which that information is available.

directs
***** ANALYSIS FROM -1350/2 *****

***** ANALYSIS FROM -0628/1 *****

~~Under~~ ⁼ current law, DOC is required to enter into contracts with organizations in Milwaukee County, Racine County, Kenosha County, and Brown County to provide services for the diversion of youths from gang activities into productive activities (Youth Diversion Program). This bill transfers administration of ~~the Youth~~ ^{this} Diversion Program ~~from~~ ^{to} DOC to the Office of Justice Assistance in DOA. ✓

***** ANALYSIS FROM -0108/4 *****

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, the director of state courts ~~makes payments to~~ ^{reimburses} counties for ~~the costs they incur~~ ^{incurred} in administering the circuit court ~~branches~~ ^S. Current law defines those costs ~~to include~~ ^{to include} jury and witness fees and judicial assistants' salaries, ~~and to~~ ^{but} exclude costs related to courtroom security and court facilities. Currently, ~~each~~ ^{annually} county is required to submit information about court costs by July 1 ~~of each year for~~ ^{annually} costs incurred in the previous calendar year in a format that is established by the ~~director of state courts~~ ^{plain period}.

NO \$

NO \$

annually by May 15. The bill ~~is~~ authorizes the director to audit the reports and to establish

This bill requires counties to report their reimbursable court costs on a uniform chart of accounts and ~~changes the date that the counties must report the court costs~~ ^{that each county would be required to use to} from July 1 to May 15. ^{record all of its financial transactions relating to} ^{court operations}

*** ANALYSIS FROM -0111/3 ***

~~In all criminal proceedings, and in some civil proceedings, such as those~~ involving children in need of protective services, ~~a circuit court must~~ ^{current law requires} provide an interpreter for any ~~indigent party or witness who has limited English proficiency.~~ ^{to}

This bill requires the court, in all ~~criminal and~~ civil proceedings, to provide an interpreter for any party or witness who has limited English proficiency.

*** ANALYSIS FROM -0110/6 ***

Director of
State Courts

COURTS AND PROCEDURE

CIRCUIT COURTS

This bill authorizes the ~~supreme court~~ to establish and collect fees for use of the circuit court automated information systems, ~~to be credited to the court information systems appropriation account.~~ This bill also credits funds from the county aid fund to each county for circuit court support payments.

***** ANALYSIS FROM -0459/2 *****

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides counsel to represent people in various legal proceedings, including criminal proceedings that may result in imprisonment, emergency detention or involuntary civil commitment proceedings, proceedings for the protective placement of an adult, paternity determinations, and juvenile delinquency proceedings. The SPD provides counsel to children regardless of the child's income or assets, ~~but only provides counsel to~~ adults who are indigent.

and to
plain period

This bill requires the SPD to provide legal representation to any person, regardless of whether the person is indigent, who seeks SPD representation and is the subject of an involuntary commitment proceeding for mental health or alcoholism treatment, a protective placement or services proceeding, or a proceeding concerning involuntary administration of psychotropic medication. The bill provides

that the court may require such a person, ~~who is an adult~~, to reimburse the SPD for all or part of the costs of legal representation if the person is able to make reimbursement. ~~The bill makes the changes in eligibility for SPD representation effective July 1, 2008.~~

an adult who is

***** ANALYSIS FROM -1671/2 *****

This bill requires the Office of Justice Assistance to provide money to the Wisconsin Trust Account Foundation, Inc., to be given as grants to programs that provide civil legal services to indigent persons. The supreme court created Wisconsin Trust Account Foundation, Inc., to allocate the money received from attorney trust accounts under supreme court rules to programs that provide civil legal services to persons who are indigent. Under the bill, the grants may be used only for assisting

awarded by the foundation

money

MOLE

Wisconsin Works participants with medical claims, developing discharge plans for mentally ill inmates, coordinating insurance benefits for medical assistance recipients, providing ancillary services to juvenile offenders, obtaining child support, and acting as a guardian ad litem in cases with the Bureau of Milwaukee Child Welfare.

***** ANALYSIS FROM -1067/1 *****