

2001 Budget

Drafting file for:
SSA1-SB55 (LRBs0142)
&
ASA1-SB55 (LRBs0149)

LRBs0142/P1 ...
used to create both the
“ /P2” and the “ /P3” versions (not included).



State of Wisconsin
2001 - 2002 LEGISLATURE

RLR/WLI
LRBs0142/P1
ALL:ALL:ALL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO 2001 SENATE BILL 55

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

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

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

4 1.10 (title) **State song, state ballad, state waltz, state dance, and state**
5 **symbols.**

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

7 1.10 (1m) The Wisconsin state ballad is "Oh Wisconsin, Land of My Dreams,"
8 music written by Shari A. Sarazin and lyrics written by Erma Barrett, the words to
9 which are as follows: "Oh Wisconsin, land of beauty, with your hillsides and your
10 plains, with your jackpine and your birch tree, and your oak of mighty frame. Land
11 of rivers, lakes and valleys, land of warmth and winter snows, land of birds and

1 beasts and humanity, oh Wisconsin, I love you so. Oh Wisconsin, land of my dreams.
2 Oh Wisconsin, you're all I'll ever need. A little heaven here on earth could you be?
3 Oh Wisconsin, land of my dreams. In the summer, golden grain fields; in the winter,
4 drift of white snow; in the springtime, robins singing; in the autumn, flaming colors
5 show. Oh I wonder who could wander, or who could want to drift for long, away from
6 all your beauty, all your sunshine, all your sweet song? Oh Wisconsin, land of my
7 dreams. Oh Wisconsin, you're all I'll ever need. A little heaven here on earth could
8 you be? Oh Wisconsin, land of my dreams. And when it's time, let my spirit run free
9 in Wisconsin, land of my dreams."

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

11 1.10 (1r) The Wisconsin state waltz is "The Wisconsin Waltz," music and lyrics
12 written by Eddie Hansen, the words to which are as follows: "Music from heaven
13 throughout the years; the beautiful Wisconsin Waltz. Favorite song of the pioneers;
14 the beautiful Wisconsin Waltz. Song of my heart on that last final day, when it is time
15 to lay me away. One thing I ask is to let them play the beautiful Wisconsin Waltz.
16 My sweetheart, my complete heart, it's for you when we dance together; the beautiful
17 Wisconsin Waltz. I remember that September, before love turned into an ember, we
18 danced to the Wisconsin Waltz. Summer ended, we intended that our lives then
19 would both be blended, but somehow our planning got lost. Memory now sings a
20 dream song, a faded love theme song; the beautiful Wisconsin Waltz."

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

22 1.10 (4) The Wisconsin Blue Book shall include the information contained in
23 this section concerning the state song, ballad, waltz, dance, beverage, tree, grain,
24 flower, bird, fish, animal, domestic animal, wildlife animal, dog, insect, fossil,
25 mineral, rock, and soil.

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

2 ***-1335/7.1* SECTION 86.** 7.33 (1) (c) of the statutes is amended to read:

3 7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and
4 includes an authority created under ch. 231, 232, 233 ~~or~~ 234, or 237.

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

6 9.10 (2) (b) A ~~recall~~ petition ~~for~~ requesting the recall of a city, village, town or
7 school district ~~office~~ officer shall contain a statement of ~~a reason for the recall which~~
8 ~~is related to the official responsibilities of the official for whom removal is sought~~
9 each cause for the recall and the specific allegations that constitute each cause. In
10 this paragraph, “cause” means neglect of duty or official misconduct.

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

12 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
13 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
14 filing officer with whom the petition is filed. The petitioner shall append to the
15 registration a statement indicating his or her intent to circulate a recall petition, the
16 name of the officer for whom recall is sought and, in the case of a petition for the recall
17 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~
18 ~~which is related to the official responsibilities of the official for whom removal is~~
19 ~~sought~~ each cause, as defined in par. (b), for the recall and the specific allegations
20 that constitute each cause. No petitioner may circulate a petition for the recall of an
21 officer prior to completing registration. The last date that a petition for the recall of
22 a state, congressional, legislative, judicial or county officer may be offered for filing
23 is 5 p.m. on the 60th day commencing after registration. The last date that a petition
24 for the recall of a city, village, town or school district officer may be offered for filing
25 is 5 p.m. on the 30th day commencing after registration. After the recall petition has

1 been offered for filing, no name may be added or removed. No signature may be
2 counted unless the date of the signature is within the period provided in this
3 paragraph.

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

5 9.10 (4) (a) Immediately after a petition for the recall of a city, village, town,
6 or school district officer is offered for filing, the municipal clerk, board of election
7 commissioners, or school district clerk shall notify the officer against whom the
8 petition is filed. Within 10 days after a ~~the~~ petition for the recall of a city, village,
9 town or school district official, is offered for filing, the officer against whom the
10 petition is filed may file a written challenge with the municipal clerk or board of
11 election commissioners or school district clerk with whom it is filed, specifying any
12 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
13 to the challenge with the clerk or board of election commissioners within 5 days after
14 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
15 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
16 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
17 reply to a rebuttal, the clerk or board of election commissioners shall file the
18 certificate or an amended certificate. Within 31 days after the petition is offered for
19 filing, the clerk or board of election commissioners shall determine by careful
20 examination of the face of the petition whether the petition is sufficient and shall so
21 state in a certificate attached to the petition. If the petition is found to be insufficient,
22 the certificate shall state the particulars creating the insufficiency. The petition may
23 be amended to correct any insufficiency within 5 days following the affixing of the
24 original certificate. Within 2 days after the offering of the amended petition for filing,
25 the clerk or board of election commissioners shall again carefully examine the face

1 of the petition to determine sufficiency and shall attach to the petition a certificate
2 stating the findings. Immediately upon finding an original or amended petition
3 sufficient, ~~except in cities over 500,000 population,~~ the municipal clerk or, school
4 district clerk, or board of election commissioners shall notify, in writing, the officer
5 against whom the petition is filed. Within 3 days following receipt of the notification,
6 the officer shall inform the municipal clerk, school district clerk, or board of election
7 commissioners, in writing, as to whether the officer contests the petition. If the
8 officer fails to inform the municipal clerk, school district clerk, or board of election
9 commissioners within 3 days following receipt of the notification, or if the officer does
10 not contest the petition, the municipal clerk, school district clerk, or board of election
11 commissioners shall issue a certificate declaring that an election will be held under
12 this section. If the certificate is issued by the municipal clerk, the municipal clerk
13 shall immediately transmit the petition and certificate to the governing body of the
14 municipality. If the certificate is issued by the school district clerk, the school district
15 clerk shall immediately transmit the petition and certificate to the school board. If
16 the officer contests the petition, the municipal clerk, school district clerk, or board
17 of election commissioners shall transmit the petition to the governing body or to the
18 school board. Immediately upon finding an original or amended petition sufficient,
19 in cities over 500,000 population, the board of election commissioners shall file the
20 petition in its office circuit court for the county in which the office of the clerk or board
21 of election commissioners is located.

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

23 9.10 (4) (b) Within 10 days after receipt of a petition under par. (a), the circuit
24 court shall determine, after hearing, whether the allegations in the petition are true
25 and, if true, whether the allegations constitute cause, as defined in sub. (2) (b), for

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

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

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

1 9.10 (4) (d) The governing body, school board or board of election
2 commissioners, upon receiving the a certificate from the circuit court under par. (b)
3 or upon receiving or issuing a certificate under par. (a), shall call an election to be held
4 on the Tuesday of the 6th week commencing after the date of the certificate. If
5 Tuesday is a legal holiday, the recall election shall be held on the first day after
6 Tuesday which is not a legal holiday.

7 *~~1553/2.1~~* SECTION 98. 13.101 (4) of the statutes is amended to read:

8 13.101 (4) The committee may transfer between appropriations and programs
9 if the committee finds that unnecessary duplication of functions can be eliminated,
10 more efficient and effective methods for performing programs will result or
11 legislative intent will be more effectively carried out because of such transfer, if
12 legislative intent will not be changed as the result of such transfer and the purposes
13 for which the transfer is requested have been authorized or directed by the
14 legislature, ~~or to implement s. 16.847 (8) (b) 3.~~ The authority to transfer between
15 appropriations includes the authority to transfer between 2 fiscal years of the same
16 biennium, between 2 appropriations of the same agency and between an
17 appropriation of one agency and an appropriation of a different agency. No transfer
18 between appropriations or programs may be made to offset deficiencies arising from
19 the lack of adequate expenditure controls by a department, board, institution,
20 commission or agency. The authority to transfer between appropriations shall not
21 include the authority to transfer from sum sufficient appropriations as defined under
22 s. 20.001 (3) (d) to other types of appropriations.

23 *~~0886/3.1~~* SECTION 99. 13.101 (6) (a) of the statutes is amended to read:

24 13.101 (6) (a) As an emergency measure necessitated by decreased state
25 revenues and to prevent the necessity for a state tax on general property, the

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

18 ***-1857/5.1* SECTION 100.** 13.101 (14) of the statutes is amended to read:

19 13.101 (14) With the concurrence of the joint committee on information policy
20 and technology, direct the department of ~~administration~~ electronic government to
21 report to the committee concerning any specific information technology system
22 project in accordance with s. 13.58 (5) (b) 4.

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

1 13.101 (16) Annually, on June 15, beginning in 2004, the committee shall
2 transfer from the permanent endowment fund to the general fund an amount equal
3 to the amount calculated by the investment board under s. 25.17 (16).

4 *~~-2050/1.1~~* SECTION 102. 13.123 (1) (a) 1. of the statutes is amended to read:

5 13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit
6 filed with the department of administration, the necessity of establishing a
7 temporary residence at the state capital for the period of any regular or special
8 legislative session shall be entitled to an allowance for expenses incurred for food and
9 lodging for each day that he or she is in Madison on legislative business, but not
10 including any Saturday or Sunday unless the legislator is in actual attendance on
11 such day at a session of the legislature or a meeting of a standing committee of which
12 the legislator is a member. The amount of the allowance for each biennial session
13 shall be established under s. 20.916 (8) 90% of the per diem rate for travel for federal
14 government business within the city of Madison, as established by the federal
15 general services administration. For the purpose of determining the amount of the
16 allowance, the secretary of employment relations shall certify to the chief clerk of
17 each house the federal per diem rate in effect on December 1, or the first business day
18 thereafter if December 1 is not a business day, in each even-numbered year. Each
19 legislator shall file an affidavit with the chief clerk of his or her house certifying the
20 specific dollar amount within the authorized allowance the member wishes to
21 receive. Such affidavit, when filed, shall remain in effect for the biennial session,
22 ~~except that a new affidavit may be filed for any month following an adjustment in~~
23 ~~the amount of the authorized allowance under s. 20.916 (8).~~

24 *~~-1063/6.1~~* SECTION 103. 13.40 of the statutes is created to read:

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

3 (a) “Fiscal biennium” means a 2–year period beginning on July 1 of an
4 odd–numbered year.

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

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

11 (a) The amount appropriated from general purpose revenue, excluding any
12 amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the
13 prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and
14 the annual percentage change in this state’s aggregate personal income, expressed
15 as a decimal, for the calendar year that begins on the January 1 which immediately
16 precedes the first year of the fiscal biennium, as estimated by the department of
17 revenue no later than December 5 of each even–numbered year.

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

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

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

1 (b) An appropriation to honor a moral obligation undertaken pursuant to ss.
2 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4),
3 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59
4 (13m).

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

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

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

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

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

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

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

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

23 13.48 (7) BIENNIAL RECOMMENDATIONS. The building commission shall prepare
24 and formally adopt recommendations for the long-range state building program on
25 a biennial basis. The building commission shall not recommend any project for

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

16 ***-1335/7.2*** SECTION 105. 13.48 (10) (b) 3m. of the statutes is created to read:
17 13.48 (10) (b) 3m. Rehabilitation projects of the Fox River Navigational System
18 Authority.

19 ***b0593/6.2*** SECTION 105m. 13.48 (12) (b) 2. of the statutes is amended to read:
20 13.48 (12) (b) 2. A facility constructed by or for the state fair park board, if the
21 cost of constructing the facility does not exceed the amount specified in sub. (3).

22 ***-1335/7.3*** SECTION 106. 13.48 (12) (b) 4. of the statutes is created to read:
23 13.48 (12) (b) 4. A facility constructed by or for the Fox River Navigational
24 System Authority.

25 ***-1335/7.4*** SECTION 107. 13.48 (13) (a) of the statutes is amended to read:

1 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
2 facility that is constructed for the benefit of or use of the state, any state agency,
3 board, commission or department, the University of Wisconsin Hospitals and Clinics
4 Authority, the Fox River Navigational System Authority, or any local professional
5 baseball park district created under subch. III of ch. 229 if the construction is
6 undertaken by the department of administration on behalf of the district, shall be
7 in compliance with all applicable state laws, rules, codes and regulations but the
8 construction is not subject to the ordinances or regulations of the municipality in
9 which the construction takes place except zoning, including without limitation
10 because of enumeration ordinances or regulations relating to materials used,
11 permits, supervision of construction or installation, payment of permit fees, or other
12 restrictions.

13 ***-0985/8.1* SECTION 108.** 13.48 (14) (e) of the statutes is amended to read:

14 13.48 (14) (e) If the state office building located at 3319 West Beltline Highway
15 in Dane County is sold by the state, the building commission shall ensure that the
16 transferee pays \$476,228 from the proceeds of the sale to the Wisconsin Public
17 Broadcasting Foundation, if the foundation exists at the time of the transfer and if
18 the secretary of administration does not transfer title to the building under s. 39.86
19 (2) (a) 2.

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

21 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. The Subject to the
22 requirements of s. 20.924 (1) (i) and (j), the building commission shall have the
23 authority to acquire leasehold interests in land and buildings where such authority
24 is not otherwise provided to an agency by law.

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

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

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

13 13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the
14 biostar initiative, for the purpose of providing financial support to attract federal and
15 private funds to construct biological sciences facilities to spur biological sciences
16 education and research activities at the University of Wisconsin–Madison. Projects
17 financed under the program shall be designed to provide biological sciences
18 education and research facilities, ancillary systems, and supporting infrastructure.
19 Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as
20 otherwise provided in the authorized state building program.

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

22 13.48 (27) LEASE OF CORRECTIONAL FACILITIES. The Subject to the requirements
23 of s. 20.924 (1) (i) and (j), the building commission may lease any facility for use of
24 the department of corrections as a part of the authorized state building program,
25 with an option to purchase the facility by the state. Any lease shall provide for the

1 facility to be constructed in accordance with requirements and specifications
2 approved by the department of administration and shall permit inspection of the site
3 and facility by agents of the department.

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

5 13.48 (31) DEBT INCREASE FOR CONSTRUCTION OF A BIOMEDICAL RESEARCH AND
6 TECHNOLOGY INCUBATOR AT THE MEDICAL COLLEGE OF WISCONSIN, INC. (a) The
7 legislature finds and determines that it is in the public interest to promote the public
8 health and welfare and to provide for economic development in this state by ensuring
9 a fundamental and expanding capacity to conduct biomedical research and to create
10 new technologies; by training students in the substance and methodology of
11 biomedical research; and by providing scientific support to individuals and
12 organizations in this state who are engaged in biomedical research and technological
13 innovation. It is therefore the public policy of this state to assist the Medical College
14 of Wisconsin, Inc., in the construction of facilities that will be used for biomedical
15 research and the creation of new technologies.

16 (b) On or after July 1, 2003, the building commission may authorize up to
17 \$25,000,000 of general fund supported borrowing to aid in the construction of a
18 biomedical research and technology incubator at the Medical College of Wisconsin,
19 Inc. The state funding commitment for the construction of the incubator shall be in
20 the form of a construction grant to the Medical College of Wisconsin, Inc. Before the
21 building commission may award the construction grant under this paragraph, the
22 Medical College of Wisconsin, Inc., must certify to the building commission that the
23 total funding commitments of the state and nonstate sources will pay for the
24 construction cost of the incubator.

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

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

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

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

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

13 (d) If the state does not exercise the option to purchase the biomedical research
14 and technology incubator under par. (c), and if the incubator is sold to any 3rd party,
15 any agreement to sell the incubator shall provide that the state has the right to
16 receive an amount equal to the construction grants awarded to the Medical College
17 of Wisconsin, Inc., under this subsection from the net proceeds of any such sale after
18 any mortgage on the incubator has been satisfied and all other secured debts have
19 been paid. This right shall be paramount to the right of the Medical College of
20 Wisconsin, Inc., to the proceeds upon such sale.

21 ***-1857/5.2* SECTION 109.** 13.58 (5) (a) 5. of the statutes is amended to read:

22 13.58 (5) (a) 5. Upon receipt of strategic plans from the department of
23 ~~administration~~ electronic government, the joint committee on legislative
24 organization and the director of state courts, review and transmit comments
25 concerning the plans to the entities submitting the plans.

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

2 13.58 (5) (b) 1. Direct the ~~subunit in the~~ department of ~~administration with~~
3 ~~policy-making responsibility related to information technology~~ electronic
4 government to conduct studies or prepare reports on items related to the committee's
5 duties under par. (a).

6 ***-1857/5.4*** SECTION 111. 13.58 (5) (b) 4. (intro.) of the statutes is amended to
7 read:

8 13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance,
9 direct the department of ~~administration~~ electronic government to report
10 semiannually to the committee and the joint committee on finance concerning any
11 specific information technology system project which is being designed, developed,
12 tested or implemented and which the committees anticipate will have a total cost to
13 the state exceeding \$1,000,000 in the current or any succeeding fiscal biennium. The
14 report shall include all of the following:

15 ***-1335/7.5*** SECTION 112. 13.62 (2) of the statutes is amended to read:

16 13.62 (2) "Agency" means any board, commission, department, office, society,
17 institution of higher education, council or committee in the state government, or any
18 authority created in ch. 231, 232, 233 ~~or~~ 234, or 237, except that the term does not
19 include a council or committee of the legislature.

20 ***-1857/5.5*** SECTION 113. 13.90 (6) of the statutes is amended to read:

21 13.90 (6) The joint committee on legislative organization shall adopt, revise
22 biennially and submit to the cochairpersons of the joint committee on information
23 policy and technology, the governor and the ~~secretary of administration~~ chief
24 information officer, no later than September 15 of each even-numbered year, a
25 strategic plan for the utilization of information technology to carry out the functions

1 of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan
2 shall address the business needs of the legislature and legislative service agencies
3 and shall identify all resources relating to information technology which the
4 legislature and legislative service agencies desire to acquire, contingent upon
5 funding availability, the priority for such acquisitions and the justification for such
6 acquisitions. The plan shall also identify any changes in the functioning of the
7 legislature and legislative service agencies under the plan.

8 ***-1857/5.6* SECTION 114.** 13.93 (2) (h) of the statutes is amended to read:

9 13.93 (2) (h) Approve specifications and scheduling for computer databases
10 containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
11 prescribed in ss. ~~16.971~~ 22.03 (6) and 35.56 (5).

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

13 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
14 credentialing board, commission, independent agency, council or office in the
15 executive branch of state government; all bodies created by the legislature in the
16 legislative or judicial branch of state government; any public body corporate and
17 politic created by the legislature including specifically the Fox River Navigational
18 System Authority, a professional baseball park district, a local professional football
19 stadium district, a local cultural arts district and a family care district created under
20 s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider
21 of medical assistance under subch. IV of ch. 49; technical college district boards;
22 development zones designated under s. 560.71; every county department under s.
23 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are
24 specifically appropriated by state law; and every corporation, institution, association
25 or other organization which receives more than 50% of its annual budget from

1 appropriations made by state law, including subgrantee or subcontractor recipients
2 of such funds.

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

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

15 *-1717/5.1* SECTION 115. 13.95 (1m) of the statutes is created to read:

16 **13.95 (1m) DUTIES OF THE BUREAU; BIENNIAL BUDGET BILL.** (a) In this subsection,
17 “version of the biennial budget bill or bills” means the executive biennial budget bill
18 or bills, as modified by an amendment offered by the joint committee on finance, as
19 engrossed by the first house, as concurred in and amended by the 2nd house or as
20 nonconcurrent in by the 2nd house, or as reported by any committee on conference.

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

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

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

6 b. The amount of moneys designated as “Total Expenditures” in the summary
7 in s. 20.005 (1), as published in each version of the biennial budget bill or bills,
8 adjusted by any one-time expenditure of general purpose revenue in excess of
9 \$5,000,000.

10 2. An estimate of the cost of any provision in each version of the biennial budget
11 bill or bills that would, without the enactment of subsequent legislation, increase
12 general purpose revenue expenditures or that would decrease the amount of
13 revenues deposited in the general fund in the biennium following the succeeding
14 biennium.

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

22 b. For the purpose of making the calculation under subd. 3. a., the bureau shall
23 assume that the increase in general purpose revenue spending between the
24 succeeding biennium and the biennium following the succeeding biennium for each
25 of the items identified in subd. 3. a. is the same as that between the current biennium

1 and the succeeding biennium for these items, as proposed in each version of the
2 biennial budget bill or bills.

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

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

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

14 c. Adjust the estimate of the amount of tax revenues that are deposited in the
15 general fund in the biennium following the succeeding biennium by any provision in
16 each version of the biennial budget bill or bills that would affect the amount of tax
17 revenues that are deposited in the general fund in the biennium.

18 5. a. A comparison of the following: the amount of moneys that are designated
19 as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in each
20 version of the biennial budget bill or bills, and that are available for appropriation
21 in the 2nd year of the succeeding biennium; and an amount that equals the sum of
22 the amount of moneys designated as “Total Expenditures” in the summary in s.
23 20.005 (1), as published in each version of the biennial budget bill or bills, for the 2nd
24 year of the succeeding biennium and the amount required to fund the increase in

1 general purpose revenue spending in the biennium following the succeeding
2 biennium for each of the items identified in subd. 3. a.

3 b. The bureau shall present this comparison in the format used for the
4 statement of the condition of the general fund in the statement prepared under s.
5 20.005 (1).

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

9 ***-1552/5.1* SECTION 117.** 14.019 (2) of the statutes is amended to read:

10 14.019 (2) EFFECT OF APPROPRIATION. Subsection (1) continues to apply to any
11 nonstatutory committee created by the governor even if a part of its expenses is later
12 defrayed from state funds, whether under the general appropriation of s. 20.505 (3)
13 (a) (4) (ba) or under an appropriation enacted specifically for the purposes of such
14 committee.

15 ***-1552/5.2* SECTION 118.** 14.019 (4) of the statutes is amended to read:

16 14.019 (4) PROGRAM FEES. The governor may authorize any committee created
17 under this section to charge a fee for materials and services provided by it in the
18 course of carrying out its responsibilities. The fee may not exceed the actual cost of
19 the materials or services provided. All fees shall be ~~deposited in~~ credited to the
20 appropriation account for the appropriation made under s. 20.505 (3) (4) (h).

21 ***-1857/5.7* SECTION 119.** 14.20 (1) (a) of the statutes is amended to read:

22 14.20 (1) (a) "Local governmental unit" has the meaning given in s. ~~16.97~~ 22.01
23 (7).

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

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

1 ***-1552/5.3*** SECTION 121. 14.26 (7) of the statutes is repealed.

2 ***-1694/11.1*** SECTION 122. 14.28 of the statutes is repealed.

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

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

5 **14.65 Repayment to the general fund.** (1) The secretary of administration
6 shall transfer from the tuition trust fund or the college savings program trust fund
7 to the general fund an amount equal to the amount expended from the
8 appropriations under s. 20.505 (9) (a), 1995 stats., and s. 20.585 (2) (a) and (am) when
9 the secretary of administration determines that funds in the tuition trust fund or the
10 college savings program trust fund are sufficient to make the transfer. The secretary
11 of administration may make the transfer in installments.

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

16 ***-1552/5.4*** SECTION 127. 14.90 (2) of the statutes is amended to read:

17 14.90 (2) The members of the commission shall serve without compensation
18 but shall be reimbursed from the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba) for
19 actual and necessary expenses incurred in the performance of their duties. The
20 commission has the powers granted and the duties ~~granted and imposed~~ under s.
21 39.80.

22 ***-1552/5.5*** SECTION 128. 14.90 (3) of the statutes is amended to read:

23 14.90 (3) From the appropriation under s. 20.505 ~~(3) (a)~~ (4) (ba), the department
24 of administration shall pay the costs of membership in and costs associated with the
25 midwestern higher education compact.

1 ***-0473/3.1* SECTION 129.** 15.01 (2) of the statutes is amended to read:

2 15.01 (2) “Commission” means a 3–member governing body in charge of a
3 department or independent agency or of a division or other subunit within a
4 department, except for the Wisconsin waterways commission which shall consist of
5 5 members, the parole commission which shall consist of ~~6~~ 8 members, and the Fox
6 River management commission which shall consist of 7 members. A Wisconsin group
7 created for participation in a continuing interstate body, or the interstate body itself,
8 shall be known as a “commission”, but is not a commission for purposes of s. 15.06.
9 The parole commission created under s. 15.145 (1) shall be known as a “commission”,
10 but is not a commission for purposes of s. 15.06.

11 ***-1634/P6.1* SECTION 130.** 15.01 (4) of the statutes, as affected by 1999
12 Wisconsin Act 9, section 12n, is repealed and recreated to read:

13 15.01 (4) “Council” means a part–time body appointed to function on a
14 continuing basis for the study, and recommendation of solutions and policy
15 alternatives, of the problems arising in a specified functional area of state
16 government, except the Wisconsin land council has the powers specified in s. 16.965
17 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee River
18 revitalization council has the powers and duties specified in s. 23.18, the council on
19 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
20 state council on alcohol and other drug abuse has the powers and duties specified in
21 s. 14.24, and, before January 1, 2001, the council on health care fraud and abuse has
22 the powers and duties specified in s. 146.36.

23 ***-1335/7.6* SECTION 131.** 15.06 (1) (e) of the statutes is repealed.

24 ***-1335/7.7* SECTION 132.** 15.06 (3) (a) 4. of the statutes is repealed.

25 ***-0985/8.2* SECTION 134.** 15.07 (1) (b) 21. of the statutes is created to read:

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

4 *~~1857/5.8~~* SECTION 135. 15.07 (2) (L) of the statutes is created to read:

5 15.07 (2) (L) The governor shall serve as chairperson of the information
6 technology management board and the chief information officer shall serve as
7 secretary of that board.

8 *~~1857/5.9~~* SECTION 136. 15.07 (3) (bm) 4. of the statutes is created to read:

9 15.07 (3) (bm) 4. The information technology management board shall meet at
10 least 4 times each year and may meet at other times on the call of the chairperson.

11 *~~1857/5.10~~* SECTION 137. 15.103 (3) of the statutes is repealed.

12 *~~1857/5.11~~* SECTION 138. 15.103 (5) of the statutes is repealed.

13 *~~0932/1.1~~* SECTION 139. 15.105 (3) of the statutes is amended to read:

14 15.105 (3) DEPOSITORY SELECTION BOARD. There is created a depository selection
15 board which is attached to the department of administration under s. 15.03. The
16 depository selection board shall consist of the state treasurer, the secretary of
17 administration, and the ~~executive director of the investment board~~ secretary of
18 revenue or their designees.

19 *~~0985/8.3~~* SECTION 159. 15.105 (25) (bm) of the statutes is amended to read:

20 15.105 (25) (bm) A member of the educational communications board. If the
21 secretary of administration determines that the federal communications
22 commission has approved the transfer of all broadcasting licenses held by the
23 educational communications board to the broadcasting corporation, as defined in s.
24 39.81 (2), this paragraph does not apply on and after the effective date of the last

1 license transferred as determined by the secretary of administration under s. 39.87

2 (2) (a).

3 ***-0985/8.4* SECTION 160.** 15.105 (25) (c) of the statutes is amended to read:

4 15.105 (25) (c) Four or, if the secretary of administration determines that the
5 federal communications commission has approved the transfer of all broadcasting
6 licenses held by the educational communications board to the broadcasting
7 corporation, as defined in s. 39.81 (2), on and after the effective date of the last license
8 transferred as determined by the secretary of administration under s. 39.87 (2) (a),
9 5 other members.

10 ***-1857/5.12* SECTION 162.** 15.107 (7) (f) of the statutes is amended to read:

11 15.107 (7) (f) A representative of the unit in the department of ~~administration~~
12 ~~that deals with information technology~~ electronic government.

13 ***-1634/P6.4* SECTION 163.** 15.107 (16) (b) 14. of the statutes is created to read:

14 15.107 (16) (b) 14. One member who is a representative from a public utility.

15 ***-1634/P6.5* SECTION 164.** 15.107 (16) (b) 15. of the statutes is created to read:

16 15.107 (16) (b) 15. One member who represents a professional land information
17 organization.

18 ***-1634/P6.6* SECTION 165.** 15.107 (16) (b) 16. of the statutes is created to read:

19 15.107 (16) (b) 16. One member who is nominated by a statewide association
20 whose purposes include support of a network of statewide land information systems.

21 ***-1634/P6.7* SECTION 166.** 15.107 (16) (d) of the statutes is amended to read:

22 15.107 (16) (d) *Terms, chairperson.* The members listed under par. (b) 8. to ~~13.~~
23 16. shall be appointed for 5-year terms. The governor shall appoint the chairperson
24 of the council, who shall serve at the pleasure of the governor.

25 ***-1634/P6.8* SECTION 167.** 15.107 (16) (e) of the statutes is repealed.

1 ***b0552/1.1* SECTION 168e.** 15.137 (2) of the statutes is created to read:

2 15.137 (2) FOOD ADVISORY COUNCIL. There is created in the department of
3 agriculture, trade and consumer protection a food advisory council consisting of
4 representatives of consumers, representatives of retail and wholesale grocers,
5 representatives of academic institutions, representatives of the federal department
6 of health and human services, representatives of the food industry or food industry
7 associations, and employees of the department of agriculture, trade and consumer
8 protection, all appointed by the secretary of agriculture, trade and consumer
9 protection.

10 ***-0473/3.2* SECTION 169.** 15.145 (1) of the statutes is amended to read:

11 15.145 (1) PAROLE COMMISSION. There is created in the department of
12 corrections a parole commission consisting of 6 8 members. Members shall have
13 knowledge of or experience in corrections or criminal justice. The members shall
14 include a chairperson who is nominated by the governor, and with the advice and
15 consent of the senate appointed, for a 2-year term expiring March 1 of the
16 odd-numbered years, subject to removal under s. 17.07 (3m), and 5 the remaining
17 members in the classified service appointed by the chairperson.

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

19 ***-0645/3.1* SECTION 171.** 15.157 (8) (intro.) of the statutes is amended to read:

20 15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
21 department of commerce a rural health development council consisting of ~~11~~ 13
22 members nominated by the governor, and with the advice and consent of the senate
23 appointed, for 5-year terms, and the secretaries of commerce and health and family
24 services, or their designees. The appointed members shall include all of the
25 following:

1 ***-0645/3.2* SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

2 15.157 (8) (g) A physician licensed under ch. 448 ~~and~~, a dentist licensed under
3 ch. 447, a nurse licensed under ch. 441, ~~both~~ and a dental hygienist licensed under
4 ch. 447, all of whom practice in a rural area, and a representative of public health
5 services.

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

8 15.195 (1) TOBACCO CONTROL BOARD. (intro.) There is created a tobacco control
9 board attached to the department of health and family services under s. 15.03. The
10 tobacco control board shall consist of 15 members and shall include all of the
11 following:

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

13 15.195 (1) (a) One majority party senator, one minority party senator, one
14 majority party representative to the assembly, and one minority party
15 representative to the assembly, appointed as are the members of standing
16 committees in their respective houses.

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

18 15.195 (1) (b) The attorney general or his or her designee.

19 ***-0515/4.1* SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11)
20 and amended to read:

21 15.105 (11) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.
22 There is created an adolescent pregnancy prevention and pregnancy services board
23 which is attached to the department of ~~health and family services~~ administration
24 under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2)
25 (intro.), one member shall be the executive director of the women's council under s.

1 16.01, who shall be a nonvoting member and shall serve permanently as chairperson
2 of the board. Six members shall be state employees who are appointed for
3 membership by the women's council and shall be nonvoting members. The
4 remaining 6 members shall be appointed for 3-year terms, shall represent an equal
5 balance of points of view on pregnancy prevention and pregnancy services and shall
6 be persons who are nominated for membership by statewide organizations that
7 together represent an equal balance of points of view on pregnancy prevention and
8 pregnancy services.

9 *–1857/5.13* SECTION 175. 15.21 of the statutes is created to read:

10 **15.21 Department of electronic government; creation.** There is created
11 a department of electronic government under the direction and supervision of the
12 secretary of electronic government, who shall be known as the "chief information
13 officer."

14 *–1857/5.14* SECTION 176. 15.215 of the statutes is created to read:

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

1 *~~1834/2.1~~* SECTION 177. 15.223 (3) of the statutes is repealed.

2 *b0350/2.4* SECTION 178d. 15.225 (2) (b) of the statutes is amended to read:
3 15.225 (2) (b) *Membership*. The Wisconsin conservation corps board consists
4 of 7 members appointed by the governor from various areas of the state in a manner
5 designed to provide regional, environmental and agricultural representation. One
6 member of the board shall be a member or employee of a local workforce development
7 board established under 29 USC 2832.

8 *~~1834/2.2~~* SECTION 179. 15.225 (3) (b) 6. of the statutes is amended to read:
9 15.225 (3) (b) 6. ~~The An administrator of the a division of workforce excellence~~
10 in the department of workforce development, designated by the governor.

11 *b0632/1.1* SECTION 179q. 15.34 of the statutes is amended to read:
12 **15.34 Department of natural resources; creation.** (1) There is created a
13 department of natural resources under the direction and supervision of the natural
14 resources board.

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

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

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

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

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

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

10 ***-1335/7.8* SECTION 180.** 15.345 (5) of the statutes is amended to read:

11 15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
12 department of natural resources a Fox River management commission consisting of
13 7 members. The commission shall cease to exist on the day after the date on which
14 the state and the Fox River Navigational System Authority enter into the lease
15 agreement specified in s. 237.06.

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

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

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

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

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

1 15.405 (9) (b) Of the members of the pharmacy examining board who are
2 licensed to practice pharmacy, one shall be employed in a pharmacy that provides
3 pharmaceutical services primarily on an inpatient basis, including a pharmacy in a
4 hospital, nursing home, correctional facility, or other institution.

5 *~~0985/8.5~~* SECTION 184. 15.57 of the statutes is renumbered 15.57 (1).

6 *~~0985/8.6~~* SECTION 185. 15.57 (2m) of the statutes is created to read:

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

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

14 15.915 (6) (b) 6. h. Forestry.

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

16 15.915 (6) (b) 6. i. Energy industry.

17 *~~0985/8.7~~* SECTION 188. 15.98 of the statutes is created to read:

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

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

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

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

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

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

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.

24 *-1335/7.10* SECTION 190. 16.004 (4) of the statutes is amended to read:

1 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
2 department as the secretary designates may enter into the offices of state agencies
3 and authorities created under chs. 231, 233 and, 234, and 237, and may examine
4 their books and accounts and any other matter which in the secretary's judgment
5 should be examined and may interrogate the agency's employees publicly or
6 privately relative thereto.

7 *~~1335/7.11~~* SECTION 191. 16.004 (5) of the statutes is amended to read:

8 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
9 authorities created under chs. 231, 233 and, 234, and 237, and their officers and
10 employees, shall cooperate with the secretary and shall comply with every request
11 of the secretary relating to his or her functions.

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

13 16.004 (12) (a) In this subsection, "state agency" means an association,
14 authority, board, department, commission, independent agency, institution, office,
15 society or other body in state government created or authorized to be created by the
16 constitution or any law, including the legislature, the office of the governor and the
17 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority
18 and the Fox River Navigational System Authority.

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

21 38.04 (19) ~~GRANTS TO TECHNICAL COLLEGES~~ CAPACITY BUILDING PROGRAM. From
22 the appropriation under s. ~~20.505 (4) (e)~~ 20.292 (1) (cm), the secretary board shall
23 award grants to ~~technical college~~ district boards to develop or expand programs in
24 occupational areas in which there is a high demand for workers, and to make capital

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

22 16.023 (2) In conjunction with the working group established under sub. (1) (L)
23 1., the council shall, not later than one year after October 14, 1997, develop
24 evaluation criteria for its functions under sub. (1). The council shall complete a
25 report that contains an evaluation of its functions and activities not later than

1 September 1, ~~2002~~ 2006, and shall submit the report to the chief clerk of each house
2 of the legislature, for distribution to the legislature under s. 13.172 (2), and to the
3 governor. The report shall also include a recommendation as to whether the council
4 should continue in existence past its sunset date specified in s. 15.107 (16) (e) and,
5 if so, a recommendation as to whether any structural modifications should be made
6 to the council's functions or to the state's land use programs.

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

8 16.023 (3) Subsections (1) and (2) do not apply after August 31, ~~2003~~ 2007.

9 ***-1335/7.14* SECTION 202.** 16.045 (1) (a) of the statutes is amended to read:

10 16.045 (1) (a) "Agency" means an office, department, independent agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law, which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority created in ch. 231, 232, 233, 234 or, 235, or 237.

15 ***-0985/8.8* SECTION 220.** 16.251 of the statutes is created to read:

16 **16.251 Emergency weather warning system.** (1) In this section,
17 "broadcasting corporation" has the meaning given in s. 39.81 (2).

18 (2) If the secretary determines that the federal communications commission
19 has approved the transfer of all broadcasting licenses held by the educational
20 communications board to the broadcasting corporation, on and after the effective
21 date of the last license transferred, as determined by the secretary under s. 39.87 (2)
22 (a), the department shall contract with the broadcasting corporation for the
23 operation of an emergency weather warning system.

24 ***-0985/8.9* SECTION 221.** 16.26 of the statutes is created to read:

25 **16.26 Public broadcasting assets.** (1) In this section:

1 (a) "Broadcasting corporation" has the meaning given under s. 39.81 (2).

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

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

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

23 ***-1552/5.6* SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

24 16.339 (2) (a) From the appropriation under s. 20.505 (7) (~~dm~~) (fm), the
25 department may award a grant to an eligible applicant for the purpose of providing

1 transitional housing and associated supportive services to homeless individuals and
2 families if the conditions under par. (b) are satisfied. The department shall ensure
3 that the funds for the grants are reasonably balanced among geographic areas of the
4 state, consistent with the quality of applications submitted.

5 ***-1552/5.7* SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

6 16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and ~~(gm)~~ (h),
7 the department shall award grants to eligible applicants for the purpose of
8 supplementing the operating budgets of agencies and shelter facilities that have or
9 anticipate a need for additional funding because of the renovation or expansion of an
10 existing shelter facility, the development of an existing building into a shelter facility,
11 the expansion of shelter services for homeless persons, or an inability to obtain
12 adequate funding to continue the provision of an existing level of services.

13 ***-1552/5.8* SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to
14 read:

15 16.352 (2) (b) (intro.) The department shall allocate funds from the
16 appropriations under s. 20.505 (7) (fm) and ~~(gm)~~ (h) for temporary shelter for
17 homeless individuals and families as follows:

18 ***-1552/5.10* SECTION 226.** 16.40 (14) of the statutes is amended to read:

19 16.40 (14) COMMITTEES. Perform administrative services required to properly
20 account for the finances of committees created by law or executive order. The
21 governor may authorize each committee to make expenditures from the
22 appropriation under s. 20.505 ~~(3)~~ (a) (4) (ba) not exceeding \$2,000 per fiscal year. The
23 governor shall report such authorized expenditures to the joint committee on finance
24 at the next quarterly meeting of the committee. If the governor desires to authorize
25 expenditures of more than \$2,000 per fiscal year by a committee, the governor shall

1 submit to the joint committee on finance for its approval a complete budget for all
2 expenditures made or to be made by the committee. The budget may cover a period
3 encompassing more than one fiscal year or biennium during the governor's term of
4 office. If the joint committee on finance approves a budget authorizing expenditures
5 of more than \$2,000 per fiscal year by such a committee, the governor may authorize
6 the expenditures to be made within the limits of the appropriation under s. 20.505
7 ~~(3) (a)~~ (4) (ba) in accordance with the approved budget during the period covered by
8 the budget. If after the joint committee on finance approves a budget for such a
9 committee the governor desires to authorize expenditures in excess of the authorized
10 expenditures under the approved budget, the governor shall submit a modified
11 budget for the committee to the joint committee on finance. If the joint committee
12 on finance approves a modified budget, the governor may authorize additional
13 expenditures to be made within the limits of the appropriation under s. 20.505 ~~(3)~~
14 ~~(a)~~ (4) (ba) in accordance with the modified budget during the period covered by the
15 modified budget.

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

18 41.11 (6) BADGER STATE GAMES ASSISTANCE. Provide The department shall
19 provide, from the appropriation under s. ~~20.505 (1) (f)~~ 20.380 (1) (b), financial
20 assistance for the operation of the badger state games.

21 *-1552/5.11* SECTION 227. 16.40 (17) of the statutes is amended to read:

22 16.40 (17) INTERSTATE BODIES. Perform administrative services required to
23 properly account for dues and related expenses for state participation in national or
24 regional interstate governmental bodies specified in s. 20.505 ~~(3) (a)~~ (4) (ba) or
25 determined by the governor.

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

2 **16.40 (20m) ANTICIPATED OPERATING AND DEBT SERVICE COSTS; BUILDING PROJECTS.**

3 Provide the building commission with a statement of the amount of the anticipated
4 annual operating costs or the amount of any increased annual operating costs, plus
5 the amount of any increased annual debt service costs, generated by each proposed
6 state building project requiring enumeration in the authorized state building
7 program in the first full year following completion of the project, and the amount of
8 such costs to be funded from each revenue source under s. 20.001 (2).

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

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

14 ***-1335/7.15* SECTION 228.** 16.41 (4) of the statutes is amended to read:

15 16.41 (4) In this section, “authority” means a body created under ch. 231, 233
16 or, 234, or 237.

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

18 16.417 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234
19 or, 235 or 237.

20 ***-1857/5.15* SECTION 230.** 16.43 of the statutes is amended to read:

21 **16.43 Budget compiled.** The secretary shall compile and submit to the
22 governor or the governor–elect and to each person elected to serve in the legislature
23 during the next biennium, not later than November 20 of each even–numbered year,
24 a compilation giving all of the data required by s. 16.46 to be included in the state
25 budget report, except the recommendations of the governor and the explanation

1 thereof. The secretary shall not include in the compilation any provision for the
2 development or implementation of an information technology development project
3 for an executive branch agency that is not consistent with the strategic plan of the
4 agency, as approved under s. 22.13.

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

6 16.46 (5m) A statement of estimated general purpose revenue receipts and
7 expenditures in the biennium following the succeeding biennium based on
8 recommendations in the budget bill or bills. The statement shall contain all of the
9 following:

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

11 1. 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 the biennial budget bill or bills, less the amount
14 designated as the “Opening Balance” in the summary, and adjusted by any one-time
15 deposit of revenues in the general fund.

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

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

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

- 1 a. General equalization school aids.
- 2 b. Appropriations to the department of corrections.
- 3 c. The medical assistance program under subch. IV of ch. 49.
- 4 d. The amount designated as “Compensation Reserves” in the summary under
5 s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2)
6 for that fiscal biennium.

- 7 e. Public debt contracted under subchs. I and IV of ch. 18.
- 8 2. For the purpose of making the calculation under subd. 1., the secretary 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. 1. a. to 1. e. is the same as that between the current
12 biennium and the succeeding biennium for these items, as proposed in the biennial
13 budget bill or bills.

14 (d) 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 secretary
18 shall:

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

22 2. 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.

1 3. 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 the biennial budget bill or bills that would affect the amount of tax revenues that are
4 deposited in the general fund in the biennium.

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

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

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

14 2. The secretary 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 (f) 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 par. (d).

20 *~~1717/5.3~~ SECTION 232. 16.46 (9) of the statutes is created to read:

21 16.46 (9) A comparison of the state’s budgetary surplus or deficit according to
22 generally accepted accounting principles, as reported in any audited financial report
23 prepared by the department for the most recent fiscal year, and the estimated change
24 in the surplus or deficit based on recommendations in the biennial budget bill or bills.
25 For the purpose of this calculation, the secretary shall increase or decrease the

1 surplus or deficit by the amount designated as “Gross Balances” that appears in the
2 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial
3 budget bill or bills.

4 ***-1063/6.2* SECTION 233.** 16.46 (10) of the statutes is created to read:

5 16.46 (10) The determination of the department under s. 13.40 (4).

6 ***-0886/3.2* SECTION 234.** 16.50 (1) (b) of the statutes is amended to read:

7 16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255
8 (2) (ac) and ~~(q)~~, 20.835, and 20.865 (4).

9 ***-1857/5.16* SECTION 235.** 16.50 (3) of the statutes is amended to read:

10 16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except
11 the legislature or the courts, may increase the pay of any employee, expend money
12 or incur any obligation except in accordance with the estimate that is submitted to
13 the secretary as provided in sub. (1) and approved by the secretary or the governor.
14 No change in the number of full-time equivalent positions authorized through the
15 biennial budget process or other legislative act may be made without the approval
16 of the joint committee on finance, except for position changes made by the governor
17 under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and Clinics
18 Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin
19 System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part,
20 the funding for any position, as defined in s. 230.03 (11), as well as the funding for
21 part-time or limited term employees until such time as the secretary determines
22 that the filling of the position or the expending of funds is consistent with s. 16.505
23 and with the intent of the legislature as established by law or in budget
24 determinations, or the intent of the joint committee on finance in creating or
25 abolishing positions under s. 13.10, the intent of the governor in creating or

1 abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents
2 of the University of Wisconsin System in creating or abolishing positions under s.
3 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification
4 for the position may not be undertaken. The secretary shall submit a quarterly
5 report to the joint committee on finance of any position changes made by the governor
6 under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or
7 within the pay ranges prescribed in the compensation plan or as provided in a
8 collective bargaining agreement under subch. V of ch. 111. At the request of the
9 secretary of employment relations, the secretary of administration may authorize
10 the temporary creation of pool or surplus positions under any source of funds if the
11 secretary of employment relations determines that temporary positions are
12 necessary to maintain adequate staffing levels for high turnover classifications, in
13 anticipation of attrition, to fill positions for which recruitment is difficult. Surplus
14 or pool positions authorized by the secretary shall be reported quarterly to the joint
15 committee on finance in conjunction with the report required under s. 16.54 (8).

16 ***-1256/5.1* SECTION 236.** 16.50 (7) (b) of the statutes is amended to read:

17 16.50 (7) (b) Following such notification, the governor shall submit a bill
18 containing his or her recommendations for correcting the imbalance between
19 projected revenues and authorized expenditures, including a recommendation as to
20 whether moneys should be transferred from the budget stabilization fund to the
21 general fund. If the legislature is not in a floorperiod at the time of the secretary's
22 notification, the governor shall call a special session of the legislature to take up the
23 matter of the projected revenue shortfall and the governor shall submit his or her bill
24 for consideration at that session.

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

3 16.505 (1) (intro.) Except as provided in subs. (2), (2m) ~~and~~, (2n), and (2p), no
4 position, as defined in s. 230.03 (11), regardless of funding source or type, may be
5 created or abolished unless authorized by one of the following:

6 ***-1773/3.3*** SECTION 242. 16.505 (2p) of the statutes is created to read:

7 16.505 (2p) (a) Subject to par. (b), the board of regents of the University of
8 Wisconsin System may create or abolish a full-time equivalent academic staff or
9 faculty position or portion thereof from revenues appropriated under s. 20.285 (1) (a).
10 Annually, no later than the September 30 following completion of the fiscal year, the
11 board of regents shall report to the department and the cochairpersons of the joint
12 committee on finance concerning the number of full-time equivalent positions
13 created or abolished by the board under this subsection during the preceding fiscal
14 year.

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

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

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

5 *–1256/5.2* SECTION 245. 16.518 of the statutes is created to read:

6 **16.518 Transfers to the budget stabilization fund and the tax relief**
7 **fund.** (1) In this section, “summary” means the amount shown in the summary in
8 s. 20.005 (1), as published in the biennial budget act or acts.

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

13 (3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in
14 the general fund during the fiscal year that are designated as “Taxes” in the
15 summary is less than the amount of such moneys actually deposited in the general
16 fund during the fiscal year, the secretary shall annually transfer from the general
17 fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

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

22 2. If the amount transferred under par. (a) would cause the general fund
23 balance on June 30 of the fiscal year to be less than the general fund balance that is
24 required under s. 20.003 (4) for that fiscal year, the secretary shall reduce the amount
25 transferred under par. (a) to the amount that would cause the general fund balance

1 to be equal to the minimum general fund balance that is required under s. 20.003 (4)
2 for that fiscal year.

3 (4) If the amount of moneys projected to be deposited in the general fund during
4 the fiscal year that are designated as “Taxes” in the summary is less than the amount
5 of such moneys actually deposited in the general fund during the fiscal year,
6 annually the secretary shall calculate the difference between the amount calculated
7 under sub. (2) and the amount transferred to the budget stabilization fund under
8 sub. (3). If the difference between the amounts is at least \$115,000,000, the secretary
9 shall transfer from the general fund to the tax relief fund the amount that exceeds
10 \$115,000,000.

11 *-1528/8.1* SECTION 246. 16.519 of the statutes is created to read:

12 **16.519 Fund transfers relating to tobacco settlement agreement. (1)**

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

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

21 (4) Beginning in fiscal year 2002–03, if the state has not received at least
22 \$15,345,100 in that fiscal year or in any fiscal year thereafter under the tobacco
23 settlement agreement, because the secretary, under s. 16.63, has sold the state’s
24 right to receive any of the payments under the tobacco settlement agreement, the
25 secretary shall transfer from the general fund to the tobacco control fund in each

1 fiscal year in which the state has not received at least \$15,345,100 under the tobacco
2 settlement agreement an amount equal to \$15,345,100 less any payments received
3 under the tobacco settlement agreement and deposited in the tobacco control fund
4 in the fiscal year.

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

6 16.52 (6) (a) Except as authorized in s. 16.74, all purchase orders, contracts,
7 or printing orders for any agency as defined in s. 16.70 (1) shall, before any liability
8 is incurred thereon, be submitted to the secretary for his or her approval as to legality
9 of purpose and sufficiency of appropriated and allotted funds therefor. In all cases
10 the date of the contract or order governs the fiscal year to which the contract or order
11 is chargeable, unless the secretary determines that the purpose of the contract or
12 order is to prevent lapsing of appropriations or to otherwise circumvent budgetary
13 intent. Upon such approval, the secretary shall immediately encumber all contracts
14 or orders, and indicate the fiscal year to which they are chargeable, except that, for
15 contracts for services funded from the appropriation under s. 20.435 (2) (bj), the
16 secretary may encumber less than the amount of the contract if it is expected that
17 billing for that contract may be submitted in the next fiscal year.

18 *-1335/7.16* SECTION 249. 16.52 (7) of the statutes is amended to read:

19 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
20 which is authorized to maintain a contingent fund under s. 20.920 may establish a
21 petty cash account from its contingent fund. The procedure for operation and
22 maintenance of petty cash accounts and the character of expenditures therefrom
23 shall be prescribed by the secretary. In this subsection, “agency” means an office,
24 department, independent agency, institution of higher education, association,
25 society or other body in state government created or authorized to be created by the

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

4 ***-0886/3.3* SECTION 250.** 16.52 (10) of the statutes is amended to read:

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

9 ***-1335/7.17* SECTION 253.** 16.528 (1) (a) of the statutes is amended to read:

10 16.528 (1) (a) “Agency” means an office, department, independent agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law, which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

15 ***-1335/7.18* SECTION 254.** 16.53 (2) of the statutes is amended to read:

16 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
17 invoice, the agency shall notify the sender of the invoice within 10 working days after
18 it receives the invoice of the reason it is improperly completed. In this subsection,
19 “agency” means an office, department, independent agency, institution of higher
20 education, association, society or other body in state government created or
21 authorized to be created by the constitution or any law, which is entitled to expend
22 moneys appropriated by law, including the legislature and the courts, but not
23 including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

24 ***-1839/1.1* SECTION 255.** 16.53 (14) of the statutes is created to read:

1 16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The
2 department may prescribe and collect a fee for review of any petition for
3 incorporation of a municipality under s. 66.0203 or any petition for annexation of
4 municipal territory under s. 66.0217. The fee shall be paid by the person or persons
5 filing the petition for incorporation or by the person or persons filing the notice of the
6 proposed annexation.

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

8 16.54 (2) (a) 2. Whenever a block grant is made to this state under any federal
9 law enacted after August 31, 1995, which authorizes the distribution of block grants
10 for the purposes for which the grant is made, the governor shall not administer and
11 no board, commission, or department may encumber or expend moneys received as
12 a part of the grant unless the governor first notifies the cochairpersons of the joint
13 committee on finance, in writing, that the grant has been made. The notice shall
14 contain a description of the purposes proposed by the governor for expenditure of the
15 moneys received as a part of the grant. If the cochairpersons of the committee do not
16 notify the governor that the committee has scheduled a meeting for the purpose of
17 reviewing the proposed expenditure of grant moneys within 14 working days after
18 the date of the governor's notification, the moneys may be expended as proposed by
19 the governor. If, within 14 working days after the date of the governor's notification,
20 the cochairpersons of the committee notify the governor that the committee has
21 scheduled a meeting for the purpose of reviewing the proposed expenditure of grant
22 moneys, no moneys received as a part of the grant may be expended without the
23 approval of the committee. This subdivision does not apply to the expenditure of
24 block grant funds that are allocated under s. 49.175 in the fiscal year in which the
25 funds are allocated under s. 49.175.

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

2 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
3 institution of higher education, association, society or other body in state
4 government created or authorized to be created by the constitution or any law, which
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, but not including an authority created in ch. 231, 233 ~~or~~, 234, or 237.

7 ***-0179/3.1*** SECTION 257. 16.54 (13) of the statutes is created to read:

8 16.54 (13) (a) If the state receives any interest payments from the federal
9 government relating to the timing of transfers of federal grant funds for programs
10 that are funded with moneys from the general fund and that are covered in an
11 agreement between the federal department of the treasury and the state under the
12 federal Cash Management Improvement Act of 1990, as amended, the payments,
13 less applicable administrative costs, shall be deposited in the general fund as general
14 purpose revenue — earned.

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

23 ***-1554/1.1*** SECTION 258. 16.545 (9) of the statutes is amended to read:

24 16.545 (9) ~~To process applications for grants from the federal government upon~~
25 request of any agency initiate contacts with the federal government for the purpose

1 of facilitating participation by agencies, as defined in s. 16.70 (1), in federal aid
2 programs, to assist those agencies in applying for such aid, and to facilitate
3 influencing the federal government to make policy changes that will be beneficial to
4 this state. The department may assess to an agency for whom it processes an
5 application to which it provides services under this subsection a fee for the expenses
6 incurred by the department in performing this service providing those services.

7 *–1857/5.24* SECTION 259. 16.61 (2) (af) of the statutes is amended to read:

8 16.61 (2) (af) “Form” has the meaning specified in s. 16.97 22.01 (5p).

9 *–1857/5.25* SECTION 260. 16.61 (3n) of the statutes is amended to read:

10 16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
11 about the forms specified in s. 16.971 22.03 (2m).

12 *–1555/2.1* SECTION 264. 16.62 (2) of the statutes is amended to read:

13 16.62 (2) The department may establish user charges for records storage and
14 retrieval services, with any moneys collected to be credited to the appropriation
15 account under s. 20.505 (1) (im) or ~~(kd)~~ (kb). Such charges shall be structured to
16 encourage efficient utilization of the services.

17 *–1555/2.2* SECTION 265. 16.62 (3) of the statutes is amended to read:

18 16.62 (3) The department may establish user fees for the services of the public
19 records board. Any moneys collected shall be credited to the appropriation account
20 under s. 20.505 (1) ~~(kd)~~ (kb).

21 *–1528/8.2* SECTION 266. 16.63 of the statutes is created to read:

22 16.63 Sale of state’s rights to tobacco settlement agreement payments.

23 (1) In this section:

24 (a) “Purchaser” means any person who has purchased the state’s right to
25 receive any of the payments under the tobacco settlement agreement.

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

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

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

8 (3) The secretary may organize one or more nonstock corporations under ch.
9 181 or limited liability companies under ch. 183 for any purpose related to the sale
10 of the state's right to receive any of the payments under the tobacco settlement
11 agreement and may take any action necessary to facilitate and complete the sale.

12 (3m) 1. If the secretary sells the state's right to receive any of the payments
13 under the tobacco settlement agreement, the secretary shall require, as a condition
14 of the sale, that the purchaser notify the secretary if any bonds or other obligations
15 are issued that are secured by any of the payments and provide the secretary with
16 all information on the distribution of the bond or obligation proceeds.

17 2. The secretary shall submit a report to the joint committee on finance that
18 includes all of the information provided to the secretary by the purchaser under subd.
19 1.

20 (4) (a) Tobacco settlement revenues may not be deemed proceeds of any
21 property which is not tobacco settlement revenues.

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

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

4 2. The required financing statement shall include a description of collateral
5 that describes the collateral as general intangibles consisting of the right to receive
6 settlement payments arising from or pursuant to the tobacco settlement agreement
7 and all proceeds of that right. The required financing statement may include any
8 additional description of collateral that is legally sufficient under the laws of this
9 state.

10 3. The tobacco settlement revenues are general intangibles for purposes of ch.
11 409.

12 4. A security interest perfected under this paragraph is enforceable against the
13 debtor, any assignee or grantee, and all third parties, including creditors under any
14 lien obtained by judicial proceedings, subject only to the rights of any third parties
15 holding security interests in the tobacco settlement revenues previously perfected
16 under this paragraph. Unless the applicable security agreement provides otherwise,
17 a perfected security interest in the tobacco settlement revenues is a continuously
18 perfected security interest in all tobacco settlement revenues existing on the date of
19 the agreement or arising after the date of the agreement. A security interest
20 perfected under this paragraph has priority over any other lien created by operation
21 of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

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

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

4 1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge
5 of or secured transaction relating to, the seller's right, title, and interest in, to, and
6 under the tobacco settlement revenues, if the documents governing the transaction
7 expressly state that the transaction is a sale or other absolute transfer. After such
8 a transaction, the tobacco settlement revenues are not subject to any claims of the
9 seller or the seller's creditors, other than creditors holding a prior security interest
10 in the tobacco settlement revenues perfected under par. (b).

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

14 a. Commingling of amounts arising with respect to the tobacco settlement
15 revenues with other amounts.

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

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

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

22 e. Whether the seller is responsible for collecting payments due under the
23 tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement
24 revenues or retains legal title to the tobacco settlement revenues for the purpose of
25 these collection activities.

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

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

5 4. Nothing in this subsection precludes consideration of the factors listed in
6 subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for
7 tax purposes. The characterization of the sale, assignment, or transfer as an
8 absolute transfer under subd. 1. may not be considered in determining whether the
9 sale, assignment, or transfer is a sale for tax purposes.

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

23 (6) If the secretary sells the state's right to receive any of the payments under
24 the tobacco settlement agreement, the state pledges to and agrees with any
25 purchaser or subsequent transferee of the state's right to receive any of the payments

1 under the tobacco settlement agreement that the state will not limit or alter the
2 powers of the secretary under this section until any contract that is entered into
3 under this section is fully performed, unless adequate provision is made by law for
4 the protection of the rights and remedies of the purchaser or any subsequent
5 transferee under the contract. The secretary may include this pledge and agreement
6 of the state in any contract that is entered into by the secretary under this section.

7 (8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
8 proceedings, and actions brought against the state relating to the sale of the state's
9 right to receive any of the payments under the tobacco settlement agreement. If the
10 state fails to comply with this section or the terms of any agreement relating to the
11 sale of the state's right to receive any of the payments under the tobacco settlement
12 agreement, an action to compel compliance may be commenced against the state.

13 (8m) If the recovery of a money judgment against the state is necessary to give
14 the plaintiff in an action under sub. (8) complete relief, a claim for the money
15 damages may be joined with the claim commenced under sub. (8).

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

21 *~~1335/7.20~~* SECTION 267. 16.70 (2) of the statutes is amended to read:

22 16.70 (2) "Authority" means a body created under ch. 231, 232, 233 ~~or~~, 234, 235,
23 or 237.

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

1 16.70 (3) “Contractual services” includes all services, materials to be furnished
2 by a service provider in connection with services, and any limited trades work
3 involving less than ~~\$20,000~~ \$30,000 to be done for or furnished to the state or any
4 agency.

5 ***-1857/5.26*** SECTION 268. 16.70 (4m) of the statutes is created to read:

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

7 ***-1857/5.27*** SECTION 269. 16.70 (15) of the statutes is created to read:

8 16.70 (15) “Telecommunications” has the meaning given in s. 22.01 (10).

9 ***-1857/5.28*** SECTION 273. 16.71 (1) of the statutes is amended to read:

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

20 ***-1857/5.29*** SECTION 274. 16.71 (1m) of the statutes is created to read:

21 16.71 (1m) The department shall not delegate to any executive branch agency,
22 other than the board of regents of the University of Wisconsin System, the authority
23 to enter into any contract for materials, supplies, equipment, or contractual services
24 relating to information technology or telecommunications prior to review and
25 approval of the contract by the chief information officer. No executive branch agency,

1 other than the board of regents of the University of Wisconsin System, may enter into
2 any such contract without review and approval of the contract by the chief
3 information officer.

4 ***-1857/5.30* SECTION 275.** 16.71 (2m) of the statutes is created to read:

5 16.71 (2m) The department of administration shall delegate authority to make
6 all purchases for the department of electronic government to the department of
7 electronic government. This delegation may not be withdrawn, but the department
8 of electronic government may elect to make any purchase through the department
9 of administration.

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

11 16.71 (2s) The department shall delegate authority to the ethics board to make
12 purchases authorized under s. 22.03 (2) (n).

13 ***-1857/5.31* SECTION 276.** 16.71 (4) of the statutes is amended to read:

14 16.71 (4) The With the approval of the department of electronic government,
15 the department of administration shall delegate authority to the technology for
16 educational achievement in Wisconsin board to make purchases of educational
17 technology equipment for use by school districts, cooperative educational service
18 agencies and public educational institutions in this state, upon request of the board.

19 ***-1823/3.4* SECTION 277.** 16.71 (6) of the statutes is created to read:

20 16.71 (6) The department may assess any agency or municipality to which it
21 provides services under this subchapter for the cost of the services provided to the
22 agency or municipality. The department may also identify savings that the
23 department determines to have been realized by an agency to which it provides
24 services under this subchapter and may assess the agency for not more than the
25 amount of the savings identified by the department.