

GMM

HEALTH AND HUMAN SERVICES
OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS must provide child welfare services in Milwaukee County, and Milwaukee County must contribute moneys in each fiscal year for the provision of those services ~~by DHFS~~. DOA must collect those moneys by deducting all or part of those moneys from any community aids or shared revenue payments due Milwaukee County. This bill eliminates the authority of DOA to collect those moneys by deducting all or part of those moneys from the community aids payments due Milwaukee County and instead specifies that part of that contribution must be made by a reduction in the amount of community aids distributed to Milwaukee County in each fiscal year. ~~The bill also converts an interagency and intra-agency aids appropriation for Milwaukee child welfare services from a continuing appropriation to an annual appropriation.~~

*** ANALYSIS FROM -0515/4 ***

HEALTH AND HUMAN SERVICES
OTHER HEALTH AND HUMAN SERVICES

Under current law, the adolescent pregnancy prevention and pregnancy services board (APPPS board), which is attached to DHFS for administrative purposes, is required to award grants to organizations that provide pregnancy prevention programs or pregnancy services to persons under 18 years of age. An organization that receives a grant from the APPPS board must provide matching funds equal to 20% of the grant amount awarded, but may not use any moneys received from the state government toward meeting that matching funds requirement. This bill prohibits an organization that receives a grant from the APPPS board from using moneys received from the federal, as well as the state, government toward meeting the matching funds requirement under the grant. The bill also transfers the APPPS board from DHFS to DOA for administrative purposes. ~~Finally, the bill creates a program revenue appropriation, consisting of all moneys received relating to conferences conducted by the APPPS board, for payment of the costs of conducting those conferences.~~

*** ANALYSIS FROM -0421/2 ***

HEALTH AND HUMAN SERVICES
OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS, or a local health department that acts as an agent of DHFS, issues permits for operation of hotels, restaurants, temporary restaurants,

HEALTH AND HUMAN SERVICES**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS must provide child welfare services in Milwaukee County, and Milwaukee County must contribute moneys in each fiscal year for the provision of those services by DHFS. DOA must collect those moneys by deducting all or part of those moneys from any community aids or shared revenue payments due Milwaukee County. This bill eliminates the authority of DOA to collect those moneys by deducting all or part of those moneys from the community aids payments due Milwaukee County and instead specifies that part of that contribution must be made by a reduction in the amount of community aids distributed to Milwaukee County in each fiscal year. The bill also converts an interagency and intra-agency aids appropriation for Milwaukee child welfare services from a continuing appropriation to an annual appropriation.

***** ANALYSIS FROM -0515/4 *****

HEALTH AND HUMAN SERVICES**OTHER HEALTH AND HUMAN SERVICES**

Under current law, the adolescent pregnancy prevention and pregnancy services board (APPPS board), which is attached to DHFS for administrative purposes, is required to award grants to organizations that provide pregnancy prevention programs or pregnancy services to persons under 18 years of age. An organization that receives a grant from the APPPS board must provide matching funds equal to 20% of the grant amount awarded, but may not use any moneys received from the state government toward meeting that matching funds requirement. This bill prohibits an organization that receives a grant from the APPPS board from using moneys received from the federal, as well as the state, government toward meeting the matching funds requirement under the grant. The bill also transfers the APPPS board from DHFS to DOA for administrative purposes. Finally, the bill creates a program revenue appropriation, consisting of all moneys received relating to conferences conducted by the APPPS board, for payment of the costs of conducting those conferences.

***** ANALYSIS FROM -0421/2 *****

HEALTH AND HUMAN SERVICES**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS, or a local health department that acts as an agent of DHFS, issues permits for operation of hotels, restaurants, temporary restaurants,

tourist rooming houses, bed and breakfast establishments, vending machine commissaries, vending machines, campgrounds, camping resorts, recreational and educational camps, and public swimming pools. DHFS must promulgate rules establishing permit fees, preinspection fees, and late fees for untimely permit renewal for those establishments that DHFS directly regulates. For establishments that are directly regulated by a local health department that is granted agency status by DHFS, however, the local health department must establish its own fees and must impose both its own fees and fees (entitled “state fees”), which may be no more than 20% of the DHFS fees and which must be reimbursed to DHFS. This bill requires that DHFS promulgate rules establishing reinspection fees, fees for operating without a permit, fees for comparable compliance or variance requests, and fees for pre-permit review of restaurant plans. ^α ^β

Currently, a permit to operate a restaurant that operates at a fixed location in conjunction with an event such as a fair (temporary restaurant) may be applied to a premises other than that for which it was issued if DHFS or a local health department so approves. A person who operates a bed and breakfast establishment for more than ten nights in a calendar year must obtain a biennial permit from DHFS. DHFS or a local health department that acts as an agent of DHFS may not without a preinspection provide a permit for operation of a new, or newly operated, hotel, tourist rooming house, bed and breakfast establishment, restaurant, or vending machine commissary.

This bill eliminates the authority for DHFS or a local health department to approve applying the permit for a temporary restaurant to a location other than that for which it was originally issued. The bill requires that a person operating a bed and breakfast establishment for more than ten nights in a calendar year obtain an annual, rather than a biennial, permit from DHFS. Lastly, the bill prohibits DHFS or a local health department acting as a DHFS agent from providing, without a preinspection, a permit for operation for a new, or newly operated, public swimming pool, campground, or recreational or educational camp.

*** ANALYSIS FROM -0433/4 ***

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, DHFS may recover from property left by a decedent who received certain benefits, such as medical assistance, up to the amount that DHFS paid on behalf of the decedent for the benefits. If the decedent's solely owned

(the beginning of this paragraph is ok)

property in this state does not exceed \$20,000 in value, no person has commenced a procedure for administering the decedent's estate, and the decedent is not survived by a spouse, disabled child, or child under the age of 21, DHFS may receive the decedent's property by presenting the person who has the property with an affidavit showing that the requirements for DHFS's recovery of benefits paid are fulfilled. DHFS is prohibited, however, from collecting from any of the decedent's property that consists of interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings, or appliances; motor vehicles; or recreational vehicles.

and, instead, requires

The bill removes the prohibition against DHFS from recovering from certain types of property of a decedent. ~~It also requires DHFS to reduce the amount that it may recover by up to the amount specified in the statute as the maximum amount of personal property that may be transferred to a decedent's surviving spouse or child under certain circumstances~~ (currently, \$5,000), if the reduction is necessary to allow the decedent's heirs to retain property of the decedent consisting of wearing apparel and jewelry held for personal use; household furniture, furnishings, and appliances; and other tangible personal property, worth up to \$3,000, not used in trade, agriculture, or other business.

a specified

if

an heir

Under current law, ~~if~~ a decedent ~~has~~ left solely owned property not exceeding \$20,000 in value may have any of the property, including an interest in real property, transferred to himself or herself by presenting the person holding the property with an affidavit containing certain information. The bill provides that, if an interest in real property of a decedent is transferred to an heir by affidavit, DHFS has a lien on that interest in real property if the decedent does not have a surviving spouse or child who is under age 21 or disabled. If the decedent has a surviving spouse or child who is under age 21 or disabled, DHFS has a lien on the interest in real property only if the real property was the decedent's home. DHFS may enforce its lien by foreclosure, in the same manner as a mortgage, but not while the decedent's spouse, if any, or child who is under age 21 or disabled, if any, is alive.

*** ANALYSIS FROM -1908/1 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, financial institutions must participate in a financial record matching program operated by DWD for the purpose of determining whether a person who owes child support or maintenance (formerly called alimony) has an

(over)

account at a particular financial institution. DWD must promulgate rules for agreements that financial institutions must enter into related to their participation in the program. The rules must provide for reimbursement to a financial institution for an amount not exceeding its actual cost of participation. Under the bill, ~~instead of providing for reimbursement by rule~~ DWD must reimburse a financial institution up to \$125 per quarter for its participation in the program.

with current law, DWD must provide by rule for a reimbursement amount that does not exceed a financial institution's actual cost.

*** ANALYSIS FROM -1740/1 ***

INSURANCE

Current law prohibits an insurance stock or mutual corporation from being a party to a contract that has the effect of delegating to a person, to the substantial exclusion of the board of the insurance stock or mutual corporation, any management control of the corporation or of a major corporate function, such as underwriting or loss adjustment. Current law provides exceptions, however, for health maintenance organizations, limited service health organizations, and preferred provider plans if the person to whom the management authority is delegated exercises the authority according to the terms of a written contract that is filed with, and not disapproved by, the commissioner of insurance. The bill eliminates, effective January 1, 2004, ~~the exceptions to the prohibition against delegating management control to a person to the substantial exclusion of the board~~

these exceptions

*** ANALYSIS FROM -0472/1 ***

INSURANCE

Current law sets out the various services provided by OCI for which fees must be paid and specifies the fee amounts, some of which are to be set, not exceeding a specified maximum amount, by the commissioner of insurance (commissioner) by rule. The bill provides that the fee amounts in the statute apply, unless the commissioner specifies a different amount by rule, ~~and~~ authorizes the commissioner to provide for different fee amounts by rule, to provide for maximum fee amounts in any such rule, and to charge less than the maximum amount specified in the rule. ~~The bill also eliminates the maximum amounts specified in current law for the fees that OCI must set by rule under current law.~~

*** ANALYSIS FROM -1744/3 ***

LOCAL GOVERNMENT

Under current law, a municipality receives a shared revenue payment based on the municipality's population. ~~The payment is equal to the municipality's population multiplied by the product of the following: the 1982 state population multiplied by~~

UK

~~§30 divided by the state's current population.~~ This bill eliminates the current shared revenue payment to a municipality based on population.

Under current law, a municipality also receives an aidable revenues payment that is equal to the product of the municipality's aidable revenues and the municipality's tax base weight. Aidable revenues are, generally, revenues raised by the municipality, such as local taxes and regulation revenues. Tax base weight is based, generally, on the value of property in the municipality compared to the municipality's population. This bill eliminates a municipality's aidable revenues payment.

This bill creates an aidable expenditures payment for a municipality. The bill also creates a "growth-sharing region" payment for a municipality.

Beginning in 2002, a municipality receives an aidable expenditures payment that is equal to the product of the municipality's aidable expenditures and the municipality's tax base weight. Aidable expenditures include a municipality's expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. Aidable expenditures do not include a municipality's expenditures for highway maintenance, administration, or construction; road-related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

Annually, DOR determines the amount of each municipality's aidable expenditures. The amount of a municipality's aidable expenditures in a year is ^{the} lesser of: 1) the amount of the municipality's aidable expenditures in the year that was two years before the municipality receives an aidable expenditures payment or 2) the average of the municipality's aidable expenditures in 1998, 1999, and 2000, adjusted for inflation and for the property value in the municipality.

Under the bill, a municipality in a growth-sharing region may also receive a growth-sharing region payment. DOR must define "growth-sharing region" by rule and in such way so that the state consists of at least 7 but not more than 25 growth-sharing regions. A municipality will receive a growth sharing region payment if the municipality limits the annual increase in its municipal budget to the allowable increase, based on the inflation rate and the property value in the municipality, to qualify for the expenditure restraint program under current law and if the municipality enters into an area cooperation compact (compact).

Beginning in 2002 and ending in 2005, to receive a payment, a municipality must enter into a compact with at least two municipalities or counties, or with any combination of at least two such entities, to perform at least two specified functions. Beginning in 2006, to receive a payment, a municipality must enter into a compact with at least four municipalities or counties, or with any combination of at least four such entities, to provide law enforcement and to perform at least five other specified functions. The specified functions are housing, emergency services, fire protection, solid waste collection and disposal, recycling, public health, animal control, transportation, mass transit, land use planning, boundary agreements, libraries, parks and recreation, culture, purchasing, and electronic government. ~~A municipality that is not adjacent to at least two other municipalities may enter into a compact with any adjacent municipality or with the county in which the municipality is located.~~

A compact must provide a plan for any municipalities or counties that enter into the compact to collaborate to provide the specified functions. ~~The compact must also provide benchmarks to measure the plan's progress and provide outcome-based performance measures to evaluate the plan's success. Municipalities and counties that enter into the compact must structure the compact in a way that results in significant tax savings to taxpayers within the municipalities and counties.~~ Annually, the municipality that is to receive a payment must certify to DOR that the municipality has complied with all of the compact requirements.

The total amount of the growth-sharing region payments allocated to all growth-sharing regions is an amount equal to the sales and use taxes collected in the state in a year multiplied by .05, and each growth-sharing region is allocated an amount that is proportional to the sales and use taxes that are collected in the region. A municipality that is eligible to receive a growth-sharing payment receives an amount, from the amount allocated to the growth-sharing region in which the municipality is located, in proportion to its population within the growth-sharing region.

~~In 2002, a municipality is guaranteed a combined minimum aidable expenditures and growth-sharing region payment equal to 95% of the amount of the aidable revenues and per capita payments the municipality received in 2001. In 2003 and subsequent years, a municipality is guaranteed a combined minimum aidable expenditures and growth-sharing region payment equal to 95% of the combined amounts of the aidable expenditures and the growth-sharing region~~

payments the municipality received in the previous year, if the municipality received growth-sharing region payments in both the current year and the previous year.

*** ANALYSIS FROM -1870/2 ***

~~LOCAL GOVERNMENT~~

STET

~~OTHER LOCAL GOVERNMENT~~

MES

Under current law, a municipality (a city, village, or town) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. ^{also under} ~~current law~~, a municipality may impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the municipality in which the property is located approves the imposition. A "service" under current law includes snow and ice removal, ~~weed~~ ^{elimination}, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, ~~tree care~~, and other similar services that are not specified in the definition. ^{Special charges are not payable in installments.} If a special charge is not paid ^{on} ~~within~~ the time specified by the municipality, the special charge is delinquent ^{special charge} and becomes a lien on the property against which it is imposed.

A recent court of appeals decision, *Town of Janesville v. Rock County*, 153 Wis. 2d 538, 546-547 (1989), interpreted current law to mean that special charges may be imposed "only for services which are actually performed" and that the statute limits a municipality to "charging only for services actually provided and not for services that may be available but not utilized."

Under this bill, special charges may be imposed for services that are available, without regard to whether the services are actually rendered, and may be allocated to the property that is served or that is eligible to be served. This change also applies to special charges imposed against real property in an adjacent municipality, under the same terms and conditions that exist under current law.

*** ANALYSIS FROM -1341/4 ***

~~LOCAL GOVERNMENT~~

MES

Under current law, the environmental remediation tax incremental financing program permits a city, village, town, or county (political subdivision) to defray the costs of remediating contaminated property that is owned by the political subdivision. The mechanism for financing costs that are eligible for remediation is very similar to the mechanism under the tax incremental financing (TIF) program. If the remediated property is transferred to another person and is then subject to

property taxation, environmental remediation tax incremental financing may be used to allocate some of the property taxes that are levied on the property to the political subdivision to pay for the costs of remediation.

~~A political subdivision that has incurred "eligible costs" to remediate environmental pollution on a parcel of property may apply to DOR to certify the "environmental remediation tax incremental base" of the parcel. DOR is required to certify the environmental remediation tax incremental base if the political subdivision submits to DOR all of the following: 1) a statement that the political subdivision has incurred some eligible costs, together with a detailed proposed remedial action plan approved by DNR that contains cost estimates for anticipated eligible costs, a schedule for the design and implementation that is needed to complete the remediation, and certification from DNR that the department has approved the site investigation report that relates to the parcel; 2) a statement that all taxing jurisdictions with authority to levy general property taxes on the parcel of property have been notified that the political subdivision intends to recover its environmental remediation costs by using an "environmental remediation tax increment"; and 3) a statement that the political subdivision has attempted to recover its environmental remediation costs from the person who is responsible for the environmental pollution that is being remediated.~~

This bill makes technical changes to the environmental remediation tax incremental financing program. These changes include ^{definitional changes} ~~creating a definition of "project expenditures" and a definition of "environmental remediation tax incremental district" (ERTID) that is somewhat similar to the definition of "tax incremental district" under the TIF program; making changes to the definitions of "environmental remediation tax increment," "environmental remediation tax incremental base," and "taxable property";~~ creating procedures for the termination

environmental remediation tax incremental district

~~of an (ERTID) that are similar to the termination procedures of a tax incremental district under the TIF program;~~ requiring that the final report under the program include an independent certified financial audit; requiring that DOR be provided with a final accounting of the ERTID's project expenditures and the final amount of eligible costs that have been paid for an ERTID; and modifying certain provisions of the program to apply to contiguous parcels of property or land, as well as a parcel of property or land.

~~LOCAL GOVERNMENT~~

~~OTHER LOCAL GOVERNMENT~~

MES

Under current law, a municipality (a city, village, or town) may sell or lease any public utility plant that it owns only by completing a number of steps that must be performed according to a specified time table. ^{including} ~~The steps include the following: enacting an ordinance or resolution that summarizes the proposed terms of a sale or lease and that authorizes the negotiation of a preliminary agreement with a prospective purchaser; submitting a preliminary agreement to DOT or PSC for a determination of whether the sale or lease is in the public interest; fixing the price and terms of the transaction by DOT or PSC if the transaction is found to be in the public interest; and submitting the proposed transaction to the electors of the municipality for a referendum; and requiring that if the referendum is approved, the sale or lease be consummated within one year of the referendum, unless the time is extended by DOT or PSC, or the transaction is void.~~

This bill repeals all of the steps that must be completed. Under the bill, a municipality may sell or lease any public utility plant it owns in any manner that it considers appropriate.

*** ANALYSIS FROM -1923/1 ***

~~LOCAL GOVERNMENT~~

~~OTHER LOCAL GOVERNMENT~~

MES

Under current law, a register of deeds is authorized to charge a fee to provide copies of documents that are recorded in his or her office, and he or she is also authorized to charge a fee to certify the copies. Currently, the copying fees are \$2 for the first page of a document and \$1 for each additional page, plus 25 cents to certify the copy of the document. None of these fees apply to DOR, however.

This bill increases the certification fee to \$1.

*** ANALYSIS FROM -1940/3 ***

WERC

~~LOCAL GOVERNMENT~~

This bill requires DER and ~~the Wisconsin employment relations commission~~ and DETF if it elects to participate, to organize committees to study and make recommendations on a variety of issues affecting local government compensation and fringe benefits costs. A report of the recommendations must be submitted to the governor, the secretary of administration, and to the legislature no later than January 1, 2003.

*** ANALYSIS FROM -0618/3 ***

MGG &
RNK

STATE GOVERNMENT

DISTRICT ATTORNEYS

Under current law, the state is responsible for funding certain operational expenses of district attorney offices. Among other things, the state must reimburse Milwaukee County for the costs of clerks who work in the Milwaukee County district attorney's office and who assist in the handling of cases involving the unlawful possession or use of firearms. The amount of reimbursement is capped at a specified amount for each fiscal year of the 1999-2001 fiscal biennium.

This bill limits the reimbursement amount to the amount of money in the appropriation from which the reimbursement is made. The bill also deletes an obsolete reference in the same appropriation to the purchase of computers to be used by prosecutors and clerks in the Milwaukee County district attorney's office on cases involving the unlawful possession or use of firearms.

LOCAL GOVERNMENT

Under current law, the Milwaukee board of police and fire commissioners is required to conduct a city-wide communications media campaign to educate the public about the legal consequences of unlawful possession and use of firearms, with the goal of deterring both. Current law also requires the state to provide money to the board for that media campaign. This bill eliminates the media campaign requirement and the reimbursement for it.

RNK & MGG
analyses start
here →

***** ANALYSIS FROM -1025/3 *****

NATURAL RESOURCES

~~FISH, GAME, AND WILDLIFE~~

to residents and
non residents

Wild animals and plants (CS)

This bill authorizes DNR to issue elk hunting licenses and to otherwise regulate the hunting of elk in this state. ~~Under the bill, both state residents and non residents may be issued these licenses, with non residents paying a higher fee.~~ The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. ~~The bill requires an applicant to pay a processing fee for a license that is nonrefundable even if the person does not receive a license under the random issuing system.~~ A person must have completed an elk hunter education course in this state or another state or province to be eligible for a license. The bill requires DNR to establish an elk hunter education course.

unless the license

A person may be issued a license only once in his or her lifetime, and the license may be used in only one elk hunting season. The license authorizes the hunting of elk with bows and arrows as well as with firearms. ~~The license also authorizes a state resident who is eligible for a crossbow permit under current law due to physical disabilities to hunt elk.~~

Current law requires that fees paid for elk hunting licenses and voluntary contributions made by applicants for these licenses be used for issuing the licenses and for elk management and research.

The bill specifically bans the keeping of elk on game farms, on deer farms, and in wildlife exhibits.

Insert
207
from
209

*** ANALYSIS FROM -0325/2 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, DNR issues various hunting, trapping, and fishing licenses and permits. Those licenses and permits must contain certain information including the name and address of the holder. The agent that issues the licenses and permits must also sign them. Current law also specifies that DNR may require any stamp that it issues to bear the signature of the holder of the stamp. This bill eliminates the requirement that hunting, trapping, and fishing licenses and permits be signed by the issuing agent and that stamps bear the signature of the holder.

Under current law, DNR also issues certain tags to license and permit holders that must be attached in the manner required by DNR. Current law specifies that DNR must provide all required tags. This bill eliminates the requirement that DNR provide the required tags.

Under current law, one type of license issued by DNR is a ^{nonresident} sports license that confers upon a ~~person who is not a resident of Wisconsin~~ the privileges of a small game hunting license, a fishing license, and a deer hunting license. This bill reduces the fee for a nonresident sports license from \$248.25 to \$238.25.

~~OTHER NATURAL RESOURCES~~

Under current law, with certain exceptions, a person who is older than 16 but younger than 65 years old and who harvests or deals in wild rice must obtain a license from DNR. Under one of the exceptions, recipients of old-age assistance and members of their immediate families are exempt from the licensing requirement. Because there is no old-age assistance program under current law, this bill

1.5

eliminates this exemption and, instead, provides the exemption to members of the immediate families of persons who are at least 65 years old.

*** ANALYSIS FROM -1046/7 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, DNR administers a program under which counties receive reimbursement for accepting deer carcasses, having them processed into venison, and then donating the venison to charitable organizations. To participate, a county must participate in the administration of the wildlife damage abatement and claim programs. The program is funded from the wildlife damage surcharge that DNR collects with ~~each~~ ^{each} hunting license fee ~~except the conservation patron license~~. Current law requires that, from the wildlife surcharge moneys, DNR make the payments under the venison processing program after it has made the payments required under the wildlife damage abatement and claim programs.

This bill ~~expands~~ ^{provides funding for} the venison processing program by establishing a voluntary contribution of at least \$1 that a person may pay when being issued a hunting license. Under the bill, DNR makes payments under the venison processing program from these contributed moneys. If the contributed moneys are not adequate, DNR will also use wildlife damage surcharge moneys for payments for processing venison from deer killed in special seasons established to control the deer population.

to provide

The bill authorizes DNR to establish a master hunter education program ~~under which~~ ^{which} instruction ~~will be provided~~ on topics such as wildlife damage issues and the responsibilities of hunters to landowners. ~~The bill requires DNR to establish a fee for this program.~~ Completion of this program is not a requirement for the issuance of any hunting license or permit.

The bill appropriates money received by the state pursuant to Indian gaming compacts to DNR for the management of the state's deer population.

*** ANALYSIS FROM -1544/2 ***

~~NATURAL RESOURCES~~

~~FISH, GAME, AND WILDLIFE~~

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. The body of water has to be a freeze-out pond or a body of water that was licensed as a fish farm under prior law, and the fish farm operator must have a permit issued by DNR to operate the farm. A freeze-out pond is defined

under current law to be a self-contained, natural body of water that does not naturally sustain a fish population at least twice in every five years.

This bill allows fish farm operators to use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use and the transfer must be done by ditches or certain types of equipment. The ditches and equipment must have barriers that prevent the passage of fish.

Specifies when a may

~~NAVIGABLE WATERS~~

~~Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities including highway construction and the agricultural use of land, are exempt from this permit requirement. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.~~

~~Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.~~

*** ANALYSIS FROM -0313/2 ***

~~NATURAL RESOURCES~~

~~OTHER NATURAL RESOURCES~~

insert 207

Aquatic plant management

with certain exceptions,

The bill authorizes DNR to establish a program that protects aquatic plants that are native to this state and that regulates the introduction, cultivation, and control (management) of aquatic plants. The bill defines controlling aquatic plants to mean cutting, removing, destroying, or suppressing aquatic plants.

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under this program, DNR is required to issue aquatic plant management permits and to promulgate rules to regulate the conditions under which aquatic plants may be managed. ~~These conditions include restrictions on the quantity and species of aquatic plants that are subject to the permit and the areas in which the aquatic plants may be managed.~~ The bill prohibits any person from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of



aquatic plants by the use of chemicals, without such a permit. ~~DNR may establish a fee for this permit.~~ The bill exempts from the permitting requirements any person who manually removes aquatic plants from privately owned stream beds with the permission of the landowner and any person harvesting wild rice or operating a fish farm, as authorized by law. The bill repeals the current law that makes the cutting of weeds in navigable water a nuisance if such weeds are not removed. District attorneys, DNR, and private individuals may file suit to have a nuisance removed from navigable bodies of water.

End of insert 207

Placement of boats and boating equipment in navigable waters

~~Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill creates a similar law under which a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment. The bill also authorizes a law enforcement officer, including a conservation warden, to require a person to remove aquatic plants from a boat, a boat trailer, or boating equipment before placing the boat, trailer, or equipment in the water or to require a person to remove a boat, a trailer, or equipment from the water if the law enforcement officer has reason to believe that there are aquatic plants attached.~~

*** ANALYSIS FROM -1335/7 ***

~~NATURAL RESOURCES~~

NAVIGABLE WATERS

Under current law, the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River. Under current law, a second commission, the Fox-Winnebago regional management commission (Fox-Winnebago commission), will replace the river commission when the state receives federal funding for the restoration and repair of the navigational system. Under current law, the duties and powers of these two commissions are similar. However, these two commissions differ in that the river commission is a state agency attached to DNR and the Fox-Winnebago commission is a regional commission with ten of its thirteen members representing the five counties in which the navigational system is located and the remaining three members being appointed by the governor.

This bill replaces both of these commissions with the Fox River Navigational System Authority (authority). An authority is an entity with a board of directors that is established by state law but that is not a state agency. The board of directors of the authority consists of six members appointed by the governor ~~for three-year terms~~ and the secretary of natural resources, the secretary of transportation, and the director of the state historical society, or their designees.

The bill requires the authority to take over the rehabilitation, repair, replacement, operation, and maintenance of the Fox River navigational system after the transfer of the system from the federal government to the state. Once the system is transferred to the state, the state in turn will enter into a lease with the authority to transfer the system to the authority.

For the rehabilitation and repair of the system, the federal government will provide federal funding to the authority in amount that matches the amount of funding provided by the state to the authority. The state funding will come from the recreational boating aids program that DNR administers ~~to provide funding for the construction and maintenance of recreational boating facilities, such as locks and other facilities that provide access between bodies of water.~~

In order to receive the state funding, the authority must contract with one or more nonprofit corporations to provide marketing and fund-raising services. The funds raised by these corporations will provide the matching amounts for the state funding and will also be used for the rehabilitation and repair of the navigational system.

The bill requires DNR to set aside from the recreational boating aids program for the navigational system \$400,000 in each fiscal year for seven fiscal years and requires DNR to release the set-aside funding on an annual basis in amounts to match the amounts raised by the nonprofit corporations. The authority may not issue bonds to raise funding for the navigational system.

In addition to providing fund-raising services for the authority, the nonprofit corporations shall invest the funding received by the authority for the rehabilitation and repair of the navigational system. These nonprofit corporations must be based in one or more of the counties in which the navigational system is located.

~~Because the authority is not a state agency, numerous laws that are applicable to state agencies do not apply to the authority. However, the authority is considered a state agency in the following respects, among others: 1) it must comply with the open records and open meetings law; 2) it is subject to the lobbying regulation law~~

to the same extent as state agencies; 3) the members of its board of directors and its chief executive officer are subject to the code of ethics for state public officials; 4) it is exempt from the sales and use tax and from property taxes; 5) its employees receive state health and retirement benefits; and 6) its employees are subject to law prohibiting political activities by state employees while engaged in official duties.

The authority is unlike a state agency in many other ways, including: 1) it approves its own budget without going through the state budgetary process; 2) it hires its staff outside the state hiring system; 3) it is not subject to statutory rule-making procedures, including requirements for legislative review of proposed rules; 4) it keeps its operating fund in its own account outside of the state treasury; and 5) DOJ does not represent the authority and the authority may instead retain its own legal counsel.

This bill requires that the authority submit a management plan to DOA that addresses the costs and funding for the rehabilitation, repair, replacement, operation, and maintenance of the navigational system and describes how the authority will manage its funds to insure that there are sufficient funds available to abandon the navigational system if its operation is no longer feasible. ~~The bill requires the authority to update the plan upon the request of DOA.~~ If the operation of the system does become infeasible, the authority must submit a plan for its abandonment. Before abandoning the system, DOA and DNR must determine that the abandonment plan will preserve the public rights in the Fox River and will ensure safety.

*** ANALYSIS FROM -0353/3 ***

~~NATURAL RESOURCES~~

~~NAVIGABLE WATERS~~

Under current law, DNR administers two grant programs to address water quality problems specifically in lakes. Under the first program, DNR provides grants for planning projects to provide education information on the use of lakes and their ecosystems and on the quality of water in lakes. These grants are for 75% of the project's costs up to \$10,000 per project. Under the second program, DNR provides grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems. Nonprofit conservation organizations, most units of local government, and lake associations that meet certain requirements (qualified lake associations) are eligible for grants under these programs.

This bill makes the following changes to the lake planning grant program:

← INSERT
212
(on page 218)

certain

1. It increases the \$10,000 cap per project to \$25,000 for certain lake associations that qualify as "premier" lake associations. To be a premier lake association, the lake association must meet all of the requirements of a qualified lake association and must meet certain additional requirements that include having a specified minimum number of members current in their membership dues, having at least two meetings per year, promoting water safety, and promoting and raising funds for activities and equipment that help protect the environmental quality of each inland lake for which the association was incorporated.

2. It allows a school district to be eligible for a planning grant if the school district will be cooperating in the planning project with another entity that is eligible to receive a planning grant.

3. It changes the annual membership fee requirements for lake associations that are eligible for these grants. Current law imposes a statutory maximum and minimum amount. Under the bill, DNR must set the maximum and minimum amount by rule.

4. It expands the types of activities that are eligible for a planning grant to include programs and materials that promote water safety activities that protect natural lake ecosystems.

Under the second program, current law allows a grant recipient to use the grant to restore a wetland if the restoration will improve a lake's water quality or ecosystem. The bill expands this provision to allow a grant recipient to use the grant to restore shoreline habitat. The bill also requires that DNR give higher priority to premier lake associations in awarding grants under this second program.

*** ANALYSIS FROM -0293/1 ***

NATURAL RESOURCES

NAVIGABLE WATERS

Under current law, DNR, with approval from the Wisconsin waterways commission, administers a financial assistance program for expenses relating to construction and maintenance of recreational boating facilities, locks, or other facilities that provide access between waterways (facilities). Among the projects that qualify for funds under the program is a project for the dredging of a channel in a waterway to the degree that is necessary to accommodate recreational watercraft, provided that the project is for an inland water. This bill eliminates the requirement that such a project must be for an inland water before it may qualify to receive recreational boating aid funding.

***** ANALYSIS FROM -1544/2 *******NATURAL RESOURCES****FISH, GAME, AND WILDLIFE**

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. The body of water has to be a freeze-out pond or a body of water that was licensed as a fish farm under prior law, and the fish farm operator must have a permit issued by DNR to operate the farm. A freeze-out pond is defined under current law to be a self-contained, natural body of water that does not naturally sustain a fish population at least twice in every five years.

This bill allows fish farm operators to use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use and the transfer must be done by ditches or certain types of equipment. The ditches and equipment must have barriers that prevent the passage of fish.

NAVIGABLE WATERS

Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities, including highway construction and the agricultural use of land, are exempt from this permit requirement. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.

Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.

***** ANALYSIS FROM -1541/3 *******NATURAL RESOURCES****NAVIGABLE WATERS**

Under current law, DNR administers a dam safety program that is funded by state bonding and that provides matching grants to municipalities and public inland lake protection and rehabilitation districts for the purpose of conducting dam safety projects that DNR has determined necessary.

Under this bill, DNR must provide up to \$250,000 in funding from this program to the village of Cazenovia for the repair of a dam located in the village.

***** ANALYSIS FROM -1824/2 *****

~~NATURAL RESOURCES~~

RECREATION

This bill increases most annual vehicle admission fees that DNR collects for the entry of vehicles to state parks and other recreational areas under the jurisdiction of DNR. The bill also increases the daily vehicle admission fee for the entry of vehicles, to those areas, that have registration plates from another state.

*** ANALYSIS FROM -0507/3 ***

~~NATURAL RESOURCES~~~~RECREATION~~

Under current law, DNR administers a registration program for snowmobiles. This bill requires that \$15 of each fee collected for a snowmobile trail use sticker be credited to an appropriation to provide supplemental funding for the maintenance of snowmobile trails. A trail use sticker issued by DNR is required on all snowmobiles that are operated but not registered in this state. Supplemental funding is available for maintenance of trails if the actual cost of maintenance exceeds the amount determined under the trail aids formula which sets a maximum amount per mile of trail. The bill also increases the fee for a trail use sticker from \$12.25 to \$17.25.

Under current law, the registration fee for a snowmobile that is not an antique and that is not used exclusively on property owned by the snowmobile owner or his or her family is \$20. ~~The period of validity for the registration is from 15 months to 24 months depending on when, during a two-year period, the snowmobile is registered.~~ The bill raises the fee ~~from \$20~~ to \$30.

Under current law, the registration fee for a commercial snowmobile is \$60. ~~The period of validity for the registration is from 15 months to 24 months, depending on when, during a two-year period, the snowmobile is registered.~~ The bill raises the fee ~~from \$60~~ to \$90.

Current law requires DNR, when it issues a commercial snowmobile registration certificate, to issue three reflectorized plates. This bill raises the fee for additional reflectorized plates from \$20 to \$30 per plate.

*** ANALYSIS FROM -2289/3 ***

~~NATURAL RESOURCES~~~~RECREATION~~

Under current law, DNR may provide from the conservation fund enforcement aids to counties for the purpose of enforcing laws relating to snowmobiling. This bill

creates a program revenue-service appropriation from the general fund that is funded by certain moneys received by the state pursuant to Indian gaming compacts. The bill permits DNR to also provide to counties these enforcement aids amounts from this program revenue-service appropriation.

*** ANALYSIS FROM -1622/2 ***

~~NATURAL RESOURCES~~
~~RECREATION~~

Under current law, DNR administers the registration system for all-terrain vehicles, boats, and snowmobiles. Current law authorizes DNR to appoint agents, who are not employed by DNR, to issue all-terrain vehicle (ATV) and snowmobile registration certificates, and certificates of number and registration certificates for boats. Also, under current law DNR may establish an expedited service for renewals of these registration documents, which may be provided by the agents or by DNR directly. Current law imposes issuing fees when the documents are issued by agents and authorizes an expedited service fee when the expedited service is provided by DNR or agents. Under current law, agents keep a portion of these fees.

This bill changes the expedited service system by authorizing the establishment of a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under either procedure, DNR or its agents issue adequate documentation so that the registrant is able to immediately operate the ATV, boat, or snowmobile in compliance with the applicable registration laws. Under both systems, DNR and the agents collect an expedited service fee of \$3 from the registrant. Agents using the noncomputerized system retain the entire fee while agents using the computerized system send \$1 of each \$3 fee to DNR. Under the bill, DNR may continue to provide a registration service that does not use any expedited service procedure and for which no expedited service or issuing fee is charged.

*** ANALYSIS FROM -1550/1 ***

~~NATURAL RESOURCES~~
~~RECREATION~~

Under current law, the department of tourism must each year make payments in lieu of taxes that would be levied on land in the Kickapoo valley reserve if it were taxable to the treasurer of each taxing district in which land in the reserve is located. The payments are made from general purpose revenue. The bill changes the source of the payments to the conservation fund, which is largely made up of various fees

01-2449/P1/ma 212

permission of the landowner and any person harvesting wild rice or operating a fish farm, as authorized by law. The bill repeals the current law that makes the cutting of weeds in navigable water a nuisance if such weeds are not removed. District attorneys, DNR, and private individuals may file suit to have a nuisance removed from navigable bodies of water.

Placement of boats and boating equipment in navigable waters

Insert
AVS
212

Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill creates a similar law under which a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment. The bill also authorizes a law enforcement officer, including a conservation warden, to require a person to remove aquatic plants from a boat, a boat trailer, or boating equipment before placing the boat, trailer, or equipment in the water or to require a person to remove a boat, a trailer, or equipment from the water if the law enforcement officer has reason to believe that there are aquatic plants attached.

*** ANALYSIS FROM -0605/5 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, drainage boards operate one or more drainage districts. ~~(A drainage district drains property owned by two or more persons. DATCP assists drainage boards and oversees their activities, and promulgates rules that apply to drainage boards.~~ A city, village, or town (municipality) may assume jurisdiction to operate a drainage district from a drainage board in certain instances. However, once a drainage district is under municipal jurisdiction, it is subject to the drainage laws of that municipality and is exempt from state drainage law.

DNR regulates construction in navigable waters, ~~including construction relating to the drainage of land.~~ Generally, DNR determines whether a body of water such as a stream is navigable. Current law, however, provides an exemption for a drainage district drain that is located in the Duck Creek Drainage District. Under the exemption, the drain is not considered navigable unless a U.S. geological survey map or other scientific evidence shows that the drain was a navigable stream before it became a drainage district drain. This bill extends this exemption to any other drainage district drain if the drain is used primarily for agricultural purposes.

**START
HERE**
↓

HP 2 with

purposes and sales and use taxes related to recreational

**** ANALYSIS FROM -1938/2 ****

NATURAL RESOURCES

RECREATION

This bill requires DNR to submit to the governor, no later than July 1, 2002, a plan to accomplish the objective of connecting all state trails. The plan must require DNR to work cooperatively with other state agencies, political subdivisions, federal agencies, and nongovernmental organizations to accomplish the plan's objective and must contain a method for obtaining this cooperation. The plan must also include an implementation schedule, a completion date, a description of the costs involved in accomplishing the plan's objective, and a description of how the costs will be funded.

***** ANALYSIS FROM -0313/2 *****

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Aquatic plant management

The bill authorizes DNR to establish a program that protects aquatic plants that are native to this state and that regulates the introduction, cultivation, and control (management) of aquatic plants. The bill defines controlling aquatic plants to mean cutting, removing, destroying, or suppressing aquatic plants.

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under this program, DNR is required to issue aquatic plant management permits and to promulgate rules to regulate the conditions under which aquatic plants may be managed. These conditions include restrictions on the quantity and species of aquatic plants that are subject to the permit and the areas in which the aquatic plants may be managed. The bill prohibits any person from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals, without such a permit. DNR may establish a fee for this permit. The bill exempts from the permitting requirements any person who manually removes aquatic plants from privately owned stream beds with the

permission of the landowner and any person harvesting wild rice or operating a fish farm, as authorized by law. The bill repeals the current law that makes the cutting of weeds in navigable water a nuisance if such weeds are not removed. District attorneys, DNR, and private individuals may file suit to have a nuisance removed from navigable bodies of water.

Placement of boats and boating equipment in navigable waters

Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill creates a similar law under which a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment. The bill also authorizes a law enforcement officer, including a conservation warden, to require a person to remove aquatic plants from a boat, a boat trailer, or boating equipment before placing the boat, trailer, or equipment in the water or to require a person to remove a boat, a trailer, or equipment from the water if the law enforcement officer has reason to believe that there are aquatic plants attached.

*** ANALYSIS FROM -0605/5 ***

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, drainage boards operate one or more drainage districts. ~~A drainage district drains property owned by two or more persons. DATCP assists drainage boards and oversees their activities, and promulgates rules that apply to drainage boards.~~ A city, village, or town (municipality) may assume jurisdiction to operate a drainage district from a drainage board in certain instances. However, once a drainage district is under municipal jurisdiction, it is subject to the drainage laws of that municipality and is exempt from state drainage law.

DNR regulates construction in navigable waters, ~~including construction relating to the drainage of land.~~ Generally, DNR determines whether a body of water such as a stream is navigable. Current law, however, provides an exemption for a drainage district drain that is located in the Duck Creek Drainage District. Under the exemption, the drain is not considered navigable unless a U.S. geological survey map or other scientific evidence shows that the drain was a navigable stream before it became a drainage district drain. This bill extends this exemption to any other drainage district drain if the drain is used primarily for agricultural purposes.

Insert
212

Current law ^{generally} provides that a person wishing to deposit any material or to place any structure upon the bed of any navigable water must obtain a permit from DNR ~~(unless the legislature otherwise authorizes the structure or deposit)~~. Current law provides an exemption to this requirement for the Duck Creek Drainage District under which the drainage board for that district may place a structure or deposit in a drain if DATCP, after consulting with DNR, specifically approves the structure or deposit or if the structure or deposit is required by DATCP in order to conform the drain to specifications approved by DATCP in consultation with DNR. This bill extends this exemption to any other structure or deposit to be placed in a drainage district drain if the structure or deposit is used primarily for agricultural purposes.

Current law also provides that, with certain exceptions, a person wishing to remove material from the bed of a lake or stream must obtain a permit from DNR. Under one of the exemptions, the drainage board for the Duck Creek Drainage District may remove material from a drain that the board operates if the removal is required by DATCP in order to conform the drain to specifications imposed by DATCP in consultation with DNR. This bill extends this exemption to all other drainage district drains if the removal of the material is necessary primarily for agricultural purposes.

In addition to the current law requirements for obtaining permits to place a structure or deposit in navigable waters or to remove material from the bed of a lake or stream, current law requires that a drainage board obtain a separate permit from DNR to acquire and remove any dam or obstruction or to clean out, widen, deepen, or straighten any navigable stream. Under current law, only the Duck Creek Drainage District is exempt from this permitting requirement. This bill eliminates the permitting requirement for all drainage districts operated by drainage boards.

*** ANALYSIS FROM -1411/2 ***

~~NATURAL RESOURCES~~

~~OTHER NATURAL RESOURCES~~

Current law grants the state bonding authority to acquire and develop land for various conservation purposes under two stewardship programs, one that began in 1990 and one that began on July 1, 2000. These programs are administered by DNR.

Under the program that began in 1990, the state is prohibited from using stewardship bonding to provide money to counties, local units of government, or political subdivisions so that they may acquire land by condemnation or may develop land that has been acquired by condemnation. Under current law, the program that

began on July 1, 2000, does not include this prohibition. This bill applies the prohibition to this program.

Under current law, with certain exceptions, DNR may not use stewardship bonding under the program that began on July 1, 2000, for a project or activity that exceeds \$250,000 in cost unless it first notifies JCF of the proposal. This bill provides that DNR need not give notice to JCF unless the amount for the project or activity exceeds \$500,000.

***** ANALYSIS FROM -0341/1 *****

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, DNR awards grants to cities and villages for up to 50% of the cost of various tree projects, including tree disease evaluations and public education concerning trees in urban areas. This bill expands the grant program to authorize DNR to also award grants to counties, towns, and nonprofit organizations.

***** ANALYSIS FROM -0342/1 *****

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, DNR may award grants for up to 50% of the cost of acquiring certain clothing, supplies, equipment, and vehicles used for fire suppression purposes. This bill provides that the grants may also include awards for 50% of the cost of acquiring fire prevention materials and of the cost of training fire fighters in forest fire suppression techniques.

End of RSK/MGG analysis

***** ANALYSIS FROM -1432/5 *****

OCCUPATIONAL REGULATION

In its biennial budget request, DORL must recalculate its administrative and enforcement costs attributable to the regulation of each of the occupations and businesses that DORL regulates and, on the basis of these costs, recalculate the fees for initial credentials and for the renewal of credentials already issued. This bill changes the fees for initial and renewal credentials, except for renewal credentials for aesthetics schools, barbering or cosmetology schools and instructors, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools, and manicuring schools.

***** ANALYSIS FROM -0905/2 *****

OCCUPATIONAL REGULATION

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private detective license by DORL. A “private security person” is defined as a private police, guard, or other person who stands watch for security purposes. One of the exceptions to this prohibition applies to persons who are issued private security permits by DORL. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency licensed by DORL. In addition, the private detective agency must do each of the following: 1) supply uniformed private security personnel that patrol exclusively on private property; and 2) provide an up-to-date written record of its employees to DORL.

This bill creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a private detective agency licensed under current law or a private security agency licensed under the bill that does each of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does each of the following: 1) satisfies any qualification requirements established by DORL by rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a \$20 renewal fee.

In addition, the bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. Finally, the bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee engages in certain specified conduct, including the following: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; and 4) engages in conduct reflecting adversely on the person’s professional qualification.

Also under current law, a person who is issued a private detective agency license must renew the license by September 1 of each even-numbered year and pay a license renewal fee. This bill requires instead that a person renew a private detective agency license by September 1 of each odd-numbered year.

***** ANALYSIS FROM -0903/2 *****

OCCUPATIONAL REGULATION

Under current law, an individual who applies for a private security permit is eligible for a temporary private security permit that allows the person to engage in private security activities while DORL considers the application. A temporary private security permit is valid for no more than 30 days. This bill increases the duration of a temporary private security permit to no more than 60 days.

Also under current law, a person who applies for a credential issued by DORL or a board in DORL must reimburse DORL for the costs incurred in investigating the application. In addition, an applicant for a temporary credential must pay a fee for the credential. This bill clarifies that an applicant for a temporary private security permit is also subject to these requirements.

***** ANALYSIS FROM -0900/2 *****

OCCUPATIONAL REGULATION

Under current law, a person who has been granted a funeral director's license by the funeral directors examining board (board) must apply to renew the license after the expiration of a two-year licensure period. The application must include proof that the applicant has completed certain continuing education requirements and is doing business at a recognized funeral establishment. However, if a person is not doing business at a recognized funeral establishment, he or she may be granted a certificate in good standing as a funeral director by the board. A person who has been granted such a certificate may renew his or her license at any time during the subsequent two-year licensure period if he or she is able to submit proof that he or she is doing business at a recognized funeral establishment.

This bill eliminates certificates in good standing as a funeral director. The bill also provides for a 12-month transitional period during which the board is required to restore the funeral director licenses of certain persons who hold valid certificates in good standing under current law. If a person holds a valid certificate that was granted for a license that was granted or last renewed before July 1, 1995, the board must restore his or her license if he or she demonstrates competence as a funeral director by a method satisfactory to the board, including by passing a written or oral

examination or providing specified documentation to the board. If the board requires an examination, it may not be more stringent than the examination on Wisconsin law that is required for persons with licenses granted by other jurisdictions who apply for a reciprocal license from the board. In addition, the person must submit proof that he or she has completed at least 15 hours of continuing education during the past two years.

Under this bill, if a person holds a valid certificate that was granted for a license that was granted or last renewed on or after July 1, 1995, the board must restore his or her license if he or she submits proof that he or she has completed at least 15 hours of continuing education during the past two years.

Finally, the bill specifies that no fee may be charged for a person who applies for restoration of a license under the bill or who takes an examination that is required for restoration of a license under the bill.

***** ANALYSIS FROM -0902/2 *****

OCCUPATIONAL REGULATION

Under current law, an applicant for a credential issued by DORL or a board in DORL may be required to take an examination. If an examination is required, the applicant must pay an examination fee to DORL. The fee must be an amount equal to the DORL's best estimate of the actual cost of preparing, administering, or grading the examination or obtaining and administering an approved examination from a test service.

This bill changes the requirement regarding the amount of the fee. Under the bill, if DORL prepares, administers, or grades the examination, the fee must be equal to DORL's best estimate of the actual cost of preparing, administering, or grading the examination. If DORL approves an examination prepared, administered, and graded by a test service provider, the fee must be equal to DORL's best estimate of the actual cost of approving the examination, including selecting, evaluating, and reviewing the examination.

***** ANALYSIS FROM -0901/2 *****

OCCUPATIONAL REGULATION

Under current law, DORL is required to mail a notice of credential renewal to each holder of a credential issued by DORL or a board in DORL at least 30 days prior to the renewal date for the credential. The notice must be mailed to the last address provided to DORL by the credential holder.

PBE

Under this bill, DORL may either mail the notice of credential renewal as required under current law or give the notice to the credential holder by electronic transmission.

***** ANALYSIS FROM -0522/2 *****

RETIREMENT AND GROUP INSURANCE

administered by DETF

This bill creates a qualified transportation fringe benefit plan for state employees. This plan is authorized under the federal Internal Revenue Code (IRC) and permits ~~covered~~ employees to set aside pre-tax income ~~that may be used~~ to pay eligible transportation expenses before taxes are computed. Under the ~~applicable~~ IRC ~~provisions~~, three types of eligible transportation expenses are covered ~~under a~~ qualified transportation fringe benefit plan: parking expenses incurred at or near an employer's premises; expenses incurred to pay for an employee's use of mass transportation; and expenses incurred by an employee in paying his or her share of the cost of using a van pool. ~~The bill provides that the department of employee trust funds is to administer the qualified transportation fringe benefit plan.~~

***** ANALYSIS FROM -1941/2 *****

RETIREMENT AND GROUP INSURANCE

Under current law, the group insurance board may not enter into an agreement to modify or expand group insurance coverage in a manner that materially affects the level of ^{insurance} premiums required to be paid by the state or its employees ^{or} the level of benefits to be provided ~~under any group insurance coverage plan~~. This bill authorizes the group insurance board to enter into such an agreement if the modification or expansion would reduce the cost incurred by the state in providing group health insurance to state employees.

***** ANALYSIS FROM -0169/3 *****

RETIREMENT AND GROUP INSURANCE

This bill authorizes the secretary of employee trust funds (secretary) to settle any dispute of an appeal of a determination made by DETF that is subject to review by the employee trust funds board, the group insurance board, the teachers retirement board, the Wisconsin retirement board, and the deferred compensation board, ~~but only with the approval of the board having authority to accept the appeal~~. In deciding whether to resolve such a dispute, the secretary must consider the cost of litigation, the likelihood of success on the merits, the cost of delay in resolving the dispute, the actuarial impact on the public employee trust fund, and any other relevant factor the secretary considers appropriate.

RLR

In addition, the bill authorizes the secretary, if the secretary determines that an otherwise eligible participant has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any benefit administered by DETF because of an error in administration by DETF, to order the correction of the error to prevent inequity.

*** ANALYSIS FROM -1617/P3 ***

CRIMES

OTHER CRIMINAL LAW

Current law provides time limits for commencing the prosecution of most crimes, including sexual assault. The state must initiate prosecution within the time limit or it is barred from prosecuting the offense. A prosecution is commenced when a court issues a summons or a warrant for arrest, when a grand jury issues an indictment, or when a district attorney files an information alleging that a person committed a specific crime. Time during which a defendant is either a nonresident of the state or is secretly a resident in concealment is not calculated as part of the time limit.

Under current law, the state must prosecute first and second degree sexual assault within six years of the date of the crime. The state must prosecute first and second degree sexual assault of a child, as well as repeated sexual assault of the same child, before the victim reaches the age of 31.

This bill creates an exception to the time limits for prosecuting the crimes of sexual assault, sexual assault of a child, and repeated sexual assault of the same child in certain circumstances if the state has deoxyribonucleic acid (DNA) evidence related to the crime. If the state collects DNA evidence related to the crime before the time limit for prosecution expires and does not link the DNA evidence to an identified person until after the time limit expires, the state may initiate prosecution for the crime within one year of making the match.

STATE GOVERNMENT

DISTRICT ATTORNEYS

Under current law, a portion of the revenue generated from ^{the} crime laboratories and drug law enforcement assessment and from the deoxyribonucleic acid ^(DNA) surcharge is appropriated to DOJ for enforcement of drug laws, for prosecution of drug law violations, and to fund the state crime laboratories. This bill requires that a portion of ~~the~~ DOJ program revenue funds be transferred to a newly created appropriation in DOA for activities by district attorneys related to ^{DNA} deoxyribonucleic acid evidence.

move to page 226

RLR

The bill makes several changes to appropriations and funding for district attorneys.

*** ANALYSIS FROM -0869/1 ***

STATE GOVERNMENT

DISTRICT ATTORNEYS

Currently, DOA receives various appropriations for the office of justice assistance (OJA). This bill requires DOA to pay \$744,400 from federal and program revenue ~~revenue from DOA~~ in the 2001-03 biennium to fund four assistant district attorneys to prosecute drug crimes in Dane and Milwaukee counties.

→ Insert paragraph from p. 225

*** ANALYSIS FROM -0618/3 ***

STATE GOVERNMENT

DISTRICT ATTORNEYS

appropriations for the Office of Justice Assistance

Under current law, the state is responsible for funding certain operational expenses of district attorney offices. Among other things, the state must reimburse Milwaukee County for the costs of clerks who work in the Milwaukee County district attorney's office and who assist in the handling of cases involving the unlawful possession or use of firearms. The amount of reimbursement is capped at a specified amount for each fiscal year of the 1999-2001 fiscal biennium. *(No A)*

This bill limits the reimbursement amount to the amount of money in the appropriation from which the reimbursement is made. The bill also deletes an obsolete reference in the same appropriation to the purchase of computers to be used by prosecutors and clerks in the Milwaukee County district attorney's office on cases involving the unlawful possession or use of firearms.

LOCAL GOVERNMENT

Under current law, the Milwaukee board of police and fire commissioners is required to conduct a city-wide communications media campaign to educate the public about the legal consequences of unlawful possession and use of firearms, with the goal of deterring both. Current law also requires the state to provide money to the board for that media campaign. This bill eliminates the media campaign requirement and the reimbursement for it.

*** ANALYSIS FROM -2156/4 ***

~~STATE GOVERNMENT~~

OTHER STATE GOVERNMENT

Currently, DOJ is required to provide legal services to DATCP for enforcement of the laws related to consumer protection. ~~However~~ DOJ may commence an action to restrain by temporary or permanent injunction the violation of marketing and trade practices, including fraudulent representations, negative sales of

RPN

RPIN

telecommunication services, or unfair retailing of merchandise. This bill removes the authority of DOJ to enforce the laws relating to consumer protection and places that authority with DATCP or the district attorney. The bill ^{permits} ~~gives~~ DATCP ~~the~~ ~~authority~~ to request DOJ to provide legal services to DATCP relating to consumer protection.

***** ANALYSIS FROM -0562/3 *****

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

This bill increases the fee from \$8 to \$12 that DOJ charges a firearms dealer for each firearms restrictions record search requested by the dealer.

***** ANALYSIS FROM -1772/1 *****

STATE GOVERNMENT

STATE EMPLOYMENT

Under current law, the attorney general may appoint in the unclassified service a director of research and information services. This bill eliminates the authority of the attorney general to appoint that director.

out

***** ANALYSIS FROM -0565/4 *****

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Current law appropriates money to DOJ for providing law enforcement assistance regarding anti-drug abuse programs and drug investigations and analysis to state agencies. This bill extends the applicability of that appropriation to all law enforcement assistance provided by DOJ to state agencies.

Current law also appropriates money to DOJ for providing services to state agencies relating to victims and witnesses and for reimbursing counties for services relating to victims and witnesses. This bill authorizes DOJ to use that appropriation for providing services relating to victims and witnesses to anyone.

***** ANALYSIS FROM -0825/1 *****

~~STATE GOVERNMENT~~

STATE EMPLOYMENT

Under current law, appointments and promotions to positions in the classified service must be made according to merit and fitness, which is generally demonstrated by competitive examination. When vacancies occur in positions in the classified service, the administrator of the division of merit recruitment and

civil

state

selection in DER must certify names that may be considered for appointment to the position. This bill authorizes the administrator, with the approval of the secretary of employment relations, to establish pilot programs for the recruitment of individuals to fill vacant positions in the classified service. Under the bill, the pilot programs, which may not be in effect for more than one year, are exempt from all recruitment and certification requirements under current law, except that appointments and promotions to positions must be made according to the applicant's merit and fitness for the position.

***** ANALYSIS FROM -2050/1 *****

~~STATE GOVERNMENT~~

~~STATE EMPLOYMENT~~

Any legislator who establishes a temporary residence at the state capital for the period of any regular or special legislative session may receive an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business. The amount of the allowance is recommended by the secretary of employment relations and incorporated in the state compensation plan and must be approved by the joint committee on employment relations.

This bill provides that the allowance is 90% of the per diem rate for travel for federal government business within the city of Madison, as established by the federal general services administration. Under the bill, the amount is established before the start of the biennial session and remains in effect the entire biennial session.

***** ANALYSIS FROM -0823/1 *****

~~STATE GOVERNMENT~~

~~STATE EMPLOYMENT~~

Under current law, appointing authorities in state agencies are prohibited from appointing nonresidents to limited term appointments and to project positions in the state civil service. This bill eliminates this prohibition.

***** ANALYSIS FROM -1063/6 *****

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated in the following way. First, a base year amount is established that equals the amount of GPR appropriated in the second year of the prior fiscal biennium. For the new fiscal biennium, the base year amount is multiplied by the sum of 1.0 and the annual

P18

percentage change in state aggregate personal income for the calendar year that begins on the January 1 which precedes the first year of the fiscal biennium. Then this amount is multiplied by the sum of 1.0 and the annual percentage change in state aggregate personal income for the calendar year that begins on the January 1 which precedes the second year of the fiscal biennium. The sum of these two amounts is the aggregate amount of GPR that may be appropriated during the fiscal biennium. Under the bill, DOA is required to make the determination of amount of GPR that may be appropriated for each fiscal biennium. (46)

Under the bill, however, certain GPR appropriations are excluded from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; an appropriation for legal expenses and the costs of judgments, orders, and settlements of actions and appeals incurred by the state; an appropriation to make a payment for tax relief; an appropriation to make a transfer from the general fund to the budget stabilization fund; an appropriation to make a transfer from the general fund to the tax relief fund; and any appropriation contained in a bill that is enacted with approval of at least two-thirds of the members of each house of the legislature.

*** ANALYSIS FROM -1256/5 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

This bill requires that certain transfers be made between the general fund, the budget stabilization fund, and the tax relief fund, which is created in this bill.

Under the bill, the secretary of administration (secretary) must annually calculate the difference between the amount of tax revenues projected to be deposited in the general fund (projected tax receipts) and the amount of tax revenues actually deposited in the general fund during the preceding fiscal year (actual tax receipts). If the projected tax receipts are less than the actual tax receipts, the secretary must transfer from the general fund to the budget stabilization fund an amount equal to 50% of the difference between the projected tax receipts and the actual tax receipts.

This transfer, however, may not take place once the balance of the budget stabilization fund is at least equal to 5% of the estimated expenditures from the general fund during the fiscal year, as projected in the biennial budget act or acts. Also, if the transferred amount would cause the general fund balance to be less than

ABE

*statutory
statutory*

the required general fund ~~general fund~~ ^{statutory} balance, the secretary must reduce the amount of the transfer by an amount that would not cause the general fund balance to be less than the required ~~general fund~~ ^{statutory} balance. (The required statutory balance refers to ~~a current law requirement~~ that the estimated general fund balance in any fiscal year may not be an amount less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as "Compensation Reserves": for fiscal year 2002-03, 1.4%; for fiscal year 2003-04, 1.6%; for fiscal year 2004-05, 1.8%; and, for fiscal year 2005-06 and each fiscal year thereafter, 2%.)

*settle-
ment
in*

In addition, the bill creates a tax relief fund that consists of the difference between the projected tax receipts and the actual tax receipts in each fiscal year and the amount transferred from the general fund to the budget stabilization fund in each fiscal year.

This bill also creates an individual income tax relief fund tax credit, which may be claimed by an individual taxpayer or by a taxpayer and his or her spouse. A claimant may also claim a credit for each of his or her dependents, although a dependent may not claim a credit. The credit is nonrefundable, meaning that if the amount of the credit exceeds the taxpayer's tax liability, no check is issued in the amount of the difference.

The credit is available only in taxable years in which the amount in the tax relief fund exceeds \$25,000,000. If the secretary certifies that the amount in the fund exceeds that amount, DOR determines the amount of the credit that may be claimed in that taxable year. The credit amount is determined by dividing the amount certified by the sum of all claimants, all spouses of claimants, and all dependents, and then modified so that the amount in the fund is expended as fully as possible and by ensuring that the credit amount is rounded down to the nearest whole number.

***** ANALYSIS FROM -1528/7 *****

STATE GOVERNMENT

STATE FINANCE

On November 23, 1998, Wisconsin and other states agreed to a settlement of lawsuits brought against the major U.S. tobacco product manufacturers (the tobacco settlement agreement). Under the tobacco settlement agreement, the state is to receive annual payments from the U.S. tobacco product manufacturers in perpetuity. This bill authorizes the secretary of administration to sell the state's right to receive payments under the tobacco settlement agreement and provides that the proceeds

pk

from this sale are to be deposited in the permanent endowment fund, a ~~nonlapsible~~ trust fund created in the bill.

Under the bill, annually, the secretary of administration must transfer a certain amount of moneys in the permanent endowment fund to the general fund ~~according to a calculation made by the investment board.~~ The amount available for transfer in each year, as calculated by the investment board, ~~beginning in 2004~~, must equal the sum of the following:

1. An amount that equals 8.5% of the market value of the investments in the permanent endowment fund on June 1.
2. All proceeds of, and investment earnings on, investments of the permanent endowment fund made at the direction of the secretary of administration that are received in the fiscal year.
3. All other amounts identified by the secretary of administration as payments of residual interests to the state from the sale of the state's right to receive moneys under tobacco settlement agreement that are received in the fiscal year.

The bill provides that the investment board may invest the assets of the permanent endowment fund in any investment that is an authorized investment for assets in the fixed retirement investment trust and the variable retirement trust. In addition, the bill requires the investment board to invest certain of the assets in the permanent endowment fund according to the terms and conditions specified by the secretary of administration; the bill specifically provides that the investment board is not subject to its statutory standard of responsibility when it makes such an investment.

Not For 2002 and 2003, the amount that is required to be transferred from the permanent endowment fund to the general fund is the amount that the state would have received as payments under the tobacco settlement agreement had the state's right to receive the payments not been sold.

The bill also requires that, in fiscal years 2001-02 and 2002-03, the first ~~\$12,065,200~~ and ~~\$21,228,000~~, respectively, in payments from the tobacco settlement agreement are deposited in the tobacco control fund and are appropriated to the tobacco control board for distribution to specific smoking cessation and prevention programs and for grants for smoking cessation education, research, and enforcement programs. In the event that the state's right to receive payments under the tobacco settlement agreement is sold before the required amounts are received in fiscal years

subsequent

\$ 12,006,400

\$ 21,169,200

From
PS-231

2001-03, the bill requires that a necessary amount be transferred from the general fund to the tobacco control fund to make up any shortfall.

The bill also authorizes the secretary of administration to organize one or more nonstock corporations or limited liability companies for any purpose related to the sale of the state's right to receive payments under the tobacco settlement agreement and appropriates moneys for the organization and initial capitalization of any such corporation or company.

The bill establishes the legal characteristics of any sale, assignment, or transfer of payments under the tobacco settlement agreement. In addition, the bill provides that, with certain exceptions, this state's version of Article 9 of the Uniform Commercial Code governs the granting and enforcing of security interests in those payments. Article 9 generally governs similar transactions. Under the bill, if a person obtains, evidences, and provides notice of an interest in the tobacco settlement agreement payments under the procedure specified in the bill, that interest is enforceable against the debtor, any assignee or grantee, and all third parties, including creditors under any lien obtained by judicial proceedings. In addition, the interest is superior to all other liens against the tobacco settlement agreement payments that arise after the date on which the interest attaches to those payments.

Currently, DOA is required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice. DOA must prepare written justification of contractual service procurements and must comply with rules regarding conflicts of interest between contractors and DOA employees. DOA must also attempt to ensure that a specified portion of its procurement business is awarded to minority-owned businesses. This bill exempts contracts entered into by DOA to provide financial services in relation to this state's interest in the tobacco settlement agreement payments from compliance with these requirements.

Currently, with certain exceptions, no person may commence a legal action against the state unless the person presents a claim to the claims board for a recommendation and the legislature denies the claim. This bill exempts claims presented in relation to this state's interest in the tobacco settlement agreement payments from compliance with this requirement.

Under current law, the Wisconsin Health and Educational Facilities Authority (WHEFA) may issue bonds to finance certain projects of health or educational

facilities, such as the construction or remodeling of a health or educational facility or related structure, and to refinance outstanding debt of health or educational facilities. Under this bill, WHEFA is authorized to purchase the state's right to receive payments under the tobacco settlement agreement, to make a loan that is secured by the state's right to receive those payments, and to issue bonds to finance the purchase or to make the loan. Any bonds issued to finance the purchase or to make the loan must be payable from, or secured by interests in, the payments under the tobacco settlement agreement. In addition, WHEFA is authorized to organize one or more nonstock corporations or limited liability companies for any purpose related to the purchase or sale of the state's right to receive payments under the tobacco settlement agreement.

This bill affirms the state's participation in the ~~Attorneys General Master Tobacco Settlement Agreement of November 23, 1998~~ ^{tobacco settlement agreement} and ^{In addition, the bill states} that the payments received under that agreement are the property of the state, to be used as the state decides by law. The bill also provides that no political subdivision of the state, or officer or agent of a political subdivision, may maintain a claim related to the tobacco settlement agreement or any claim against any party that was released from liability by the state under the tobacco settlement agreement.

*** ANALYSIS FROM -1717/5 ***

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

This bill requires the secretary of administration to prepare a statement of estimated general purpose revenue receipts and expenditures in the biennium following the succeeding biennium based on recommendations in the executive biennial budget bill or bills. This statement is to accompany the biennial budget report that is submitted by the secretary of administration on the day that the governor delivers the budget message to the legislature.

The bill also requires that the LFB prepare the same statement but based on the recommendations in the executive biennial budget bill or bills, as modified by an amendment offered by JCF, as engrossed by the first house, as concurred in and amended by the second house or as nonconcurred in by the second house, or as reported by any committee on conference.

Finally, the bill requires the secretary of administration to prepare, as part of the biennial budget report, a comparison of the state's budgetary surplus or deficit according to generally accepted accounting principles, as reported in the most recent

audited financial report prepared by DOA, and the estimated change in the surplus or deficit based on recommendations in the biennial budget bill or bills.

***** ANALYSIS FROM -2308/1 *****

STATE GOVERNMENT
STATE FINANCE

Current statutes contain a statement that states that “[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as “Compensation Reserves” for that fiscal year ...” For fiscal year 2002–03, the amount is 1.4%. This bill reduces this amount to 1.2%.

***** ANALYSIS FROM -2007/2 *****

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. See **STATE GOVERNMENT, PUBLIC UTILITY REGULATION**.

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from PSC to the department of commerce. Under current law, PSC is required to promulgate rules that establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. A “mobile home park” is defined as any tract of land containing two or more individual plots of land that are rented for the accommodation of a mobile home. A “mobile home” is defined as a manufactured home. PSC’s rules must include requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. PSC may, on its own motion or upon a complaint by a mobile home park occupant, issue an order or commence a civil action against an operator or contractor to enforce the rules. In addition, DOJ, after

consulting with PSC, or any district attorney may commence an action to enforce the rules. Annually, PSC bills operators of mobile home parks, in proportion to the number of parks owned or managed by an operator, for the costs incurred by the PSC in regulating water or sewer service. Current law includes requirements for paying bills and resolving objections to the amount of a bill.

This bill requires the department of commerce, instead of PSC, to promulgate the rules. In addition, the bill changes current law to refer to manufactured home parks, rather than to mobile home parks. Under current law, which the bill does not change, a “manufactured home park” is defined as any plot or plots of ground upon which are located three or more manufactured homes that are occupied for dwelling or sleeping purposes but does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. The bill allows the department of commerce to take the enforcement action that PSC is allowed to take under current law. Also, the bill requires the department of commerce to bill operators of manufactured home parks for its regulatory costs in the same manner that PSC bills mobile home park operators under current law.

*** ANALYSIS FROM -1696/2 ***

STATE GOVERNMENT

~~PUBLIC UTILITY REGULATION~~

Under current law, telecommunications utilities and providers are subject to certain requirements regarding the protection of consumers, including other telecommunications utilities and providers that use their services. There are several provisions for enforcing these requirements, including the following three. First, the public service commission (PSC), on its own motion or upon a complaint filed by a consumer, may take administrative action or commence civil actions against telecommunications utilities and providers to enforce these requirements. This bill provides that the PSC has jurisdiction in its own name or on behalf of consumers to take such actions. The bill also clarifies that the PSC’s authority to take administrative action includes initiating a contested case.

Second, under current law, the PSC may bring an action in court for injunctive relief for compelling compliance with the requirements, for compelling refunds of any moneys collected in violation of the requirements, or for any other relief under the public utility statutes. This bill also allows the PSC to take administrative action, in addition to bringing an action in court, for compelling compliance with the

requirements or for compelling refunds. In addition, the bill allows the PSC to take administrative action or bring an action in court for any other appropriate relief, instead of just any other relief under the public utility statutes. Also, the bill allows the PSC to directly impose forfeitures for violations of the requirements.

Third, under current law, the PSC may request the attorney general to bring an action in court to require a telecommunications utility or provider to compensate any person for any pecuniary loss caused by failure to comply with the requirements. Under this bill, in addition to requesting the attorney general to bring such an action, the PSC may take administrative action, including initiating a contested case, or bring its own action in court to require such compensation.

Finally, the bill makes other changes to the enforcement authority of the PSC, including the following:

1. Under current law, the PSC may investigate whether rates, tolls, charges, schedules, or joint rates are unjust, unreasonable, insufficient, unjustly discriminatory or preferential, or unlawful and order that reasonable rates, tolls, charges, schedules, or joint rates be imposed, observed, or followed in the future. With respect to telecommunications providers, this bill also allows the PSC to order reasonable compensation for persons injured by reason of rates, tolls, charges, schedules, or joint rates of telecommunications providers that are investigated.

2. Under current law, public utilities and certain other entities, such as telecommunications providers, that violate laws enforced by the PSC, PSC orders, and certain other requirements are subject to a forfeiture of between \$25 and \$5,000, for each day of violation, which is imposed by a court. Under this bill, the PSC may also impose such a forfeiture against a telecommunications provider by administrative action.

3. Under current law, the PSC is required to inquire into neglect or violation of laws by public utilities and telecommunications carriers, enforce such laws, and report all violations to the attorney general. This bill also allows the PSC to take administrative action and institute and prosecute all necessary actions and proceedings for enforcing all laws relating to telecommunications providers or telecommunications carriers, and for the punishment of all violations.

JTK

~~ed: do not insert
complete new analyses
or rearrange
order of analyses
in "056" Thank you.~~

STATE GOVERNMENT
PUBLIC UTILITY REGULATION

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The bill creates a farm rewiring fund from which the grants are made. In fiscal year 2001-02, \$1,500,000 is deposited into the farm rewiring fund from contributions that certain gas and electric utilities make under current law to the PSC. In fiscal year 2002-03, \$2,500,000 is deposited into the farm rewiring fund from the contributions. In both fiscal years, the remaining amount that is contributed is deposited into the utility public benefits fund. Under current law, all of the contributions are deposited into the utility public benefits fund.

A farm operator is not eligible for grants under the bill unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants, including procedures for assuring that any work is completed according to acceptable practices.

→
Insert MOK
237 (01-2449/02 insmt)
(attached)

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC that is in effect at the time of measurement. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures that are in effect at the time of measurement. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. Finally, current law provides that, under certain circumstances, a public utility may be liable for treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents. This bill provides that damages from stray voltage are not subject to this provision.

STATE GOVERNMENT

~~PUBLIC UTILITY REGULATION~~

Under current law, the PSC is allowed to assess against a public utility the expenses incurred by the PSC in taking regulatory action with respect to the public utility. The PSC is allowed to make similar assessments against other entities under its jurisdiction, including a person seeking approval to construct a wholesale merchant plant. A "wholesale merchant plant" is defined as electric generating equipment that does not serve retail customers and that is owned and operated by either: 1) a person that is not a public utility; or 2) subject to PSC approval, an affiliate of a public utility.

Current law imposes a limit on the amount that the PSC may assess against a public utility or other entity under the PSC's jurisdiction. The total amount that the PSC may assess in a calendar year may not exceed four-fifths of one percent of the public utility's or entity's gross operating revenues derived from intrastate operations in the last preceding calendar year.

This bill creates an exception from the limit on assessments. Under this bill, the limit does not apply to assessments for the expenses incurred by the PSC in taking regulatory action with respect to approving construction of wholesale merchant plants.

*** ANALYSIS FROM -1857/5 ***

~~STATE GOVERNMENT~~

OTHER STATE GOVERNMENT

START
↓

Subsub → Creation of Department of ~~Electronic Government~~

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants DEG broad powers to manage the state's information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the "chief information officer." The officer's position is assigned to executive salary group 8 (\$82,979 to \$128,618 per year in 2000-01). The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of DEG. The staff includes a deputy, executive assistant, and three division administrators appointed outside the classified service.

The bill also creates an information technology management board which is attached to DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2449/P2insMK
MDK:.....

1

INSERT MDK-237:

~~STATE GOVERNMENT
PUBLIC UTILITY REGULATION~~

This bill allows the PSC to conduct energy assessments of proposed state agency rules. See **STATE GOVERNMENT, OTHER STATE GOVERNMENT**.

JK

two other members appointed by the governor without senate confirmation. The two other members serve for staggered four-year terms. The board advises DEG, monitors progress in attaining the state's information technology goals, and hears appeals by executive branch agencies of actions of the officer. The board may affirm, modify, or set aside any such action.

move to p. 242

Currently, the technology for educational achievement in Wisconsin (TEACH) board is attached to DOA. The TEACH board provides grants, loans, and other assistance to schools and other educational institutions in this state to aid in the installation of educational technology equipment and for the training of educators to use the technology. This bill retains the attachment of the TEACH board to DOA but makes ^{all} purchases of materials, supplies, equipment, or services by the TEACH board subject to the approval of DEG.

The bill directs DEG, with the assistance of executive branch agencies and the advice of the board, to manage the information technology portfolio of state government to meet specified criteria. The portfolio includes information technology systems, applications, infrastructure and information resources, and human resources devoted to developing and maintaining information technology systems.

Currently, ^{each} executive branch ^{agency is} ~~agencies are~~ required to prepare, revise, and submit annually to DOA, for its approval, an information technology strategic plan that details how the agency plans to use information technology to serve its needs and those of its clients. This bill makes proposed strategic plans of executive branch agencies subject to approval of the chief information officer, with the advice of the board. The bill precludes the secretary of administration from including in the biennial budget compilation for presentation to the governor provision for development or implementation of any information technology project that is not consistent with the approved strategic plan of the agency.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided and may also charge legislative and judicial agencies for these costs as a component of any services provided by DEG to these agencies. The bill also permits DEG to assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that

JAK

the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected agency. The bill permits DEG to charge any executive branch agency for its reasonable costs incurred on behalf of the agency in carrying out this function.

Currently, DOA must provide computer services to state agencies in the executive, legislative, and judicial branches. DOA may also provide telecommunications services to those agencies and computer or telecommunications services to local governments and private schools, postsecondary institutions, museums, and zoos. DOA may also provide supercomputer services to state agencies, local governments, and entities in the private sector. Under this bill, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local governmental unit, or any entity in the private sector. DEG may also develop and operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to DEG all revenues received from assessments or charges, without limitation, for the purpose of carrying out its functions. The bill also appropriates general purpose revenue to DEG equivalent to the depreciated value of its equipment.

Currently, the number of full-time equivalent (FTE) positions for each state agency within each revenue source is fixed by law or by the governor, JCF, or the legislature in budget determinations. Program-revenue funded positions may be adjusted by the governor with the concurrence of JCF and federally funded positions may be adjusted by the governor alone. This bill permits the chief information officer to transfer any number of FTE positions having responsibilities related to information technology or telecommunications from any executive branch agency to DEG or any other executive branch agency and to transfer the funding source for any position from one source to another for the purpose of carrying out the functions of DEG. Upon transfer of any position, the incumbent in that position is also transferred without loss of pay, fringe benefits, or seniority privileges. Under the bill, the secretary of administration provides to JCF a quarterly report of the position

changes made by the chief information officer. The bill also permits the officer to transfer moneys from the appropriation account for any appropriation made to an executive branch agency, except a sum sufficient appropriation, without the consent of the agency, for the purpose of facilitating more efficient and effective funding of information technology or electronic communications resources within the executive branch of state government. Under the bill, any transfer of positions or funding may not be made if it would be inconsistent with state or federal law or any requirement imposed by the federal government as a condition to receipt of aids by this state.

Currently, every executive branch agency, other than the board of regents of the UW system, is required to purchase computer services from DOA, unless DOA grants permission to the ^{agency} agencies to procure the services from a private source or from another agency, or to provide the services to itself. This bill provides that every executive branch agency, including the board of regents of the UW system, must purchase all materials, equipment, supplies, and services relating to information technology or telecommunications from DEG, unless DEG requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or unless DEG grants permission to the agency to procure the materials, supplies, equipment, or services from a private source or from another agency, or to provide the materials, supplies, equipment, or services to itself. The bill also makes all contracts by any executive branch agency for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications subject to review and approval of the chief information officer.

Currently, subject to numerous exceptions, state agencies are generally required to make purchases through solicitation of bids or competitive sealed proposals preceded by public notice, and to allow DOC the opportunity to provide the materials, supplies, equipment, or services under certain conditions if DOC is able to do so. These requirements do not apply to purchases by the division of information technology services of DOA relating to the functions of the division. This bill provides that these requirements do not apply to purchases of any materials, supplies, equipment, or services by DEG. The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and

JTK

authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to DEG to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

Currently, the secretary of administration must notify JCF of the proposed acquisition of any information technology resource that DOA considers to be major or that is likely to result in a substantive change of service and that was not considered in the regular budget process. If the proposed acquisition is to be financed from general purpose revenue, or segregated revenue other than revenue derived from program receipts, the acquisition is subject to concurrence by JCF. This bill deletes this provision.

*** ANALYSIS FROM -1301/5 ***

TWS
from
P. 239

STOP
HERE

Elections administr
Voter registratio
Under current l

Under current law, a municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill expands current law to require voter registration in every municipality. This bill also establishes a centralized, state-wide voter registration list that is compiled and maintained by the state elections board (board). Under the bill, the centralized registration list must be electronically accessible by any person, but no person other than the board or an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of certain individuals who have registered to vote in another state, territory, or possession or whose registrations are required to be cancelled as the result of a municipal canvass required under current law. Under this bill, each municipal clerk must electronically

INSERT
with
immediately
following the
page
(3 pgs. of
inserts)

MENT
NMENT

authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to DEG to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

Currently, the secretary of administration must notify JCF of the proposed acquisition of any information technology resource that DOA considers to be major or that is likely to result in a substantive change of service and that was not considered in the regular budget process. If the proposed acquisition is to be financed from general purpose revenue, or segregated revenue other than revenue derived from program receipts, the acquisition is subject to concurrence by JCF. This bill deletes this provision.

*** ANALYSIS FROM -1301/5 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Elections administration

Voter registration.

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill expands current law to require voter registration in every municipality. This bill also establishes a centralized, state-wide voter registration list that is compiled and maintained by the state elections board (board). Under the bill, the centralized registration list must be electronically accessible by any person, but no person other than the board or an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of certain individuals who have registered to vote in another state, territory, or possession or whose registrations are required to be cancelled as the result of a municipal canvass required under current law. Under this bill, each municipal clerk must electronically

JJK

P2 insert HA

Ins from P. 239

START HERE

INSERT 242A
miscellaneous page (3 pp. of inserts)

JK

enter valid registrations or changes of registration on the centralized list maintained by the board. The town clerk of any town having a population of not more than 5,000 may designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data onto the centralized list. Each municipality must retain the original registrations or changes of registration as provided under current law. Under the bill, the original forms are controlling whenever there is a discrepancy between the centralized list and the original forms.

Currently, if registration is required, any individual who qualifies as an elector of a municipality but who is not registered to vote may register in person at various locations within the applicable municipality or may mail to the appropriate municipal clerk a completed registration form. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. In addition, voters may register at any time after the deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.

Currently, an individual who makes a late or election day registration must complete a registration form and a certification of eligibility and must present acceptable proof of residence. If an individual attempting to vote under these late registration or election day registration procedures is not able to present acceptable proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the information contained in the individual's registration form or certification. The corroborating elector currently must provide acceptable proof of residence. Currently, there is no limit on the number of times a person may act as a corroborating elector.

This bill requires any elector who registers to vote under the late registration or election day registration procedures to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address (preferred identification). If the elector is unable to present preferred identification, the bill permits the elector to present any identification card that contains the photograph and current street address of the elector (alternate

JK
identification). If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. For each elector that presents an identification card that is not preferred or alternate identification, the registration official must record on the elector's registration form the type of identification card presented and the identifying number listed on the card.

Any elector who is unable to present any satisfactory identification may have his or her identity and registration information corroborated by another elector as provided under current law. However, under this bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also requires a corroborating elector to present identification.

This bill makes certain other changes to the laws relating to voter registration. The bill permits the town clerk of any town with a population of not more than 5,000 to designate the county clerk of the county where the town is located as the town clerk's agent for receiving registrations under the late registration procedure. The bill also permits the board, by rule, to specify additional information that must be provided on registration forms. In addition, the bill provides that any election official who fails to exercise due care to lawfully register an elector to vote is subject to a forfeiture (civil penalty) of not more than \$1,000.

Identification required to vote.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If registration is not required, the elector may be required to provide this proof. Where registration is not required, the election officials keep a poll list indicating which electors have voted. Where registration is required, elections officials create a poll list by marking a prepared registration list.

With certain limited exceptions, this bill requires each elector attempting to vote at any polling place to present preferred identification. If the elector is unable to present preferred identification, the bill permits the elector to present alternate identification. If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. Any elector who is unable

JMR

to present any identification authorized under the bill may have his or her identity and address corroborated in a statement signed by any other elector who resides in the municipality and who has not, during that day, corroborated the identity and address of more than one other person.

The bill requires the election officials to verify that the name and address on the identification provided by an elector or corroborated for an elector are the same as the elector's name and address on the poll list. The elections officials must also verify that the photograph contained in any identification presented reasonably resembles the elector. If the elector presents an identification card that is not preferred or alternate identification or that contains an address that is different from that on the poll list, the bill requires the elections officials to verify that the name and identifying number on the identification presented are the same as the elector's name on the poll list and identifying number on any identification card that the poll list indicates the elector is able to present. If the poll list does not indicate the elector is able to present an identification card or if the identifying number presented is different from that indicated in the poll list, the elections officials must enter on the poll list, after the elector's name, the type of identification presented and the identifying number contained in that identification.

This bill does not affect absentee voting or voting by military electors.

Supervision of local election practices.

Currently, following each general election, a municipality where registration is required must complete a canvass to identify each qualified elector who has failed to vote within the previous 4 years, attempt to notify each such elector, and revise and correct its registration list accordingly. This bill requires each municipality to complete this canvass within 90 days following the general election. In addition, if a municipality has not completed the canvass within 120 days following the general election, this bill permits the board to conduct the canvass and submit a statement to the municipality for the costs incurred. If a municipality fails to reimburse the board for the costs within 30 days after receiving the statement, the bill permits the board to direct that the municipality's next shared revenue payment from the state be reduced by the amount of the costs.

In addition, under the bill, if an inspector (poll worker) repeatedly and materially fails to substantially comply with the election laws or rules of the board in performing his or her functions, the board may remove the inspector and appoint a qualified replacement inspector to serve the remainder of the inspector's unexpired

JTK

term. The replacement inspector must be compensated by the municipality on the same basis as other inspectors and, like other inspectors, is subject to the supervision of the municipal clerk or board of election commissioners but, unlike most other inspectors, may be appointed without regard to party affiliation. The bill also permits the board to appoint a special master to assume all functions of the municipal clerk or board of election commissioners if the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections. The initial term of the special master may not exceed one year, but is renewable for additional periods of not more than one year if the board finds that the municipality is incapable of substantial compliance or unwilling to substantially comply with the election laws or rules. The bill requires the board to submit a statement to the municipality for the costs incurred relating to the special master. If a municipality fails to reimburse the board for the costs within 30 days after receiving the statement, the bill permits the board to direct that the municipality's next shared revenue payment from the state be reduced by the amount of the costs.

Under current law, the board may promulgate rules to interpret or implement the laws relating to the conduct and administration of elections and election campaigns. This bill expands the board's rule-making authority, permitting the board to promulgate rules to promote the efficient and fair conduct of elections.

***** ANALYSIS FROM -1822/1 *****

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill directs the elections board to conduct training programs to enable individuals exercising the right of access to polling places to inform themselves concerning the election laws, the procedures for conducting elections, and the rights of individuals who observe election proceedings. The bill permits the board to charge participants for the cost of conducting the programs.

The bill also directs the board to provide grants from state general purpose revenue to counties and municipalities that apply for assistance to finance the cost of maintenance of the statewide elector registration list created by the bill. The bill directs the board to prescribe, by rule, an application procedure and an equitable method for allocation of grant moneys.

***** ANALYSIS FROM -1634/P6 *****

JTK

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Sub-sub

Land information and land use

Currently, the land information board is attached to DOA. The board consists of the secretaries of five state agencies or their designees, the state cartographer and eight other persons appointed by the governor, four of whom are representatives of county or municipality governments in this state and four of whom are representatives of public utilities or private businesses in this state. The board serves as a state clearing house for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and its functions are abolished effective on September 1, 2003.

This bill abolishes the land information board on the day the bill becomes law and transfers its functions, together with its assets, liabilities, and employees, to DOA. *permanently*

Under the land information program, a number of state agencies, including DOA, DATCP, DHFS, DNR, and DOR, are required to submit biennially to the land information board a plan to integrate land information so that the information is readily translatable, retrievable, and geographically referenced for use by any state, local governmental unit, or public utility.

PROP

Beginning with the plan that is due on March 31, 2002, this bill removes the requirement that DOR submit such a plan.

Currently, counties collect a land record fee for recording and filing most instruments that are recorded or filed with the register of deeds. The fee is ~~ten~~ ^{\$10} dollars for the first page of an instrument and ~~two~~ ^{\$2} dollars for each additional page. Until September 1, 2003, counties must remit ~~two~~ ^{\$2} dollars of each ~~ten~~ ^{\$10} dollars collected for recording or filing the first page of each instrument to the land information board, which the board uses to fund its general program operations and to make grants to counties for land records modernization projects. Currently, if a county does not have a land information office and uses ~~four~~ ^{\$4} dollars of the fee for recording or filing the first page of an instrument for land records modernization, the county must remit ~~six~~ ^{\$6} dollars of the fee for recording or filing the first page of an instrument to the land information board. On September 1, 2003, the fee for recording or filing the first page

or does not use

\$4

of an instrument is reduced from ~~ten dollars~~ ^{\$10} to ~~eight dollars~~ ^{\$8} and no portion is remitted to the state.

This bill ^{permanently} increases the fee for recording or filing the first page of an instrument with a register of deeds from ~~ten dollars~~ ^{\$10} to eleven dollars, and requires a county to remit either ~~two dollars~~ ^{\$2} or seven dollars of this fee to the department of administration, depending on whether the county has a land information office and uses the fee for land records modernization.

Currently, DOA may provide grants to local governments to be used to finance a portion of the cost of certain comprehensive planning activities from general purpose revenue. This bill provides, in addition, for a portion of the land record fee received by DOA to be used for that purpose.

~~Currently, the land information board may provide technical assistance to counties and conduct educational seminars, courses, or conferences relating to land information. The board assesses and collects fees sufficient to cover the cost of these activities. This bill transfers the authority to provide assistance and conduct conferences to DOA, but deletes the authority and responsibility to assess and collect fees.~~

Under the current law, the Wisconsin land council exists in DOA. The purposes of the council include the following: 1) to identify and recommend to the governor land use goals and priorities; 2) to identify and study areas of conflict in the state's land use statutes, and conflicts between state and local land use ^{laws} ~~statutes and ordinances~~; and recommend to the governor legislation to resolve the conflicts; 3) to study the development of a computer-based land information system and make recommendations to the governor in this area; 4) ~~to identify procedures for facilitating local land use planning efforts and recommend to the governor legislation to implement the procedures; and 5) to gather and analyze information about the land use activities in Wisconsin of the federal government and American Indian governments.~~

The council is required to submit to both houses of the legislature, and the governor, ^{not later than September 1, 2001,} a report that evaluates its functions and activities. ~~The report must be submitted not later than September 1, 2002.~~

This bill discontinues the council's function of studying the development of a computer-based land information system, and adds several new functions to the council's duties. Under the bill, the council must establish a land information working group that must study and ^{make recommendations} ~~recommend~~ land information standards to the council and DOA, ~~advise the council and DOA on a Wisconsin land information~~

Jk

MES ↓

in the areas of land information standards and systems
~~(system and/or) coordination of state and local land information, and review county land records modernization plans and make recommendations on approval to the council and DOA~~

hyphe → The council currently consists of 16 members. This bill adds three members to the council, ^{3 members} one of whom would be a representative from a public utility, ^{at large} one of whom would be a representative from a professional land information organization, and ^{the nominee of} one of whom would be nominated by a statewide association whose purposes include support of a network of statewide land information systems.

The bill also repeals the current law August 31, 2003, sunset date for the council.

*** ANALYSIS FROM -1832/3 ***

STATE GOVERNMENT
OTHER STATE GOVERNMENT

Under current law, DOA awards transportation planning grants to local governmental units (cities, villages, towns, counties, and regional planning commissions) to pay for planning activities related to the transportation element of a comprehensive land use and development plan.

Under this bill, DOA may also award transportation planning grants to assist local governmental units in the integrated transportation and land-use planning for highway corridors (areas expected to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development).

The bill requires DOA to award transportation planning grants in the following order of priority: 1) grants that pay for planning activities related to a transportation element and which also assist in highway corridor planning; 2) grants that only pay for planning activities related to a transportation element; and 3) grants that only assist in highway corridor planning. The bill also expands the definition of "local governmental unit" to include a metropolitan planning organization (an organization that develops transportation plans and programs). Finally, the bill requires DOA, in consultation with DOT, to promulgate rules for the awarding of transportation planning grants.

*** ANALYSIS FROM -1823/3 ***

Subsub State procurement services

STATE GOVERNMENT~~**OTHER STATE GOVERNMENT**~~

Currently, DOA provides procurement services to state agencies and some local governments. These procurement functions are financed with general purpose revenue. This bill permits DOA to assess any state agency or local government to which it provides procurement services for the cost of the services provided to the agency or local government. The bill also permits DOA to identify savings that DOA determines to have been realized by any state agency to which it provides procurement services, and to assess the agency for not more than the amount of the savings so identified. The bill does not define “savings” and does not specify any methodology for determination of these assessments. The bill appropriates to DOA all moneys collected from these assessments, without limitation, to be used to finance procurement services. The change potentially decreases the moneys available to agencies and local governments for other purposes. The bill also appropriates moneys from the revenue sources that finance the programs of state agencies to supplement the unbudgeted costs of procurement service charges, except charges for identified procurement savings.

Currently, subject to numerous exceptions, DOA, or any state agency in the executive branch to which DOA delegates purchasing authority, must make purchases by bid or competitive sealed proposal that must be preceded by at least two notices published in the official state newspaper, the latest of which must be inserted at least seven days prior to opening of the bids or competitive sealed proposals.

This bill permits DOA or any state agency to which DOA delegates purchasing authority to make purchases by soliciting sealed bids to be opened at a specified date and time or by solicitation of bids at an auction to be conducted electronically at a specified date and time, or by competitive sealed proposal. If bids are to be solicited at an electronic auction, the bill requires notice of the auction to be posted on an Internet site determined or authorized by DOA at least seven days prior to the date of the auction. The bill also permits notice of any proposed purchase by DOA or an agency to which DOA delegates purchasing authority to be posted electronically on an Internet site determined or authorized by DOA at least seven days prior to the date that bids or competitive sealed proposals are to be opened or bids are to be received by auction in lieu of the publication required under current law.

Currently, DOA maintains a subscription service that provides current information of interest to prospective vendors concerning state procurement

JTK

opportunities. This bill permits DOA to permit prospective vendors to provide product or service information through this service and also permits DOA to prescribe fees or establish fees through a competitive process for the use of the service. Any revenue collected from the fee assessments is deposited in the state VendorNet fund, which is used to pay the costs of the subscription service.

Currently, DOA, or any state agency to which DOA delegates purchasing authority, may maintain a bidders list that includes the names and addresses of all persons who request to be notified of bids or competitive sealed proposals that are solicited by DOA or any other agency maintaining such a list. This bill permits an agency to which DOA delegates purchasing authority to maintain a bidders list only if it is specifically authorized under the delegation to do so.

In addition, the bill directs DOA to report to the governor and the cochairpersons of JCF concerning the status of the electronic procurement and commerce activities of DOA. The report must include an assessment of the costs and benefits of these activities for the 2002-03 fiscal year and an assessment of the success of state executive branch agencies in increasing the volume of these activities.

JWS
251A
(1, 2, 3, and 4)
(next page)

*** ANALYSIS FROM -1839/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

JWS
From
PP-226-
227

sub-sub

Currently, DOA is required to review proposed municipal incorporations and certain municipal annexations in counties having a population of 50,000 or more, and to make findings with respect to certain matters specified by law. Currently, the cost of conducting this review is financed with general purpose revenue.

This bill permits DOA to prescribe and collect a fee for conducting this review. The fee must be paid by the person or persons filing a petition for incorporation or by the person or persons filing a notice of proposed annexation.

appropriates to DOA all moneys collected from these fees without

*** ANALYSIS FROM -1554/1 ***

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Limitation to be used to finance reviews of proposed municipal incorporations and annexations

Under current law, DOA is directed to operate a federal aid management service. The service is directed to process applications by state agencies for grants from the federal government upon request of the agencies. DOA may assess any state agency to which DOA provides services a fee for its expenses incurred in providing those services.

State Federal state relations

This bill directs DOA to initiate contacts with the federal government for the purpose of facilitating participation by state agencies in federal aid programs, to assist those agencies in applying for such aid, and to facilitate influencing the federal government to make policy changes that will be beneficial to this state. The bill also permits DOA to assess agencies to which DOA provides those services a fee for its expenses incurred in providing those services.

*** ANALYSIS FROM -0408/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

This bill transfers the positions of the state fair park police, and incumbents in those positions, from the state fair park board to DOA.

*** ANALYSIS FROM -1127/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Currently, no elective state official may hold any other position or be retained in any other capacity with a state agency or authority, except an unsalaried position or unpaid service with a state agency or authority that is compatible with the official's duties, the emoluments of which are limited to reimbursement for actual and necessary expenses incurred in the performance of those duties. No other individual who is employed in a full-time position or capacity with a state agency or authority may hold another position or be retained in another capacity with a state agency or authority from which the individual receives, directly or indirectly, more than \$12,000 from the agency or authority as compensation for the individual's services during the same year. The prohibition does not apply to an individual other than an elective state official who has a full-time appointment for less than 12 months during any period of time that is not included in the appointment.

This bill repeals this prohibition.

*** ANALYSIS FROM -1900/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Under current law, DHFS must conduct plan reviews of all capital construction and remodeling of nursing homes and hospitals to ensure that they comply with building code requirements that are otherwise regulated by the department of commerce and may conduct plan reviews of all capital construction and remodeling of community-based residential facilities. The department of commerce regulates

JTK

subsub =

State Fair Park security

subsub =

Dual state employment or retention

subsub =

health care construction reviews

the construction, repair, and maintenance of public buildings, which are defined to include buildings used by the public. In addition, by rule, the department of commerce regulates the design, construction and, alteration of medical facilities so as to ensure that they are accessible and usable by persons with disabilities.

This bill requires DOA to conduct and present to the secretary of administration, by June 30, 2002, a study that reviews the separate responsibilities of DHFS and the department of commerce to review capital construction and remodeling plans of nursing homes, community-based residential facilities, hospitals, and other medical facilities. The study must address the feasibility of centralizing the construction plan reviews in one of the departments.

INSERT FROM P. 255 FWS 253 B (next page)

*** ANALYSIS FROM -1553/2 ***

STATE GOVERNMENT

~~OTHER STATE GOVERNMENT~~

Energy efficiency fund elimination
Currently, state agencies may apply for loans from the energy efficiency fund to finance energy efficiency projects. The loans are repaid from utility expense appropriations made to the agencies in an annual amount equal to the utility expense savings realized by the agencies as a result of the energy efficiency projects. In addition, for six years after each loan is repaid, DOA may transfer an amount equal to one-third of the savings realized to the general fund, and an amount equal to one-third of the savings realized to the energy efficiency fund for maintenance of projects with an energy efficiency benefit and for energy efficiency monitoring. An amount equal to the final one-third of the savings realized may be utilized by an agency for its general program operations, subject to approval of JCF.

This bill abolishes the energy efficiency fund. Under the bill, DOA may transfer an amount equal to all repayments of loans made from the fund for energy efficiency projects from the appropriate utility expense appropriations to the general fund. Any unencumbered balance in the energy efficiency fund on the day the bill becomes law is also transferred to the general fund.

FWS 253A (next page)

*** ANALYSIS FROM -2059/2 ***

STATE GOVERNMENT

~~OTHER STATE GOVERNMENT~~

State-local partnership
This bill directs that DOA, to the extent possible, coordinate state policies governing the relationship between the state and local governments in this state and attempt to make those policies as uniform as practicable. The bill also permits DOA,