



State of Wisconsin
2001 - 2002 LEGISLATURE

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2001 SENATE BILL 55

February 20, 2001 - Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Scott McCallum. Referred to Joint committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2001 legislature.

Analysis by the Legislative Reference Bureau

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

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***b0659/1.1* SECTION 1d.** 1.10 (title) of the statutes is amended to read:

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1 **1.10** (title) **State song, state ballad, state waltz, state dance, and state**
2 **symbols.**

3 ***b0659/1.1* SECTION 1f.** 1.10 (1m) of the statutes is created to read:

4 **1.10 (1m)** The Wisconsin state ballad is “Oh Wisconsin, Land of My Dreams,”
5 music written by Shari A. Sarazin and lyrics written by Erma Barrett, the words to
6 which are as follows: “Oh Wisconsin, land of beauty, with your hillsides and your
7 plains, with your jackpine and your birch tree, and your oak of mighty frame. Land
8 of rivers, lakes and valleys, land of warmth and winter snows, land of birds and
9 beasts and humanity, oh Wisconsin, I love you so. Oh Wisconsin, land of my dreams.
10 Oh Wisconsin, you’re all I’ll ever need. A little heaven here on earth could you be?
11 Oh Wisconsin, land of my dreams. In the summer, golden grain fields; in the winter,
12 drift of white snow; in the springtime, robins singing; in the autumn, flaming colors
13 show. Oh I wonder who could wander, or who could want to drift for long, away from
14 all your beauty, all your sunshine, all your sweet song? Oh Wisconsin, land of my
15 dreams. Oh Wisconsin, you’re all I’ll ever need. A little heaven here on earth could
16 you be? Oh Wisconsin, land of my dreams. And when it’s time, let my spirit run free
17 in Wisconsin, land of my dreams.”

18 ***b0659/1.1* SECTION 1g.** 1.10 (1r) of the statutes is created to read:

19 **1.10 (1r)** The Wisconsin state waltz is “The Wisconsin Waltz,” music and lyrics
20 written by Eddie Hansen, the words to which are as follows: “Music from heaven
21 throughout the years; the beautiful Wisconsin Waltz. Favorite song of the pioneers;
22 the beautiful Wisconsin Waltz. Song of my heart on that last final day, when it is time
23 to lay me away. One thing I ask is to let them play the beautiful Wisconsin Waltz.
24 My sweetheart, my complete heart, it’s for you when we dance together; the beautiful
25 Wisconsin Waltz. I remember that September, before love turned into an ember, we

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1 danced to the Wisconsin Waltz. Summer ended, we intended that our lives then
2 would both be blended, but somehow our planning got lost. Memory now sings a
3 dream song, a faded love theme song; the beautiful Wisconsin Waltz.”

4 *b0659/1.1* SECTION 1j. 1.10 (4) of the statutes is amended to read:

5 1.10 (4) The Wisconsin Blue Book shall include the information contained in
6 this section concerning the state song, ballad, waltz, dance, beverage, tree, grain,
7 flower, bird, fish, animal, domestic animal, wildlife animal, dog, insect, fossil,
8 mineral, rock, and soil.

9 *b0659/1.1* SECTION 1x. 5.02 (1) of the statutes is renumbered 5.02 (1c).

10 *-1335/7.1* SECTION 86. 7.33 (1) (c) of the statutes is amended to read:

11 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
12 includes an authority created under ch. 231, 232, 233 ~~or~~, 234, or 237.

13

delete extra line

14 *b0428/1.1* SECTION 94f. 9.10 (2) (b) of the statutes is amended to read:

15 9.10 (2) (b) A ~~recall~~ petition ~~for~~ requesting the recall of a city, village, town or
16 school district ~~office officer~~ shall contain a statement of ~~a reason for the recall which~~
17 ~~is related to the official responsibilities of the official for whom removal is sought~~
18 each cause for the recall and the specific allegations that constitute each cause. In
19 this paragraph, “cause” means neglect of duty or official misconduct.

20 *b0428/1.1* SECTION 94i. 9.10 (2) (d) of the statutes is amended to read:

21 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
22 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
23 filing officer with whom the petition is filed. The petitioner shall append to the
24 registration a statement indicating his or her intent to circulate a recall petition, the
25 name of the officer for whom recall is sought and, in the case of a petition for the recall

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1 of a city, village, town or school district officer, a statement of a reason for the recall
2 which is related to the official responsibilities of the official for whom removal is
3 sought each cause, as defined in par. (b), for the recall and the specific allegations
4 that constitute each cause. No petitioner may circulate a petition for the recall of an
5 officer prior to completing registration. The last date that a petition for the recall of
6 a state, congressional, legislative, judicial or county officer may be offered for filing
7 is 5 p.m. on the 60th day commencing after registration. The last date that a petition
8 for the recall of a city, village, town or school district officer may be offered for filing
9 is 5 p.m. on the 30th day commencing after registration. After the recall petition has
10 been offered for filing, no name may be added or removed. No signature may be
11 counted unless the date of the signature is within the period provided in this
12 paragraph.

13 *b0428/1.1* **SECTION 94L.** 9.10 (4) (a) of the statutes is amended to read:

14 9.10 (4) (a) Immediately after a petition for the recall of a city, village, town,
15 or school district officer is offered for filing, the municipal clerk, board of election
16 commissioners, or school district clerk shall notify the officer against whom the
17 petition is filed. Within 10 days after ~~a~~ the petition for the recall of a city, village,
18 town or school district official, is offered for filing, the officer against whom the
19 petition is filed may file a written challenge with the municipal clerk or board of
20 election commissioners or school district clerk ~~with whom it is filed,~~ specifying any
21 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
22 to the challenge with the clerk or board of election commissioners within 5 days after
23 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
24 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
25 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a

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1 reply to a rebuttal, the clerk or board of election commissioners shall file the
2 certificate or an amended certificate. Within 31 days after the petition is offered for
3 filing, the clerk or board of election commissioners shall determine by careful
4 examination of the face of the petition whether the petition is sufficient and shall so
5 state in a certificate attached to the petition. If the petition is found to be insufficient,
6 the certificate shall state the particulars creating the insufficiency. The petition may
7 be amended to correct any insufficiency within 5 days following the affixing of the
8 original certificate. Within 2 days after the offering of the amended petition for filing,
9 the clerk or board of election commissioners shall again carefully examine the face
10 of the petition to determine sufficiency and shall attach to the petition a certificate
11 stating the findings. Immediately upon finding an original or amended petition
12 sufficient, ~~except in cities over 500,000 population,~~ the municipal clerk or, school
13 district clerk, or board of election commissioners shall notify, in writing, the officer
14 against whom the petition is filed. Within 3 days following receipt of the notification,
15 the officer shall inform the municipal clerk, school district clerk, or board of election
16 commissioners, in writing, as to whether the officer contests the petition. If the
17 officer fails to inform the municipal clerk, school district clerk, or board of election
18 commissioners within 3 days following receipt of the notification, or if the officer does
19 not contest the petition, the municipal clerk, school district clerk, or board of election
20 commissioners shall issue a certificate declaring that an election will be held under
21 this section. If the certificate is issued by the municipal clerk, the municipal clerk
22 shall immediately transmit the petition and certificate to the governing body of the
23 municipality. If the certificate is issued by the school district clerk, the school district
24 clerk shall immediately transmit the petition and certificate to the school board. If
25 the officer contests the petition, the municipal clerk, school district clerk, or board

SENATE BILL 55**SECTION 94L**

1 ~~of election commissioners shall~~ transmit the petition to the governing body or to the
2 ~~school board. Immediately upon finding an original or amended petition sufficient,~~
3 ~~in cities over 500,000 population, the board of election commissioners shall file the~~
4 ~~petition in its office~~ circuit court for the county in which the office of the clerk or board
5 of election commissioners is located.

6 *b0428/1.1* **SECTION 94p.** 9.10 (4) (b) and (c) of the statutes are created to read:

7 9.10 (4) (b) Within 10 days after receipt of a petition under par. (a), the circuit
8 court shall determine, after hearing, whether the allegations in the petition are true
9 and, if true, whether the allegations constitute cause, as defined in sub. (2) (b), for
10 the recall. The clerk of court shall notify the officer for whom the recall is sought of
11 the hearing date. The officer and the person who offers the petition for filing may
12 appear by counsel and the court may take testimony with respect to the petition. If
13 the circuit court determines that the allegations in the petition are true and
14 constitute cause, as defined in sub. (2) (b), for the recall, the court shall issue a
15 certificate directing that an election be held under this section. If the petition
16 concerns a city, village, or town office, the court shall transmit the petition and
17 certificate to the governing body of the city, village, or town, except that in cities over
18 500,000 population the court shall transmit the petition and certificate to the board
19 of election commissioners. If the petition concerns a school district office, the court
20 shall transmit the petition and certificate to the school board. Upon receiving a
21 petition and certificate, the governing body, board of election commissioners, or
22 school board shall file the petition and certificate in its office. If the court determines
23 that the allegations in the petition are not true or do not constitute cause, as defined
24 in sub. (2) (b), for the recall, the court may not issue the certificate.

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1 (c) Any party aggrieved by a circuit court determination under par. (b) may
2 appeal to the court of appeals within the time period specified in s. 808.04 (2). An
3 appeal under this paragraph shall be given precedence over other matters not
4 accorded similar precedence by law. The appeal shall stay the holding of a recall
5 primary and election under a certificate issued by the circuit court under par. (b)
6 until the court of appeals determines the validity of the certificate, but other acts
7 required to be undertaken to prepare for the primary and election shall proceed
8 during the pendency of the appeal.

9 *b0428/1.1* SECTION 94s. 9.10 (4) (d) of the statutes is amended to read:

10 9.10 (4) (d) The governing body, school board or board of election
11 commissioners, upon receiving the a certificate from the circuit court under par. (b)
12 or upon receiving or issuing a certificate under par. (a), shall call an election to be held
13 on the Tuesday of the 6th week commencing after the date of the certificate. If
14 Tuesday is a legal holiday, the recall election shall be held on the first day after
15 Tuesday which is not a legal holiday.

16 *1553/2.1* SECTION 98. 13.101 (4) of the statutes is amended to read:

17 13.101 (4) The committee may transfer between appropriations and programs
18 if the committee finds that unnecessary duplication of functions can be eliminated,
19 more efficient and effective methods for performing programs will result or
20 legislative intent will be more effectively carried out because of such transfer, if
21 legislative intent will not be changed as the result of such transfer and the purposes
22 for which the transfer is requested have been authorized or directed by the
23 legislature, ~~or to implement s. 16.847 (8) (b) 3.~~ The authority to transfer between
24 appropriations includes the authority to transfer between 2 fiscal years of the same
25 biennium, between 2 appropriations of the same agency and between an

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1 appropriation of one agency and an appropriation of a different agency. No transfer
2 between appropriations or programs may be made to offset deficiencies arising from
3 the lack of adequate expenditure controls by a department, board, institution,
4 commission or agency. The authority to transfer between appropriations shall not
5 include the authority to transfer from sum sufficient appropriations as defined under
6 s. 20.001 (3) (d) to other types of appropriations.

7 ***-0886/3.1* SECTION 99.** 13.101 (6) (a) of the statutes is amended to read:

8 13.101 (6) (a) As an emergency measure necessitated by decreased state
9 revenues and to prevent the necessity for a state tax on general property, the
10 committee may reduce any appropriation made to any board, commission,
11 department, or the University of Wisconsin System, or to any other state agency or
12 activity, by such amount as it deems feasible, not exceeding 25% of the
13 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
14 (cr) ~~and (q)~~, 20.395 (1), (2) (cq), ~~(eq) to (ex)~~ (fq) to (fx), and (gq) to (gx), (3), (4) (aq) to
15 (ax), and (6) (aq) and (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for
16 forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,
17 city, village, town, or school district. Appropriations of receipts and of a sum
18 sufficient shall for the purposes of this section be regarded as equivalent to the
19 amounts expended under such appropriations in the prior fiscal year which ended
20 June 30. All functions of said state agencies shall be continued in an efficient
21 manner, but because of the uncertainties of the existing situation no public funds
22 should be expended or obligations incurred unless there shall be adequate revenues
23 to meet the expenditures therefor. For such reason the committee may make
24 reductions of such appropriations as in its judgment will secure sound financial

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1 operations of the administration for said state agencies and at the same time
2 interfere least with their services and activities.

****NOTE: This is reconciled s. 13.101 (6) (a). This SECTION has been affected by
LRB-0099 and LRB-0886.

3 ***-1857/5.1* SECTION 100.** 13.101 (14) of the statutes is amended to read:

4 13.101 (14) With the concurrence of the joint committee on information policy
5 and technology, direct the department of ~~administration~~ electronic government to
6 report to the committee concerning any specific information technology system
7 project in accordance with s. 13.58 (5) (b) 4.

8 ***b0696/2.1* SECTION 100m.** 13.101 (16) of the statutes is created to read:

9 13.101 (16) Annually, on June 15, beginning in 2004, the committee shall
10 transfer from the permanent endowment fund to the general fund an amount equal
11 to the amount calculated by the investment board under s. 25.17 (16).

12 ***-2050/1.1* SECTION 102.** 13.123 (1) (a) 1. of the statutes is amended to read:

13 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
14 filed with the department of administration, the necessity of establishing a
15 temporary residence at the state capital for the period of any regular or special
16 legislative session shall be entitled to an allowance for expenses incurred for food and
17 lodging for each day that he or she is in Madison on legislative business, but not
18 including any Saturday or Sunday unless the legislator is in actual attendance on
19 such day at a session of the legislature or a meeting of a standing committee of which
20 the legislator is a member. The amount of the allowance for each biennial session
21 shall be established under s. 20.916 (8) 90% of the per diem rate for travel for federal
22 government business within the city of Madison, as established by the federal
23 general services administration. For the purpose of determining the amount of the

SENATE BILL 55**SECTION 102**

1 allowance, the secretary of employment relations shall certify to the chief clerk of
2 each house the federal per diem rate in effect on December 1, or the first business day
3 thereafter if December 1 is not a business day, in each even-numbered year. Each
4 legislator shall file an affidavit with the chief clerk of his or her house certifying the
5 specific dollar amount within the authorized allowance the member wishes to
6 receive. Such affidavit, when filed, shall remain in effect for the biennial session,
7 ~~except that a new affidavit may be filed for any month following an adjustment in~~
8 ~~the amount of the authorized allowance under s. 20.916 (8).~~

9 *~~1063/6.1~~* **SECTION 103.** 13.40 of the statutes is created to read:

10 **13.40 Limitation on state appropriations from general purpose**
11 **revenue. (1)** In this section:

12 (a) “Fiscal biennium” means a 2-year period beginning on July 1 of an
13 odd-numbered year.

14 (b) “General purpose revenue” has the meaning given for “general purpose
15 revenues” in s. 20.001 (2) (a).

16 (2) Except as provided in sub. (3), the amount appropriated from general
17 purpose revenue for each fiscal biennium, excluding any amount under an
18 appropriation specified in sub. (3) (a) to (h), as determined under sub. (4), may not
19 exceed the sum of:

20 (a) The amount appropriated from general purpose revenue, excluding any
21 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the
22 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and
23 the annual percentage change in this state’s aggregate personal income, expressed
24 as a decimal, for the calendar year that begins on the January 1 which immediately

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1 precedes the first year of the fiscal biennium, as estimated by the department of
2 revenue no later than December 5 of each even-numbered year.

3 (b) The amount determined under par. (a) multiplied by the sum of 1.0 and the
4 annual percentage change in this state's aggregate personal income, expressed as a
5 decimal, for the calendar year that begins on the January 1 which immediately
6 precedes the 2nd year of the fiscal biennium, as estimated by the department of
7 revenue no later than December 5 of each even-numbered year.

8 (3) The limitation under sub. (2) does not apply to any of the following:

9 (a) An appropriation for principal repayment and interest payments on public
10 debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

11 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
12 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4),
13 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59
14 (13m).

15 (c) An appropriation to make a payment to the United States that the building
16 commission determines to be payable under s. 13.488 (1) (m).

17 (d) An appropriation contained in a bill that is enacted with approval of at least
18 two-thirds of the members of each house of the legislature.

19 (e) An appropriation for legal expenses and the costs of judgments, orders, and
20 settlements of actions and appeals incurred by the state.

21 (f) An appropriation to make a payment for tax relief under s. 20.835 (2).

22 (g) An appropriation to make a transfer from the general fund to the budget
23 stabilization fund under s. 20.875 (1) (a).

24 (h) An appropriation to make a transfer from the general fund to the tax relief
25 fund under s. 20.876 (1) (a).

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1 (4) For purposes of sub. (2), the department of administration shall determine
2 the amount appropriated from general purpose revenue for any fiscal biennium to
3 which sub. (2) applies. The department of administration shall make this
4 determination no later than December 31 of each even-numbered year and shall
5 include a statement of the determination in the biennial state budget report
6 prepared under s. 16.46.

b0593/6.1 SECTION 104m. 13.48 (7) of the statutes is amended to read:

8 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
9 and formally adopt recommendations for the long-range state building program on
10 a biennial basis. The building commission shall not recommend any project for
11 enumeration in the authorized state building program unless the commission adopts
12 and provides with its recommendation a statement of the amount of the anticipated
13 annual operating costs or the amount of any increased annual operating costs, plus
14 the amount of any anticipated annual debt service costs, generated by the project in
15 the first full year following completion, and the amount of such costs to be funded
16 from each revenue source under s. 20.001 (2). The building commission shall include
17 in its report any projects proposed by the state fair park board involving a cost of not
18 more than \$250,000, together with the method of financing those projects proposed
19 by the board, without recommendation. Unless a later date is requested by the
20 building commission and approved by the joint committee on finance, the building
21 commission shall, no later than the first Tuesday in April of each odd-numbered
22 year, transmit the report prepared by the department of administration under s.
23 16.40 (20) and the commission's recommendations for the succeeding fiscal biennium
24 that require legislative approval to the joint committee on finance in the form of
25 proposed legislation prepared in proper form.

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1 *~~1335/7.2~~* **SECTION 105.** 13.48 (10) (b) 3m. of the statutes is created to read:

2 13.48 (10) (b) 3m. Rehabilitation projects of the Fox River Navigational System
3 Authority.

4 *~~b0593/6.2~~* **SECTION 105m.** 13.48 (12) (b) 2. of the statutes is amended to read:

5 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, if the
6 cost of constructing the facility does not exceed the amount specified in sub. (3).

7 *~~1335/7.3~~* **SECTION 106.** 13.48 (12) (b) 4. of the statutes is created to read:

8 13.48 (12) (b) 4. A facility constructed by or for the Fox River Navigational
9 System Authority.

10 *~~1335/7.4~~* **SECTION 107.** 13.48 (13) (a) of the statutes is amended to read:

11 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
12 facility that is constructed for the benefit of or use of the state, any state agency,
13 board, commission or department, the University of Wisconsin Hospitals and Clinics
14 Authority, the Fox River Navigational System Authority, or any local professional
15 baseball park district created under subch. III of ch. 229 if the construction is
16 undertaken by the department of administration on behalf of the district, shall be
17 in compliance with all applicable state laws, rules, codes and regulations but the
18 construction is not subject to the ordinances or regulations of the municipality in
19 which the construction takes place except zoning, including without limitation
20 because of enumeration ordinances or regulations relating to materials used,
21 permits, supervision of construction or installation, payment of permit fees, or other
22 restrictions.

23 *~~0985/8.1~~* **SECTION 108.** 13.48 (14) (e) of the statutes is amended to read:

24 13.48 (14) (e) If the state office building located at 3319 West Beltline Highway
25 in Dane County is sold by the state, the building commission shall ensure that the

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1 transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public
2 Broadcasting Foundation, if the foundation exists at the time of the transfer and if
3 the secretary of administration does not transfer title to the building under s. 39.86
4 (2)(a) 2.

5 ***b0593/6.3* SECTION 108b.** 13.48 (15) of the statutes is amended to read:

6 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
7 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
8 authority to acquire leasehold interests in land and buildings where such authority
9 is not otherwise provided to an agency by law.

10 ***b0593/6.3* SECTION 108c.** 13.48 (19) of the statutes is amended to read:

11 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
12 commission determines that the use of innovative types of design and construction
13 processes will make better use of the resources and technology available in the
14 building industry, the building commission may waive any or all of s. 16.855 if such
15 action is in the best interest of the state and if the waiver is accomplished through
16 formal action of the building commission. The building commission may authorize
17 the lease, lease purchase or acquisition of such facilities constructed in the manner
18 authorized by the building commission. The Subject to the requirements of s. 20.924
19 (1) (i) and (j), the building commission may also authorize the lease, lease purchase
20 or acquisition of existing facilities in lieu of state construction of any project
21 enumerated in the authorized state building program.

22 ***b0593/6.3* SECTION 108d.** 13.48 (25p) of the statutes is created to read:

23 13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the
24 biostar initiative, for the purpose of providing financial support to attract federal and
25 private funds to construct biological sciences facilities to spur biological sciences

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1 education and research activities at the University of Wisconsin–Madison. Projects
2 financed under the program shall be designed to provide biological sciences
3 education and research facilities, ancillary systems, and supporting infrastructure.
4 Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as
5 otherwise provided in the authorized state building program.

6 ***b0593/6.3* SECTION 108e.** 13.48 (27) of the statutes is amended to read:

7 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. ~~The~~ Subject to the requirements
8 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
9 the department of corrections as a part of the authorized state building program,
10 with an option to purchase the facility by the state. Any lease shall provide for the
11 facility to be constructed in accordance with requirements and specifications
12 approved by the department of administration and shall permit inspection of the site
13 and facility by agents of the department.

14 ***b0593/6.3* SECTION 108f.** 13.48 (31) of the statutes is created to read:

15 13.48 (31) DEBT INCREASE FOR CONSTRUCTION OF A BIOMEDICAL RESEARCH AND
16 TECHNOLOGY INCUBATOR AT THE MEDICAL COLLEGE OF WISCONSIN, INC. (a) The
17 legislature finds and determines that it is in the public interest to promote the public
18 health and welfare and to provide for economic development in this state by ensuring
19 a fundamental and expanding capacity to conduct biomedical research and to create
20 new technologies; by training students in the substance and methodology of
21 biomedical research; and by providing scientific support to individuals and
22 organizations in this state who are engaged in biomedical research and technological
23 innovation. It is therefore the public policy of this state to assist the Medical College
24 of Wisconsin, Inc., in the construction of facilities that will be used for biomedical
25 research and the creation of new technologies.

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1 (b) On or after July 1, 2003, the building commission may authorize up to
2 \$25,000,000 of general fund supported borrowing to aid in the construction of a
3 biomedical research and technology incubator at the Medical College of Wisconsin,
4 Inc. The state funding commitment for the construction of the incubator shall be in
5 the form of a construction grant to the Medical College of Wisconsin, Inc. Before the
6 building commission may award the construction grant under this paragraph, the
7 Medical College of Wisconsin, Inc., must certify to the building commission that the
8 total funding commitments of the state and nonstate sources will pay for the
9 construction cost of the incubator.

10 (c) If the building commission awards a construction grant to the Medical
11 College of Wisconsin, Inc., under this subsection, the Medical College of Wisconsin,
12 Inc., shall provide the state with an option to purchase the biomedical research and
13 technology incubator under the following conditions:

14 1. The option price shall be the appraised fair market value at the time that the
15 option is exercised, less a credit recognizing the amount of the state's construction
16 grant. The option shall be subject to any mortgage or other security interest of any
17 private lenders.

18 2. The option may be exercised only upon the occurrence of any of the following:

19 a. Suspension of operation of a program of biomedical research and technology
20 at the Medical College of Wisconsin, Inc., or any successor organization.

21 b. Foreclosure of any mortgage on the incubator by a private lender.

22 (d) If the state does not exercise the option to purchase the biomedical research
23 and technology incubator under par. (c), and if the incubator is sold to any 3rd party,
24 any agreement to sell the incubator shall provide that the state has the right to
25 receive an amount equal to the construction grants awarded to the Medical College

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1 of Wisconsin, Inc., under this subsection from the net proceeds of any such sale after
2 any mortgage on the incubator has been satisfied and all other secured debts have
3 been paid. This right shall be paramount to the right of the Medical College of
4 Wisconsin, Inc., to the proceeds upon such sale.

5 ***-1857/5.2* SECTION 109.** 13.58 (5) (a) 5. of the statutes is amended to read:

6 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
7 ~~administration~~ electronic government, the joint committee on legislative
8 organization and the director of state courts, review and transmit comments
9 concerning the plans to the entities submitting the plans.

10 ***-1857/5.3* SECTION 110.** 13.58 (5) (b) 1. of the statutes is amended to read:

11 13.58 (5) (b) 1. Direct the ~~subunit in the~~ department of ~~administration with~~
12 ~~policy making responsibility related to information technology~~ electronic
13 government to conduct studies or prepare reports on items related to the committee's
14 duties under par. (a).

15 ***-1857/5.4* SECTION 111.** 13.58 (5) (b) 4. (intro.) of the statutes is amended to
16 read:

17 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
18 direct the department of ~~administration~~ electronic government to report
19 semiannually to the committee and the joint committee on finance concerning any
20 specific information technology system project which is being designed, developed,
21 tested or implemented and which the committees anticipate will have a total cost to
22 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
23 report shall include all of the following:

24 ***-1335/7.5* SECTION 112.** 13.62 (2) of the statutes is amended to read:

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1 13.62 (2) “Agency” means any board, commission, department, office, society,
2 institution of higher education, council or committee in the state government, or any
3 authority created in ch. 231, 232, 233 ~~or~~ 234, or 237, except that the term does not
4 include a council or committee of the legislature.

5 *~~1857/5.5~~* **SECTION 113.** 13.90 (6) of the statutes is amended to read:

6 13.90 (6) The joint committee on legislative organization shall adopt, revise
7 biennially and submit to the cochairpersons of the joint committee on information
8 policy and technology, the governor and the ~~secretary of administration~~ chief
9 information officer, no later than September 15 of each even-numbered year, a
10 strategic plan for the utilization of information technology to carry out the functions
11 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
12 shall address the business needs of the legislature and legislative service agencies
13 and shall identify all resources relating to information technology which the
14 legislature and legislative service agencies desire to acquire, contingent upon
15 funding availability, the priority for such acquisitions and the justification for such
16 acquisitions. The plan shall also identify any changes in the functioning of the
17 legislature and legislative service agencies under the plan.

18 *~~1857/5.6~~* **SECTION 114.** 13.93 (2) (h) of the statutes is amended to read:

19 13.93 (2) (h) Approve specifications and scheduling for computer databases
20 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
21 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

22 *~~b0474/4.1~~* **SECTION 114g.** 13.94 (4) (a) of the statutes is amended to read:

23 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
24 credentialing board, commission, independent agency, council or office in the
25 executive branch of state government; all bodies created by the legislature in the

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1 legislative or judicial branch of state government; any public body corporate and
2 politic created by the legislature including specifically the Fox River Navigational
3 System Authority, a professional baseball park district, a local professional football
4 stadium district, a local cultural arts district and a family care district created under
5 s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider
6 of medical assistance under subch. IV of ch. 49; technical college district boards;
7 development zones designated under s. 560.71; every county department under s.
8 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are
9 specifically appropriated by state law; and every corporation, institution, association
10 or other organization which receives more than 50% of its annual budget from
11 appropriations made by state law, including subgrantee or subcontractor recipients
12 of such funds.

13 *b0474/4.1* **SECTION 114r.** 13.95 (intro.) of the statutes is amended to read:

14 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
15 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
16 shall be strictly nonpartisan and shall at all times observe the confidential nature
17 of the research requests received by it; however, with the prior approval of the
18 requester in each instance, the bureau may duplicate the results of its research for
19 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s
20 designated employees shall at all times, with or without notice, have access to all
21 state agencies and, the University of Wisconsin Hospitals and Clinics Authority, and
22 the Fox River Navigational System Authority and to any books, records or other
23 documents maintained by such agencies or ~~the authority~~ authorities and relating to
24 their expenditures, revenues, operations and structure.

25 *-1717/5.1* **SECTION 115.** 13.95 (1m) of the statutes is created to read:

SENATE BILL 55**SECTION 115**

1 13.95 (1m) DUTIES OF THE BUREAU; BIENNIAL BUDGET BILL. (a) In this subsection,
2 “version of the biennial budget bill or bills” means the executive biennial budget bill
3 or bills, as modified by an amendment offered by the joint committee on finance, as
4 engrossed by the first house, as concurred in and amended by the 2nd house or as
5 nonconcurrent in by the 2nd house, or as reported by any committee on conference.

6 (b) The legislative fiscal bureau shall prepare a statement of estimated general
7 purpose revenue receipts and expenditures in the biennium following the succeeding
8 biennium based on recommendations in each version of the biennial budget bill or
9 bills. The statement shall contain all of the following:

10 1. For the 2nd year of the succeeding biennium, a comparison of the following:

11 a. The amount of moneys projected to be deposited in the general fund during
12 the fiscal year that are designated as “Revenues and Transfers” in the summary in
13 s. 20.005 (1), as published in each version of the biennial budget bill or bills, less the
14 amount designated as the “Opening Balance” in the summary, and adjusted by any
15 one-time deposit of revenues in the general fund.

16 b. The amount of moneys designated as “Total Expenditures” in the summary
17 in s. 20.005 (1), as published in each version of the biennial budget bill or bills,
18 adjusted by any one-time expenditure of general purpose revenue in excess of
19 \$5,000,000.

20 2. An estimate of the cost of any provision in each version of the biennial budget
21 bill or bills that would, without the enactment of subsequent legislation, increase
22 general purpose revenue expenditures or that would decrease the amount of
23 revenues deposited in the general fund in the biennium following the succeeding
24 biennium.

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1 3. a. An estimate of the increase in general purpose revenue spending that will
2 be required in the biennium following the succeeding biennium for all of the
3 following: general equalization school aids; appropriations to the department of
4 corrections; the medical assistance program under subch. IV of ch. 49; the amount
5 designated as “Compensation Reserves” in the summary under s. 20.005 (1), as
6 printed in the revised schedule that is approved under s. 20.004 (2) for that fiscal
7 biennium; and public debt contracted under subchs. I and IV of ch. 18.

8 b. For the purpose of making the calculation under subd. 3. a., the bureau shall
9 assume that the increase in general purpose revenue spending between the
10 succeeding biennium and the biennium following the succeeding biennium for each
11 of the items identified in subd. 3. a. is the same as that between the current biennium
12 and the succeeding biennium for these items, as proposed in each version of the
13 biennial budget bill or bills.

14 4. An estimate of the difference between the amount of tax revenues that will
15 be deposited in the general fund in the biennium following the succeeding biennium
16 and the amount of tax revenues that are deposited in the general fund in the
17 succeeding biennium. For the purpose of making this calculation, the bureau shall:

18 a. Assume that the amount of tax revenues that are deposited in the general
19 fund in the succeeding biennium is the amount designated as “Taxes” in the
20 summary in s. 20.005 (1), as published in each version of the biennial budget bill or
21 bills.

22 b. Assume that the annual increase in tax revenues that are deposited in the
23 general fund in each fiscal year of the biennium following the succeeding biennium
24 is the average of the annual increase for each of the 10 preceding fiscal years.

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1 c. Adjust the estimate of the amount of tax revenues that are deposited in the
2 general fund in the biennium following the succeeding biennium by any provision in
3 each version of the biennial budget bill or bills that would affect the amount of tax
4 revenues that are deposited in the general fund in the biennium.

5 5. a. A comparison of the following: the amount of moneys that are designated
6 as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in each
7 version of the biennial budget bill or bills, and that are available for appropriation
8 in the 2nd year of the succeeding biennium; and an amount that equals the sum of
9 the amount of moneys designated as “Total Expenditures” in the summary in s.
10 20.005 (1), as published in each version of the biennial budget bill or bills, for the 2nd
11 year of the succeeding biennium and the amount required to fund the increase in
12 general purpose revenue spending in the biennium following the succeeding
13 biennium for each of the items identified in subd. 3. a.

14 b. The bureau shall present this comparison in the format used for the
15 statement of the condition of the general fund in the statement prepared under s.
16 20.005 (1).

17 6. A summary of the amount of additional general purpose revenues that will
18 be available in the biennium following the succeeding biennium for increased
19 expenditures or tax reductions, other than the amount calculated in subd. 4.

20 *~~-1552/5.1~~* **SECTION 117.** 14.019 (2) of the statutes is amended to read:

21 14.019 (2) **EFFECT OF APPROPRIATION.** Subsection (1) continues to apply to any
22 nonstatutory committee created by the governor even if a part of its expenses is later
23 defrayed from state funds, whether under the general appropriation of s. 20.505 (~~3~~)
24 (~~a~~) (~~4~~) (ba) or under an appropriation enacted specifically for the purposes of such
25 committee.

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1 *-1552/5.2* SECTION 118. 14.019 (4) of the statutes is amended to read:

2 14.019 (4) PROGRAM FEES. The governor may authorize any committee created
3 under this section to charge a fee for materials and services provided by it in the
4 course of carrying out its responsibilities. The fee may not exceed the actual cost of
5 the materials or services provided. All fees shall be ~~deposited in~~ credited to the
6 appropriation account ~~for the appropriation made under s. 20.505 (3) (4) (h).~~

7 *-1857/5.7* SECTION 119. 14.20 (1) (a) of the statutes is amended to read:

8 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
9 (7).

10 *delete*
11 *extra lines*

12 *b0348/1.1* SECTION 120g. 14.26 (5g) (c) of the statutes is repealed.

13 *b0348/1.1* SECTION 120r. 14.26 (5g) (e) of the statutes is repealed.

14 *-1552/5.3* SECTION 121. 14.26 (7) of the statutes is repealed.

15 *-1694/11.1* SECTION 122. 14.28 of the statutes is repealed.

16 *delete extra lines*

17 *b0311/3.1* SECTION 124m. 14.63 (10m) of the statutes is repealed.

18 *b0311/3.2* SECTION 126m. 14.65 of the statutes is created to read:

19 **14.65 Repayment to the general fund. (1)** The secretary of administration
20 shall transfer from the tuition trust fund or the college savings program trust fund
21 to the general fund an amount equal to the amount expended from the
22 appropriations under s. 20.505 (9) (a), 1995 stats., and s. 20.585 (2) (a) and (am) when
23 the secretary of administration determines that funds in the tuition trust fund or the
24 college savings program trust fund are sufficient to make the transfer. The secretary
25 of administration may make the transfer in installments.

SENATE BILL 55

SECTION 126m

1 (2) Annually, by June 1, the state treasurer shall submit a report to the
2 secretary of administration and the joint committee on finance on the amount
3 available for repayment under sub. (1), the amount repaid under sub. (1), and the
4 outstanding balance under sub. (1).

5 *~~1552/5.4~~* SECTION 127. 14.90 (2) of the statutes is amended to read:

6 14.90 (2) The members of the commission shall serve without compensation
7 but shall be reimbursed from the appropriation under s. 20.505 (3) ~~(a)~~ (4) (ba) for
8 actual and necessary expenses incurred in the performance of their duties. The
9 commission has the powers granted and the duties ~~granted~~ and imposed under s.
10 39.80.

11 *~~1552/5.5~~* SECTION 128. 14.90 (3) of the statutes is amended to read:

12 14.90 (3) From the appropriation under s. 20.505 (3) ~~(a)~~ (4) (ba), the department
13 of administration shall pay the costs of membership in and costs associated with the
14 midwestern higher education compact.

15 *~~0473/3.1~~* SECTION 129. 15.01 (2) of the statutes is amended to read:

16 15.01 (2) "Commission" means a 3-member governing body in charge of a
17 department or independent agency or of a division or other subunit within a
18 department, except for the Wisconsin waterways commission which shall consist of

19 5 members, the parole commission which shall consist of ~~6~~ 8 members, and the Fox

20 River management commission which shall consist of 7 members. A Wisconsin group
21 created for participation in a continuing interstate body, or the interstate body itself,
22 shall be known as a "commission", but is not a commission for purposes of s. 15.06.
23 The parole commission created under s. 15.145 (1) shall be known as a "commission",
24 but is not a commission for purposes of s. 15.06.

Plain text

only "6" is stricken

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1 *-1634/P6.1* SECTION 130. 15.01 (4) of the statutes, as affected by 1999
2 Wisconsin Act 9, section 12n, is repealed and recreated to read:

3 15.01 (4) "Council" means a part-time body appointed to function on a
4 continuing basis for the study, and recommendation of solutions and policy
5 alternatives, of the problems arising in a specified functional area of state
6 government, except the Wisconsin land council has the powers specified in s. 16.965
7 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River
8 revitalization council has the powers and duties specified in s. 23.18, the council on
9 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
10 state council on alcohol and other drug abuse has the powers and duties specified in
11 s. 14.24, and, before January 1, 2001, the council on health care fraud and abuse has
12 the powers and duties specified in s. 146.36.

****NOTE: This is reconciled s. 15.01 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1474/1 and LRB-1634/P5.

13 *-1335/7.6* SECTION 131. 15.06 (1) (e) of the statutes is repealed.

14 *-1335/7.7* SECTION 132. 15.06 (3) (a) 4. of the statutes is repealed.

15 *-0985/8.2* SECTION 134. 15.07 (1) (b) 21. of the statutes is created to read:

16 15.07 (1) (b) 21. The public broadcasting transitional board. This subdivision
17 does not apply after the first day of the 36th month beginning after the effective date
18 of this subdivision [revisor inserts date].

19 *-1857/5.8* SECTION 135. 15.07 (2) (L) of the statutes is created to read:

20 15.07 (2) (L) The governor shall serve as chairperson of the information
21 technology management board and the chief information officer shall serve as
22 secretary of that board. *remove 1 space*

23 *-1857/5.9* SECTION 136. 15.07 (3) (bm) 4. of the statutes is created to read:

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SECTION 136

1 15.07 (3) (bm) 4. The information technology management board shall meet at
2 least 4 times each year and may meet at other times on the call of the chairperson.

3 *-1857/5.10* SECTION 137. 15.103 (3) of the statutes is repealed.

4 *-1857/5.11* SECTION 138. 15.103 (5) of the statutes is repealed.

5 *-0932/1.1* SECTION 139. 15.105 (3) of the statutes is amended to read:

6 15.105 (3) DEPOSITORY SELECTION BOARD. There is created a depository selection
7 board which is attached to the department of administration under s. 15.03. The
8 depository selection board shall consist of the state treasurer, the secretary of
9 administration, and the ~~executive director of the investment board~~ secretary of
10 revenue or their designees.

11

Delete extra line

12 *-0985/8.3* SECTION 159. 15.105 (25) (bm) of the statutes is amended to read:

13 15.105 (25) (bm) A member of the educational communications board. If the
14 secretary of administration determines that the federal communications
15 commission has approved the transfer of all broadcasting licenses held by the
16 educational communications board to the broadcasting corporation, as defined in s.
17 39.81 (2), this paragraph does not apply on and after the effective date of the last
18 license transferred as determined by the secretary of administration under s. 39.87
19 (2) (a).

20 *-0985/8.4* SECTION 160. 15.105 (25) (c) of the statutes is amended to read:

21 15.105 (25) (c) Four or, if the secretary of administration determines that the
22 federal communications commission has approved the transfer of all broadcasting
23 licenses held by the educational communications board to the broadcasting
24 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license

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1 transferred as determined by the secretary of administration under s. 39.87 (2) (a).
2 5 other members.

3 ***-1857/5.12* SECTION 162.** 15.107 (7) (f) of the statutes is amended to read:
4 15.107 (7) (f) A representative of the ~~unit in the department of administration~~
5 ~~that deals with information technology~~ electronic government.

6 ***-1634/P6.4* SECTION 163.** 15.107 (16) (b) 14. of the statutes is created to read:
7 15.107 (16) (b) 14. One member who is a representative from a public utility.

8 ***-1634/P6.5* SECTION 164.** 15.107 (16) (b) 15. of the statutes is created to read:
9 15.107 (16) (b) 15. One member who represents a professional land information
10 organization.

11 ***-1634/P6.6* SECTION 165.** 15.107 (16) (b) 16. of the statutes is created to read:
12 15.107 (16) (b) 16. One member who is nominated by a statewide association
13 whose purposes include support of a network of statewide land information systems.

14 ***-1634/P6.7* SECTION 166.** 15.107 (16) (d) of the statutes is amended to read:
15 15.107 (16) (d) *Terms, chairperson.* The members listed under par. (b) 8. to ~~13.~~
16 16. shall be appointed for 5-year terms. The governor shall appoint the chairperson
17 of the council, who shall serve at the pleasure of the governor.

18 ***-1634/P6.8* SECTION 167.** 15.107 (16) (e) of the statutes is repealed.

19 ***b0552/1.1* SECTION 168e.** 15.137 (2) of the statutes is created to read:
20 15.137 (2) FOOD ADVISORY COUNCIL. There is created in the department of
21 agriculture, trade and consumer protection a food advisory council consisting of
22 representatives of consumers, representatives of retail and wholesale grocers,
23 representatives of academic institutions, representatives of the federal department
24 of health and human services, representatives of the food industry or food industry
25 associations, and employees of the department of agriculture, trade and consumer

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1 protection, all appointed by the secretary of agriculture, trade and consumer
2 protection.

3 ***-0473/3.2* SECTION 169.** 15.145 (1) of the statutes is amended to read:

4 15.145 (1) PAROLE COMMISSION. There is created in the department of
5 corrections a parole commission consisting of ~~6~~ 8 members. Members shall have
6 knowledge of or experience in corrections or criminal justice. The members shall
7 include a chairperson who is nominated by the governor, and with the advice and
8 consent of the senate appointed, for a 2-year term expiring March 1 of the
9 odd-numbered years, subject to removal under s. 17.07 (3m), and ~~5~~ the remaining
10 members in the classified service appointed by the chairperson.

11 ***b0673/1.1* SECTION 169r.** 15.153 (4) of the statutes is repealed.

12 ***-0645/3.1* SECTION 171.** 15.157 (8) (intro.) of the statutes is amended to read:

13 15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
14 department of commerce a rural health development council consisting of ~~11~~ 13
15 members nominated by the governor, and with the advice and consent of the senate
16 appointed, for 5-year terms, and the secretaries of commerce and health and family
17 services, or their designees. The appointed members shall include all of the
18 following:

19 ***-0645/3.2* SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

20 15.157 (8) (g) A physician licensed under ch. 448 ~~and, a dentist licensed under~~
21 ch. 447, a nurse licensed under ch. 441, both and a dental hygienist licensed under
22 ch. 447, all of whom practice in a rural area, and a representative of public health
23 services.

24 ***b0276/2.1* SECTION 173p.** 15.195 (1) of the statutes is renumbered 15.195 (1)
25 (intro.) and amended to read:

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1 15.195 (1) TOBACCO CONTROL BOARD. (intro.) There is created a tobacco control
2 board attached to the department of health and family services under s. 15.03. The
3 tobacco control board shall consist of 15 members and shall include all of the
4 following:

5 ***b0276/2.1* SECTION 173r.** 15.195 (1) (a) of the statutes is created to read:

6 15.195 (1) (a) One majority party senator, one minority party senator, one
7 majority party representative to the assembly, and one minority party
8 representative to the assembly, appointed as are the members of standing
9 committees in their respective houses.

10 ***b0276/2.1* SECTION 173s.** 15.195 (1) (b) of the statutes is created to read:

11 15.195 (1) (b) The attorney general or his or her designee.

12 ***-0515/4.1* SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11)
13 and amended to read:

14 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.
15 There is created an adolescent pregnancy prevention and pregnancy services board
16 which is attached to the department of ~~health and family services~~ administration
17 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
18 (intro.), one member shall be the executive director of the women's council under s.
19 16.01, who shall be a nonvoting member and shall serve permanently as chairperson
20 of the board. Six members shall be state employees who are appointed for
21 membership by the women's council and shall be nonvoting members. The
22 remaining 6 members shall be appointed for 3-year terms, shall represent an equal
23 balance of points of view on pregnancy prevention and pregnancy services and shall
24 be persons who are nominated for membership by statewide organizations that

1 together represent an equal balance of points of view on pregnancy prevention and
2 pregnancy services.

3 ***-1857/5.13*** SECTION 175. 15.21 of the statutes is created to read:

4 **15.21 Department of electronic government; creation.** There is created
5 a department of electronic government under the direction and supervision of the
6 secretary of electronic government, who shall be known as the “chief information
7 officer.”

8 ***-1857/5.14*** SECTION 176. 15.215 of the statutes is created to read:

9 **15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT**
10 **BOARD.** There is created an information technology management board which is
11 attached to the department of electronic government under s. 15.03. The board shall
12 consist of the governor, the ^ecochairpersons of the joint committee on information
13 policy and technology or a member of the legislature from the same house as a
14 cochairperson designated by that cochairperson, one member of the minority party
15 in each house of the legislature, appointed in the same manner as members of
16 standing committees are appointed, the secretary of administration, 2 heads of
17 departments or independent agencies appointed to serve at the pleasure of the
18 governor, 2 other members appointed to serve for 4-year terms, and the chief
19 information officer, who shall serve as a nonvoting member.

20 ***-1834/2.1*** SECTION 177. 15.223 (3) of the statutes is repealed.

21 ***b0350/2.4*** SECTION 178d. 15.225 (2) (b) of the statutes is amended to read:

22 15.225 (2) (b) *Membership.* The Wisconsin conservation corps board consists
23 of 7 members appointed by the governor from various areas of the state in a manner
24 designed to provide regional, environmental and agricultural representation. One

1 member of the board shall be a member or employee of a local workforce development
2 board established under 29 USC 2832.

****NOTE: This is reconciled s. 15.227 (2). This SECTION has been affected by drafts
with the following LRB numbers: ~~1891/3 and 0675/3.~~

3 ***-1834/2.2* SECTION 179.** 15.225 (3) (b) 6. of the statutes is amended to read:
4 15.225 (3) (b) 6. The An administrator of the a division of ~~workforce excellence~~
5 in the department of workforce development, designated by the governor.

6 ***b0632/1.1* SECTION 179q.** 15.34 of the statutes is amended to read:

7 **15.34 Department of natural resources; creation.** (1) There is created a
8 department of natural resources under the direction and supervision of the natural
9 resources board.

10 (2) (a) The natural resources board shall consist of 7 members appointed for
11 staggered 6-year terms.

12 (b) At least 3 members of the natural resources board shall be from the territory
13 north, and at least 3 members of the board shall be from the territory south, of a line
14 running east and west through the south limits of the city of Stevens Point.

15 (c) No person may be appointed to the natural resources board, or remain a
16 member thereof, ~~who is a permit holder or~~ of the board, who receives, or has during
17 the previous 2 years received, a significant portion of his or her income directly or
18 indirectly from ~~permit holders~~ of or applicants for permits issued by the department.
19 For purposes of this section, “permit holders” or “applicants for under ch. 283, except
20 that this paragraph does not apply to permits issued under s. 283.33.”

21 (e) The restrictions in pars. (c) and (d) do not apply with respect to permits ²
22 ~~shall not include~~ or licenses held or applied for by agencies, departments, or
23 subdivisions of this state.

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SECTION 179r

1 ***b0632/1.1*** ^gSECTION 179r. 15.34 (2) (d) of the statutes is created to read:

2 15.34 (2) (d) The majority of members of the natural resources board may not
3 derive a significant portion of their incomes from persons who are subject to permits
4 or enforcement orders under ch. 285. Each board member shall inform the governor
5 of any significant change in the income that he or she derives from persons who are
6 subject to permits or enforcement orders under ch. 285.

7 ***-1335/7.8*** SECTION 180. 15.345 (5) of the statutes is amended to read:

8 15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
9 department of natural resources a Fox River management commission consisting of
10 7 members. The commission shall cease to exist on the day after the date on which
11 the state and the Fox River Navigational System Authority enter into the lease
12 agreement specified in s. 237.06.

13 ***b0267/1.1*** SECTION 182q. 15.405 (9) of the statutes is renumbered 15.405 (9)
14 (a) (intro.) and amended to read:

15 15.405 (9) (a) (intro.) There is created a pharmacy examining board in the
16 department of regulation and licensing. ~~The pharmacy examining board shall~~
17 ~~consist of, consisting of the following~~ 7 members appointed for staggered 4-year
18 terms.:

19 1. ~~Five of the members shall be~~ who are licensed to practice pharmacy in this
20 state.

21 2. Two public members shall be ~~public members.~~

22 ***b0267/1.1*** SECTION 182r. 15.405 (9) (b) of the statutes is created to read:

23 15.405 (9) (b) Of the members of the pharmacy examining board who are
24 licensed to practice pharmacy, one shall be employed in a pharmacy that provides

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1 pharmaceutical services primarily on an inpatient basis, including a pharmacy in a
2 hospital, nursing home, correctional facility, or other institution.

3 *delete this line*

4 ***0985/8.5*** SECTION 184. 15.57 of the statutes is renumbered 15.57 (1).

5 ***0985/8.6*** SECTION 185. 15.57 (2m) of the statutes is created to read:

6 15.57 (2m) If the secretary of administration determines that the federal
7 communications commission has approved the transfer of all broadcasting licenses
8 held by the educational communications board to the broadcasting corporation
9 defined in s. 39.81 (2), this section does not apply on and after the effective date of
10 the last license transferred as determined by the secretary of administration under
11 s. 39.87 (2) (a).

12 ***b0590/2.1*** SECTION 187g. 15.915 (6) (b) 6. h. of the statutes is created to read:
13 15.915 (6) (b) 6. h. Forestry.

14 ***b0590/2.1*** SECTION 187r. 15.915 (6) (b) 6. i. of the statutes is created to read:
15 15.915 (6) (b) 6. i. Energy industry.

16 ***0985/8.7*** SECTION 188. 15.98 of the statutes is created to read:

17 **15.98 Public broadcasting transitional board; creation.** (1) In this
18 section, "friends group" has the meaning given in s. 39.81 (5).

19 (2) There is created a public broadcasting transitional board consisting of the
20 following members:

21 (a) The secretary of administration or his or her designee.

22 (b) The president of the University of Wisconsin System or his or her designee.

23 (c) The state superintendent of public instruction or his or her designee.

24 (d) The director of the technical college system or his or her designee.

SENATE BILL 55**SECTION 188**

1 (e) The president of the Wisconsin Association of Independent Colleges and
2 Universities or his or her designee.

3 (f) One member of each house of the legislature from the political party with
4 the most members in that house, appointed as are members of standing committees.

5 (g) Two members appointed by the governor who belong to the Wisconsin Public
6 Radio Association, for 3-year terms.

7 (h) One member appointed by the governor who belongs to a friends group
8 organized to raise funds for television station WHA, for a 3-year term.

9 (i) One member appointed by the governor who resides in this state outside the
10 viewing area of television station WHA, for a 3-year term.

11 (j) One member appointed by the governor who is a representative of public
12 elementary and secondary school administrators, for a 3-year term.

13 (k) Eight members appointed by the governor who are employed in the private
14 sector, for 3-year terms.

15 (3) The appointment of the members specified in sub. (2) (g) to (k) is subject to
16 senate confirmation.

17 (4) This section does not apply beginning on the first day of the 36th month
18 commencing after the effective date of this subsection [revisor inserts date].

19 *-1335/7.9* **SECTION 189.** 16.002 (2) of the statutes is amended to read:

20 16.002 (2) "Departments" means constitutional offices, departments and
21 independent agencies and includes all societies, associations and other agencies of
22 state government for which appropriations are made by law, but not including
23 authorities created in chs. 231, 232, 233, 234, and 237.

****NOTE: This reconciles the treatment of s. 16.002 (2) in LRB-1335 by deleting
the cross-reference to ch. 235 because ch. 235 is repealed by LRB-1462.

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1 ***-1335/7.10*** **SECTION 190.** 16.004 (4) of the statutes is amended to read:

2 16.004 (4) **FREEDOM OF ACCESS.** The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under chs. 231, 233 ~~and~~, 234, and 237, and may examine
5 their books and accounts and any other matter which in the secretary's judgment
6 should be examined and may interrogate the agency's employees publicly or
7 privately relative thereto.

8 ***-1335/7.11*** **SECTION 191.** 16.004 (5) of the statutes is amended to read:

9 16.004 (5) **AGENCIES AND EMPLOYEES TO COOPERATE.** All state agencies and
10 authorities created under chs. 231, 233 ~~and~~, 234, and 237, and their officers and
11 employees, shall cooperate with the secretary and shall comply with every request
12 of the secretary relating to his or her functions.

13 ***-1335/7.12*** **SECTION 192.** 16.004 (12) (a) of the statutes is amended to read:

14 16.004 (12) (a) In this subsection, "state agency" means an association,
15 authority, board, department, commission, independent agency, institution, office,
16 society or other body in state government created or authorized to be created by the
17 constitution or any law, including the legislature, the office of the governor and the
18 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority
19 and the Fox River Navigational System Authority.

20 ***-1728/1.1*** **SECTION 193.** 16.004 (14) of the statutes is renumbered 38.04 (19)
21 and amended to read:

22 38.04 (19) ~~GRANTS TO TECHNICAL COLLEGES~~ CAPACITY BUILDING PROGRAM. From
23 the appropriation under s. ~~20.505 (4) (e)~~ 20.292 (1) (cm), the ~~secretary board~~ shall
24 award grants to ~~technical college district boards~~ to develop or expand programs in
25 occupational areas in which there is a high demand for workers, and to make capital

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SECTION 193

1 expenditures that are necessary for such development or expansion, as determined
2 by the secretary.

3 ***-1335/7.13* SECTION 194.** 16.008 (2) of the statutes is amended to read:

4 16.008 (2) The state shall pay for extraordinary police services provided
5 directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of
6 a state officer or agency responsible for the operation and preservation of such
7 facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for
8 extraordinary police services provided to facilities of the authority described in s.
9 70.11 (38). The Fox River Navigational System Authority shall pay for extraordinary
10 police services provided to the navigational system, as defined in s. 237.01 (4).

11 Municipalities or counties which provide extraordinary police services to state
12 facilities may submit claims to the claims board for actual additional costs related
13 to wage and disability payments, pensions and worker's compensation payments,
14 damage to equipment and clothing, replacement of expendable supplies, medical and
15 transportation expense and other necessary expenses. The clerk of the municipality
16 or county submitting a claim shall also transmit an itemized statement of charges
17 and a statement which identifies the facility served and the person who requested
18 the services. The board shall obtain a review of the claim and recommendations from
19 the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and
20 (6).

21

Delete extra line

22 ***b0670/3.5* SECTION 200b.** 16.023 (2) of the statutes is amended to read:

23 16.023 (2) In conjunction with the working group established under sub. (1) (L)
24 1., the council shall, not later than one year after October 14, 1997, develop
25 evaluation criteria for its functions under sub. (1). The council shall complete a

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1 report that contains an evaluation of its functions and activities not later than
2 September 1, ~~2002~~ 2006, and shall submit the report to the chief clerk of each house
3 of the legislature, for distribution to the legislature under s. 13.172 (2), and to the
4 governor. The report shall also include a recommendation as to whether the council
5 should continue in existence past its sunset date specified in s. 15.107 (16) (e) and,
6 if so, a recommendation as to whether any structural modifications should be made
7 to the council's functions or to the state's land use programs.

8 ***b0670/3.6* SECTION 201c.** 16.023 (3) of the statutes is amended to read:

9 16.023 (3) Subsections (1) and (2) do not apply after August 31, ~~2003~~ 2007.

10 ***-1335/7.14* SECTION 202.** 16.045 (1) (a) of the statutes is amended to read:

11 16.045 (1) (a) "Agency" means an office, department, independent agency,
12 institution of higher education, association, society or other body in state
13 government created or authorized to be created by the constitution or any law, which
14 is entitled to expend moneys appropriated by law, including the legislature and the
15 courts, but not including an authority created in ch. 231, 232, 233, 234 ~~or~~, 235, or 237.

****NOTE: This is reconciled s. 16.045 (1) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1335 and -1462.

****NOTE: This is reconciled s. 16.07 (1) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1857/4 and LRB-2059/2.

16 *delete entire line*

17 ***-0985/8.8* SECTION 220.** 16.251 of the statutes is created to read:

18 **16.251 Emergency weather warning system.** (1) In this section,
19 "broadcasting corporation" has the meaning given in s. 39.81 (2).

20 (2) If the secretary determines that the federal communications commission
21 has approved the transfer of all broadcasting licenses held by the educational
22 communications board to the broadcasting corporation, on and after the effective

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1 date of the last license transferred, as determined by the secretary under s. 39.87 (2)
2 (a), the department shall contract with the broadcasting corporation for the
3 operation of an emergency weather warning system.

4 ***-0985/8.9* SECTION 221.** 16.26 of the statutes is created to read:

5 **16.26 Public broadcasting assets. (1)** In this section:

6 (a) “Broadcasting corporation” has the meaning given under s. 39.81 (2).

7 (b) “Shared asset” means an asset of the state that, as determined by the
8 secretary, is used for the purpose of providing public broadcasting, including a tower,
9 transmitter, transmission facility or other related structure, equipment, or property,
10 and that is also used by another agency, as defined in s. 16.70 (1).

11 (2) If the secretary determines that the federal communications commission
12 has approved the transfer of all broadcasting licenses held by the educational
13 communications board to the broadcasting corporation, the secretary shall negotiate
14 and enter into an agreement to lease, sell, or otherwise transfer any shared asset
15 used by the educational communications board to the broadcasting corporation. In
16 addition, the secretary shall negotiate and enter into an agreement with the
17 broadcasting corporation regarding the payment of any outstanding debt service of
18 the educational communications board related to public broadcasting.

19 (3) If the secretary determines that the federal communications commission
20 has approved the transfer of all broadcasting licenses, except licenses for student
21 radio, held by the board of regents of the University of Wisconsin System to the
22 broadcasting corporation, the secretary shall negotiate and enter into an agreement
23 to lease, sell, or otherwise transfer any shared asset used by the University of
24 Wisconsin System to the broadcasting corporation. In addition, the secretary shall
25 negotiate and enter into an agreement with the broadcasting corporation regarding

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1 the payment of any outstanding debt service of the board of regents of the University
2 of Wisconsin System related to public broadcasting.

3 ***-1552/5.6* SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

4 16.339 (2) (a) From the appropriation under s. 20.505 (7) (~~dm~~) (fm), the
5 department may award a grant to an eligible applicant for the purpose of providing
6 transitional housing and associated supportive services to homeless individuals and
7 families if the conditions under par. (b) are satisfied. The department shall ensure
8 that the funds for the grants are reasonably balanced among geographic areas of the
9 state, consistent with the quality of applications submitted.

10 ***-1552/5.7* SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

11 16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h),
12 the department shall award grants to eligible applicants for the purpose of
13 supplementing the operating budgets of agencies and shelter facilities that have or
14 anticipate a need for additional funding because of the renovation or expansion of an
15 existing shelter facility, the development of an existing building into a shelter facility,
16 the expansion of shelter services for homeless persons, or an inability to obtain
17 adequate funding to continue the provision of an existing level of services.

18 ***-1552/5.8* SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to
19 read:

20 16.352 (2) (b) (intro.) The department shall allocate funds from the
21 appropriations under s. 20.505 (7) (fm) and (~~gm~~) (h) for temporary shelter for
22 homeless individuals and families as follows:

23 ***-1552/5.10* SECTION 226.** 16.40 (14) of the statutes is amended to read:

24 16.40 (14) COMMITTEES. Perform administrative services required to properly
25 account for the finances of committees created by law or executive order. The

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1 governor may authorize each committee to make expenditures from the
2 appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) not exceeding \$2,000 per fiscal year. The
3 governor shall report such authorized expenditures to the joint committee on finance
4 at the next quarterly meeting of the committee. If the governor desires to authorize
5 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall
6 submit to the joint committee on finance for its approval a complete budget for all
7 expenditures made or to be made by the committee. The budget may cover a period
8 encompassing more than one fiscal year or biennium during the governor's term of
9 office. If the joint committee on finance approves a budget authorizing expenditures
10 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
11 the expenditures to be made within the limits of the appropriation under s. 20.505
12 ~~(3) (a)~~ (4) (ba) in accordance with the approved budget during the period covered by
13 the budget. If after the joint committee on finance approves a budget for such a
14 committee the governor desires to authorize expenditures in excess of the authorized
15 expenditures under the approved budget, the governor shall submit a modified
16 budget for the committee to the joint committee on finance. If the joint committee
17 on finance approves a modified budget, the governor may authorize additional
18 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~
19 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
20 modified budget.

21 *b0312/1.1* SECTION 226c. 16.40 (15) of the statutes is renumbered 41.11 (6)
22 and amended to read:

23 41.11 (6) BADGER STATE GAMES ASSISTANCE. Provide The department shall
24 provide, from the appropriation under s. 20.505 ~~(1) (f)~~ 20.380 (1) (b), financial
25 assistance for the operation of the badger state games.

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1 ***-1552/5.11*** SECTION 227. 16.40 (17) of the statutes is amended to read:

2 16.40 (17) INTERSTATE BODIES. Perform administrative services required to
3 properly account for dues and related expenses for state participation in national or
4 regional interstate governmental bodies specified in s. 20.505 ~~(3)~~ ~~(a)~~ (4) ~~(ba)~~ or
5 determined by the governor.

6 ***b0483/2.1*** SECTION 227m. 16.40 (23) of the statutes is created to read:

7 16.40 (23) UNIVERSITY OF WISCONSIN-GREEN BAY PROGRAMMING. Provide funding
8 from the appropriation under s. 20.505 (1) (km) to finance programming at the
9 University of Wisconsin-Green Bay that is jointly developed by the Oneida Tribe and
10 the University of Wisconsin-Green Bay.

11 ***b0593/6.4*** SECTION 227m. 16.40 (20m) of the statutes is created to read:

12 16.40 (20m) ANTICIPATED OPERATING AND DEBT SERVICE COSTS; BUILDING PROJECTS.
13 Provide the building commission with a statement of the amount of the anticipated
14 annual operating costs or the amount of any increased annual operating costs, plus
15 the amount of any increased annual debt service costs, generated by each proposed
16 state building project requiring enumeration in the authorized state building
17 program in the first full year following completion of the project, and the amount of
18 such costs to be funded from each revenue source under s. 20.001 (2).

19 ***-1335/7.15*** SECTION 228. 16.41 (4) of the statutes is amended to read:

20 16.41 (4) In this section, “authority” means a body created under ch. 231, 233
21 ~~or~~, 234, ~~or~~ 237.

22 ***b0090/1.1*** SECTION 229b. 16.417 (1) (b) of the statutes is amended to read:

23 16.417 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234
24 ~~or~~, 235 ~~or~~ 237.

25 ***-1857/5.15*** SECTION 230. 16.43 of the statutes is amended to read:

SENATE BILL 55**SECTION 230**

1 **16.43 Budget compiled.** The secretary shall compile and submit to the
2 governor or the governor-elect and to each person elected to serve in the legislature
3 during the next biennium, not later than November 20 of each even-numbered year,
4 a compilation giving all of the data required by s. 16.46 to be included in the state
5 budget report, except the recommendations of the governor and the explanation
6 thereof. The secretary shall not include in the compilation any provision for the
7 development or implementation of an information technology development project
8 for an executive branch agency that is not consistent with the strategic plan of the
9 agency, as approved under s. 22.13.

10 *~~1717/5.2~~* **SECTION 231.** 16.46 (5m) of the statutes is created to read:

11 16.46 (5m) A statement of estimated general purpose revenue receipts and
12 expenditures in the biennium following the succeeding biennium based on
13 recommendations in the budget bill or bills. The statement shall contain all of the
14 following:

15 (a) For the 2nd year of the succeeding biennium, a comparison of the following:

16 1. The amount of moneys projected to be deposited in the general fund during
17 the fiscal year that are designated as “Revenues and Transfers” in the summary in
18 s. 20.005 (1), as published in the biennial budget bill or bills, less the amount
19 designated as the “Opening Balance” in the summary, and adjusted by any one-time
20 deposit of revenues in the general fund.

21 2. The amount of moneys designated as “Total Expenditures” in the summary
22 in s. 20.005 (1), as published in the biennial budget bill or bills, adjusted by any
23 one-time expenditure of general purpose revenue in excess of \$5,000,000.

24 (b) An estimate of the cost of any provision in the biennial budget bill or bills
25 that would, without the enactment of subsequent legislation, increase general

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1 purpose revenue expenditures or that would decrease the amount of revenues
2 deposited in the general fund in the biennium following the succeeding biennium.

3 (c) 1. An estimate of the increase in general purpose revenue spending that will
4 be required in the biennium following the succeeding biennium for all of the
5 following:

6 a. General equalization school aids.

7 b. Appropriations to the department of corrections.

8 c. The medical assistance program under subch. IV of ch. 49.

9 d. The amount designated as “Compensation Reserves” in the summary under
10 s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2)
11 for that fiscal biennium.

12 e. Public debt contracted under subchs. I and IV of ch. 18.

13 2. For the purpose of making the calculation under subd. 1., the secretary shall
14 assume that the increase in general purpose revenue spending between the
15 succeeding biennium and the biennium following the succeeding biennium for each
16 of the items identified in subd. 1. a. to 1. e. is the same as that between the current
17 biennium and the succeeding biennium for these items, as proposed in the biennial
18 budget bill or bills.

19 (d) An estimate of the difference between the amount of tax revenues that will
20 be deposited in the general fund in the biennium following the succeeding biennium
21 and the amount of tax revenues that are deposited in the general fund in the
22 succeeding biennium. For the purpose of making this calculation, the secretary
23 shall:

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1 1. Assume that the amount of tax revenues that are deposited in the general
2 fund in the succeeding biennium is the amount designated as “Taxes” in the
3 summary in s. 20.005 (1), as published in the biennial budget bill or bills.

4 2. Assume that the annual increase in tax revenues that are deposited in the
5 general fund in each fiscal year of the biennium following the succeeding biennium
6 is the average of the annual increase for each of the 10 preceding fiscal years.

7 3. Adjust the estimate of the amount of tax revenues that are deposited in the
8 general fund in the biennium following the succeeding biennium by any provision in
9 the biennial budget bill or bills that would affect the amount of tax revenues that are
10 deposited in the general fund in the biennium.

11 (e) 1. A comparison of the following:

12 a. The amount of moneys that are designated as “Revenues and Transfers” in
13 the summary in s. 20.005 (1), as published in the biennial budget bill or bills, and that
14 are available for appropriation in the 2nd year of the succeeding biennium.

15 b. An amount that equals the sum of the amount of moneys designated as “Total
16 Expenditures” in the summary in s. 20.005 (1), as published in the biennial budget
17 bill or bills, for the 2nd year of the succeeding biennium and the amount required to
18 fund the increase in general purpose revenue spending in the biennium following the
19 succeeding biennium for each of the items identified in par. (c) 1. a. to 1. e.

20 2. The secretary shall present this comparison in the format used for the
21 statement of the condition of the general fund in the statement prepared under s.
22 20.005 (1).

23 (f) A summary of the amount of additional general purpose revenues that will
24 be available in the biennium following the succeeding biennium for increased
25 expenditures or tax reductions, other than the amount calculated in par. (d).

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1 *~~1717/5.3~~* SECTION 232. 16.46 (9) of the statutes is created to read:

2 16.46 (9) A comparison of the state's budgetary surplus or deficit according to
3 generally accepted accounting principles, as reported in any audited financial report
4 prepared by the department for the most recent fiscal year, and the estimated change
5 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
6 For the purpose of this calculation, the secretary shall increase or decrease the
7 surplus or deficit by the amount designated as "Gross Balances" that appears in the
8 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
9 budget bill or bills.

10 *~~1063/6.2~~* SECTION 233. 16.46 (10) of the statutes is created to read:

11 16.46 (10) The determination of the department under s. 13.40 (4).

12 *~~0886/3.2~~* SECTION 234. 16.50 (1) (b) of the statutes is amended to read:

13 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
14 (2) (ac) and ~~(q)~~, 20.835, and 20.865 (4).

15 *~~1857/5.16~~* SECTION 235. 16.50 (3) of the statutes is amended to read:

16 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
17 the legislature or the courts, may increase the pay of any employee, expend money
18 or incur any obligation except in accordance with the estimate that is submitted to
19 the secretary as provided in sub. (1) and approved by the secretary or the governor.
20 No change in the number of full-time equivalent positions authorized through the
21 biennial budget process or other legislative act may be made without the approval
22 of the joint committee on finance, except for position changes made by the governor
23 under s. 16.505 (1) (c) or (2), ~~or~~ by the University of Wisconsin Hospitals and Clinics
24 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
25 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,

Remove 1 space

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1 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
 2 part-time or limited term employees until such time as the secretary determines
 3 that the filling of the position or the expending of funds is consistent with s. 16.505
 4 and with the intent of the legislature as established by law or in budget
 5 determinations, or the intent of the joint committee on finance in creating or
 6 abolishing positions under s. 13.10, the intent of the governor in creating or
 7 abolishing positions under s. 16.505 (1) (c) or (2) ^{remove 1 space} or the intent of the board of regents
 8 of the University of Wisconsin System in creating or abolishing positions under s.
 9 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
 10 for the position may not be undertaken. The secretary shall submit a quarterly
 11 report to the joint committee on finance of any position changes made by the governor
 12 under s. 16.505 (1) (c) ^{remove 2 (?) spaces}. No pay increase may be approved unless it is at the rate or
 13 within the pay ranges prescribed in the compensation plan or as provided in a
 14 collective bargaining agreement under subch. V of ch. 111. At the request of the
 15 secretary of employment relations, the secretary of administration may authorize
 16 the temporary creation of pool or surplus positions under any source of funds if the
 17 secretary of employment relations determines that temporary positions are
 18 necessary to maintain adequate staffing levels for high turnover classifications, in
 19 anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
 20 or pool positions authorized by the secretary shall be reported quarterly to the joint
 21 committee on finance in conjunction with the report required under s. 16.54 (8).

****NOTE: This is reconciled s. 16.50 (3). This SECTION has been affected by drafts
 with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

22 *-1256/5.1* SECTION 236. 16.50 (7) (b) of the statutes is amended to read:

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1 16.50 (7) (b) Following such notification, the governor shall submit a bill
2 containing his or her recommendations for correcting the imbalance between
3 projected revenues and authorized expenditures, including a recommendation as to
4 whether moneys should be transferred from the budget stabilization fund to the
5 general fund. If the legislature is not in a floorperiod at the time of the secretary's
6 notification, the governor shall call a special session of the legislature to take up the
7 matter of the projected revenue shortfall and the governor shall submit his or her bill
8 for consideration at that session.

9 *-1857/5.17* SECTION 239. 16.505 (1) (intro.) of the statutes is amended to
10 read:

11 16.505 (1) (intro.) Except as provided in subs. (2), (2m) ~~and~~, (2n), and (2p), no
12 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
13 created or abolished unless authorized by one of the following:

****NOTE: This is reconciled s. 16.505 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-1773/3 and LRB-1857/4.

14 *-1773/3.3* SECTION 242. 16.505 (2p) of the statutes is created to read:

15 ~~Delete extra line~~
16 16.505 (2p) (a) Subject to par. (b), the board of regents of the University of
17 Wisconsin System may create or abolish a full-time equivalent academic staff or
18 faculty position or portion thereof from revenues appropriated under s. 20.285 (1) (a).
19 Annually, no later than the September 30 following completion of the fiscal year, the
20 board of regents shall report to the department and the cochairpersons of the joint
21 committee on finance concerning the number of full-time equivalent positions
22 created or abolished by the board under this subsection during the preceding fiscal
23 year.

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1 (b) The board of regents may not create or abolish any position under par. (a)
2 until the board and the department have entered into a memorandum of
3 understanding that establishes a methodology for identifying and accounting for the
4 cost of funding any positions that are created, including any amounts that the board
5 may include in a certification to the department under s. 20.928 (1). The board and
6 the department shall enter into the memorandum of understanding no later than
7 September 1, 2002.

8 (c) Notwithstanding s. 20.928 (1), in certifying the sum of moneys needed to pay
9 any costs associated with a position that is created under par. (a), the board of regents
10 may only certify the sum that is permitted under the memorandum of understanding
11 entered into under par. (b).

12 (d) Notwithstanding s. 16.42 (1), in submitting information under s. 16.42 for
13 the biennial budget bill or bills, the board of regents may only include that portion
14 of the cost of funding the positions created under par. (a) that is permitted under the
15 memorandum of understanding entered into under par. (b).

16 *~~1256/5.2~~* **SECTION 245.** 16.518 of the statutes is created to read:

17 **16.518 Transfers to the budget stabilization fund and the tax relief**
18 **fund. (1)** In this section, “summary” means the amount shown in the summary in
19 s. 20.005 (1), as published in the biennial budget act or acts.

20 (2) Annually, the secretary shall calculate the difference between the amount
21 of moneys projected to be deposited in the general fund during the fiscal year that
22 are designated as “Taxes” in the summary and the amount of such moneys actually
23 deposited in the general fund during the fiscal year.

24 (3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in
25 the general fund during the fiscal year that are designated as “Taxes” in the

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1 summary is less than the amount of such moneys actually deposited in the general
2 fund during the fiscal year, the secretary shall annually transfer from the general
3 fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

4 (b) 1. If the balance of the budget stabilization fund on June 30 of the fiscal year
5 is at least equal to 5% of the estimated expenditures from the general fund during
6 the fiscal year, as reported in the summary, the secretary may not make the transfer
7 under par. (a).

8 2. If the amount transferred under par. (a) would cause the general fund
9 balance on June 30 of the fiscal year to be less than the general fund balance that is
10 required under s. 20.003 (4) for that fiscal year, the secretary shall reduce the amount
11 transferred under par. (a) to the amount that would cause the general fund balance
12 to be equal to the minimum general fund balance that is required under s. 20.003 (4)
13 for that fiscal year.

14 (4) If the amount of moneys projected to be deposited in the general fund during
15 the fiscal year that are designated as “Taxes” in the summary is less than the amount
16 of such moneys actually deposited in the general fund during the fiscal year,
17 annually the secretary shall calculate the difference between the amount calculated
18 under sub. (2) and the amount transferred to the budget stabilization fund under
19 sub. (3). If the difference between the amounts is at least \$115,000,000, the secretary
20 shall transfer from the general fund to the tax relief fund the amount that exceeds
21 \$115,000,000.

22 *–1528/8.1* **SECTION 246.** 16.519 of the statutes is created to read:

23 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

24 In this section, “tobacco settlement agreement” means the Attorneys General Master
25 Tobacco Settlement Agreement of November 23, 1998.

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1 **(3)** If the state has not received in fiscal year 2001–02 at least \$6,032,300 under
2 the tobacco settlement agreement, because the secretary, under s. 16.63, has sold the
3 state’s right to receive any of the payments under the tobacco settlement agreement,
4 the secretary shall transfer from the general fund to the tobacco control fund an
5 amount equal to \$6,032,300 less any payments received under the tobacco
6 settlement agreement and deposited in the tobacco control fund in that fiscal year.

7 **(4)** Beginning in fiscal year 2002–03, if the state has not received at least
8 \$15,345,100 in that fiscal year or in any fiscal year thereafter under the tobacco
9 settlement agreement, because the secretary, under s. 16.63, has sold the state’s
10 right to receive any of the payments under the tobacco settlement agreement, the
11 secretary shall transfer from the general fund to the tobacco control fund in each
12 fiscal year in which the state has not received at least \$15,345,100 under the tobacco
13 settlement agreement an amount equal to \$15,345,100 less any payments received
14 under the tobacco settlement agreement and deposited in the tobacco control fund
15 in the fiscal year.

16 ***b0545/1.1* SECTION 248t.** 16.52 (6) (a) of the statutes is amended to read:

17 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,
18 or printing orders for any agency as defined in s. 16.70 (1) shall, before any liability
19 is incurred thereon, be submitted to the secretary for his or her approval as to legality
20 of purpose and sufficiency of appropriated and allotted funds therefor. In all cases
21 the date of the contract or order governs the fiscal year to which the contract or order
22 is chargeable, unless the secretary determines that the purpose of the contract or
23 order is to prevent lapsing of appropriations or to otherwise circumvent budgetary
24 intent. Upon such approval, the secretary shall immediately encumber all contracts
25 or orders, and indicate the fiscal year to which they are chargeable, except that, for

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1 contracts for services funded from the appropriation under s. 20.435 (2) (b), the
2 secretary may encumber less than the amount of the contract if it is expected that
3 billing for that contract may be submitted in the next fiscal year.

4 ***-1335/7.16*** SECTION 249. 16.52 (7) of the statutes is amended to read:

5 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
6 which is authorized to maintain a contingent fund under s. 20.920 may establish a
7 petty cash account from its contingent fund. The procedure for operation and
8 maintenance of petty cash accounts and the character of expenditures therefrom
9 shall be prescribed by the secretary. In this subsection, “agency” means an office,
10 department, independent agency, institution of higher education, association,
11 society or other body in state government created or authorized to be created by the
12 constitution or any law, which is entitled to expend moneys appropriated by law,
13 including the legislature and the courts, but not including an authority created in
14 ch. 231, 233 ~~or~~, 234, or 237.

15 ***-0886/3.3*** SECTION 250. 16.52 (10) of the statutes is amended to read:

16 16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with
17 respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal
18 year shall not apply to the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
19 (q).

20

delete after line

21 ***-1335/7.17*** SECTION 253. 16.528 (1) (a) of the statutes is amended to read:

22 16.528 (1) (a) “Agency” means an office, department, independent agency,
23 institution of higher education, association, society or other body in state
24 government created or authorized to be created by the constitution or any law, which

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1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

3 ***-1335/7.18* SECTION 254.** 16.53 (2) of the statutes is amended to read:

4 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
5 invoice, the agency shall notify the sender of the invoice within 10 working days after
6 it receives the invoice of the reason it is improperly completed. In this subsection,
7 “agency” means an office, department, independent agency, institution of higher
8 education, association, society or other body in state government created or
9 authorized to be created by the constitution or any law, which is entitled to expend
10 moneys appropriated by law, including the legislature and the courts, but not
11 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

12 ***-1839/1.1* SECTION 255.** 16.53 (14) of the statutes is created to read:

13 16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The
14 department may prescribe and collect a fee for review of any petition for
15 incorporation of a municipality under s. 66.0203 or any petition for annexation of
16 municipal territory under s. 66.0217. The fee shall be paid by the person or persons
17 filing the petition for incorporation or by the person or persons filing the notice of the
18 proposed annexation.

19 ***b0364/2.1* SECTION 255p.** 16.54 (2) (a) 2. of the statutes is amended to read:

20 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
21 law enacted after August 31, 1995, which authorizes the distribution of block grants
22 for the purposes for which the grant is made, the governor shall not administer and
23 no board, commission, or department may encumber or expend moneys received as
24 a part of the grant unless the governor first notifies the cochairpersons of the joint
25 committee on finance, in writing, that the grant has been made. The notice shall

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1 contain a description of the purposes proposed by the governor for expenditure of the
2 moneys received as a part of the grant. If the cochairpersons of the committee do not
3 notify the governor that the committee has scheduled a meeting for the purpose of
4 reviewing the proposed expenditure of grant moneys within 14 working days after
5 the date of the governor's notification, the moneys may be expended as proposed by
6 the governor. If, within 14 working days after the date of the governor's notification,
7 the cochairpersons of the committee notify the governor that the committee has
8 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant
9 moneys, no moneys received as a part of the grant may be expended without the
10 approval of the committee. This subdivision does not apply to the expenditure of
11 block grant funds that are allocated under s. 49.175 in the fiscal year in which the
12 funds are allocated under s. 49.175.

13 *–1335/7.19* **SECTION 256.** 16.54 (9) (a) 1. of the statutes is amended to read:

14 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

19 *–0179/3.1* **SECTION 257.** 16.54 (13) of the statutes is created to read:

20 16.54 (13) (a) If the state receives any interest payments from the federal
21 government relating to the timing of transfers of federal grant funds for programs
22 that are funded with moneys from the general fund and that are covered in an
23 agreement between the federal department of the treasury and the state under the
24 federal Cash Management Improvement Act of 1990, as amended, the payments,

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1 less applicable administrative costs, shall be deposited in the general fund as general
2 purpose revenue — earned.

3 (b) If the state is required to pay any interest payments to the federal
4 government relating to the timing of transfers of federal grant funds for programs
5 that are funded with moneys from the general fund and that are covered in an
6 agreement between the federal department of the treasury and the state under the
7 federal Cash Management Improvement Act of 1990, as amended, the secretary
8 shall notify the cochairpersons of the joint committee on finance, in writing, that the
9 state is required to pay an interest payment. The notice shall contain an accounting
10 of the amount of interest that the state is required to pay.

11 ***-1554/1.1* SECTION 258.** 16.545 (9) of the statutes is amended to read:

12 16.545 (9) ~~To process applications for grants from the federal government upon~~
13 ~~request of any agency initiate contacts with the federal government for the purpose~~
14 ~~of facilitating participation by agencies, as defined in s. 16.70 (1), in federal aid~~
15 ~~programs, to assist those agencies in applying for such aid, and to facilitate~~
16 ~~influencing the federal government to make policy changes that will be beneficial to~~
17 ~~this state. The department may assess to an agency for whom it processes an~~
18 ~~application to which it provides services under this subsection a fee for the expenses~~
19 ~~incurred by the department in performing this service providing those services.~~

20 ***-1857/5.24* SECTION 259.** 16.61 (2) (af) of the statutes is amended to read:

21 16.61 (2) (af) “Form” has the meaning specified in s. ~~16.97~~ 22.01 (5p).

22 ***-1857/5.25* SECTION 260.** 16.61 (3n) of the statutes is amended to read:

23 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
24 about the forms specified in s. ~~16.971~~ 22.03 (2m).

25 ***-1555/2.1* SECTION 264.** 16.62 (2) of the statutes is amended to read:

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1 16.62 (2) The department may establish user charges for records storage and
2 retrieval services, with any moneys collected to be credited to the appropriation
3 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
4 encourage efficient utilization of the services.

5 *~~1555/2.2~~* **SECTION 265.** 16.62 (3) of the statutes is amended to read:

6 16.62 (3) The department may establish user fees for the services of the public
7 records board. Any moneys collected shall be credited to the appropriation account
8 under s. 20.505 (1) ~~(kd)~~ (kb).

9 *~~1528/8.2~~* **SECTION 266.** 16.63 of the statutes is created to read:

10 **16.63 Sale of state's rights to tobacco settlement agreement payments.**

11 (1) In this section:

12 (a) "Purchaser" means any person who has purchased the state's right to
13 receive any of the payments under the tobacco settlement agreement.

14 (b) "Tobacco settlement agreement" means the Attorneys General Master
15 Tobacco Settlement Agreement of November 23, 1998.

16 (c) "Tobacco settlement revenues" means the right to receive settlement
17 payments arising from or pursuant to the tobacco settlement agreement and all
18 direct or indirect proceeds of that right.

19 (2) The secretary may sell for cash or other consideration the state's right to
20 receive any of the payments under the tobacco settlement agreement.

21 (3) The secretary may organize one or more nonstock corporations under ch.
22 181 or limited liability companies under ch. 183 for any purpose related to the sale
23 of the state's right to receive any of the payments under the tobacco settlement
24 agreement and may take any action necessary to facilitate and complete the sale.

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1 **(3m)** 1. If the secretary sells the state's right to receive any of the payments
2 under the tobacco settlement agreement, the secretary shall require, as a condition
3 of the sale, that the purchaser notify the secretary if any bonds or other obligations
4 are issued that are secured by any of the payments and provide the secretary with
5 all information on the distribution of the bond or obligation proceeds.

6 2. The secretary shall submit a report to the joint committee on finance that
7 includes all of the information provided to the secretary by the purchaser under subd.
8 1.

9 **(4)** (a) Tobacco settlement revenues may not be deemed proceeds of any
10 property which is not tobacco settlement revenues.

11 (b) Except as otherwise provided in this subsection, the creation, perfection,
12 and enforcement of security interests in tobacco settlement revenues are governed
13 by ch. 409. Notwithstanding ch. 409, with regard to creating, perfecting, and
14 enforcing a valid security interest in tobacco settlement revenues:

15 1. If this state or the Wisconsin health and educational facilities authority is
16 the debtor in the transaction, the proper place to file the required financing
17 statement to perfect the security interest is the department of financial institutions.

18 2. The required financing statement shall include a description of collateral
19 that describes the collateral as general intangibles consisting of the right to receive
20 settlement payments arising from or pursuant to the tobacco settlement agreement
21 and all proceeds of that right. The required financing statement may include any
22 additional description of collateral that is legally sufficient under the laws of this
23 state.

24 3. The tobacco settlement revenues are general intangibles for purposes of ch.
25 409.

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1 4. A security interest perfected under this paragraph is enforceable against the
2 debtor, any assignee or grantee, and all third parties, including creditors under any
3 lien obtained by judicial proceedings, subject only to the rights of any third parties
4 holding security interests in the tobacco settlement revenues previously perfected
5 under this paragraph. Unless the applicable security agreement provides otherwise,
6 a perfected security interest in the tobacco settlement revenues is a continuously
7 perfected security interest in all tobacco settlement revenues existing on the date of
8 the agreement or arising after the date of the agreement. A security interest
9 perfected under this paragraph has priority over any other lien created by operation
10 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

11 5. The priority of a security interest created under this paragraph is not
12 affected by the commingling of proceeds arising from the tobacco settlement
13 revenues with other amounts.

14 (c) The sale, assignment, and transfer of tobacco settlement revenues are
15 governed by this paragraph. All of the following apply to a sale, assignment, or
16 transfer under this paragraph:

17 1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge
18 of or secured transaction relating to, the seller's right, title, and interest in, to, and
19 under the tobacco settlement revenues, if the documents governing the transaction
20 expressly state that the transaction is a sale or other absolute transfer. After such
21 a transaction, the tobacco settlement revenues are not subject to any claims of the
22 seller or the seller's creditors, other than creditors holding a prior security interest
23 in the tobacco settlement revenues perfected under par. (b).

SENATE BILL 55**SECTION 266**

1 2. The characterization of the sale, assignment, or transfer as an absolute
2 transfer under subd. 1. and the corresponding characterization of the purchaser's
3 property interest is not affected by any of the following factors:

4 a. Commingling of amounts arising with respect to the tobacco settlement
5 revenues with other amounts.

6 b. The retention by the seller of a partial or residual interest, including an
7 equity interest, in the tobacco settlement revenues, whether direct or indirect, or
8 whether subordinate or otherwise.

9 c. The sale, assignment, or transfer of only a portion of the tobacco settlement
10 revenues or an undivided interest in the tobacco settlement revenues.

11 d. Any recourse that the purchaser or its assignees may have against the seller.

12 e. Whether the seller is responsible for collecting payments due under the
13 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
14 revenues or retains legal title to the tobacco settlement revenues for the purpose of
15 these collection activities.

16 f. The treatment of the sale, assignment, or transfer for tax purposes.

17 3. The sale, assignment, or transfer is perfected automatically as against third
18 parties, including any third parties with liens created by operation of law or
19 otherwise, upon attachment under ch. 409.

20 4. Nothing in this subsection precludes consideration of the factors listed in
21 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
22 tax purposes. The characterization of the sale, assignment, or transfer as an
23 absolute transfer under subd. 1. may not be considered in determining whether the
24 sale, assignment, or transfer is a sale for tax purposes.

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1 (5) If the secretary sells the state's right to receive any of the payments under
2 the tobacco settlement agreement, the state pledges to and agrees with any
3 purchaser or subsequent transferee of the state's right to receive any of the payments
4 under the tobacco settlement agreement that the state will not limit or alter its
5 powers to fulfill the terms of the tobacco settlement agreement, nor will the state in
6 any way impair the rights and remedies provided under the tobacco settlement
7 agreement. The state also pledges to and agrees with any purchaser or subsequent
8 transferee of the state's right to receive any of the payments under the tobacco
9 settlement agreement that the state will pay all costs and expenses in connection
10 with any action or proceeding brought by or on behalf of the purchaser or any
11 subsequent transferee related to the state's not fulfilling the terms of the tobacco
12 settlement agreement. The secretary may include this pledge and agreement of the
13 state in any contract that is entered into by the secretary under this section.

14 (6) If the secretary sells the state's right to receive any of the payments under
15 the tobacco settlement agreement, the state pledges to and agrees with any
16 purchaser or subsequent transferee of the state's right to receive any of the payments
17 under the tobacco settlement agreement that the state will not limit or alter the
18 powers of the secretary under this section until any contract that is entered into
19 under this section is fully performed, unless adequate provision is made by law for
20 the protection of the rights and remedies of the purchaser or any subsequent
21 transferee under the contract. The secretary may include this pledge and agreement
22 of the state in any contract that is entered into by the secretary under this section.

23 (8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
24 proceedings, and actions brought against the state relating to the sale of the state's
25 right to receive any of the payments under the tobacco settlement agreement. If the

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1 state fails to comply with this section or the terms of any agreement relating to the
2 sale of the state's right to receive any of the payments under the tobacco settlement
3 agreement, an action to compel compliance may be commenced against the state.

4 (8m) If the recovery of a money judgment against the state is necessary to give
5 the plaintiff in an action under sub. (8) complete relief, a claim for the money
6 damages may be joined with the claim commenced under sub. (8).

7 (9) Sections 16.007, 16.53, and 775.01 do not apply to claims against the state
8 under sub. (8) or (8m). If there is a final judgment against the state in such an action,
9 the judgment shall be paid as provided in s. 775.04 together with interest at the rate
10 of 10% per year from the date such payment was judged to have been due until the
11 date of payment of the judgment.

12 *-1335/7.20* SECTION 267. 16.70 (2) of the statutes is amended to read:

13 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 ~~or~~ 234, 235,
14 or 237.

15 *b0593/6.5* SECTION 267m. 16.70 (3) of the statutes is amended to read:

16 16.70 (3) "Contractual services" includes all services, materials to be furnished
17 by a service provider in connection with services, and any limited trades work
18 involving less than \$20,000 \$30,000 to be done for or furnished to the state or any
19 agency.

20 *-1857/5.26* SECTION 268. 16.70 (4m) of the statutes is created to read:

21 16.70 (4m) "Information technology" has the meaning given in s. 22.01 (6).

22 *-1857/5.27* SECTION 269. 16.70 (15) of the statutes is created to read:

23 16.70 (15) "Telecommunications" has the meaning given in s. 22.01 (10).

24 *-1857/5.28* SECTION 273. 16.71 (1) of the statutes is amended to read:

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1 16.71 (1) Except as otherwise required under this section and s. 16.78 or as
2 authorized in s. 16.74, the department shall purchase and may delegate to special
3 designated agents the authority to purchase all necessary materials, supplies,
4 equipment, all other permanent personal property and miscellaneous capital, and
5 contractual services and all other expense of a consumable nature for all agencies.
6 In making any delegation, the department shall require the agent to adhere to all
7 requirements imposed upon the department in making purchases under this
8 subchapter. All materials, services and other things and expense furnished to any
9 agency and interest paid under s. 16.528 shall be charged to the proper appropriation
10 of the agency to which furnished.

11 ***-1857/5.29*** **SECTION 274.** 16.71 (1m) of the statutes is created to read:

12 16.71 (1m) The department shall not delegate to any executive branch agency,
13 other than the board of regents of the University of Wisconsin System, the authority
14 to enter into any contract for materials, supplies, equipment, or contractual services
15 relating to information technology or telecommunications prior to review and
16 approval of the contract by the chief information officer. No executive branch agency,
17 other than the board of regents of the University of Wisconsin System, may enter into
18 any such contract without review and approval of the contract by the chief
19 information officer.

20 ***-1857/5.30*** **SECTION 275.** 16.71 (2m) of the statutes is created to read:

21 16.71 (2m) The department of administration shall delegate authority to make
22 all purchases for the department of electronic government to the department of
23 electronic government. This delegation may not be withdrawn, but the department
24 of electronic government may elect to make any purchase through the department
25 of administration.

SENATE BILL 55**SECTION 275m**

1 ***b0473/1.1* SECTION 275m.** 16.71 (2s) of the statutes is created to read:

2 16.71 (2s) The department shall delegate authority to the ethics board to make
3 purchases authorized under s. 22.03 (2) (n).

4 ***-1857/5.31* SECTION 276.** 16.71 (4) of the statutes is amended to read:

5 16.71 (4) The With the approval of the department of electronic government,
6 the department of administration shall delegate authority to the technology for
7 educational achievement in Wisconsin board to make purchases of educational
8 technology equipment for use by school districts, cooperative educational service
9 agencies and public educational institutions in this state, upon request of the board.

10 ***-1823/3.4* SECTION 277.** 16.71 (6) of the statutes is created to read:

11 16.71 (6) The department may assess any agency or municipality to which it
12 provides services under this subchapter for the cost of the services provided to the
13 agency or municipality. The department may also identify savings that the
14 department determines to have been realized by an agency to which it provides
15 services under this subchapter and may assess the agency for not more than the
16 amount of the savings identified by the department.

17 ***-1857/5.32* SECTION 278.** 16.72 (2) (a) of the statutes is amended to read:

18 16.72 (2) (a) The department of administration shall prepare standard
19 specifications, as far as possible, for all state purchases. By “standard specifications”
20 is meant a specification, either chemical or physical or both, prepared to describe in
21 detail the article which the state desires to purchase, and trade names shall not be
22 used. On the formulation, adoption and modification of any standard specifications,
23 the department of administration shall also seek and be accorded without cost, the
24 assistance, advice and cooperation of other agencies and officers. Each specification
25 adopted for any commodity shall, insofar as possible, satisfy the requirements of any

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1 and all agencies which use it in common. Any specifications for the purchase of
2 materials, supplies, equipment, or contractual services for information technology
3 or telecommunications purposes are subject to the approval of the chief information
4 officer.

5 *–1857/5.33* SECTION 279. 16.72 (2) (b) of the statutes is amended to read:

6 16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and
7 565.25 (2) (a) 4., the department shall prepare or review specifications for all
8 materials, supplies, equipment, other permanent personal property and contractual
9 services not purchased under standard specifications. Such “nonstandard
10 specifications” may be generic or performance specifications, or both, prepared to
11 describe in detail the article which the state desires to purchase either by its physical
12 properties or programmatic utility. When appropriate for such nonstandard items
13 or services, trade names may be used to identify what the state requires, but
14 wherever possible 2 or more trade names shall be designated and the trade name of
15 any Wisconsin producer, distributor or supplier shall appear first.

16 *–1857/5.34* SECTION 280. 16.72 (2) (d) of the statutes is amended to read:

17 16.72 (2) (d) Except as permitted in s. ss. 16.75 (6) (am) and 16.751, to the extent
18 possible, the department and any other designated purchasing agent under s. 16.71
19 (1) shall write specifications for the purchase of materials, supplies, commodities,
20 equipment and contractual services so as to permit their purchase from prison
21 industries, as created under s. 303.01 (1).

22 *–1857/5.35* SECTION 281. 16.72 (4) (a) of the statutes is amended to read:

23 16.72 (4) (a) Except as provided in s. ss. 16.71 and 16.74 or as otherwise
24 provided in this subchapter and the rules promulgated under s. 16.74 and this
25 subchapter, all supplies, materials, equipment and contractual services shall be

SENATE BILL 55**SECTION 281**

1 purchased for and furnished to any agency only upon requisition to the department.
2 The department shall prescribe the form, contents, number and disposition of
3 requisitions and shall promulgate rules as to time and manner of submitting such
4 requisitions for processing. No agency or officer may engage any person to perform
5 contractual services without the specific prior approval of the department for each
6 such engagement. Purchases of supplies, materials, equipment or contractual
7 services by the department of electronic government, the legislature, the courts or
8 legislative service or judicial branch agencies do not require approval under this
9 paragraph.

10 ***-1857/5.36* SECTION 282.** 16.72 (8) of the statutes is amended to read:

11 16.72 (8) ~~The division of information technology services of the department~~
12 may purchase educational technology materials, supplies, equipment or contractual
13 services from orders placed with the department by the technology for educational
14 achievement in Wisconsin board on behalf of school districts, cooperative educational
15 service agencies, technical college districts and the board of regents of the University
16 of Wisconsin System.

17 ***-0166/4.1* SECTION 285.** 16.75 (1) (a) 1. of the statutes is amended to read:

18 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
19 materials, supplies, equipment, and contractual services to be provided to any
20 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
21 (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and
22 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into
23 consideration life cycle cost estimates under sub. (1m), when appropriate, the
24 location of the agency, the quantities of the articles to be supplied, their conformity

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1 with the specifications, and the purposes for which they are required and the date
2 of delivery.

3 *Delete extra line*

4 *~~1857/5.37~~* SECTION 291. 16.75 (3t) (a) of the statutes is amended to read:

5 16.75 (3t) (a) In this subsection, “form” has the meaning given under s. ~~16.97~~
6 22.01 (5p).

7 *~~1857/5.38~~* SECTION 292. 16.75 (3t) (c) (intro.) of the statutes is amended to
8 read:

9 16.75 (3t) (c) (intro.) The department of corrections shall periodically provide
10 to the department of administration a current list of all materials, supplies,
11 equipment or contractual services, excluding commodities, that are supplied by
12 prison industries, as created under s. 303.01. The department of administration
13 shall distribute the list to all designated purchasing agents under s. 16.71 (1). ~~Prior~~
14 Except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive
15 sealed proposals with respect to the purchase of any materials, supplies, equipment
16 or contractual services enumerated in the list, the department of administration or
17 any other designated purchasing agent under s. 16.71 (1) shall offer prison industries
18 the opportunity to supply the materials, supplies, equipment or contractual services
19 if the department of corrections is able to provide them at a price comparable to one
20 which may be obtained through competitive bidding or competitive sealed proposals
21 and is able to conform to the specifications, provided the specifications are written
22 in accordance with s. 16.72 (2) (d). If the department of administration or other
23 purchasing agent is unable to determine whether the price of prison industries is
24 comparable, it may solicit bids or competitive proposals before awarding the order
25 or contract. This paragraph does not apply to the printing of the following forms:

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1 ***-1857/5.39*** SECTION 293. 16.75 (6) (am) 1. of the statutes is repealed.

2 ***-1857/5.40*** SECTION 294. 16.75 (6) (am) 2. of the statutes is renumbered
3 16.75 (6) (am) and amended to read:

4 16.75 (6) (am) Subsections (1) and (3t) do not apply to ~~major procurements by~~
5 the department of electronic government. Annually not later than October 1, the
6 department of electronic government shall report to the department of
7 administration, in the form specified by the secretary, concerning all procurements
8 by the department of electronic government during the preceding fiscal year that
9 were not made in accordance with the requirements of subs. (1) and (3t).

10 ***-1857/5.41*** SECTION 296. 16.751 (1) of the statutes is repealed.

11 ***-1857/5.42*** SECTION 297. 16.751 (2) of the statutes is renumbered 16.751 and
12 amended to read:

13 **16.751 Information technology purchases by investment board.** The
14 requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply
15 to procurements authorized to be made by the investment board under s. 16.78 (1)
16 for information technology purposes.

17 ***-1857/5.43*** SECTION 298. 16.752 (12) (i) of the statutes is amended to read:

18 16.752 (12) (i) Paragraph (a) does not apply to ~~major procurements, as defined~~
19 in s. 16.75 (6) (am) by the department of electronic government.

20 ***-1335/7.21*** SECTION 299. 16.765 (1) of the statutes is amended to read:

21 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
23 Center Sports and Entertainment Corporation shall include in all contracts executed
24 by them a provision obligating the contractor not to discriminate against any
25 employee or applicant for employment because of age, race, religion, color, handicap,

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1 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual
2 orientation as defined in s. 111.32 (13m) or national origin and, except with respect
3 to sexual orientation, obligating the contractor to take affirmative action to ensure
4 equal employment opportunities.

5 ***-1335/7.22*** SECTION 300. 16.765 (2) of the statutes is amended to read:

6 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
8 Center Sports and Entertainment Corporation shall include the following provision
9 in every contract executed by them: “In connection with the performance of work
10 under this contract, the contractor agrees not to discriminate against any employee
11 or applicant for employment because of age, race, religion, color, handicap, sex,
12 physical condition, developmental disability as defined in s. 51.01 (5), sexual
13 orientation or national origin. This provision shall include, but not be limited to, the
14 following: employment, upgrading, demotion or transfer; recruitment or recruitment
15 advertising; layoff or termination; rates of pay or other forms of compensation; and
16 selection for training, including apprenticeship. Except with respect to sexual
17 orientation, the contractor further agrees to take affirmative action to ensure equal
18 employment opportunities. The contractor agrees to post in conspicuous places,
19 available for employees and applicants for employment, notices to be provided by the
20 contracting officer setting forth the provisions of the nondiscrimination clause”.

21 ***-1335/7.23*** SECTION 301. 16.765 (4) of the statutes is amended to read:

22 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, and the Bradley
24 Center Sports and Entertainment Corporation shall take appropriate action to
25 revise the standard government contract forms under this section.

SENATE BILL 55**SECTION 302**

1 *~~1335/7.24~~* **SECTION 302.** 16.765 (5) of the statutes is amended to read:

2 16.765 (5) The head of each contracting agency and the boards of directors of
3 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
4 Navigational System Authority, and the Bradley Center Sports and Entertainment
5 Corporation shall be primarily responsible for obtaining compliance by any
6 contractor with the nondiscrimination and affirmative action provisions prescribed
7 by this section, according to procedures recommended by the department. The
8 department shall make recommendations to the contracting agencies and the boards
9 of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox
10 River Navigational System Authority, and the Bradley Center Sports and
11 Entertainment Corporation for improving and making more effective the
12 nondiscrimination and affirmative action provisions of contracts. The department
13 shall promulgate such rules as may be necessary for the performance of its functions
14 under this section.

15 *~~1335/7.25~~* **SECTION 303.** 16.765 (6) of the statutes is amended to read:

16 16.765 (6) The department may receive complaints of alleged violations of the
17 nondiscrimination provisions of such contracts. The department shall investigate
18 and determine whether a violation of this section has occurred. The department may
19 delegate this authority to the contracting agency, the University of Wisconsin
20 Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the
21 Bradley Center Sports and Entertainment Corporation for processing in accordance
22 with the department's procedures.

23 *~~1335/7.26~~* **SECTION 304.** 16.765 (7) (intro.) of the statutes is amended to
24 read:

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1 16.765 (7) (intro.) When a violation of this section has been determined by the
2 department, the contracting agency, the University of Wisconsin Hospitals and
3 Clinics Authority, the Fox River Navigational System Authority, or the Bradley
4 Center Sports and Entertainment Corporation, the contracting agency, the
5 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational
6 System Authority, or the Bradley Center Sports and Entertainment Corporation
7 shall:

8 ***-1335/7.27*** **SECTION 305.** 16.765 (7) (d) of the statutes is amended to read:

9 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
10 further violations of this section and to report its corrective action to the contracting
11 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
12 Navigational System Authority, or the Bradley center sports and entertainment
13 corporation.

14 ***-1335/7.28*** **SECTION 306.** 16.765 (8) of the statutes is amended to read:

15 16.765 (8) If further violations of this section are committed during the term
16 of the contract, the contracting agency, the Fox River Navigational System Authority,
17 or the Bradley Center Sports and Entertainment Corporation may permit the
18 violating party to complete the contract, after complying with this section, but
19 thereafter the contracting agency, the Fox River Navigational System Authority, or
20 the Bradley Center Sports and Entertainment Corporation shall request the
21 department to place the name of the party on the ineligible list for state contracts,
22 or the contracting agency, the Fox River Navigational System Authority, or the
23 Bradley Center Sports and Entertainment Corporation may terminate the contract
24 without liability for the uncompleted portion or any materials or services purchased
25 or paid for by the contracting party for use in completing the contract.

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SECTION 307

1 *-1857/5.44* SECTION 307. 16.78 of the statutes is amended to read:

2 **16.78 Purchases from ~~division of information technology services~~**

3 **department of electronic government.** (1) Every agency other than the board

4 of regents of the University of Wisconsin system and an agency making purchases

5 under s. 16.74 ^{remove 1 space} ~~shall purchase all computer~~ make all purchases of materials,

6 supplies, equipment, and contractual services relating to information technology or

7 telecommunications from the ~~division of information technology services~~ in the

8 department of ~~administration~~ electronic government, unless the ~~division~~

9 department of electronic government requires the agency to purchase the materials,

10 supplies, equipment, or contractual services pursuant to a master contract

11 established under s. 22.05 (2) (h), or grants written authorization to the agency to

12 procure the materials, supplies, equipment, or contractual services under s. 16.75 (1)

13 or (2m), to purchase the materials, supplies, equipment, or contractual services from

14 another agency or to provide the materials, supplies, equipment, or contractual

15 services to itself. The board of regents of the University of Wisconsin system may

16 ~~purchase computer services from the division of information technology services~~

17 make purchases of materials, supplies, equipment, and contractual services relating

18 to information technology or telecommunications from the department of electronic

19 government.

20 (2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of

21 ~~computer~~ materials, supplies, equipment, or contractual services by any agency from

22 the ~~division of information technology services~~ department of electronic government

23 under sub. (1).

24 *-1857/5.45* SECTION 308. 16.80 of the statutes is renumbered 22.19.

25 *-1335/7.29* SECTION 310. 16.838 (1) (b) of the statutes is amended to read:

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1 16.838 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234
2 ~~or, 235, or 237.~~

 ****NOTE: This is reconciled s. 16.838 (1) (b). This SECTION has been affected by
drafts with the following LRB numbers: -1335 and -1462.

3 ***-1555/2.3*** SECTION 311. 16.84 (14) of the statutes is amended to read:

4 16.84 (14) Provide interagency mail delivery service for agencies, as defined
5 in s. 16.70 (1). The department may charge agencies for this service. Any moneys
6 collected shall be credited to the appropriation account under s. 20.505 (1) ~~(kd)~~ (kb).

7 ***-1335/7.30*** SECTION 312. 16.845 (1) of the statutes is amended to read:

8 16.845 (1) RULE; PENALTY. Except as elsewhere expressly prohibited, the
9 managing authority of any facility owned by the state or by the University of
10 Wisconsin Hospitals and Clinics Authority or leased from the state by the Fox River
11 Navigational System Authority may permit its use for free discussion of public
12 questions, or for civic, social, recreational or athletic activities. No such use shall be
13 permitted if it would unduly burden the managing authority or interfere with the
14 prime use of such facility. The applicant for use shall be liable to the state ~~or, to the~~
15 Fox River Navigational System Authority, or to the University of Wisconsin
16 Hospitals and Clinics Authority for any injury done to its property, for any expense
17 arising out of any such use and for such sum as the managing authority may charge
18 for such use. All such sums payable to the state shall be paid into the general fund
19 and credited to the appropriation account for the operation of the facility used. The
20 managing authority may permit such use notwithstanding the fact that a reasonable
21 admission fee may be charged to the public. Whoever does or attempts to do an act
22 for which a permit is required under this section without first obtaining the permit
23 may be fined not more than \$100 or imprisoned not more than 30 days or both. This

SENATE BILL 55**SECTION 312**

1 subsection applies only to those facilities for which a procedure for obtaining a permit
2 has been established by the managing authority.

3 ***-1553/2.2* SECTION 313.** 16.847 (1) (a) of the statutes is repealed.

4 ***-1553/2.3* SECTION 314.** 16.847 (2) to (7) of the statutes are repealed.

5 ***-1553/2.4* SECTION 315.** 16.847 (8) (a) of the statutes is renumbered 16.847
6 (8) and amended to read:

7 16.847 (8) REPAYMENT AGREEMENTS. ~~As a condition of receiving a loan under sub-~~
8 ~~(6), an agency shall enter into an agreement to repay the loan from utility expenses~~
9 ~~saved by the energy efficiency project. The agreement shall specify the annual~~
10 ~~repayment amount and the appropriation to which the loan shall be repaid.~~
11 Annually, the The department may annually transfer the specified repayment
12 amount from an appropriation described in the agreement to the same account in
13 repayments under agreements to obtain loans from the energy efficiency fund from
14 which the loan was made under s. 16.847 (6), 1999 stats., from the appropriations
15 specified in the agreements to the general fund. The amount of each annual
16 repayment shall equal the amount of annual savings in utility expenses realized as
17 a result of the energy efficiency project that was funded by a loan. The department
18 shall determine the amount of annual savings in utility expenses saved realized as
19 a result of an energy efficiency project.

20 ***-1553/2.5* SECTION 316.** 16.847 (8) (b) of the statutes is repealed.

21 ***-1553/2.6* SECTION 317.** 16.847 (9) of the statutes is repealed.

22 ***-1553/2.7* SECTION 318.** 16.85 (1) of the statutes is amended to read:

23 16.85 (1) To take charge of and supervise all engineering or architectural
24 services or construction work as defined in s. 16.87 performed by, or for, the state, or
25 any department, board, institution, commission or officer thereof, including

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1 nonprofit-sharing corporations organized for the purpose of assisting the state in the
2 construction and acquisition of new buildings or improvements and additions to
3 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
4 engineering, architectural and construction work of the department of
5 transportation, the engineering service performed by the department of commerce,
6 department of revenue, public service commission, department of health and family
7 services and other departments, boards and commissions when the service is not
8 related to the maintenance, and construction and planning of the physical properties
9 of the state, ~~and energy efficiency projects of the energy efficiency program under s.~~
10 ~~16.847. The department shall adopt the architectural and engineering design~~
11 ~~proposed by the state fair park board for any project to be constructed for the board,~~
12 ~~if the design and specifications conform to applicable laws, rules, codes and~~
13 ~~regulations.~~ The department shall not authorize construction work for any state
14 office facility in the city of Madison after May 11, 1990, unless the department first
15 provides suitable space for a day care center primarily for use by children of state
16 employees.

17 ***-1335/7.31* SECTION 319.** 16.85 (2) of the statutes is amended to read:

18 16.85 (2) To furnish engineering, architectural, project management and other
19 building construction services whenever requisitions therefor are presented to the
20 department by any agency. The department may deposit moneys received from the
21 provision of these services in the account under s. 20.505 (1) (kc) or in the general
22 fund as general purpose revenue — earned. In this subsection, “agency” means an
23 office, department, independent agency, institution of higher education, association,
24 society or other body in state government created or authorized to be created by the
25 constitution or any law, which is entitled to expend moneys appropriated by law,

Remove 1 space

SENATE BILL 55**SECTION 319**

1 including the legislature and the courts, but not including an authority created in
2 ch. 231, 233 ~~or~~, 234, or 237.

3 ***b0593/6.7* SECTION 319m.** 16.85 (6) of the statutes is amended to read:

4 16.85 (6) To approve the appointment of a principal engineer or architect for
5 departments, boards and commissions and when such continuous service is needed.
6 No such engineer or architect shall be employed without the written approval of the
7 secretary. ~~This subsection does not apply to the state fair park board.~~

8 ***-1335/7.32* SECTION 321.** 16.85 (16) of the statutes is created to read:

9 16.85 (16) To review and approve the design and specifications of any
10 rehabilitation or repair project of the Fox River Navigational System Authority on
11 state-owned land, to approve the decision to proceed with the project, and to
12 periodically review the progress of the project during construction to assure
13 compliance with the approved design and specifications.

14 ***b0572/1.1* SECTION 321m.** 16.855 (19) of the statutes is amended to read:

15 16.855 (19) As the work progresses under any contract for construction the
16 department, from time to time, shall grant to the contractor an estimate of the
17 amount and proportionate value of the work done, which shall entitle the contractor
18 to receive the amount thereof, less the retaining, from the proper fund. On all
19 construction projects, the retainage shall be an amount equal to ~~10%~~ 5% of said
20 estimate until 50% of the work has been completed. At 50% completion, no additional
21 amounts shall be retained, and partial payments shall be made in full to the
22 contractor unless the architect or engineer certifies that the job is not proceeding
23 satisfactorily. At 50% completion or any time thereafter when the progress of the
24 work is not satisfactory, additional amounts may be retained but in no event shall
25 the total retainage be more than ~~10%~~ 5% of the value of the work completed. Upon

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1 substantial completion of the work, an amount retained may be paid to the
2 contractor. For the purposes of this section, estimates may include any fabricated
3 or manufactured materials and components specified, previously paid for by
4 contractor and delivered to the work or properly stored and suitable for incorporation
5 in the work embraced in the contract. This subsection does not apply to contracts
6 awarded under s. 16.858.

7 *~~1335/7.33~~* SECTION 322. 16.865 (8) of the statutes is amended to read:

8 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
9 proportionate share of the estimated costs attributable to programs administered by
10 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
11 may charge premiums to agencies to finance costs under this subsection and pay the
12 costs from the appropriation on an actual basis. The department shall deposit all
13 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
14 Costs assessed under this subsection may include judgments, investigative and
15 adjustment fees, data processing and staff support costs, program administration
16 costs, litigation costs and the cost of insurance contracts under sub. (5). In this
17 subsection, "agency" means an office, department, independent agency, institution
18 of higher education, association, society or other body in state government created
19 or authorized to be created by the constitution or any law, which is entitled to expend
20 moneys appropriated by law, including the legislature and the courts, but not
21 including an authority created in ch. 231, 232, 233, 234 or, 235, or 237.

22 → INSERT (from p. 76)
b0593/6.8 SECTION 322e. 16.87 (2) of the statutes is amended to read:

23 16.87 (2) A contract for engineering services or architectural services or a
24 contract involving an expenditure of \$2,500 \$10,000 or more for construction work,
25 or \$20,000 \$30,000 or more for limited trades work, to be done for or furnished to the

SENATE BILL 55**SECTION 322e**

1 state or a department, board, commission or officer of the state is exempt from the
2 requirements of ss. 16.705 and 16.75. The department shall attempt to ensure that
3 5% of the total amount expended under this section in each fiscal year is paid to
4 minority businesses, as defined under s. 16.75 (3m) (a).

5 ***b0593/6.8* SECTION 322g.** 16.87 (3) of the statutes is amended to read:

6 16.87 (3) Except as provided in sub. (4), a contract under sub. (2) is not valid
7 or effectual for any purpose until it is endorsed in writing and approved by the
8 secretary or the secretary's designated assistant and, if the contract involves an
9 expenditure over ~~\$30,000~~ \$60,000, approved by the governor. Except as provided in
10 sub. (4), no payment or compensation for work done under any contract involving
11 \$2,500 or more, except a highway contract, may be made unless the written claim is
12 audited and approved by the secretary or the secretary's designee. Any change order
13 to a contract requiring approval under this subsection requires the prior approval by
14 the secretary or the secretary's designated assistant and, if the change order involves
15 an expenditure over ~~\$30,000~~ \$60,000, the approval of the governor.

16 ***b0593/6.8* SECTION 322i.** 16.87 (5) of the statutes is repealed.

***NOTE: This is reconciled s. 16.865 (8). This SECTION has been affected by drafts
with the following LRB numbers: -1335 and -1462.

INSERT
(MOVE TO
P. 75)

17 ***-1552/5.12* SECTION 324.** 16.957 (2) (a) (intro.) of the statutes is amended to
18 read:

19 16.957 (2) (a) *Low-income programs.* (intro.) After holding a hearing,
20 establish programs to be administered by the department for awarding grants from
21 the appropriation under s. 20.505 ~~(10)~~ (3) (r) to provide low-income assistance. In
22 each fiscal year, the amount awarded under this paragraph shall be sufficient to

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1 ensure that an amount equal to 47% of the sum of the following is spent for
2 weatherization and other energy conservation services:

3 *~~1552/5.13~~* SECTION 325. 16.957 (2) (b) 1. of the statutes is amended to read:

4 16.957 (2) (b) 1. Subject to subd. 2., after holding a hearing, establish programs
5 for awarding grants from the appropriation under s. 20.505 ~~(10)~~ (3) (s) for each of the
6 following:

7 a. Proposals for providing energy conservation or efficiency services. In
8 awarding grants under this subd. 1. a., the department shall give priority to
9 proposals directed at the sectors of energy conservation or efficiency markets that
10 are least competitive and at promoting environmental protection, electric system
11 reliability, or rural economic development. In each fiscal year, 1.75% of the
12 appropriation under s. 20.505 ~~(10)~~ (3) (s) shall be awarded in grants for research and
13 development proposals regarding the environmental impacts of the electric industry.

14 b. Proposals for encouraging the development or use of customer applications
15 of renewable resources, including educating customers or members about renewable
16 resources or encouraging uses of renewable resources by customers or members or
17 encouraging research technology transfers. In each fiscal year, the department shall
18 ensure that 4.5% of the appropriation under s. 20.505 ~~(10)~~ (3) (s) is awarded in grants
19 under this subd. 1. b.

20

Delete this line

21 *b0628/2.1* SECTION 328g. 16.964 (4) of the statutes is amended to read:

22 16.964 (4) In regard to any grant the office makes to any local unit of
23 government for which the state is providing matching funds from moneys under s.
24 20.505 (6) (kp), the local unit of government shall provide matching funds equal to
25 at least 10%. This subsection does not apply to grants made to improve the

SENATE BILL 55**SECTION 328g**

1 enforcement of laws regarding controlled substances commonly known as club
2 drugs, including ecstasy, and to educate the public regarding the nature and impact
3 of those controlled substances and the criminal penalties that apply to possessing,
4 manufacturing, distributing, or delivering them unlawfully.

5 ***-1634/P6.16* SECTION 332.** 16.965 (2) of the statutes is amended to read:

6 16.965 (2) From the ~~appropriation~~ appropriations under s. ss. 20.505 (1) (cm)
7 and (if), the department may provide grants to local governmental units to be used
8 to finance the cost of planning activities, including contracting for planning
9 consultant services, public planning sessions and other planning outreach and
10 educational activities, or for the purchase of computerized planning data, planning
11 software or the hardware required to utilize that data or software. The department
12 shall require any local governmental unit that receives a grant under this section to
13 finance a percentage of the cost of the product or service to be funded by the grant
14 from the resources of the local governmental unit. The department shall determine
15 the percentage of the cost to be funded by a local governmental unit based on the
16 number of applications for grants and the availability of funding to finance grants
17 for the fiscal year in which grants are to be provided. A local governmental unit that
18 desires to receive a grant under this subsection shall file an application with the
19 department. The application shall contain a complete statement of the expenditures
20 proposed to be made for the purposes of the grant. No local governmental unit is
21 eligible to receive a grant under this subsection unless the local governmental unit
22 agrees to utilize the grant to finance planning for all of the purposes specified in s.
23 ~~66.0295~~ 66.1001 (2).

24