

to attempt to mediate disputes between local governments and state agencies to the extent feasible. Currently, DOA has no such responsibility.

To carry out these functions, the bill directs DOA to appoint a state-local government coordinator outside the classified service.

***** 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 crime laboratories and drug law enforcement assessment and from the deoxyribonucleic acid 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 deoxyribonucleic acid evidence.

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

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FWS 253B

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 moncy for OJA in the 2001-03 biennium to fund four assistant district attorneys to prosecute drug crimes in Dane and Milwaukee counties.

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

~~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.

START INSERT

*** ANALYSIS FROM -2155/1 ***

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

also
This bill gives the PSC the authority to conduct an energy assessment of any proposed state agency rule that may potentially impact state energy policies. *and if the rule has* If, after the assessment, the PSC concludes that the proposal may have a significant impact on the state's energy policies, the PSC may prepare an energy impact statement. The bill requires the state agency that is proposing the rule to consider the PSC energy

Sub: sub

Energy impact statements and assessments

~~From~~
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FWS 253B

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and the agency's response

impact statement before final adoption of the rule. Under the bill, the state agency that is proposing the rule ^{and to} must include the energy impact statement in the notice when the agency submits its proposed rule in final form to the legislature and an explanation of any changes made in the rule in response to that statement.

and insert

***** ANALYSIS FROM -1059/4 *****

TAXATION

INCOME TAXATION

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation's income to this state. The formula has three factors: a sales factor, a property factor, and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premium factor and a payroll factor is used to attribute a portion of an insurance company's income to this state.

Under this bill, beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of a corporation's income to this state. The property and payroll factors will be decreased, and eventually phased out, over the next four years as the sales factor is increased and becomes the only factor. Beginning on January 1, 2005, the premium factor will be the only factor used to attribute a portion of an insurance company's income to this state. The payroll factor will be decreased, and eventually phased out, over the next four years as the premium factor is increased and becomes the only factor.

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Under current law, the income of an electric or gas utility is apportioned by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of an electric or gas utility is apportioned in the same manner as the income of a corporation under the bill. Beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of the income of an electric or gas utility to this state.

Under current law, the income of a financial organization is apportioned, for corporate income tax and franchise tax purposes, by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of a financial organization is apportioned by multiplying that income by a fraction that includes a sales factor representing more than 50% of the fraction, as determined by rule by DOR. For taxable years beginning after

(X) December 31, 2004, the income of a financial organization is apportioned by using a sales factor, as determined by DOR.

Under current law and under the bill, the income of air carriers and pipeline companies is apportioned by rules established by DOR.

*** ANALYSIS FROM -1321/2 ***

TAXATION

OTHER TAXATION

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page 262

Under current law, in lieu of paying local property taxes, a private light, heat, and power company and an electric cooperative pay a license fee to the state based on a percentage of the company's or cooperative's gross revenues that are attributable to this state. A private light, heat, and power company pays a license fee based, in part, on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues by 3.19%. An electric cooperative pays a license fee based, in part, on multiplying its gross revenues by 3.19%.

Under the bill, a private light, heat, and power company and an electric cooperative pay a license fee to the state based, in part, on multiplying the company's or cooperative's gross revenues from the sale of wholesale electricity by 1.59%. The license fee applies to gross revenues from the sale of wholesale electricity that are earned during tax periods beginning on January 1, 2003, and ending on December 31, 2008. A private light, heat, and power company will continue to pay a license fee under current law based on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues, except revenues from the sale of wholesale electricity, by 3.19%. An electric cooperative will continue to pay a license fee under current law based on multiplying its gross revenues, except revenues from the sale of wholesale electricity, by 3.19%.

~~Under current law, the property of a qualified wholesale electric company located in a municipality is included in the calculation of the municipality's shared revenue payments from the state. Under the bill, the property of a wholesale merchant plant located in a municipality is also included in the calculation of the municipality's shared revenue payments.~~

*** ANALYSIS FROM -1726/1 ***

TAXATION

INCOME TAXATION

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered

MES

resident at the place where the trust is being administered, and this state taxes a trust that is resident within this state. ~~Therefore, an inter vivos trust that is made irrevocable before October 29, 1999, and that is ever administered in this state will be subject to taxation by this state now and in the future.~~ Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivos trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state before October 29, 1999, or, if administered in this state on or after October 29, 1999, if the grantor is a resident of this state.

This bill first applies, retroactively, to taxable years beginning on January 1, 1999.

*** ANALYSIS FROM -1460/2 ***

~~TAXATION~~

~~INCOME TAXATION~~

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Under current law, the individual income tax brackets are indexed for inflation. Generally, for taxable years beginning after December 31, 1999, the brackets are increased each year ^{based on the annual} ~~by the same percentage as the~~ percentage change between the consumer price index (CPI), ~~calculated by the federal department of labor~~ for August of the previous year and August 1997. An exception to the general rule is that for taxable years beginning after December 31, 2000, the top bracket is increased each year by the same percentage as the percentage change between the CPI for August of the previous year and August 1999.

This bill limits the applicability of the exception to the general rule that governs indexing of the individual income tax brackets to taxable year 2001.

*** ANALYSIS FROM -0659/1 ***

~~TAXATION~~

~~INCOME TAXATION~~

MES
Under the current law "other state tax credit", resident shareholders of subchapter S corporations and members of limited liability corporations (LLCs) treated as partnerships may claim a tax credit for taxes that those S corporations and LLCs pay to another state.

This bill expands the other state tax credit so that it may be claimed by otherwise qualified resident partners of a partnership that pays taxes to another state.

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This bill is given here else
Review of human services and justice services
ANALYSIS FROM -1895/2
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STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requests that the Joint Committee on Legislative Organization review the report issued by the Commission on State-Local Partnerships for the 21st Century (Kettl Commission) as it relates to the state aid to counties for human services and justice services. ~~The bill further requests that the committee make recommendations to the legislature regarding the provision and funding of human services and justice services based on its review of the Kettl Commission report.~~

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***** ANALYSIS FROM -0363/5 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, DNR may characterize a solid waste as a special waste available for beneficial use in a public works project and must maintain a list of those characterized solid wastes in a format that is available to the public. Currently, a contracting agency in a public works project may ~~only~~ require the use of those special wastes in a public works project. Current law grants immunity from liability to any person ~~for his or her acts or omissions while using those special wastes in a public works project if those acts or omissions occurred while performing work under the contract for the public works project, the contract permitted or required the use of those special wastes, and the acts or omissions conformed to the contract provisions.~~ Current law makes the immunity inapplicable to ~~acts or omissions that involve reckless, wanton, or intentional misconduct or that result in the death or injury of an individual.~~ *use* *resulted from the use*

Under current law, as a way to encourage new ways to recycle solid waste, DNR may grant a research waiver or an exemption from the requirements regarding the disposal or recycling of high-volume industrial wastes and certain other solid wastes. Under this bill, solid wastes that DNR has exempted from the ~~normal~~ disposal requirement are considered special wastes and ~~may be characterized by DNR as suitable for beneficial use in public works projects.~~ *may characterize them* This bill requires DNR to maintain a list of ~~those~~ special wastes that are suitable for use in specified types of public works projects. ~~The list may include conditions under which the wastes may be used in public works projects.~~ Under the bill, the current provisions granting ~~immunity from liability~~ *regarding* apply to the use of those listed special wastes in public works projects if the conditions established by DNR for their use are met. ~~In addition, the~~

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State of Wisconsin
2001 - 2002 LEGISLATURE

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ANALYSIS FROM ~~MM~~-1301/5 and ~~MM~~-1822/1

See JTK
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STATE GOVERNMENT
OTHER STATE GOVERNMENT

Elections administration

Under current law, voter registration is required in every municipality with a population of greater than 5,000. The information required on voter registration forms is specified by law. This bill requires voter registration in every municipality. The bill also establishes a centralized, statewide voter registration list that is maintained by the state elections board. Under the bill, the list must be electronically accessible by any person, but no person other than 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 individuals who register to vote outside this state or whose registrations are required to be cancelled as the result of a municipal canvass. Under the bill, each municipal clerk or board of election commissioners must electronically enter registrations or changes of registration on the list, except that the bill permits the town clerk of any town having 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 entry of this data. The bill also directs the board to provide grants to counties and municipalities to finance the cost of maintenance of the list.

Currently, with certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday before an election. However, electors 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. Currently, an individual who registers after the deadline must provide a specified form of proof of residence. If an individual is unable to provide this proof of residence, current law permits another qualified elector of the same municipality to corroborate the information contained in the individual's registration form. The corroborating elector then must provide this 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 after the deadline, if possible, to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address. The bill permits any other elector to present an identification card that contains the elector's photograph and current street address or any other identification card that contains the elector's name and photograph and an identifying number. An elector who is unable to present any identification may have his or her identity and registration information corroborated by another elector as currently provided. However, under the bill, a corroborating elector may not corroborate more than two registrations in one day. 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.

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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.

With certain limited exceptions, this bill requires each elector attempting to vote at any polling place in a municipality to follow the same identification or corroboration procedure that is required under the bill for late voter registration. The bill requires election officials to verify that the name and address on any identification are the same as the elector's name and address on the list of registered electors. Under the bill, election officials must also verify that the photograph contained in any identification reasonably resembles the elector. The identification procedure does not affect absentee voting or voting by military electors.

Currently, following each general election, a municipality where registration is required must complete a canvass to identify each registered elector who has failed to vote within the previous ~~3~~^{two} years, attempt to notify each such elector, and revise and correct its list of registered electors accordingly. This bill requires each municipality to complete this canvass within 90 days following the general election. If a municipality fails to complete the canvass within 30 days of this deadline, the bill permits the board to conduct the canvass at the expense of the municipality.

Currently, each municipality appoints and supervises election inspectors (poll workers). Under this bill, if the board finds that an inspector has repeatedly and materially failed to substantially comply with the election laws or rules of the board, the board may remove the inspector and appoint a replacement to serve the remainder of the inspector's unexpired term. The replacement 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. However, unlike most other inspectors, the replacement 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 bill requires the municipality to pay all costs incurred relating to the special master.

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.

This bill also directs the board to conduct training programs so that individuals exercising the right of access to polling places may inform themselves of the election laws, the procedures for conducting elections, and the rights of individuals who observe election proceedings.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1394/1
RLR:kmg:ch&jf

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Ins 251A:1

DOA:.....Statz - Penalty assessment surcharge for law enforcement training fund

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

~~*** Analysis from -1394/1 ***~~

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

INSERT RLR

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

with certain exceptions
current **OTHER STATE GOVERNMENT**

Current law requires that a person pay a penalty assessment if ordered by a court to pay a fine or forfeiture for violating a state law or local ordinance, ~~except if the fine or forfeiture is for a nonmoving traffic violation, a violation of a seat belt law, or a violation of an antismoking law.~~ The penalty assessment amount is 23% of the amount of the fine or forfeiture.

The revenue from the penalty assessment is appropriated in two parts. Twenty-seven fifty-fifths of the revenue collected under the assessment is appropriated to DOJ to fund training of law enforcement, jail, and secure detention officers, and to fund the purchase of equipment for the state crime laboratories.

The remaining twenty-eight fifty-fifths of the revenue collected under the penalty assessment is appropriated to the office of justice assistance (OJA) to fund ~~the following programs:~~

Administering Agency	Program
OJA	anti-drug enforcement
DPI	alcohol and drug abuse prevention

an assortment of criminal justice and law enforcement programs.

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DOC	victim services
DOC	correctional officer training
DOC	youth diversion programs in Milwaukee, Racine, Kenosha and Brown counties
DOJ	drug enforcement intelligence operations
DOJ	compensation to counties for victim and witness services
DOA	automated justice information systems
office of the state public defender	sponsorship of conferences and training

Current law also requires that a person pay a drug abuse program improvement surcharge if the person is fined for violating a prohibition against manufacturing, distributing, delivering, or possessing a controlled substance. The drug abuse program improvement surcharge is 50% of the fine amount plus 50% of the penalty assessment amount.

This bill creates a law enforcement training fund assessment that is separate from the penalty assessment. The law enforcement training fund assessment is an 11% surcharge on fines and forfeitures ordered for a violation of a state law or local ordinance, except if the fine or forfeiture is for a nonmoving traffic violation, a violation of a seat belt law, or a violation of an antismoking law.

The bill appropriates the revenue collected under the law enforcement training fund assessment to DOJ to fund the law enforcement, jail, and secure detention officer training, and the purchase of equipment for the crime laboratories that is currently funded by the twenty-seven fifty-fifths portion of the penalty assessment revenue appropriated to DOJ.

The bill decreases the penalty assessment to 13% of the amount of a fine or forfeiture. The revenue collected under the penalty assessment is appropriated to OJA to fund the grants that OJA currently funds with the twenty-eight fifty-fifths portion of the 23% penalty assessment.

The bill also increases the amount of the drug abuse program improvement surcharge to 50% of the fine, plus 50% of the penalty assessment, plus 50% of the law enforcement training fund assessment.

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

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

SECTION 1. 20.455 (2) (i) of the statutes is amended to read:

20.455 (2) (i) ~~Penalty assessment surcharge~~ Law enforcement training fund assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)

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END
1/15/02



DOA:.....Statz - Merging tribal law enforcement appropriations
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

~~XXX ANALYSIS FROM -0796/1 XXX~~

- 1 AN ACT ...; relating to: grants for county and tribal law enforcement, providing
- 2 an exemption from rule-making procedures, and making an appropriation.

INSERT RLR 2

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

in counties that have

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs. ^{County tribal law enforcement - their} A county that has an Indian reservation within its boundaries and that has entered into a formal county-tribal law enforcement agreement may make a joint application with the tribe for funding under the DOJ grant program. The office of justice assistance (OJA) administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. A county need not enter into a formal county-tribal law enforcement agreement in order to receive aid under the OJA program. OJA also administers a grant program for tribal law enforcement operations. Each of the three programs is funded from a separate Indian gaming receipts appropriation.

This bill eliminates the appropriation that funds the DOJ cooperative county-tribal law enforcement grant program and consolidates that grant program with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an

PWS 251A:4

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INSERT RLR2
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Indian reservation. A county must enter into a county-tribal law enforcement agreement in order to receive aid under the consolidated grant program. The bill also eliminates the separate appropriation for the OJA tribal law enforcement grant program and funds the tribal grant program out of the same appropriation that funds the consolidated grant program for counties. The bill maintains current program and eligibility requirements for the tribal law enforcement grant program.

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

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

1 SECTION 1. 16.964 (1) of the statutes is renumbered 16.964 (1g).

2 SECTION 2. 16.964 (2) of the statutes is amended to read:

3 16.964 (2) All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. (1) (1g) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. (1) (1g) (g).

7 SECTION 3. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
8 amended to read:

9 16.964 (1d) In this ~~subsection~~ section, "tribe" means a federally recognized
10 American Indian tribe or band in this state.

11 SECTION 4. 16.964 (7) of the statutes is repealed and recreated to read:

12 16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
13 justice assistance shall provide grants for cooperative county-tribal law enforcement
14 services to counties that have one or more federally recognized American Indian
15 reservations within or partially within their boundaries or that border on one or
16 more federally recognized American Indian reservations. In order to receive aid
17 under this subsection, a county must enter into an agreement in accordance with s.
18 59.54 (12) with an Indian tribe that is located in or borders on the county, to establish

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*** ANALYSIS FROM -0832/5 ***

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~~TAXATION~~

PROPERTY TAXATION

This bill creates a property tax exemption for a hub facility operated by an air carrier. The bill defines "hub facility" as: a facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations; or an airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company's headquarters are in this state. The bill defines "air carrier" as any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights.

Under current law, revenues derived from aeronautics activities in this state, including moneys received from taxes on air carrier companies, from aircraft registration fees, and from general aviation fuel taxes, are deposited in the segregated transportation fund. Aeronautics activities are funded from a sum certain appropriation in the segregated transportation fund.

Beginning on July 1, 2004, this bill directs all revenues derived from aeronautics activities that are currently deposited in the transportation fund to a new appropriation. Aeronautics activities are funded from these receipts, instead of from a sum certain appropriation. However, if the amounts received for aeronautics activities under the new appropriation are less than \$11,800,000, the aeronautics activities may be funded with equal amounts from the general fund and the transportation fund not exceeding \$650,000 from each fund.

Finally, the bill creates an airport financing committee consisting of members appointed by the governor. The bill requires the committee to review and evaluate this state's airport system needs and the current system of funding those needs and to recommend changes, if any, to better meet those needs. The bill requires the committee to submit a report not later than December 31, 2002, to the legislature and to the governor containing the committee's evaluation, findings, and recommendations. The committee's recommendations, if any, should, if enacted, generate revenue in amounts equal to or greater than the sum of moneys appropriated for aeronautical activities in fiscal year 2002.

*** ANALYSIS FROM -1754/2 ***

~~TAXATION~~
~~PROPERTY TAXATION~~

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town, or county (local governmental unit (LGU)). Currently, there are eight multicounty RPCs in the state, one RPC that consists only of Dane County, and five counties that are adjacent to Dane County and are not in a RPC. An RPC may conduct research studies; collect and analyze data; prepare maps; make plans for the physical, social, and economic development of the region; provide advisory services to LGUs and other public and private agencies on regional planning problems; and coordinate local programs that relate to the RPC's objectives. Projects developed or assisted by RPCs include air, rail, and highway transportation; waste disposal and recycling; and outdoor recreation.

This bill authorizes RPCs to acquire and hold real property for public use. The bill also authorizes RPCs to convey and dispose of such property.

Under current law, property owned by municipalities or by certain districts, such as school districts, technical college districts, and metropolitan sewerage districts, is exempt from the property tax. Under this bill, property owned by a regional planning commission is also exempt from the property tax.

*** ANALYSIS FROM -2389/1 ***

~~TAXATION~~
~~PROPERTY TAXATION~~

Under current law, in lieu of paying local property taxes, a light, heat, and power company pays a license fee to the state based on a percentage of the company's gross revenue that is attributable to this state. However, if a light, heat, and power company structure is used in part for the company's business operation and in part for purposes that are not related to the company's business operation, the part of the structure that is used for purposes that are not related to the company's business operation is subject to local property taxes.

Under this bill, property, excluding land, that is owned or leased by a public utilities holding company that provides services to a light, heat, and power company affiliated with the holding company is assessed for local property taxes on the portion of the fair market value of the property that is not used for providing services to the light, heat, and power company.

*** ANALYSIS FROM -0543/3 ***

~~TAXATION~~~~PROPERTY TAXATION~~

Under current law, DOR assesses manufacturing property, and determines what property is classified as manufacturing property, for property tax purposes. If a reviewing authority for property tax assessments reduces a manufacturing property's assessed value or determines that manufacturing property is exempt from property tax, the property owner may file a claim for a property tax refund with the municipality in which the property is located. The municipality pays the refund in one sum that includes interest on the refund amount, paid at the rate of 0.8% a month.

Under current law, a property owner may file an objection to a property tax assessment of the owner's manufacturing property with the state board of assessors within 60 days of receiving notice from DOR of the property's assessment.

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Under this bill, ~~property may be classified as manufacturing property in any year only if on or before March 1 of that year either DOR has classified it as manufacturing property or the property owner has requested that classification and DOR complies with the request.~~ Under the bill, a municipality may pay a property tax refund to an owner of manufacturing property in five annual installments rather than all at once, if the refund is more than \$10,000, the refund amount represents at least 0.0025% of the municipality's tax levy, and the municipality's tax levy is less than \$100,000,000. The interest on the refund amount is paid either at a rate of 10% a year or at a rate determined by the last auction of six-month U.S. treasury bills, whichever is less. In addition, the state compensates the municipality for the interest on any such refund that is paid by the municipality.

Under the bill, a property owner who files an objection to a property tax assessment of the owner's manufacturing property must include in the objection the reasons for the objection, an estimate of the correct assessment, and the basis for that estimate. In addition, the property owner may file supplemental information to support the objection within 60 days from the date that the objection is filed.

Under current law, an owner of manufacturing property must submit annually by March 1 a report to DOR that contains certain information about the property that DOR considers necessary for property tax assessment purposes. ~~However, DOR may grant an extension to April 1 for filing the report.~~ An owner of manufacturing property who fails to submit the report by the date that it is due must pay a penalty

equal to the greater of \$10 or 0.05% of the property's assessment for the previous year, but not more than \$1,000. If the property owner does not submit the report within 30 days from the date that it is due, the property owner must pay a second penalty that is equal to the first.

Under the bill, an owner of manufacturing property who fails to submit the report by the date that it is due is subject to the following penalties: if the report is one to ten days late, \$25; if the report is 11 to 30 days late, the greater of \$50 or 0.05% of the previous year's assessment, but not more than \$250; and if the report is more than 30 days late, the greater of \$100 or 0.1% of the previous year's assessment, but not more than \$750.

*analysis 1321/2
should go here
(from P. 257)*

*** ANALYSIS FROM -1446/1 ***

~~TAXATION~~

~~OTHER TAXATION~~

~~Under current law, a corporation or an insurer, except a corporation or insurer that has less than \$4,000,000 in gross receipts, pays a recycling surcharge to the state in an amount that is equal to 3% of the entity's gross tax liability, up to a maximum of \$9,800, or \$25, whichever is greater. A business that is not a corporation or an insurer, except a business that has less than \$4,000,000 in gross receipts, pays a recycling surcharge in an amount that is equal to 2% of its net income, up to a maximum of \$9,800, or \$25, whichever is greater.~~

u/c

Under current law, a farm that is not a corporation, except a farm that has no more than \$1,000,000 in gross receipts, pays a recycling surcharge of \$25.

Under this bill, a farm that is not a corporation, except a farm that has less than \$4,000,000 in gross receipts, pays a recycling surcharge in an amount that is equal to 2% of its net income, up to a maximum of \$9,800, or \$25, whichever is greater.

*** ANALYSIS FROM -1841/1 ***

~~TAXATION~~

~~OTHER TAXATION~~

Under current law, tax stamps must be affixed to each cigarette package that is sold in this state. This bill prohibits affixing tax stamps to cigarette packages that are not intended to be sold, distributed, or used in the United States; that are not labeled as provided under federal law; that are modified by a person who is not the cigarette manufacturer; that are altered so as to remove, conceal, or obscure certain labels; and that are imported into the United States after December 31, 1999, in violation of federal law. Under the bill, a person who possesses over 400 of such

cigarettes, or who sells or distributes such cigarettes, is subject to the same penalties that are applicable to the possession of cigarettes without tax stamps.

The bill also allows any person to bring a suit for damages or injunctive relief against a person who affixes stamps to cigarette packages that are not intended to be sold, distributed, or used in the United States; that are not labeled as provided under federal law; that are modified by a person who is not the cigarette manufacturer; that are altered so as to remove, conceal, or obscure certain labels; and that are imported into the United States after December 31, 1999, in violation of federal law.

*** ANALYSIS FROM -0937/1 ***

~~TAXATION~~

~~OTHER TAXATION~~

Under current law, DOR may offset tax refunds against debts owed by a taxpayer to another state agency or to a municipality or county. Current law also authorizes DOR to enter into agreements with the Internal Revenue Service to offset state tax refunds against federal tax obligations and federal tax refunds against state tax obligations.

This bill authorizes DOR to enter into agreements with other states to offset tax refunds against another state's tax obligations if the other state agrees to implement an offset program for Wisconsin residents' tax refunds from that other state against tax obligations of this state.

*** ANALYSIS FROM -1798/2 ***

TRANSPORTATION

HIGHWAYS

Under current law, the building commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$1,447,085,500. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes at least five miles in length to the highway; or improvement of an existing multilane divided highway to freeway standards.

add from p. 264
The bill also provides that revenue bond proceeds may not exceed 53% of the total funds expended in any fiscal year for major highway projects, beginning with fiscal year 2002-03. *add (B) from pp. 264-65*

TNF, ARG

*** ANALYSIS FROM -1685/1 ***

~~TRANSPORTATION~~
~~Highways~~

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. This bill adds three major highway projects recommended by TPC to the current list of enumerated projects already approved for construction.

*** ANALYSIS FROM -0081/1 ***

~~TRANSPORTATION~~
~~Highways~~

~~Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission and the legislature before the project may be constructed. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length, reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes five miles or more in length to the highway, or improvement of an existing multilane divided highway to freeway standards. There are currently 77 enumerated major highway projects approved for construction.~~

This bill ^{also} eliminates approval to construct 47 major highway projects that have already been constructed or have been subsumed by other major highway project authorizations.

*** ANALYSIS FROM -2228/4 ***

~~TRANSPORTATION~~
~~Highways~~

~~Under current law, the building commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$1,447,085,500. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes at least five miles in length to the highway, or improvement of an existing multilane divided highway to freeway standards.~~

This bill increases the revenue bond limit from \$1,447,085,500 to \$1,743,570,900. Additionally, the bill provides that revenue bond proceeds may be

TMF, ARG

(B)

(B)
cont'd

expended for reconstruction of the Marquette interchange, lying at or near the junction of I 94, I 43, and I 794, in Milwaukee County. In addition to the revenue bond limit of \$1,743,570,900 specified above, the building commission may issue revenue bonds for the Marquette interchange reconstruction project in a principal amount that may not exceed \$6,996,600.

*** ANALYSIS FROM -1965/7 ***

~~TRANSPORTATION~~

~~Highways~~

This bill creates an appropriation of moneys received from the federal government that may be used to fund reconstruction of the Marquette interchange, ~~lying at or near the junction of I 94, I 43, and I 794~~, in Milwaukee County, and to provide a grant to the city of Milwaukee to fund a local roads project to reconstruct West Canal Street in the city of Milwaukee to serve as a traffic mitigation corridor in connection with the Marquette interchange reconstruction.

the state's

The bill requires DOT to award to the city of Milwaukee a grant of up to \$5,000,000 from federal interstate cost estimate (ICE) funds ~~received by the state~~ to reconstruct West Canal Street. DOT may not award the grant unless the city ~~of Milwaukee~~ makes a matching contribution from ^{its} federal ICE funds ~~received by the state~~ equal to the amount of the grant from DOT, ~~and also~~ ^{the city} contributes an additional \$10,000,000 toward the West Canal Street reconstruction project; ~~and~~ ^{and} the federal department of transportation ~~must~~ ^{must} approve the use of the federal ICE funds for the project ~~before the grant may be made.~~

The bill also requires DOT to award grants totaling \$5,000,000 to the city of Milwaukee to reconstruct West Canal Street if the city ~~of Milwaukee~~ contributes \$10,000,000 toward the West Canal Street reconstruction project. This contribution may also be used to qualify for the grant of \$5,000,000 from federal ICE funds described above.

*** ANALYSIS FROM -2387/3 ***

~~TRANSPORTATION~~

~~Highways~~

This bill provides that the maximum state share of costs for the project involving demolition of the abandoned Park East Freeway corridor in Milwaukee County is \$8,000,000, as provided in an agreement between the city of Milwaukee, Milwaukee County, and the state, of which \$6,800,000 are required to be federal ~~interstate cost estimate (ICE) funds received by the state.~~ The local share of costs

TAF, ARG

from the state's

for the project may not be less than \$17,000,000, the amount specified in the agreement between the parties, of which \$14,500,000 are required to be federal ICE funds received by the city or county.

***** ANALYSIS FROM -2058/2 ***
TRANSPORTATION**

the nonentitlement component of the
Under ~~current law, DOT administers~~ ^{the nonentitlement component of the} local roads improvement program, ~~which includes an entitlement component and a nonentitlement component.~~ ^{currently} Under ~~the nonentitlement component,~~ DOT allocates \$500,000 in each fiscal year to fund eligible town road improvements and \$750,000 in each fiscal year to fund eligible municipal street improvements. This bill requires DOT to make additional allocations ~~for these purposes~~ of \$529,000 in fiscal year 2001-02 and \$1,954,200 in fiscal year 2002-03. ~~The bill does not require any specific apportionment of these funds between eligible town road improvements and eligible municipal street improvements.~~

These funds may be used for either of these purposes.

***** ANALYSIS FROM -2056/1 ***
TRANSPORTATION**

DRIVERS AND MOTOR VEHICLES

A person may not operate a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or improperly refuse to submit to a test to determine his or her blood alcohol concentration. Under current law, if a person commits either of these OWI-related offenses, the person's motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations. ** insert from p. 267*

Under current law, if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, a court may, but is not required to, order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture. If the court does not order that the vehicle be seized and subject to forfeiture, the court is required to order that the vehicle be immobilized or equipped with an ignition interlock device.

Beginning on January 1, 2002, a court will not be required to order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device even if the court does not order that the

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AAG*

U.I.

vehicle be seized and subject to forfeiture, and even if the person has two or more prior OWI-related convictions, suspensions, or revocations. Rather, the court may, but is not required to, order any of those options.

Also beginning on January 1, 2002, if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court may, but is not required to, order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device.

This bill makes the following changes, beginning on January 1, 2002: 1) if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court must order that each vehicle owned by the person be immobilized or equipped with an ignition interlock device for a period of not less than one year; and 2) if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, the court may order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture in lieu of the ignition interlock or immobilization options.

and the person is not eligible to apply for an occupational driver's license for one year

*** ANALYSIS FROM -2018/2 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, if a person is convicted of an offense related to operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or is found to have improperly refused to submit to a test to determine his or her blood alcohol concentration, the person's motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations that are counted when determining the applicable penalty. A person whose operating privilege is suspended or revoked is eligible to apply for an occupational driver's license after a waiting period of not less than 30 days nor more than 120 days, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations. However, a person who has no prior OWI-related convictions, suspensions, or revocations is eligible to apply immediately.

move to * p. 266

This bill provides that when a person commits a second or subsequent OWI offense or improper refusal, the waiting period to apply for an occupational driver's license is one year.

*** ANALYSIS FROM -0833/3 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, circuit courts and municipal courts may suspend a person's ~~motor vehicle~~ operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. ~~Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to DOT, which updates the person's driving record to reflect the suspension.~~ However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile ~~(a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age)~~ solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

*** ANALYSIS FROM -1778/2 ***

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, a person who is ordered to pay a fine or a forfeiture for ~~operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI)~~ is required to pay a driver improvement surcharge of \$345. ~~A majority (61.5%) of the funds collected from the driver improvement surcharge is used by the county where the OWI violation occurred, to provide alcohol and other drug abuse services to drivers who are referred for alcohol or other drug abuse assessment. The remainder of the funds collected is transmitted to the state treasurer and used to provide chemical-testing training to law enforcement officers and to fund various state agencies for services related to OWI offenses.~~

an OWI violation

are used

15

This bill increases the driver improvement surcharge from \$345 to \$355.

*** ANALYSIS FROM -0019/3 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES** *most*

Current law imposes a six-year redesign cycle for motor vehicle registration plates, by the end of which DOT must redesign the plates that are issued to certain specified vehicles. The redesigned plates are primarily for automobiles and light-duty trucks or for specialized registration plates for authorized groups, such as disabled persons, persons with military background, supporters of the UW System, or persons with special hobby interests and activities. *no p*

Under current law, DOT must issue redesigned plates upon every initial vehicle registration and upon every registration renewal if the vehicle's plate is more than six years old. The first six-year cycle will be completed by July 1, 2005, and DOT will have provided redesigned plates to every vehicle by that date, with one exception. Current law prohibits DOT from redesigning or reissuing the "Celebrate Children" plates until January 1, 2005. After that date, DOT may redesign and issue the redesigned "Celebrate Children" plates upon initial registration or renewal.

This bill creates a seven-year redesign cycle and extends the reissue deadline for each category of registration by one year. The bill requires DOT to wait until July 1, 2007, to redesign plates for three recently designed plates: "Celebrate Children," "Ducks Unlimited," and "professional football team."

*** ANALYSIS FROM -0017/2 ***

TRANSPORTATION**DRIVERS AND MOTOR VEHICLES**

Under current law, DOT charges a ~~variety of fees~~ to issue or reissue license plates for certain vehicles that are owned or leased by members of authorized special groups. ~~The special license plates fees~~ in addition to the regular registration fee for the particular type of vehicle.

Under current law, there is a \$5 fee for special license plates that designate a vehicle as a collector's vehicle. There is a \$10 fee for plates that are associated with military service or that designate a registrant as a fire fighter, a rescue squad member, a member of the Wisconsin Guard, or a holder of an amateur radio license. There is a \$15 fee for any other special license plate, except that there are no fees for special plates for disabled veterans and other persons entitled to use disabled parking spaces, Congressional Medal of Honor awardees, certain former prisoners of war, Somalia War veterans, and registrants interested in endangered resources.

~~The~~ The fee is \$5, \$10, or \$15, depending on the type of plate.

^(all)
This bill directs DOT to charge \$15 for special plates associated with Somalia War veterans or endangered resources and for each special plate for which DOT now charges either \$5 or \$10.

except that there continues to be no charge for special plates for disabled veterans and other disabled people, Congressional Medal of Honor awardees, and certain former prisoners of war.
*** ANALYSIS FROM -0128/2 ***
~~TRANSPORTATION~~
~~DRIVERS AND MOTOR VEHICLES~~

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by DOT. The fees for certain single trip, annual, consecutive month, and multiple trip permits issued by DOT are 10% higher than the usual rates for the period beginning on January 1, 2000, and ending on June 30, 2003, after which time the fees revert to their previous amounts.

This bill delays the sunset date of the permit fee increases from June 30, 2003, to December 31, 2007.

*** ANALYSIS FROM -0272/2 ***
~~TRANSPORTATION~~
~~DRIVERS AND MOTOR VEHICLES~~

Under current law, DOT charges a fee to search for and furnish a copy of any person's vehicle operating record. DOT charges \$3 for any of the following: a single file search or computerized search of vehicle operating records, a single vehicle operating record contained on computer tape or other electronic media, or a single record of uniform traffic citations or motor vehicle accidents contained on computer tape or other electronic media. DOT charges \$4 to search a single operating record requested by telephone.

In addition, under current law an employer of any person who operates a commercial motor vehicle (a commercial driver) may register any commercial driver employed by the employer on a list maintained by DOT. DOT notifies the employer of any conviction, suspension, revocation, cancellation, disqualification, or out-of-service order against that driver. Under current law, DOT charges \$3 for each notification that it provides to the employer.

This bill increases each of the specified fees by \$2.

*** ANALYSIS FROM -0015/1 ***

~~TRANSPORTATION~~

~~DRIVERS AND MOTOR VEHICLES~~

Current law requires any motor vehicle that is subject to an emissions test to undergo the test within 90 days before the vehicle's registration is renewed in the second year after the vehicle's model year and every two years thereafter. This bill removes the 90-day requirement and allows DOT to determine, by rule, when those vehicles will be presented for testing.

END DJH

*** ANALYSIS FROM -2162/1 ***

~~TRANSPORTATION~~

TRANSPORTATION AIDS

Under current law, DOT ~~administers~~ ^{makes} a general transportation aids program that ~~makes aid~~ payments to a county based on a share-of-costs formula, and to a village, city, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile, which is \$1,704 for calendar year 2000 and thereafter.

This bill increases the aid rate per mile to \$1,747 for calendar year 2001 and \$1,790 for calendar year 2002 and thereafter.

This bill increases the maximum amount of ~~aid~~ ^{general transportation aids} that may be paid to counties ~~under the program~~ from the current limit of \$84,059,500 to \$88,598,700 in calendar year 2002 and \$89,239,300 in calendar year 2003 and thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities under the program from the current limit of \$264,461,500 to \$277,684,500 in calendar year 2002 and \$277,907,200 in calendar year 2003 and thereafter.

*** ANALYSIS FROM -0559/1 ***

~~TRANSPORTATION~~

~~TRANSPORTATION AIDS~~

administers an urban mass transit operating assistance program that

Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. Aid paid for mass transit systems having annual operating expenses of \$20,000,000 or more (Tier A systems) is paid in a sum certain, while aid payable for smaller mass transit systems is determined under a formula. Under the formula, DOT makes state aid payments in amounts sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals the uniform percentage established by DOT for each of the two smaller classes of mass transit system. The

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LPS - use next page for 272 changes

two smaller classes are: 1) mass transit systems serving urban areas having a population of 50,000 or more but having annual operating expenses of less than \$20,000,000 (Tier B systems); and 2) mass transit systems serving urban areas having a population of less than 50,000 (Tier C systems). "Operating expenses" used in this aid formula are based on actual operating costs from the second preceding year, with adjustments for the projected expenses of new services, for which historical cost data is not available.

This bill deletes the requirement that annual transit aid payments for Tier B and Tier C systems be made based on actual operating costs from the second preceding year. The bill requires that annual state transit aid payments for Tier B and Tier C systems be based on estimated operating costs for that year, effective with calendar year 2001 payments. The bill also removes DOT authority to modify and adjust projected expenses of new services.

***** ANALYSIS FROM -2161/1 *****

TRANSPORTATION

TRANSPORTATION AIDS

Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. There are four classes of mass transit systems and the total amount of state aid payments to each class of mass transit system is limited to a specified amount in each calendar year.

This bill increases the total amount of state aid payments to each class of mass transit system, as follows:

1. For a mass transit system having annual operating expenses in excess of \$80,000,000, from \$53,555,600 in calendar year 2000 to \$54,894,500 in calendar year 2001 and thereafter.

2. For a mass transit system having annual operating expenses of at least \$20,000,000 but less than \$80,000,000, from \$14,297,600 in calendar year 2000 to \$14,655,000 in calendar year 2001 and thereafter.

3. For mass transit systems serving urban areas having a population of at least 50,000 but having annual operating expenses of less than \$20,000,000, from \$19,804,200 in calendar year 2000 to \$20,299,300 in calendar year 2001 and thereafter.

two smaller classes are: 1) mass transit systems serving urban areas having a population of 50,000 or more but having annual operating expenses of less than \$20,000,000 (Tier B systems); and 2) mass transit systems serving urban areas having a population of less than 50,000 (Tier C systems). "Operating expenses" used in this aid formula are based on actual operating costs from the second preceding year, with adjustments for the projected expenses of new services, for which historical cost data is not available.

This bill deletes the requirement that annual transit aid payments for Tier B and Tier C systems be made based on actual operating costs from the second preceding year. The bill requires that annual state transit aid payments for Tier B and Tier C systems be based on estimated operating costs for that year, effective with calendar year 2001 payments. ~~The bill also removes DOT authority to modify and adjust projected expenses of new services.~~

*** ANALYSIS FROM -2161/1 ***

~~TRANSPORTATION~~

~~TRANSPORTATION AIDS~~

~~Under current law, DOT provides state aid payments to local public bodies in urban areas served by mass transit systems to assist the local public bodies with the expenses of operating those systems. There are four classes of mass transit systems and the total amount of state aid payments to each class of mass transit system is limited to a specified amount in each calendar year.~~

The ~~This~~ bill increases the total amount of state aid payments to each class of mass transit system, as follows:

1. For a ~~mass transit~~ ^{Tier A} system having annual operating expenses in excess of \$80,000,000, from \$53,555,600 in calendar year 2000 to \$54,894,500 in calendar year 2001 and thereafter.

2. For a ~~mass transit~~ ^{Tier A} system having annual operating expenses of at least \$20,000,000 but less than \$80,000,000, from \$14,297,600 in calendar year 2000 to \$14,655,000 in calendar year 2001 and thereafter.

3. For ~~mass transit~~ systems ~~serving urban areas having a population of at least 50,000 but having annual operating expenses of less than \$20,000,000~~ ^{Tier B}, from \$19,804,200 in calendar year 2000 to \$20,299,300 in calendar year 2001 and thereafter.

TNF, ARG

Tier C

4. For ~~mass transit~~ systems serving urban areas having a population of less than ~~50,000~~, from \$5,349,100 in calendar year 2000 to \$5,482,800 in calendar year 2001 and thereafter.

Finally, the

~~*** ANALYSIS FROM -1863/3 ***~~
~~TRANSPORTATION~~
~~TRANSPORTATION AIDS~~

~~Under current law, DOT administers an urban mass transit operating assistance program that funds a portion of the annual operating expenses of eligible urban mass transit systems. This bill requires DOT to make supplemental mass transit aid payments in any calendar year for any eligible urban mass transit system for whom the percentage increase in the average cost per passenger trip in the preceding calendar year did not exceed the percentage increase in the consumer price index for that calendar year. DOT shall distribute supplemental mass transit aid payments for similar urban mass transit systems on a proportionate basis according to annual ridership on each urban mass transit system during the preceding calendar year. These supplemental mass transit aid payments are in addition to any other funding under the program.~~

*** ANALYSIS FROM -1814/2 ***
~~TRANSPORTATION~~
~~TRANSPORTATION AIDS~~

Under current law, DOT administers a transportation facilities economic assistance and development program. Under the program, DOT may improve a highway, airport, or harbor, or provide other assistance for the improvement of those transportation facilities or certain rail property or railroad tracks, as part of a major economic development project. DOT may also make loans for the improvement of any of these transportation facilities. ~~The state share of costs for the improvement of any transportation facility may not exceed 50% of the cost of the improvement.~~

This bill renames the program the "Tommy G. Thompson transportation economic assistance program."

*** ANALYSIS FROM -1637/1 ***
~~TRANSPORTATION~~

RAIL AND AIR TRANSPORTATION

~~Under current law, DOT may contract up to \$23,500,000 in public debt for the acquisition and improvement of rail property. This bill increases the authorized general obligation bonding limit from \$23,500,000 to \$28,000,000.~~

for the acquisition and improvement
by DOT of rail property

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ABC

regardless of whether the death, injury, or property damage occurred in connection with a recreational activity or occurred on public or private property

with certain exceptions;

***** ANALYSIS FROM -0528/1 *****
TRANSPORTATION

RAIL AND AIR TRANSPORTATION

Under current law, a property owner generally has no duty to keep the property safe for recreational activities, to inspect the property, or to warn of unsafe conditions on the property and is immune from liability for damages occurring on the property while a person is engaged in a recreational activity on the property. This immunity does not apply to private property if the property owner charges for the recreational use of the property and the total annual value of the charges exceeds \$2,000, or if the injury was caused by a malicious act or omission of the property owner. Generally, "recreational activity" includes every kind of outdoor activity, sport, or game that can be engaged in by an individual, but does not clearly include transportation undertaken for purposes other than exercise, relaxation, or pleasure.

This bill creates an immunity from civil liability for any property owner upon which a rails-with-trails trail is located and for any railroad that operates within an active rail corridor upon which a rails-with-trails trail is located for the death, injury, or property damage resulting from an individual's use of a rails-with-trails trail. The bill defines a rails-with-trails trail as a strip of land that is located partly or fully within an active rail corridor and is identified in an agreement entered into by a railroad that operates within that rail corridor and a person that is sponsoring and maintaining the strip of land for the use of individuals for purposes specified in the agreement. The immunity does not apply to deaths, injuries, or property damage caused by the property owner's or railroad's willful or wanton acts or omissions.

***** ANALYSIS FROM -1636/1 *****
TRANSPORTATION

OTHER TRANSPORTATION

Under current law, DOT may contract up to \$22,000,000 in public debt to provide grants for harbor improvements. This bill increases the authorized general obligation bonding limit from \$22,000,000 to \$25,000,000.

for grants awarded by DOT for harbor improvements

***** ANALYSIS FROM -0856/1 *****
TRANSPORTATION

OTHER TRANSPORTATION

This bill authorizes DOT to award grants to a local professional football stadium district, which is a special purpose district, in each county with a population of more than 150,000 that includes the principal site of an existing, or to be

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constructed, league-approved home stadium for a professional football team ~~that is~~
~~a member of a league of teams that have home stadiums in at least ten states and~~
~~a collective average attendance for all league members of at least 40,000 per game~~
~~over the five years immediately preceding the year in which a district is created.~~
~~A district is a local unit of government that is a body corporate and politic and that is~~
~~separate and distinct from, and independent of, the state and the political~~
~~subdivisions within its jurisdiction.~~ Under the bill, no grant may be awarded after
 June 30, 2002.

*** ANALYSIS FROM -2021/2 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Under current law, DOT administers a program that distributes federal funds for congestion mitigation and air quality improvement projects. Currently, federal law requires a local matching contribution equal to 20% of the cost of a project.

This bill requires DOT to award a grant of \$420,700 to the city of Kenosha to provide 50% of the local matching contribution required for a congestion mitigation and air quality improvement project for a parking facility in the city of Kenosha. As a condition of receiving the grant, the city of Kenosha must provide matching funds ~~in an equal amount toward the local matching funds required~~ for the project.

*** ANALYSIS FROM -1710/1 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Under current law, DOT administers the safe-ride grant program, under which DOT provides grants to municipalities and nonprofit corporations to cover the costs of transporting persons who have a prohibited alcohol concentration from premises that are licensed to sell alcohol beverages to their places of residence. The safe-ride grant program is funded with moneys from the driver improvement surcharge. The driver improvement surcharge is collected from each person who is ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug. A portion of the surcharge is forwarded to the state and credited to an appropriation to DHFS for services related to drivers. Current law requires the secretary of administration to transfer 3.76% of the state's portion of the surcharge from the DHFS appropriation to an appropriation to DOT for the safe-ride grant program.

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This bill eliminates the requirement that the secretary of administration transfer 3.76% of the state's portion of the driver improvement surcharge to fund the safe-ride grant program. Under the bill, the secretary of administration may transfer unencumbered driver improvement surcharge moneys to fund the safe-ride grant program after consulting with the secretaries of health and family services and transportation, the superintendent of public instruction, the attorney general, and the president of the UW System.

*** ANALYSIS FROM -0284/2 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Under current law, DOT administers a ~~demand management and ride sharing~~ program to reduce the number of automobile trips, especially during peak hours of traffic, and to encourage the shared use of motor vehicles by two or more individuals to or from their places of work or postsecondary school. Under the program, DOT awards grants ~~from an annual appropriation~~ for the development and implementation of demand management or ride-sharing programs.

This bill ~~substitutes a continuing appropriation for the annual appropriation for the award of grants~~. The bill also makes job access and employment transportation assistance eligible under the program and adds to the program a stated purpose of enhancing the success of welfare-to-work programs. The bill also renames the demand management and ride-sharing program to the transportation employment and mobility program.

*** ANALYSIS FROM -2095/1 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

This bill authorizes DOT to fund the installation, maintenance, and replacement of intelligent transportation systems. The bill defines "intelligent transportation system" as a specialized computer or other technical system that is used for traffic-related purposes such as traffic flow measurement and management, congestion avoidance, and travel time information.

*** ANALYSIS FROM -0578/2 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

This bill permits DOT to negotiate and enter into agreements to accept telecommunications services or any plant or equipment used for telecommunications

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services as payment for the accommodation of a utility facility within a highway right-of-way. ~~The bill also creates two new appropriations: 1) a program revenue appropriation for activities related to locating, accommodating, operating, or maintaining utility facilities within highway rights-of-way, and 2) within the segregated transportation fund, a service fund appropriation for moneys received from other state agencies related to telecommunications services, except for moneys related to the statewide public safety radio management program.~~

*** ANALYSIS FROM -0758/2 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Under current law, the state traffic patrol ~~by DOT~~ enforces and assists in the administration of traffic and parking laws. DOT may impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee ~~if the event~~ is organized by a private organization. *and where that*

This bill allows DOT to charge a fee for such services at any such event that is publicly or privately organized. The bill also allows DOT to charge a fee for security and traffic enforcement services requested by a person who is installing, inspecting, removing, relocating, or repairing a utility facility that lies within a highway right-of-way. ~~All fees received from providing security and traffic enforcement services may be expended only to provide these services.~~

*** ANALYSIS FROM -0579/1 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Current federal law requires DOT to pay specified percentages of expenditures for highway construction projects to disadvantaged business enterprises. A "disadvantaged business enterprise" is a business that is at least 51% owned, controlled, and actively managed by minority group members, women, or other individuals found to be socially and economically disadvantaged, or by a combination of such individuals. Current federal law also prohibits DOT from discriminating on the basis of race, color, national origin, or sex in the award of any construction contract that is paid for in part using federal funds.

To determine compliance with these requirements and prohibitions, federal law requires DOT to collect and submit to the federal department of transportation data concerning the ownership of businesses that bid for construction contracts let by

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DOT, and other financial information pertaining to such businesses and their owners. Federal law generally requires DOT to keep confidential such information submitted to it by a disadvantaged business enterprise. ~~Also under current Wisconsin law, any person generally has the right to receive any record kept or maintained by a government official, unless the custodian demonstrates that the public interest in withholding the information contained in the record outweighs the strong public interest in providing access to the information, or unless the law specifically prohibits disclosure of the information.~~

This bill requires DOT to keep confidential certain information requested by DOT for purposes of determining or demonstrating compliance with the federal requirements and prohibitions described above. The information required to be kept confidential consists of information relating to an individual's statement of net worth, a statement of experience, and a company's financial statement, including the gross receipts of a bidder. The bill contains exceptions to allow DOT to disclose the information to the federal department of transportation, to the person to whom the information relates, and to persons having the written consent of that person.

*** ANALYSIS FROM -0082/2 ***

~~TRANSPORTATION~~

~~OTHER TRANSPORTATION~~

Under current law, DOT administers a minority civil engineer scholarship and loan repayment incentive program to foster minority training and employment in civil engineering. DOT may award scholarships to minorities enrolled full time in a bachelor of science degree program in civil engineering, and may award loan repayment grants to minority civil engineers who are employed by DOT and have education loans outstanding.

This bill authorizes DOT to award scholarships to other "targeted group members" enrolled full time in any accredited bachelor degree program, or in any associate degree program or vocational diploma program at a technical college. The bill also allows DOT to award loan repayment grants to "targeted group members" who are employed by DOT and have education loans outstanding. The bill defines a targeted group member as person with a disability or any member of a class whose race, color, or sex is employed less in any job classification in DOT than is available in the statewide labor market.

*** ANALYSIS FROM -0726/5 ***

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VETERANS AND MILITARY AFFAIRS

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Currently, under the veteran's housing loan program, veterans who meet certain requirements are eligible for a primary mortgage loan. Current law requires a veteran to apply for a primary mortgage loan through a DVA-approved financial institution (authorized lender). The authorized lender evaluates the veteran's creditworthiness and makes other financial determinations. DVA also reviews the loan application to ensure that the veteran meets other requirements of the loan program. If the application is approved by both the authorized lender and DVA, the authorized lender makes the loan and then performs loan-servicing activities, such as collecting the veteran's monthly mortgage payment, forwarding these payments to DVA, and collecting delinquent payments. Before forwarding a monthly mortgage payment to DVA, an authorized lender may deduct, from the veteran's monthly mortgage payment, a monthly fee for performing loan-servicing activities.

Also, under current law, as a condition of receiving a loan, a veteran must pay to the authorized lender a monthly escrow payment for the payment of real estate taxes and casualty insurance premiums. Current law requires the authorized lender to hold these payments in escrow and then pay to the insurance company and the city the amounts due or the amount escrowed, whichever is less.

Finally, under the loan program, a veteran must have adequate fire and extended coverage insurance. Current law requires that these insurance policies name the authorized lender as an insured.

This bill permits DVA to perform loan-servicing activities for any loans made under the veteran's housing loan program and to purchase from authorized lenders the rights to service loans that are made under the program.

The bill funds both the loan-servicing activities and the purchase of servicing rights with moneys from the veterans mortgage loan repayment fund but restricts the expenditure or encumbrance of these moneys until after DVA and DOA develop a plan for the most cost-effective method of servicing the loans.

The bill also permits DVA to hold in escrow monthly payments paid by a veteran for real estate taxes and casualty insurance premiums. The bill requires an authorized lender or, if DVA holds the payments in escrow, DVA to pay the amounts due for real estate taxes and insurance premiums regardless of whether the amount held in escrow is sufficient to cover the amounts due. If the amount held in escrow is insufficient to pay the amounts due, the lender or DVA, after paying the amounts due, must recover the balance from the veteran. If the amount held in escrow is more

(1512)

than the amounts due, the lender or DVA, after paying the amounts due, is required to pay the balance to the veteran.

Under the bill, DVA may not begin holding monthly escrow payments until the plan for the most cost-effective method of servicing the loans is completed by DVA and DOA.

***** ANALYSIS FROM -0737/1 *****
VETERANS AND MILITARY AFFAIRS

Do NOT DELETE

Currently, DVA administers the veterans housing loan program, under which eligible veterans may receive primary mortgage loans or home improvement loans. Current law requires veterans to apply for these loans through a DVA-approved financial institution (authorized lender). Veterans who receive a ^{primary mortgage} loan must pay the authorized lender an origination fee at the time of closing. The amount of the origination fee must be approved by DVA and may not exceed the amount of an origination fee that the authorized lender would charge other borrowers.

~~NO~~ This bill requires DVA to pay to authorized lenders, on behalf of disabled veterans who have received from the federal department of veterans affairs at least a 30% connected service disability rating, any origination fees. Under the bill, the origination fees are paid from the veterans mortgage loan repayment fund.

***** ANALYSIS FROM -0734/1 *****
VETERANS AND MILITARY AFFAIRS

Do NOT DELETE

Under current federal law, veterans and war orphans may receive federal benefits to cover the costs of training and education at certain approved schools or certain approved courses of instruction. Federal law delegates the authority to approve these schools and courses of instruction to state agencies. Under current state law, the educational approval board (EAB), which is attached to DVA, approves these schools and courses of instruction.

This bill eliminates the authority of EAB to approve the schools and courses of instruction for the training and education of veterans and war orphans and authorizes DVA to approve these schools and courses.

***** ANALYSIS FROM -0724/1 *****
VETERANS AND MILITARY AFFAIRS

Do NOT DELETE

Currently, under the veterans' tuition and fee reimbursement program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans, 100%, of the tuition and fees incurred by the veteran while a full-time student at a state institution of higher education or at any institution for which the veteran

(182)

received a tuition waiver under the Minnesota-Wisconsin student reciprocity agreement. For purposes of calculating the amount of a reimbursement, any grants or scholarships received by the veteran are subtracted from the total tuition and fees incurred by the veteran. The reimbursement may not exceed 65%, or, in the case of certain disabled veterans, 100%, of the standard cost for a state resident at the University of Wisconsin-Madison.

Also, under current law, under the part-time study grant program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans, 100%, of the cost of tuition and fees incurred by the veteran for a correspondence course or part-time classroom study at a state institution of higher education, at any public or private high school, or at an institution of higher education that is located outside the state, if the course is not offered in the state, is not offered within 50 miles of the veteran's home, and is not located more than 50 miles from the state boundary line. The reimbursement may not exceed 65%, and, in the case of certain disabled veterans, 100%, of the standard cost for a state resident at the University of Wisconsin-Madison.

~~Also under current law, the educational approval board (EAB) approves and supervises the education and training of veterans under certain programs under federal law. EAB also regulates certain schools, including certain proprietary schools, and the solicitation of students by these schools.~~

~~Under this bill,~~ ^{increase the amount} ~~any eligible veteran under the veteran's tuition and fee reimbursement program may be reimbursed for up to 100% of the tuition and fees incurred by the veteran minus any grants or scholarships received by the veteran.~~ ^{may be reimbursed} ~~Also, any eligible veteran under the part-time study grant program may be reimbursed for up to 100% of the tuition and fees incurred by the veteran.~~ ^{and the part-time study grant program} The bill also increases the maximum amount of a grant for all eligible veterans under both programs to 100% of the standard cost for a state resident at the University of Wisconsin-Madison.

This bill also permits a veteran to receive reimbursement under both reimbursement programs for tuition and fees incurred by the veteran while a student at a proprietary school that has been approved by EAB ^{or at a school approved by DVA under its authority}

Finally, the bill corrects an incorrect citation to federal law in the definition of ^{to} "institution of higher education," under the part-time study grant program. ^{approve schools and courses for veterans and war orphans}

*** ANALYSIS FROM -0725/2 ***

Do not delete

1872

VETERANS AND MILITARY AFFAIRS

Under current law, as a condition of eligibility for most veterans benefit programs, including the veterans tuition and fee reimbursement program and the veteran's housing loan program, a veteran must have been a resident of this state upon entering or reentering military service or have been a resident of this state for any period of five consecutive years. The same residency requirement applies to veterans who are applying for admission to the Wisconsin Veterans Home at King (WVHK) or the Southern Wisconsin Veterans Retirement Center (SWVRC). In addition, the spouse of a veteran or a parent of a veteran is eligible for admission to WVHK or SWVRC if he or she has been a resident of this state for the five years preceding the date of his or her application for admission. WVHK and SWVRC provide residential treatment and nursing home care to veterans and the spouses and parents of veterans.

Under this bill, a veteran is eligible for those veterans benefit programs that currently have a residency requirement and for admission to WVHK or SWVRC if the veteran was a resident of this state upon entering or reentering military service or has been a resident of this state for any period of 12 consecutive months. Also, under the bill, a spouse or parent of a veteran is eligible for admission to WVHK or SWVRC, if he or she has been a resident of this state for the 12 months preceding the date of his or her application for admission.

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283-A

~~*** ANALYSIS FROM -0859/1 ***~~
VETERANS AND MILITARY AFFAIRS
This bill ^{also} requires DVA to pay \$100,000 annually to the Wisconsin department of the Disabled American Veterans to provide transportation services to veterans.

Do NOT
DELETE

~~*** ANALYSIS FROM -0736/1 ***~~
VETERANS AND MILITARY AFFAIRS

Do NOT
DELETE

Currently, DVA administers the veterans housing loan program, under which eligible veterans may receive home improvement loans of up to \$25,000 or primary mortgage loans.

This bill specifies that a veteran may use a home improvement loan to remove or otherwise alter existing home improvements that were made to improve the accessibility of the home for a disabled individual.

***** ANALYSIS FROM -0722/1 *****

ISR

VETERANS AND MILITARY AFFAIRS

Under current law, DVA administers a grant program to provide grants to state veterans organizations or national veterans organizations that have maintained a full-time regional service office for at least five of the ten years preceding the date of application for a grant. Currently, the amount of a grant is equal to 25% of the salaries and travel expenses paid by the organization to its employees, or \$20,000, whichever is less.

This bill increases the maximum amount of a grant to \$30,000.

Do NOT DELETE

*** ANALYSIS FROM -0860/5 ***
VETERANS AND MILITARY AFFAIRS

Currently, Milwaukee County has the authority to establish and maintain a memorial to Wisconsin residents who have lost their lives in the military service. This bill authorizes DVA to provide, in the 2001-03 fiscal biennium, one grant of \$100,000 to the Wisconsin Veterans War Memorial/Milwaukee, Inc., for a veterans education center.

*** ANALYSIS FROM -0906/1 ***
VETERANS AND MILITARY AFFAIRS

Do NOT DELETE

Currently, under the veterans retraining grant program, DVA awards employment retraining grants of up to \$3,000 to eligible veterans who are unemployed, underemployed, or who have received a notice of termination of employment. As a condition of eligibility for a retraining grant, a veteran must be enrolled in a proprietary school that is approved by the educational approval board, other than a proprietary school that offers four-year degrees or four-year programs, be enrolled in a technical college training course, or be engaged in a structured on-the-job training program.

This bill permits DVA to pay a retraining grant to a veteran's employer, on behalf of the veteran, if the veteran is engaged in a structured on-the-job training program and is otherwise eligible for the retraining grant program.

*** ANALYSIS FROM -0727/1 ***
VETERANS AND MILITARY AFFAIRS

Do NOT DELETE

Under current law, DVA may grant subsistence aid to an incapacitated individual who is a veteran or the dependent of a veteran if DVA determines that the aid is advisable to prevent want or distress.

Insert
283-A
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This bill specifies that DVA may grant subsistence aid to an individual if the individual's incapacitation is the result of the individual's abuse of alcohol or other drugs.

~~*** ANALYSIS FROM -2411/2 ***~~

~~VETERANS AND MILITARY AFFAIRS~~

Sub Military Affairs

Under current law, the Wisconsin national guard is composed of the army and air national guard. Current law also allows the adjutant general to establish and organize a state defense force if the national guard is called into the service of the United States. This bill creates a Wisconsin naval militia, which will be under the control of the adjutant general and will be subject to the same policies and procedures as the other military components.

RPN

~~*** ANALYSIS FROM -0549/1 ***~~

~~VETERANS AND MILITARY AFFAIRS~~

which

Under current law, regional emergency response teams have been established to respond to "Level A" releases ~~in their area~~. A "Level A" release is a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel. ~~Currently, local emergency response teams are required to respond to "Level B" releases~~. A "Level B" ~~release~~ *release* is a release of a hazardous substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel but less skin protection than a "Level A" release.

RPN

The division of emergency management in DMA oversees the state requirements under the federal laws regarding responses to releases of hazardous substances. ~~As part of that responsibility, the division of emergency management promulgates rules regarding the duties of the local and regional emergency response teams and the governmental units that employ those teams. The division provides grants to those governmental units for duties related to emergency response teams and reimburses them for unreimbursed costs that are incurred in responding to a release. Included in those duties is the requirement that the emergency response team make a good faith effort to identify the person who is responsible for the hazardous substance release and to determine if that person is financially able to reimburse the team for expenses incurred in responding to the release.~~ Currently, a person who is financially able to reimburse the team for expenses incurred in responding to the release is required to reimburse those expenses.

currently

in DMA (Division)

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Under

RPN

This bill requires the division of emergency management to promulgate rules requiring the regional and local emergency response teams to establish procedures that the teams will follow to determine if an emergency that requires a team's response exists as the result of a release or potential release of a hazardous substance. ^{under} The bill ^{must} requires the division of emergency management to reimburse regional and local emergency response teams for unreimbursed costs incurred in responding to an emergency ^{that results} resulting from a potential release if ^{the team has} established the procedures ^{that results} to determine if an emergency exists. Under the bill, a person who is financially able ^{that results} to reimburse a team for expenses incurred in responding to an emergency ^{that results} resulting from a potential release is ^{developed} required to reimburse those expenses if the team has established the procedures to determine if an emergency exists.

*** ANALYSIS FROM -0550/3 ***

VETERANS AND MILITARY AFFAIRS

RPN

Under current law, prior to July 1, 2001, the division of emergency management in DMA (division) was required to contract with no fewer than seven nor more than nine regional emergency response teams. The 1999 biennial budget act, 1999 Wisconsin Act 9, requires the division, beginning on July 1, 2001, to contract with nine regional emergency response teams, one of which must be located in La Crosse County. Regional emergency response teams respond to level A releases of hazardous substances, which are the most serious releases. ^{that} This bill requires the regional emergency response teams ^{to} have members that meet the highest standards required under federal law and the National Fire Protection Association and that are trained in each of the appropriate specialty areas under the National Fire Protection Association standard. The bill also requires regional emergency response teams to file annual financial reports with the adjutant general.

*** ANALYSIS FROM -2146/1 ***

VETERANS AND MILITARY AFFAIRS

RPN take out

This bill requires DMA to submit a report on the effectiveness of the Badger Challenge and Youth Challenge programs. These programs provide training in a structured environment to disadvantaged youth of the state. The programs are administered by DMA and run generally by members of the Wisconsin national guard.

*** ANALYSIS FROM -0552/1 ***

VETERANS AND MILITARY AFFAIRS

RPN
 Under current law, upon completion of a ~~full-time or a part-time~~ course in a qualifying school, DMA ~~will~~ reimburse an eligible national guard member for his or her tuition. A school is qualified if the school is the extension or any campus of the UW System, a technical college, or any accredited institution of higher education, as defined by rule by the higher educational aids board (HEAB). ~~HEAB has not defined "institution of higher education" by rule.~~ This bill changes the definition of "institution of higher education" ^{for tuition reimbursement} to the definition used under federal law ^{to determine} for purposes of determining eligibility for federal student financial assistance.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

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

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

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2. The system serves an area with a population of 10,000 or more and a population density of 1,000 or more per square mile and DNR requires the operator to obtain a permit based on an evaluation of the system's impact on water quality.

3. DNR requires the operator to obtain a permit because the system contributes pollutants to an interconnected system that is required to obtain a permit.

***** ANALYSIS FROM -0979/2 *****

ENVIRONMENT

WATER QUALITY

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. ~~Current law authorizes the issuance of general obligation bonds as one source of funding for the financial assistance under the nonpoint source water pollution abatement program.~~ This bill increases the bonding authority for the nonpoint source program by \$22,400,000.

general obligation

~~Under current law, DNR administers the municipal flood control and riparian restoration program, which provides grants that pay a portion of the costs of facilities and structures for the collection and transmission of storm water and of the purchase of flowage and conservation easements on lands within floodways. DNR also administers the urban nonpoint source water pollution abatement and storm water management program, which provides grants for projects that manage urban storm water and runoff from urban areas to minimize flooding and protect groundwater. The bill increases the general obligation bonding amount authorized for the two programs by \$11,000,000.~~

***** ANALYSIS FROM -0407/2 *****

ENVIRONMENT

WATER QUALITY

~~Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. A number of watersheds and lake areas have been selected for priority watershed and priority lake projects, which receive funding under the nonpoint source program. Under current law, projects are selected for nonpoint source program funding using a different process and no new priority watersheds or priority lakes may be selected.~~

the nonpoint source program;

were

The bill prohibits DNR from extending funding for a priority watershed or priority lake project beyond the funding termination date that was in effect on

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January 1, 2001, or, if no funding termination date was in effect on January 1, 2001, beyond the funding termination date first established ~~on or~~ after January 1, 2001.

***** ANALYSIS FROM -0390/2 *****

ENVIRONMENT

WATER QUALITY

Under the nonpoint source program

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Local governmental units annually apply for cost-sharing grants from DNR for new nonpoint source projects. A project is eligible for funding only if it is in a target area. An area may be a target area based on several criteria, including the need for compliance with performance standards established by DNR for nonpoint sources that are not agricultural ~~or the presence of an animal feeding operation that has received a notice from DNR that the animal feeding operation is discharging a significant amount of pollution to the waters of this state (a notice of discharge)~~. A project qualifies for funding only if it cannot be conducted with funding provided by DATCP under the soil and water resource management program. DNR ranks all of the eligible applications based on specified criteria, including the extent to which the project will result in the attainment of water quality objectives, and then DNR selects projects to receive cost-sharing grants. This process is referred to as the targeted runoff management grant process.

Nonpoint Source Program

This bill adds that an area may be a target area under the ~~runoff management grant process~~ based on the need for compliance with performance standards established by DNR for nonpoint sources that are agricultural. The bill also ~~modifies the provision that specifies that a project qualifies for funding under the runoff management grant process only if it cannot be conducted with funding provided by DATCP under the soil and water resource management program to instead provides that a project qualifies for funding only if DNR, in consultation with DATCP, determines that funding under the soil and water resource management program is insufficient to fund the project.~~

***** ANALYSIS FROM -1813/4 *****

ENVIRONMENT

OTHER ENVIRONMENT

Under current law, a registrant is required to pay a supplemental title fee of \$7.50 upon registering a new motor vehicle with DOT or, generally, upon applying for a new certificate of title following a transfer of a vehicle. Current law requires

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the secretary of transportation to certify annually the amount of supplemental fees collected during the previous fiscal year. An amount equal to the amount certified is then transferred from the general fund to the environmental fund.

This bill eliminates the transfer from the general fund to the environmental fund of an amount equal to the amount of supplemental title fees collected by DOT and eliminates the requirement that the secretary of transportation certify the amount of those fees. The bill changes several environmental fund appropriations into general fund appropriations and repeals other environmental fund appropriations. The bill also transfers \$5,100,000 from the environmental fund to the general fund.

This bill changes the appropriation to DNR for the urban nonpoint source water pollution abatement and storm water management program and the municipal flood control and riparian restoration program from annual to biennial.

***** ANALYSIS FROM -0979/2 *****

ENVIRONMENT

WATER QUALITY

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. Current law authorizes the issuance of general obligation bonds as one source of funding for the financial assistance under the nonpoint source water pollution abatement program. This bill increases the bonding authority for the nonpoint source program by \$22,400,000.

Under current law, DNR administers the municipal flood control and riparian restoration program, which provides grants that pay a portion of the costs of facilities and structures for the collection and transmission of storm water and of the purchase of flowage and conservation easements on lands within floodways. DNR also administers the urban nonpoint source water pollution abatement and storm water management program, which provides grants for projects that manage urban storm water and runoff from urban areas to minimize flooding and protect groundwater.

* The bill increases the general obligation bonding amount authorized for the two programs by \$11,000,000. *Authority*

None to p. 143

***** ANALYSIS FROM -0359/1 *****

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move to p. 143

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ENVIRONMENT

AIR QUALITY

Current law generally requires a person to obtain a construction permit from DNR before beginning construction of a stationary source of air pollution. This bill authorizes DNR to issue general construction permits, each of which would cover numerous similar stationary sources of air pollution.

***** ANALYSIS FROM -1838/1 *****

ENVIRONMENT

AIR QUALITY

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The amount of the fee is determined under rules promulgated by DNR that must comply with a number of requirements, including that the fee billed for each stationary source in each year after 2001 be based on actual emissions of pollutants from the source in the preceding five years, using a five-year rolling average. Under this bill, the fee billed for each stationary source in each year after 2001 must be based on actual emissions of pollutants from the source in the preceding year, rather than the preceding five years.

required to be based among other things

***** ANALYSIS FROM -1819/5 *****

ENVIRONMENT

RECYCLING

This bill requires DNR to provide grants to assist local governmental units to establish regional recycling programs.

***** ANALYSIS FROM -1818/1 *****

ENVIRONMENT

RECYCLING

Under current law, DNR administers a financial assistance program to assist local governmental units that are responsible for recycling programs (called responsible units) with costs related to operating those programs. Ordinarily, a city, village, or town is the responsible unit for the city, village, or town. However, counties may choose to become responsible units. Also, a city, village, town, or county may enter into a contract with any other governmental unit for that other governmental unit to be the responsible unit for the city, village, town, or county. Generally the amount of financial assistance that a responsible unit receives is based on the amount of financial assistance that the responsible unit received, or would have received, for 1999.

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↓ Move to p. 143

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This bill requires DNR to submit to DOA a proposal for changing the method for determining the amount of financial assistance provided for recycling programs to encourage regional recycling programs. *End of moved material*

*** ANALYSIS FROM -2295/2 ***

ENVIRONMENT

Subhead

→ Voluntary environmental improvement

OTHER ENVIRONMENT

This bill creates the green tier program, administered by DNR. The green tier program is designed to improve the environmental performance of public and private entities through the provision of incentives. There are three tiers in the green tier program. A participant may participate in more than one tier.

A public or private entity that is subject to environmental laws (regulated entity) may participate in tier I of the green tier program if the regulated entity satisfies several requirements. To participate, a regulated entity must conduct an environmental performance evaluation that satisfies requirements specified in the bill or have an environmental management system that satisfies requirements specified in the bill. An environmental performance evaluation is a systematic and objective review of the effects of a facility on the environment, including an evaluation of compliance with one or more environmental laws. An environmental management system is a set of procedures designed to evaluate the effects of a facility on the environment and to achieve improvements in those effects.

To participate in the program, the regulated entity must submit a report to DNR describing the results of the environmental performance evaluation or describing findings from the environmental management system. At the time of submitting the report, more than two years must have elapsed since the regulated entity was prosecuted or issued a citation for violating an environmental law. The report must describe any violations of environmental laws revealed by the environmental performance evaluation or environmental management system and the actions taken or proposed to be taken to correct the violations. If the regulated entity proposes to take more than 90 days to correct the violations, the regulated entity must submit a proposed compliance schedule and proposed penalties that the regulated entity would agree to accept (stipulated penalties) if it violates the compliance schedule.

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The bill requires DNR to provide public notice and a period for public comment on any compliance schedule and stipulated penalties proposed by a regulated entity. After that period, DNR may approve the compliance schedule as submitted or

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* propose a different compliance schedule. If the parties cannot agree on a compliance schedule, DNR may impose a compliance schedule, but DNR's decision may be
 * appealed by the regulated entity. ~~DNR also reviews proposed stipulated penalties.~~
 * ~~If the parties cannot agree on stipulated penalties, there are no stipulated penalties.~~

*(a
civil
monetary
penalty)*

The bill generally prohibits this state from ~~beginning~~ *bringing* an action to collect a forfeiture for a violation of an environmental law that is disclosed by a regulated entity that satisfies the requirements for participation in tier I of the green tier program ~~for at least 90 days after DNR receives the report of the violation.~~ Similarly, ~~the bill generally prohibits the state from beginning an action to collect a forfeiture while a regulated entity is complying with a compliance schedule.~~ If the regulated entity corrects the violation within the 90-day period or within the time provided in the compliance schedule, ~~the bill generally prohibits the state from bringing an action to collect forfeitures for the violation.~~ If a regulated entity violates a compliance schedule, and there are stipulated penalties, the regulated entity must pay the stipulated penalties. ~~If there are no stipulated penalties, the state may begin an action to collect forfeitures.~~ The bill authorizes this state to begin an action to collect forfeitures from a regulated entity that satisfies the requirements for participation in tier I of the green tier program at any time under several circumstances, including cases in which a violation presents an imminent threat or may cause serious harm to public health or the environment or in which DNR discovers the violation before the regulated entity reports the violation.

The bill does not prevent the state from prosecuting a criminal violation by a regulated entity that qualifies for participation in tier I of the green tier program, but the bill requires DNR and DOJ to take into account the efforts of the regulated entity to comply with environmental laws in deciding whether to begin a criminal enforcement action and what penalty should be sought.

The bill requires DNR to provide public recognition to an entity that participates in tier I of the green tier program if the participant conducts an environmental performance evaluation at least every two years.

To participate in tier II of the green tier program, an applicant must satisfy several requirements. The bill authorizes groups of public or private entities to participate in tier II. If a group applies, all of the requirements for participation apply to all of the members of the group.

At the time of application for tier II, more than five years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that

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resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than three years must have elapsed since a civil judgment was entered against the applicant for a ~~civil~~ violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier II, an applicant must inform DNR about its past environmental performance and its current environmental performance. The applicant must also inform DNR of its plans for activities that enhance the environment.

* Finally, ~~to participate in tier II, an applicant must~~ ^{also} have implemented or ^{must} commit itself to implementing an environmental management system that satisfies ^{specific} certain requirements. The applicant must specify, in its environmental management ~~system,~~ objectives for improving its environmental performance or ^{for} voluntarily restoring, enhancing, or preserving natural resources. The applicant must also commit itself to conducting annual audits of its environmental management system and to submitting reports to DNR on those audits.

* The bill requires DNR to provide public recognition to an entity that participates in tier II of the green tier program. The bill also requires DNR to assign one of its employees to serve as the contact with DNR for ^a each participant in tier II for all licenses and permits that the participant must obtain from DNR. After a participant in tier II implements an environmental management system that ~~satisfies the statutory requirements,~~ DNR must conduct inspections of the participant's facilities that are covered under ^{green tier} the program at the lowest frequency that is permitted under DNR's ~~programs.~~ ^{rules}

To participate in tier III of the green tier program, an applicant must satisfy several requirements. The bill authorizes groups of public or private entities to participate in tier III. If a group applies, all of the requirements for participation apply to all of the members of the group. A participant in tier III enters into a green tier contract with DNR. The contract specifies the participant's commitments and the incentives that will be provided to the participant.

At the time of application for tier III, more than ten years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than five years must

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* have elapsed since a civil judgment was entered against the applicant for a ~~civil~~ violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier III, an applicant must have implemented an environmental management system that satisfies ~~certain~~ requirements. ^{specified} The applicant must commit itself to having an outside environmental auditor approved by DNR conduct annual audits of the environmental management system and to submitting reports on those audits to DNR. The applicant must also commit itself to annually conducting, or having an outside auditor conduct, audits of its compliance with environmental laws and to submitting the results of those audits to DNR.

Finally, to participate in tier III, an applicant must demonstrate that it has a record of superior environmental performance and describe the measures that it proposes to take to maintain and improve its superior environmental performance. "Superior environmental performance" means that an entity limits the pollutants that it releases, or in some other way minimizes its negative effects on the environment or human health to an extent that is greater than is required by law; that an entity minimizes the negative effects that the raw materials it uses, or the products or services it produces or provides, have on the environment or human health to an extent that is greater than is required by law; or that an entity voluntarily engages in restoring, enhancing, or preserving natural resources.

If DNR determines that an applicant qualifies for participation in tier III, DNR may enter into negotiations with the applicant about a green tier contract. DNR may permit interested third parties to participate in the negotiations. If the parties reach an agreement, they may enter into a green tier contract with a term of not more than five years, subject to renewal for terms of not more than five years each. The bill authorizes DNR to promulgate rules specifying incentives that may be provided to participants in tier III.

~~The bill requires DNR and the department of commerce to provide information about environmental management systems to potential participants in the green tier program.~~ The bill establishes a grant program under which the department of commerce makes grants to nongovernmental organizations to help those organizations develop the capacity to participate as interested third parties in the

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green tier program and makes grants to assist in the development of environmental management systems.

*** ANALYSIS FROM -0355/6 ***

ENVIRONMENT

OTHER ENVIRONMENT

Under current law, a registrant is required to pay an environmental impact fee of \$6 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees are credited to the environmental fund and are earmarked for environmental management activities. The fee expires on June 30, 2001. This bill extends that expiration date to September 30, 2003.

INSERT FROM pages 37-39

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*** ANALYSIS FROM -0610/3 ***

GAMBLING

Currently, the administrator of the lottery (administrator) is required to pay a lottery prize to the holder of a winning lottery ticket or to a person who is designated to receive the prize on behalf of a minor. ^{Under} Current law ~~permits~~ the administrator ^{to} pay a lottery prize to another person under a court order or to the estate of a deceased prize winner. ^{may}

Also under current law, if the value of a lottery prize is equal to or greater than \$1,000, the administrator is required to report ^{to DOR} the name, address, and social security number or federal income tax number of the ~~winner~~ ^{person} to whom the prize will be paid or to the person to whom the prize has been assigned ^{person} to determine whether the ~~winner~~ ^{person} is delinquent in the payment of state taxes or court-ordered child support. If ^{the person's} lottery prize is payable in installments, the administrator must also report the ^{person's} address, and social security number or federal income tax number of the winner or assignee to DWD to determine whether the ^{person} winner or assignee is obligated to pay court-ordered child, spousal, or family support and to each clerk of circuit court in this state to determine whether the ^{person} winner or assignee owes any court-ordered fines, assessments, or restitution.

This bill requires that, if the holder of a single winning ticket is more than one person and the total amount of the prize is equal to or greater than \$1,000, those persons must petition a circuit court for an order declaring each person's interest in the lottery prize. ~~The court order must contain the name and social security number of each person whom the court determines has an interest in the prize and the amount of each person's share of the prize.~~ The administrator ~~is required to pay~~ ^{must}

After a court has issued the order,

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- * ^{each} a person whom a court has determined has an interest in the prize, his or her share of the prize as specified in the court order. Finally, the bill requires the administrator to report to DOR the name, address, and social security number or federal income tax number of ~~the~~ ^{those} person who ~~is~~ ^{will receive} a share of a lottery prize ~~if the total amount~~ ^{under the court order}
- * of the lottery prize is equal to or greater than \$1,000 and to report to DWD and each clerk of circuit court in this state the name, address, and social security number or federal income tax number of any person who receives a share of a lottery prize that ^{if the person will receive payment of the prize in installments}
- * is payable in installments.

*** ANALYSIS FROM -0862/5 ***

GAMBLING

Currently, the governor is authorized to enter into Indian gaming compacts with federally recognized American Indian tribes in this state. ~~The gaming compacts are regulated by the federal Indian Gaming Regulatory Act. Under the gaming compacts, tribes are permitted to engage in certain forms of gambling activities on tribal lands. Pursuant to the compacts, the state receives moneys from the tribes and from vendors who contract with the tribes (Indian gaming receipts). The Indian gaming receipts are credited to an Indian gaming program revenue appropriation and are transferred annually to a variety of appropriation accounts to fund a variety of programs.~~

These payments Indian

This bill requires that, on June 30 annually, the unencumbered balances of the annual appropriations to which Indian gaming receipts are transferred, except the unencumbered balance of an appropriation to DHFS which appropriates moneys received by DHFS from other state agencies for aids to individuals and organizations, revert to the Indian gaming program revenue appropriation. In the case of the biennial and continuing appropriations to which Indian gaming receipts are transferred, on June 30 of each odd-numbered year any unencumbered balance reverts to the Indian gaming program revenue appropriation.

The bill also transfers \$2,500,000 of Indian gaming receipts to the environmental fund.

*** ANALYSIS FROM -1706/5 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current state law, pharmacies and pharmacists that are certified providers of ~~medical assistance~~ ^{MA} services are reimbursed, at a rate established by DHFS, for providing certain prescription drugs to MA recipients. ~~Under current~~

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P. 147 GOES
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Prescription drug manufacturers enter into agreements with the federal government to provide rebates for prescription drugs purchased under MA.

~~federal law, persons entitled to coverage under part B of medicare do not receive coverage for prescription drugs for outpatient care as a benefit.~~

Under the bill, DHFS must request from the secretary of the federal department of health and human services a waiver of federal medicaid laws to permit DHFS to conduct a project to expand MA eligibility, solely for the purpose of purchasing prescription drugs, for persons who are aged at least 65, who have not had outpatient prescription drug coverage from any source other than under MA for 12 months, and whose annual household incomes do not exceed 185% of the federal poverty line for a family the size of the persons' eligible families. Under the waiver, which requires that the project be cost neutral, the expanded MA eligibility would entitle an eligible person with a household income of up to 155% of the federal poverty line, after paying a \$25 annual enrollment fee and after paying specified deductible amounts for prescription drugs calculated at the pharmacy discount rate, as defined in the bill, to purchase prescription drugs for copayments, as specified in the bill. The pharmacy or pharmacist who sells the drug at this reduced price receives reimbursement for the difference between the copayment and the pharmacy discount rate amount from DHFS, from state general purpose revenues and federal medicaid moneys. For persons with household incomes over 155% but less than 186% of the federal poverty line, however, the benefit would be limited to their eligibility to purchase prescription drugs at the pharmacy discount rate. Under the bill, this project may not be implemented if the federal government creates a national prescription drug benefit program for seniors that would provide similar benefits to a similar population and unless DHFS first secures approval from DOA and the joint committee on finance of the legislature.

This bill requires that DOA and DHFS together work to develop, in conjunction with states other than Wisconsin and with associations, a multistate purchasing group for the negotiation with prescription drug manufacturers of prescription drug rebate agreements that result in ~~higher rebate amounts~~ for prescription drugs. Under the bill, DOA must also contract with a private entity to administer a discount program for the purchase of prescription drugs that would generally be available to anyone, regardless of age or income.

The bill requires that DHFS work with DOA to contract with a private entity for the bulk purchase and mail order delivery of prescription drugs for MA recipients who voluntarily participate in the program and who have chronic conditions. Further, DHFS must, together with DOA, promote, on the state's Internet site and

in greater contributions by manufacturers to rebates
than those achievable under federal law

in health information, private prescription drug assistance plans that offer free and reduced-price drugs and prescription drug discounts to members. DHFS must inform ~~those entities, including~~ ^{and other entities} tribes ~~and~~ federally qualified health centers (as defined in the bill), that are eligible for a federal prescription drug discount program about the eligibility and provide technical assistance to the entities in applying for and implementing benefits under the program. Lastly, DHFS must analyze health care data in Wisconsin so as to identify areas that could be eligible for and benefit from establishment of federally qualified health centers and ~~shall~~ ^{must} provide ~~interested~~ entities in those areas with information about and technical assistance in developing the centers.

*** ANALYSIS FROM -1939/5 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, county departments of social services and county departments of human services (county departments) ^{to} determine the eligibility of individuals for the medical assistance (MA) program, the food stamp program, and, in most cases, the Wisconsin works (W-2) program. ^{Wisconsin works} Under current law, DWD administers the food stamp program, the (W-2) program, and the eligibility determination aspect of the MA program. DHFS administers all other aspects of the MA program. Currently, DWD contracts with ~~the~~ ^{county departments} county departments ^{to reimburse} the ~~counties~~ ^{county departments} for the reasonable costs of determining eligibility of individuals for each program. The amount that is reimbursed to each county department is calculated using a formula based on each county's workload and the amount of available state and federal moneys. DWD also is required to establish, by rule, standards of competency and training requirements for county workers who make the eligibility determinations and to submit a report annually to the appropriate standing committees of the legislature on funds recovered and paid out during the previous calendar year as a result of audit adjustments. ^{Under these contracts, DWD reimburses}

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1997-A

This bill requires DWD and DHFS, jointly, to contract with county departments to reimburse the county departments for the reasonable costs of determining the eligibility of individuals for the MA program. Under the bill, ^{only} DWD ~~contracts to~~ ^{make} the payment for reimbursement to the county departments but the payments are funded, in part, by an appropriation to DHFS.

Also under current law, DWD is required to investigate suspected fraudulent activity on the part of individuals who receive food stamp benefits or MA benefits or

The bill also transfer certain employees to be identified by DWD and DHFS from DWD to DHFS. Under the bill, DWD is still required to reimburse the county departments for the costs of determining the eligibility of individuals for the food stamp and W-2 programs.

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who participate in the W-2 program and to reduce errors in the payment of benefits under each program. ~~Under~~ in addition to the reimbursements made to counties for determining the eligibility of individuals for the MA, food stamp, and W-2 programs, DWD makes payments to each county and ~~the~~ federally recognized American Indian tribe administering the programs for the administrative costs of activities ^{that are} designed to reduce fraud and errors under each program.

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147-A

The bill also authorizes DHFS to contract with DWD to investigate possible fraud and to conduct payment error activities as part of DWD's current fraud investigation and error reduction activities. ~~DHFS does not contract with DWD.~~

the bill requires DHFS to establish its own program to investigate possible fraud on the part of MA recipients and to reduce errors in the payments of MA. The bill continues to require DWD to investigate food stamp and W-2 fraud and to make payments to county departments and Indian tribes for costs of reducing fraud and errors in the food stamp and W-2 programs.

Under the bill, DWD may only conduct fraud investigation and error reduction activities relating to the MA program under a contract with DHFS.

Or in the alternative, to contract with DWD to conduct these activities

*** ANALYSIS FROM -1627/4 ***
HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current federal law, ~~medical assistance~~ MA is a jointly-funded, federal-state program; federal funds (known as "federal financial participation") are provided to match state funds expended for MA. Public funds that are not federal funds, that are transferred to the state, and that are expended for MA purposes may be considered as the state's share in claiming federal financial participation.

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p. 144

This bill creates a separate, nonlapsible trust fund, designated as the MA trust fund, from: 1) moneys received as federal financial participation to match public moneys transferred to the state or certified by DHFS as the state share of financial participation for ^(MA) payments related to nursing homes under the MA program; and 2) public moneys transferred to the state or certified by DHFS as the state and federal share of financial participation for ^(MA) payments related to nursing homes under the MA program. The moneys are appropriated to meet costs of MA and the administrative costs associated with augmenting federal financial participation.

Under current law, DHFS may, in each fiscal year, distribute up to \$38,600,000 received as federal financial participation to supplement payments under MA in order to reduce operating deficits of county, city, village, or town nursing homes. DHFS must also distribute for this purpose additional moneys received as federal financial participation that were not anticipated before enactment of the biennial

in the MA trust fund

considers

budget act or before enactment of other legislation that affects the appropriation of such federal moneys. ~~The distribution of~~ these supplemental payments ~~is made~~ under a method that ~~includes consideration of~~ the size of a nursing home's operating deficit and an agreement by the affected county, city, town, or village to provide funds to match the federal moneys. DHFS must revise the method, for approval by JCF, if the federal department of health and human services approves a lesser amount of federal moneys for expenditure. If the federal department of health and human services disallows use of the federal moneys for the purpose of these supplemental payments, DHFS must reduce allocations to counties, and a city, town, or village that owns or operates a nursing home that has received funds must reimburse the county in which the city, town, or village is located.

are distributed

This bill, as of July 1, 2000, retroactively eliminates, in the program to supplement MA payments to reduce operating deficits of county, city, village, or town nursing homes, the requirement that DHFS distribute for this purpose additional, unanticipated moneys received as federal financial participation and increases, to up to \$40,100,000, the amount of federal financial participation that may be distributed. Further, the bill specifies amounts that may be distributed, beginning in state fiscal year 2001-02, depending on whether or not federal financial participation in the amount of at least \$115,200,000 is received.

*** ANALYSIS FROM -2026/2 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS administers the badger care health care program (BadgerCare) under a federal waiver from the federal secretary of health and human services. BadgerCare provides health care coverage to certain low-income families and certain low-income children who do not reside with a parent. As a condition of eligibility for BadgerCare, a family or child must be without access to employer-subsidized health care coverage for a specified amount of time immediately preceding the date on which the family or child applies for BadgerCare.

This bill ^{also} requires DHFS, not later than January 1, 2002, to request a ^{second} waiver from the federal secretary of health and human services to permit DHFS to verify whether a family or child has had access to employer-subsidized health care ^{within} the specified time period prior to enrolling the family or child in BadgerCare.

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*** ANALYSIS FROM -2027/2 ***

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from the federal secretary of health and human services (federal secretary)
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

Under current law, DHFS administers the badger care health care program (BadgerCare) under a federal waiver. BadgerCare provides health care coverage to certain low-income families and to certain low-income children who do not reside with a parent. Under current law, to be eligible for BadgerCare, a family or child ~~may~~ ^{must be without} not have had access to employer-subsidized health care coverage ^{within} ~~within~~ a time period ^{that is established by DHFS} ~~that is established by DHFS~~. The time period may not exceed 18 months.

specified

This bill requires DHFS to request a waiver from the federal secretary of health and human services ^{not later than January 1, 2002} to increase the period of time a family or child is required to be without access to employer-subsidized health care coverage to be eligible for BadgerCare. The waiver must request that the period of time a family or child must be without access to employer-subsidized health care be increased, generally, to six months. ^{One of these circumstances is} The waiver must also request that ^{in the event} if the family or child does not have access to employer-subsidized health care, ^{although} but the coverage was terminated and DHFS determines ^{that} the termination was not the fault of the family or child, ^{the waiver must request} the period of time a family or child must be without health care coverage to be eligible for BadgerCare be 45 days. ^{Another of these circumstances is} Finally, the waiver must request that if the family or child does not have access to employer-subsidized health care ^{is that} because the family or child has exhausted health care continuation coverage available under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) or because ^{is an} the employer has terminated employment, the period of time a family or child must be without health care coverage to be eligible for BadgerCare be at least three months.

except under certain circumstances

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Ⓞ The waiver must request that under these circumstances

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

MA

Under current law under the medical assistance (MA) program, DHFS certifies persons or facilities that meet certain criteria as providers and pays for services and items that MA recipients receive from the providers. Currently, DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from the MA program, against providers who fail to comply with MA requirements or to whom MA payments have been improperly or erroneously made or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing, and a written decision. Currently, prohibitions exist against fraud in applications for, rights to, and conversion of MA benefits or

federal

payments. These prohibitions are punishable by fines and imprisonment. Lastly, under current law, if a provider who is liable for repayment of improper or erroneous MA payments or overpayments sells or otherwise transfers ownership of his or her business, the seller and transferee are each liable for the repayment. The transferee must contact DHFS and ascertain whether the seller has an outstanding amount owing. DHFS may bring an action to compel payment against either the buyer or transferee if a sale or other transfer occurs, and the amount has not been repaid.

This bill authorizes DHFS, after providing reasonable notice and the opportunity for a hearing, to charge a fee to an MA provider that has repeatedly been subject to recoveries of MA payments because of the provider's failure to follow identical or similar billing procedures or to follow other identical or similar MA requirements. The fee must be used to defray in part the costs of audits and investigations by DHFS of ~~medicaid or MA violations~~ and to ^{verify} ~~verify service provision~~ and the appropriateness and accuracy of reimbursement claims ~~and~~ may not exceed

the fee

that services have been provided

and \$1,000 or 200% of the amount of ~~the~~ repeated recovery, whichever is greater. The bill permits DHFS to recover any part of such a fee that is not timely paid by offsetting the fee against any MA payment owed to the provider and also authorizes fee collection by the attorney general. Further, failure to timely pay a fee, other than by offsetting the fee against the MA payment owed, is grounds for MA decertification. ~~The bill creates an appropriation of program revenue into which DHFS must deposit the fees for performance by DHFS of MA audits and investigations.~~

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, under terms and in an amount specified by DHFS by rule, that would reasonably pay the amount of a recovery and DHFS' costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements. Providers who are required to file the surety bonds are those who provide MA services, as specified by DHFS by rule, for which providers have demonstrated significant potential to violate fraud prohibitions, to require recovery of overpayments, or to need certain additional sanctions.

The bill authorizes DHFS, if it first makes specified findings, to limit the number of providers of particular services that may receive MA certification or limit the amount of resources, including employees and equipment, that a certified provider may use to provide MA services and items.

The bill changes numerous provisions relating to procedures for the recovery by DHFS of MA overpayments or improper or erroneous payments, including all of the following:

1. Hearing opportunity requirements are eliminated and, instead, a provider has the opportunity to present information and argument to DHFS staff.
2. A deadline for payment of recoveries is established, and payment of interest on delinquent amounts is required.

The bill eliminates DHFS' general authority to suspend a provider, but instead authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws.

The bill requires access, upon request by DHFS, to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

With respect to liability for repayment of improper or erroneous payments or overpayments of a provider who sells or transfers ownership of his or her business, the bill eliminates provisions that confer liability on both the transferor and the transferee. Under the bill, before a person may take over the operation (as defined in the bill) of an MA provider, the person must obtain MA certification with respect to the provider's operation, regardless of whether the person is currently certified. Also, before a person may take over the operation of an MA provider that is liable for repayment of improper or erroneous MA payments or overpayments, full repayment must be made. DHFS must, upon request, notify the person or provider as to whether the provider is liable. If, notwithstanding the prohibition, the person takes over the provider's operation, and the outstanding repayment is not made, DHFS may withhold certification from the person and may proceed against the provider or person. If, within 30 days after DHFS provides notice to the certified provider, the repayment is not paid in full, DHFS may bring an action to compel payment, to decertify a provider, or to do both.

*** ANALYSIS FROM -1926/3 ***

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

~~Under current law, DHFS administers the medical assistance (MA) program under which DHFS provides health care services to eligible individuals. Also under current law, DHFS receives federal funding to conduct a breast and cervical cancer~~

early detection program. This program provides individuals with breast and cervical cancer screening, referrals, education, and outreach.

This bill expands the MA program to provide MA to women who are under the age of 65, who require treatment for breast or cervical cancer, who have been screened for breast or cervical cancer under the breast and cervical cancer early detection program, and who are not otherwise eligible for the MA program or for other health care coverage.

*** ANALYSIS FROM -0427/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

functionality
Currently
~~Under current law~~, the long-term support community options program (COP) provides assessments ~~of functionality~~ and home and community-based care to, among others, elderly and disabled persons as an alternative to institutionalized care; one part of COP (often referred to as COP-Regular) is funded by state general purpose revenues and the other part (often referred to as COP-Waiver) is funded jointly by federal and state moneys under ~~medical assistance (MA)~~ *MA* ~~under a waiver of federal medicaid laws~~. Also under MA under a waiver of federal medicaid laws, a community integration program (often referred to as CIP II) provides home and community-based services and continuity of care for persons relocated from institutions, other than the state centers for the developmentally disabled, and for persons who meet requirements for MA reimbursement in nursing homes. *medical*

Currently, funds under COP-Regular may not be used to provide services in a community-based residential facility that has more than eight beds unless DHFS approves the provision in a ~~community-based residential facility~~ that has up to 20 beds and meets specific criteria or in a ~~community-based residential facility~~ of any size that meets certain criteria. Funds under COP-Waiver and CIP II may not be used to provide services in a ~~community-based residential facility~~ that has more than four beds unless DHFS approves provision of services in a ~~community-based residential facility~~ that has five to eight beds or that meets certain criteria. *that*

This bill changes restrictions on the use of COP-Waiver and CIP II funds for providing services in a ~~community-based residential facility~~ to permit use of the funds, if approved by DHFS, in a ~~community-based residential facility~~ that has 5 to 20 beds.

*** ANALYSIS FROM -0462/3 ***

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HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

~~Currently, individuals who are physically or developmentally disabled, elderly, chronically mentally ill, or chemically dependent may be eligible to receive certain health care services under one or more programs administered by DHFS. Several of these programs are operated under the medical assistance (MA) program. The long-term support community options waiver program (COP-W), which provides home and community-based care to elderly and disabled individuals who meet certain eligibility criteria and three community integration programs (CIPs) which provide home and community-based services to individuals who are relocated from institutions, such as state centers for the developmentally disabled and nursing homes, or who meet the criteria for reimbursement under MA for nursing home care, are operated as part of the MA program. The family support program, which provides assistance, including home and community-based services, to families with a disabled child, and a program that provides early intervention services to certain eligible children, are not part of the MA program and are funded with general purpose revenue (GPR).~~

DHFS

as part of the MA program. These programs

DHFS also administers

These two programs

This bill requires DHFS to request a waiver of federal medical assistance laws from the federal department of health and human services to provide to disabled individuals who are under 24 years of age, under one program, with unified administration and service delivery, the services offered under COP-W, CIPs, the family support program, and the early intervention program. If DHFS receives the waiver, DHFS is required to seek enactment of statutory language to implement the waiver within the limits of available federal, state, and county funds.

*** ANALYSIS FROM -0460/5 ***

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under Current law requires DHFS to provide medical assistance (MA) to individuals who meet the requirements under one of the following MA eligibility categories:

1. AFDC-MA. ~~Under this category, individuals who meet the income, asset, and non-financial requirements for the federal aid to families with dependent children (AFDC) program that were in effect on July 16, 1996, are eligible to receive MA. The AFDC program was replaced with the federal temporary assistance for needy families (TANF) program on July 16, 1996. Generally, individuals who may qualify under the AFDC-MA category, are certain children under 19 years of age,~~

are eligible for MA

meet the AFDC requirements

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their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC-related MA. This category includes ^{individuals who} ~~certain~~ children under 19 years of age, their caretaker relatives, ^{or} ~~and~~ pregnant women ^{and whose either} ~~throughout the entire pregnancy who~~ meet the income and asset requirements of the AFDC program that were in effect on July 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

HEA **STOP HERE** 1608/2 ***
WICES

Also
Under current law, ^{tc} applicant must meet certain certain assets when determining whether an applicant meets the asset limits of the assets that must be excluded is up to \$2,500 in an irrevocable burial trust.

assistance (MA) program ~~and~~
~~DHFS must exclude~~ ^{certain individuals} One ^{specific} ~~of~~

This bill increases the limit on an irrevocable burial trust to \$3,300 on January 1, 2003.

*** ANALYSIS FROM -0316/3 ***
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

Currently, DHFS is required to recover from the estate of certain medical assistance (MA) recipients the amount of MA paid on behalf of the recipient for certain MA services. ^{Under current law, to recover the amount of MA paid on behalf of MA recipients} ~~To recover these amounts,~~ DHFS is authorized to place a lien on the home of a recipient if the recipient resides in a nursing home or in a hospital * and is required to contribute to the cost of care, ^{if} the recipient is not reasonably * expected to return home, and ^{if} one of following individuals does not reside in the home:

1. The spouse of the recipient.
2. A child of the recipient, who is under 21 years of age or disabled.
3. A sibling of the recipient, who has an ownership interest in the home and has lived in the home continuously for at least 12 months before the recipient was admitted to the nursing home or hospital.

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