

ENGROSSED ASSEMBLY BILL 100

SECTION 2422xm

1 **SECTION 2422xm.** 562.057 (4r) of the statutes is created to read:

2 562.057 (4r). The department may not impose a fee on a licensee under s. 562.05

3 (1) (a), (b), (bm), or (e) for receiving a simulcast race from an out-of-state racetrack

4 or for simulcasting a race to an out-of-state legal wagering entity.

5 **SECTION 2422y.** 562.058 of the statutes is created to read:

6 **562.058 Video gaming devices for pari-mutuel racing.** A licensee under

7 s. 562.05 (1) (b) or (bm) may operate video gaming devices to conduct pari-mutuel

8 wagering on dog or horse races that have been previously conducted at a racetrack

9 or out-of-state racetrack and that are visually displayed on the gaming device.

10 **SECTION 2423c.** 562.065 (3) (a) of the statutes is amended to read:

11 562.065 (3) (a) *Deduction.* From the total amount wagered on all animals

12 selected to win, place or show in a race, a licensee under s. 562.05 (1) (b), (bm), and

13 (c) shall deduct 17% or an amount approved by the department under s. 562.02 (1)

14 (k) up to 20% and pay the balance, minus breakage, to winning ticket holders, except

15 that for a multiple pool, the licensee shall deduct 23% or an amount approved by the

16 department under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage,

17 to winning ticket holders. Nothing in this paragraph prohibits the licensee from

18 retaining amounts wagered in multiple pools which are required to be paid to

19 winning ticket holders if there are no winning ticket holders, for the sole purpose of

20 paying these amounts to winning ticket holders of subsequent races.

21 **SECTION 2423d.** 562.065 (3) (b) 1. of the statutes is amended to read:

22 562.065 (3) (b) 1. For horse races, from the total amount deducted under par.

23 (a) on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an

24 amount equal to 8% of the total amount wagered on each race day for purses for races

25 held on that race day, except as provided in s. 562.057 (4). The licensee shall pay

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1 purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay
2 the purse directly to the lessor and lessee of the horse as agreed in a written lease
3 agreement on file with the licensee.

4 **SECTION 2423e.** 562.065 (3) (b) 2. of the statutes is amended to read:

5 562.065 (3) (b) 2. For dog races, from the total amount deducted under par. (a)
6 on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an
7 amount equal to 4.5% of the total amount wagered on each race day for purses, except
8 as provided in s. 562.057 (4). Purses shall be paid on or before Thursday of the
9 calendar week immediately following the race day on which the purses are won. The
10 licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the
11 licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in
12 a written lease agreement on file with the licensee.

13 **SECTION 2423f.** 562.065 (3) (c) 1. (intro.) of the statutes is amended to read:

14 562.065 (3) (c) 1. (intro.) For horse races, from the total amount deducted under
15 par. (a) on each race day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with
16 the department the following amounts:

17 **SECTION 2423g.** 562.065 (3) (c) 2g. (intro.) of the statutes is amended to read:

18 562.065 (3) (c) 2g. (intro.) For dog races, from the total amount deducted under
19 par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05
20 (1) (b) or (bm) shall deposit with the department the following amounts:

21 **SECTION 2423gm.** 562.065 (3) (c) 4. of the statutes is amended to read:

22 562.065 (3) (c) 4. Annually, not later than February 15, a licensee under s.
23 562.05 (1) (b) or (bm) shall file with the department a statement computing the total
24 amount paid to the department under subd. 1. during the immediately preceding
25 year and the total amount wagered at races sponsored and managed by the licensee

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1 during that year. If the total amount paid to the department under subd. 1. exceeds
2 the amount due under subd. 1. the department shall refund the difference to the
3 licensee. If the total amount paid is less than the amount due the licensee shall remit
4 the difference to the department.

5 **SECTION 2423h.** 562.065 (3) (d) 1. of the statutes is amended to read:

6 562.065 (3) (d) 1. From the total amount deducted under par. (a) on each race
7 day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with the department an
8 amount equal to 0.75% of the total amount wagered on that race day.

9 **SECTION 2423i.** 562.065 (3) (e) of the statutes is amended to read:

10 562.065 (3) (e) *Breakage.* A licensee under s. 562.05 (1) (b) or (bm) may retain
11 100% of the breakage for each race day.

12 **SECTION 2423j.** 562.065 (4) of the statutes is amended to read:

13 562.065 (4) UNCLAIMED PRIZES. A licensee under s. 562.05 (1) (b) or (bm) shall
14 pay to the department 50% of any winnings on a race that are not claimed within 90
15 days after the end of the period authorized for racing in that year under s. 562.05 (9).
16 The department shall credit moneys received under this subsection to the
17 appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g). The licensee may
18 retain the remaining 50% of the winnings.

19 **SECTION 2423k.** 562.075 (1) of the statutes is amended to read:

20 562.075 (1) HORSES FOALED IN THIS STATE. Every licensee to sponsor and manage
21 horse races under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race on every
22 race day which is limited to horses foaled in this state, except that another race may
23 be substituted if the licensee is unable, with reasonable effort, to attract sufficient
24 competition for such a race. The department shall define, by rule, the term "foaled
25 in this state".

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1 **SECTION 2423L.** 562.075 (2) (b) of the statutes is amended to read:

2 562.075 (2) (b) *Races.* Every person licensed to sponsor and manage horse races
3 under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race, on every race day, which
4 is limited to 3-year-old horses, which did not race during the prior 2 years. If the
5 licensee is unable, with reasonable effort, to attract sufficient competition for such
6 a race, another race may be substituted.

7 **SECTION 2423m.** 562.08 (1) of the statutes is amended to read:

8 562.08 (1) Every licensee under s. 562.05 (1) (a), (bm), or (e) shall collect 50
9 cents per person entering a racetrack as a spectator on each race day on which an
10 admission fee is charged, including any person entering the racetrack as a spectator
11 on a free pass or complimentary ticket.

12 **SECTION 2423n.** 562.08 (2) of the statutes is amended to read:

13 562.08 (2) Quarterly, of the amount collected during the quarter under sub. (1),
14 a licensee under s. 562.05 (1) (a) or (bm) shall pay 50% to the county where the
15 amount was collected and 50% to the city, village or town where the amount was
16 collected.

17 **SECTION 2423o.** 562.11 (2) of the statutes is amended to read:

18 562.11 (2) Facilitate off-track wagers or conduct an operation through which
19 off-track wagers are transmitted to a racetrack. The acceptance of an intertrack
20 wager at a racetrack that does not meet the criteria specified under s. 562.05 (6m)
21 (b) 2. ~~or 3.~~ is considered to be the acceptance of an off-track wager and the facilitation
22 of an off-track wager.

23 **SECTION 2423r.** 565.02 (3) (j) of the statutes is created to read:

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1 565.02 (3) (j) Requiring retailers to display a sign provided by the department
2 under s. 565.27 (5) that provides notice that the top prizes in a scratch-off game have
3 been claimed.

4 **SECTION 2423v.** 565.02 (9) of the statutes is created to read:

5 565.02 (9) If the department contracts for a supplier to provide instant lottery
6 ticket vending machines for placement by the department, the department shall
7 place vending machines in passenger terminals of airports in Appleton, Green Bay,
8 La Crosse, Madison, and Milwaukee and in passenger terminals of Amtrak train
9 stations in Milwaukee if a retailer, as defined in s. 565.01 (6), agrees to accept
10 placement of a vending machine in the airport or train station and if the airport or
11 train station administrator allows operation of a vending machine in the airport or
12 train station.

13 **SECTION 2427.** 565.10 (3) (b) of the statutes is amended to read:

14 565.10 (3) (b) No lottery retailer contract may be entered into with a person who
15 has been finally adjudged to be delinquent in the payment of taxes under ch. 71, 72,
16 76, 77, 78, or 139 or who has been found delinquent in the payment of contributions
17 to the unemployment reserve fund under s. 108.16 in a proceeding under s. 108.10,
18 or who owes a payment to the uninsured employers fund under s. 102.82 or 102.85
19 (4) or to the work injury supplemental benefit fund under s. 102.49 (5) (a), 102.59 (2),
20 or 102.60 (5) (b) if the person remains delinquent in the payment of liable for those
21 taxes or contributions, or payments at the time the person seeks to enter into the
22 lottery retailer contract.

23 **SECTION 2427b.** 565.10 (15) of the statutes is amended to read:

24 565.10 (15) REMITTING PROCEEDS. A retailer shall, ~~on a~~ daily basis, unless
25 another basis, ~~but not less than weekly,~~ frequency that is at least once every 60 days

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1 is provided by the department by rule, remit to the department the lottery proceeds
2 from the sale of lottery tickets or lottery shares. The amount of compensation
3 deducted by the retailer, if any, shall be indicated as a deduction from the total
4 remitted.

5 **SECTION 2427d.** 565.10 (16) of the statutes is created to read:

6 **565.10 (16) DISPLAYING NOTIFICATION THAT PRIZES CLAIMED.** Each lottery retailer
7 contract shall require the retailer to display a sign as provided by rule under s. 565.02
8 (3)(j) when the department notifies the retailer that the top prizes in a scratch-off
9 game have been claimed.

10 **SECTION 2428d.** 565.27 (5) of the statutes is created to read:

11 **565.27 (5) NOTIFICATION THAT PRIZES IN SCRATCH-OFF GAME CLAIMED.** The
12 department shall notify each retailer when the top prizes in a scratch-off game are
13 claimed and shall provide retailers a sign for display that provides notice that the top
14 prizes for a game have been claimed.

15 **SECTION 2429.** 565.48 of the statutes is created to read:

16 **565.48 Collection of unpaid liabilities.** Any unpaid amount owed by a
17 retailer to the department under this chapter shall be assessed, collected, and
18 reviewed in the same manner as income taxes are assessed, collected, and reviewed
19 under ch. 71.

20 **SECTION 2429c.** 601.41 (1) of the statutes is amended to read:

21 **601.41 (1) DUTIES.** The commissioner shall administer and enforce chs. 600 to
22 655 and ss. 59.52 (11) (c), 66.0137 (4) and (4m), 100.203, 120.13 (2) (b) to (g), and
23 149.13, ~~and 149.144~~ and shall act as promptly as possible under the circumstances
24 on all matters placed before the commissioner.

25 **SECTION 2429e.** 601.415 (12) of the statutes is amended to read:

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1 601.415 (12) HEALTH INSURANCE RISK-SHARING PLAN. The commissioner shall
2 perform the duties specified to be performed by the commissioner in ~~ss. s. 149.13 and~~
3 ~~149.144. The commissioner, or his or her designee, shall serve as a member of the~~
4 ~~board under s. 149.15.~~

5 **SECTION 2429g.** 601.64 (1) of the statutes is amended to read:

6 601.64 (1) INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may
7 commence an action in circuit court in the name of the state to restrain by temporary
8 or permanent injunction or by temporary restraining order any violation of chs. 600
9 to 655, or s. 149.13 ~~or 149.144~~, any rule promulgated under chs. 600 to 655, or any
10 order issued under s. 601.41 (4). The commissioner need not show irreparable harm
11 or lack of an adequate remedy at law in an action commenced under this subsection.

12 **SECTION 2429h.** 601.64 (3) (a) of the statutes is amended to read:

13 601.64 (3) (a) *Restitutionary forfeiture.* Whoever violates an effective order
14 issued under s. 601.41 (4), any insurance statute or rule, or s. 149.13 ~~or 149.144~~ shall
15 forfeit to the state twice the amount of any profit gained from the violation, in
16 addition to any other forfeiture or penalty imposed.

17 **SECTION 2429i.** 601.64 (3) (c) of the statutes is amended to read:

18 601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an
19 insurance statute or rule or s. 149.13 ~~or 149.144~~, intentionally aids a person in
20 violating an insurance statute or rule or s. 149.13 ~~or 149.144~~, or knowingly permits
21 a person over whom he or she has authority to violate an insurance statute or rule
22 or s. 149.13 ~~or 149.144~~ shall forfeit to the state not more than \$1,000 for each
23 violation. If the statute or rule imposes a duty to make a report to the commissioner,
24 each week of delay in complying with the duty is a new violation.

25 **SECTION 2429j.** 601.64 (4) of the statutes is amended to read:

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601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally permits any person over whom he or she has authority to violate or intentionally aids any person in violating any insurance statute or rule of this state, s. 149.13 or 149.144, or any effective order issued under s. 601.41 (4) is guilty of a Class I felony, unless a specific penalty is provided elsewhere in the statutes. Intent has the meaning expressed under s. 939.23.

SECTION 2429m. 613.03 (4) of the statutes is amended to read:

613.03 (4) ~~MANDATORY HEALTH INSURANCE RISK-SHARING PLAN~~ HEALTH INSURANCE RISK-SHARING PLAN. Service insurance corporations organized or operating under this chapter are subject to the requirements that apply to insurers and insurance under ch. 149.

SECTION 2429p. 631.20 (2) (f) of the statutes is created to read:

631.20 (2) (f) In the case of a policy form under ch. 149, that the benefit design is not comparable to a typical individual health insurance policy offered in the private sector market in this state.

SECTION 2429r. 632.785 (title) of the statutes is amended to read:

632.785 (title) Notice of mandatory risk-sharing plan Health Insurance Risk-Sharing Plan.

SECTION 2438. 757.05 (1) (title) of the statutes is amended to read:

757.05 (1) (title) ~~LEVY OF PENALTY ASSESSMENT SURCHARGE.~~

SECTION 2439. 757.05 (1) (a) of the statutes is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who

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1 committed the violation had a blood alcohol concentration of 0.08 or more but less
2 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
3 county ordinances involving nonmoving traffic violations or safety belt use violations
4 under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under
5 ch. 814 in an amount of ~~24%~~ 25% of the fine or forfeiture imposed. If multiple offenses
6 are involved, the penalty surcharge shall be based upon the total fine or forfeiture
7 for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty
8 surcharge shall be reduced in proportion to the suspension.

9 **SECTION 2440g.** 757.05 (2) (a) of the statutes is renumbered 757.05 (2) and
10 amended to read:

11 ~~757.05 (2) *Law enforcement training fund.* Forty-eight percent of all~~ All
12 moneys collected from penalty surcharges under sub. (1) shall be credited to the
13 appropriation account under s. 20.455 (2) (i) and utilized in accordance with ss.
14 20.455 (2) and 165.85 (5). The moneys credited to the appropriation account under
15 s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), 20.455 (2) (j)
16 and (ja) constitute the law enforcement training fund.

17 **SECTION 2440r.** 757.05 (2) (b) of the statutes is repealed.

18 **SECTION 2441.** 767.078 (1) (a) 2. of the statutes is amended to read:

19 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.
20 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

21 **SECTION 2442.** 767.29 (1m) (c) of the statutes is amended to read:

22 767.29 (1m) (c) The party entitled to the support or maintenance money or a
23 minor child of the party has applied for or is receiving aid to families with dependent
24 children aid under s. 46.261 or public assistance under ch. 49 and there is an

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1 assignment to the state under s. 46.261 (3) or 49.19 (4) (h) 1. b. of the party's right
2 to the support or maintenance money.

3 **SECTION 2443.** 767.29 (2) of the statutes is amended to read:

4 **767.29 (2)** If any party entitled to maintenance payments or support money,
5 or both, is receiving public assistance under ch. 49, the party may assign the party's
6 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such
7 assistance. Such assignment shall be approved by order of the court granting the
8 maintenance payments or support money, and may be terminated in like manner;
9 except that it shall not be terminated in cases where there is any delinquency in the
10 amount of maintenance payments and support money previously ordered or
11 adjudged to be paid to the assignee without the written consent of the assignee or
12 upon notice to the assignee and hearing. When an assignment of maintenance
13 payments or support money, or both, has been approved by the order, the assignee
14 shall be deemed a real party in interest within s. 803.01 but solely for the purpose
15 of securing payment of unpaid maintenance payments or support money adjudged
16 or ordered to be paid, by participating in proceedings to secure the payment thereof.
17 Notwithstanding assignment under this subsection, and without further order of the
18 court, the department or its designee, upon receiving notice that a party or a minor
19 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49
20 or that a kinship care relative or long-term kinship care relative of the minor child
21 is receiving kinship care payments or long-term kinship care payments for the minor
22 child, shall forward all support assigned under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n)
23 (b) 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261 (3), 48.57 (3m) (b)
24 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

25 **SECTION 2444.** 767.29 (4) of the statutes is amended to read:

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1 767.29 (4) If an order or judgment providing for the support of one or more
2 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes
3 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),
4 or 49.19, any support payment made under the order or judgment is assigned to the
5 state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the
6 amount that is the proportionate share of the minor receiving aid under s. 46.261,
7 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion
8 of a party.

9 **SECTION 2448m.** 814.66 (1) (h) 1. of the statutes is amended to read:

10 814.66 (1) (h) 1. Except as provided in subd. 2., for copies, certified or otherwise,
11 of records or other papers in the custody and charge of registers in probate, or for the
12 comparison and attestation of copies not provided by the registers, \$1 \$1.25 per page.

13 **SECTION 2449m.** 814.75 (11) of the statutes is created to read:

14 814.75 (11) The drug offender diversion surcharge under s. 973.043.

15 **SECTION 2450b.** 814.76 (9) of the statutes is created to read:

16 814.76 (9) The drug offender diversion surcharge under s. 973.043.

17 **SECTION 2450d.** 814.77 (3m) of the statutes is created to read:

18 814.77 (3m) The crime victim and witness assistance surcharge under s.
19 973.045 (1m).

20 **SECTION 2450g.** 814.78 (4m) of the statutes is created to read:

21 814.78 (4m) The crime victim and witness assistance surcharge under s.
22 973.045 (1m).

23 **SECTION 2450m.** 814.79 (3m) of the statutes is created to read:

24 814.79 (3m) The crime victim and witness assistance surcharge under s.
25 973.045 (1m).

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SECTION 2450r. 814.80 (4m) of the statutes is created to read:

814.80 (4m) The crime victim and witness assistance surcharge under s. 973.045 (1m).

SECTION 2451. 814.86 (1) of the statutes is amended to read:

814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$9 \$12 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1).

The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 2454. 891.455 (4) of the statutes is amended to read:

891.455 (4) The presumption under sub. (2) for cancers caused by smoking or tobacco product use shall not apply to any municipal fire fighter who smokes cigarettes, as defined in s. 139.30 (1) (1m), or who uses a tobacco product, as defined in s. 139.75 (12), after January 1, 2001.

SECTION 2455. 909.02 (4) of the statutes is amended to read:

909.02 (4) CERTIFIED COPIES OF PUBLIC RECORDS. A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with sub. (1), (2) or (3) or complying with any statute or rule adopted by the supreme court, or, with respect to records maintained

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1 under s. 343.23, certified electronically in any manner determined by the
2 department of transportation to conform with the requirements of s. 909.01.

3 **SECTION 2458.** 938.33 (4) (intro.) of the statutes is amended to read:

4 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
5 placement in a foster home, treatment foster home, group home, or nonsecured
6 residential care center for children and youth or, in the home of a relative other than
7 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
8 that the report may be presented orally at the dispositional hearing if all parties
9 consent. A report that is presented orally shall be transcribed and made a part of the
10 court record. The report shall include all of the following:

11 **SECTION 2459.** 938.345 (4) of the statutes is created to read:

12 938.345 (4) If the court finds that a juvenile is in need of protection or services
13 under s. 938.13 (4), the court, instead of or in addition to any other disposition
14 imposed under sub. (1), may place the juvenile in the home of a guardian under s.
15 48.977 (2).

16 **SECTION 2460.** 938.57 (1) (c) of the statutes is amended to read:

17 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
18 care, including providing services for juveniles and their families in their own homes,
19 placing the juveniles in licensed foster homes, licensed treatment foster homes, or
20 licensed group homes in this state or another state within a reasonable proximity to
21 the agency with legal custody, placing the juveniles in the homes of guardians under
22 s. 48.977 (2), or contracting for services for them by licensed child welfare agencies
23 or replacing them in secured correctional facilities, secured child caring institutions,
24 or secured group homes in accordance with rules promulgated under ch. 227, except
25 that the county department may not purchase the educational component of private

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1 day treatment programs unless the county department, the school board, as defined
2 in s. 115.001 (7), and the state superintendent of public instruction all determine that
3 an appropriate public education program is not available. Disputes between the
4 county department and the school district shall be resolved by the state
5 superintendent of public instruction.

6 **SECTION 2461.** 938.57 (3) (a) 4. of the statutes is amended to read:

7 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
8 or, residential care center for children and youth, or subsidized guardianship home
9 under s. 48.62 (5).

10 **SECTION 2462.** 938.78 (2) (h) of the statutes is created to read:

11 938.78 (2) (h) Paragraph (a) does not prohibit an agency from entering the
12 content of any record kept or information received about an individual in its care or
13 legal custody into the statewide automated child welfare information system
14 established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county
15 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health
16 and family services, the department of corrections, or any other organization that
17 has entered into an information sharing and access agreement with one of those
18 county departments or departments and that has been approved for access to the
19 statewide automated child welfare information system by the department of health
20 and family services from having access to information concerning a client of that
21 county department, department, or organization under this chapter or ch. 48 or 51
22 that is maintained in the statewide automated child welfare information system, if
23 necessary to enable the county department, department, or organization to perform
24 its duties under this chapter or ch. 48 or 51 or to coordinate the delivery of services
25 under this chapter or ch. 48 or 51 to the client. Before entering any information about

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1 an individual into the statewide automated child welfare information system, the
2 agency entering the information shall notify the individual that the information
3 entered may be disclosed as provided in this paragraph.

4 **SECTION 2466.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

5 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
6 approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)
7 6., 7. or 8.; and

8 **SECTION 2467.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

9 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
10 approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)
11 6., 7. or 8.; and

12 **SECTION 2467c.** 961.41 (5) (a) of the statutes is amended to read:

13 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
14 also impose a drug abuse program improvement surcharge under ch. 814 in an
15 amount of 50% 75 percent of the fine and penalty surcharge imposed.

16 **SECTION 2467d.** 961.41 (5) (c) of the statutes is renumbered 961.41 (5) (c) 1.

17 (intro.) and amended to read:

18 961.41 (5) (c) 1. (intro.) All of the following moneys collected from drug
19 surcharges under this subsection shall be deposited by the secretary of
20 ~~administration in and utilized in accordance with~~ credited to the appropriation
21 account under s. 20.435 (6) (gb).

22 **SECTION 2467g.** 961.41 (5) (c) 1. of the statutes, as affected by 2005 Wisconsin

23 Act (this act), is repealed and recreated to read:

24 961.41 (5) (c) 1. Two-thirds of all moneys collected from drug surcharges under
25 this subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

ENGROSSED ASSEMBLY BILL 100**SECTION 2467gm**

SECTION 2467gm. 961.41 (5) (c) 1. a. of the statutes is created to read:

961.41 (5) (c) 1. a. For fiscal year 2005-06, all of the first \$1,038,600 collected from drug surcharges under this subsection during that fiscal year plus two-thirds of all moneys collected in excess of \$1,528,600 from drug surcharges under this subsection during that fiscal year.

SECTION 2467h. 961.41 (5) (c) 1. b. of the statutes is created to read:

961.41 (5) (c) 1. b. For fiscal year 2006-07, all of the first \$1,044,300 collected from drug surcharges under this subsection during that fiscal year plus two-thirds of all moneys collected in excess of \$1,534,300 from drug surcharges under this subsection during that fiscal year.

SECTION 2467i. 961.41 (5) (c) 2. of the statutes is created to read:

961.41 (5) (c) 2. All of the following moneys collected from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.505 (6) (ku):

a. For fiscal year 2005-06, all of the moneys collected in excess of \$1,038,600 from drug surcharges under this subsection during that fiscal year until the first \$1,528,600 has been collected plus one-third of all moneys collected in excess of \$1,528,600 from drug surcharges under this subsection during that fiscal year.

b. For fiscal year 2006-07, all of the moneys collected in excess of \$1,044,300 from drug surcharges under this subsection during that fiscal year until the first \$1,534,300 has been collected plus one-third of all moneys collected in excess of \$1,534,300 from drug surcharges under this subsection during that fiscal year.

SECTION 2467k. 961.41 (5) (c) 2. of the statutes, as created by 2005 Wisconsin Act (this act), is repealed and recreated to read:

ENGROSSED ASSEMBLY BILL 100

SECTION 2467k

1 961.41 (5) (c) 2. One-third of all moneys collected from drug surcharges under
2 this subsection shall be credited to the appropriation account under s. 20.505 (6) (ku).

3 **SECTION 2467m.** 961.472 (5) of the statutes is repealed and recreated to read:
4 961.472 (5) The court is not required to enter an order under sub. (2) if any of
5 the following applies:

6 (a) The court finds that the person is already covered by or has recently
7 completed an assessment under this section or a substantially similar assessment.

8 (b) The person is participating in a substance abuse treatment program that
9 meets the requirements of s. 16.964 (12) (c), as determined by the office of justice
10 assistance under s. 16.964 (12) (i).

11 **SECTION 2467p.** 967.11 of the statutes is created to read:

12 **967.11 Alternatives to prosecution and incarceration; monitoring**
13 **participants.** (1) In this section, "approved substance abuse treatment program"
14 means a substance abuse treatment program that meets the requirements of s.
15 16.964 (12) (c), as determined by the office of justice assistance under s. 16.964 (12)
16 (i).

17 (2) If a county establishes an approved substance abuse treatment program
18 and the program authorizes the use of surveillance and monitoring technology or day
19 reporting programs, a court or a district attorney may require a person participating
20 in an approved substance abuse treatment program to submit to surveillance and
21 monitoring technology or a day reporting program as a condition of participation.

22 **SECTION 2467s.** 973.032 (6) of the statutes is amended to read:

23 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) or (1m) applies
24 toward service of the period under sub. (3) (a) but does not apply toward service of
25 the period under sub. (3) (b).

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SECTION 2467x

1 **SECTION 2467x.** 973.043 of the statutes is created to read:

2 **973.043 Drug offender diversion surcharge.** (1) If a court imposes a
3 sentence or places a person on probation for a crime under ch. 943 that was
4 committed on or after the first day of the 3rd month beginning after the effective date
5 of this subsection [revisor inserts date], the court shall impose a drug offender
6 diversion surcharge of \$10 for each conviction.

7 (2) After determining the amount due, the clerk of court shall collect and
8 transmit the amount to the county treasurer under s. 59.40 (2) (m). The county
9 treasurer shall then make payment to the secretary of administration under s. 59.25

10 (3) (f) 2.

11 (3) All moneys collected from drug offender diversion surcharges shall be
12 credited to the appropriation account under s. 20.505 (6) (ku) and used for the
13 purpose of making grants to counties under s. 16.964 (12).

14 (4) If an inmate in a state prison or a person sentenced to a state prison has
15 not paid the drug offender diversion surcharge under this section, the department
16 shall assess and collect the amount owed from the inmate's wages or other moneys.
17 Any amount collected shall be transmitted to the secretary of administration.

18 **SECTION 2468m.** 973.045 (1) (intro.) of the statutes is amended to read:

19 973.045 (1) (intro.) ~~On or after October 1, 1983, Except as provided in sub. (1m),~~
20 if a court imposes a sentence or places a person on probation, the court shall impose
21 a crime victim and witness assistance surcharge calculated as follows:

22 **SECTION 2469.** 973.045 (1) (a) of the statutes is amended to read:

23 973.045 (1) (a) For each misdemeanor offense or count, ~~\$50~~ \$60.

24 **SECTION 2470.** 973.045 (1) (b) of the statutes is amended to read:

25 973.045 (1) (b) For each felony offense or count, ~~\$70~~ \$85.

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SECTION 2470m

1 **SECTION 2470m.** 973.045 (1m) of the statutes is created to read:

2 **973.045 (1m)** If a complaint is issued charging a person with a crime for an
3 offense that could subject the person to a forfeiture or to prosecution for a crime, the
4 prosecutor decides to defer or suspend the criminal prosecution, and as a result the
5 person agrees to pay a forfeiture, the court shall impose a crime victim and witness
6 assistance surcharge in addition to imposing a forfeiture. The amount of the
7 surcharge shall be the amount specified in sub. (1) (a) or (b), depending on the crime
8 that the person was charged with in the complaint.

9 **SECTION 2471.** 973.045 (3) (a) 1. of the statutes is amended to read:

10 **973.045 (3) (a) 1.** Part A equals ~~\$30~~ \$40 for each misdemeanor offense or count
11 and ~~\$50~~ \$65 for each felony offense or count.

12 **SECTION 2472.** 973.05 (2m) of the statutes is amended to read:

13 **973.05 (2m)** Payments under this section shall be applied first to payment of
14 the penalty surcharge until paid in full, shall then be applied to the payment of the
15 jail surcharge until paid in full, shall then be applied to the payment of part A of the
16 crime victim and witness assistance surcharge until paid in full, shall then be
17 applied to part B of the crime victim and witness assistance surcharge until paid in
18 full, shall then be applied to the crime laboratories and drug law enforcement
19 surcharge until paid in full, shall then be applied to the deoxyribonucleic acid
20 analysis surcharge until paid in full, shall then be applied to the drug abuse program
21 improvement surcharge until paid in full, shall then be applied to the drug offender
22 diversion surcharge until paid in full, shall then be applied to payment of the driver
23 improvement surcharge until paid in full, shall then be applied to the truck driver
24 education surcharge if applicable until paid in full, shall then be applied to payment
25 of the domestic abuse surcharge until paid in full, shall then be applied to payment

ENGROSSED ASSEMBLY BILL 100

SECTION 2472

1 of the consumer protection surcharge until paid in full, shall then be applied to
2 payment of the natural resources surcharge if applicable until paid in full, shall then
3 be applied to payment of the natural resources restitution surcharge until paid in
4 full, shall then be applied to the payment of the environmental surcharge if
5 applicable until paid in full, shall then be applied to the payment of the wild animal
6 protection surcharge if applicable until paid in full, shall then be applied to payment
7 of the weapons surcharge until paid in full, shall then be applied to payment of the
8 uninsured employer surcharge until paid in full, shall then be applied to payment
9 of the enforcement surcharge under s. 253.06 (4) (c), if applicable, until paid in full,
10 and shall then be applied to payment of the fine and the costs and fees imposed under
11 ch. 814.

12 **SECTION 2473.** 973.09 (1) (a) of the statutes is amended to read:

13 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
14 particular offense by statute, if a person is convicted of a crime, the court, by order,
15 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
16 and in either case place the person on probation to the department for a stated period,
17 stating in the order the reasons therefor. The court may impose any conditions which
18 appear to be reasonable and appropriate. The period of probation may be made
19 consecutive to a sentence on a different charge, whether imposed at the same time
20 or previously. If the court imposes ~~an increased a~~ term of probation, ~~as authorized~~
21 under sub. (2) (a) 1 or 2. or (b) 2., it shall place its reasons for doing so on the record.

22 **SECTION 2473e.** 973.09 (2) (a) 1. of the statutes is renumbered 973.09 (2) (a) 1.

23 (intro.) and amended to read:

24 973.09 (2) (a) 1. Except as provided in subd. 2., for any of the following
25 misdemeanors, not less than 6 months nor more than 2 years:

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SECTION 2474d

1 **SECTION 2474d.** 973.09 (2) (a) 1. a. of the statutes is created to read:

2 973.09 (2) (a) 1. a. A misdemeanor that the defendant committed while
3 possessing a firearm.

4 **SECTION 2474g.** 973.09 (2) (a) 1. b. of the statutes is created to read:

5 973.09 (2) (a) 1. b. A misdemeanor that was an act of domestic abuse, as defined
6 in s. 968.075 (1) (a).

7 **SECTION 2474j.** 973.09 (2) (a) 1. c. of the statutes is created to read:

8 973.09 (2) (a) 1. c. A misdemeanor under s. 940.225 (3m) or ch. 948.

9 **SECTION 2474m.** 973.09 (2) (a) 1. d. of the statutes is created to read:

10 973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), 30.681, 30.684
11 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor under s. 346.63 to which s.
12 973.09 (1) (d) applies.

13 **SECTION 2475b.** 973.09 (2) (a) 1m. of the statutes is created to read:

14 973.09 (2) (a) 1m. Except as provided in subd. 2., for Class A misdemeanors not
15 covered by subd. 1., not less than 6 months nor more than one year.

16 **SECTION 2475d.** 973.09 (2) (a) 1r. of the statutes is created to read:

17 973.09 (2) (a) 1r. Except as provided in subd. 2., for misdemeanors not covered
18 by subd. 1. or 1m., not more than one year.

19 **SECTION 2475g.** 973.155 (1) (b) of the statutes is amended to read:

20 973.155 (1) (b) The categories in par. (a) and sub. (1m) include custody of the
21 convicted offender which is in whole or in part the result of a probation, extended
22 supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10
23 (2) placed upon the person for the same course of conduct as that resulting in the new
24 conviction.

25 **SECTION 2475m.** 973.155 (1m) of the statutes is created to read:

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SECTION 2475m

1 973.155 (1m) A convicted offender shall be given credit toward the service of
2 his or her sentence for all days spent in custody as part of a substance abuse
3 treatment program that meets the requirements of s. 16.964 (12) (c), as determined
4 by the office of justice assistance under s. 16.964 (12) (i) for any offense arising out
5 of the course of conduct that led to the person's placement in that program.

6 **SECTION 2475r.** 973.155 (3) of the statutes is amended to read:

7 973.155 (3) The credit provided in sub. (1) or (1m) shall be computed as if the
8 convicted offender had served such time in the institution to which he or she has been
9 sentenced.

10 **SECTION 2479.** 978.03 (3) of the statutes is amended to read:

11 978.03 (3) Any assistant district attorney under sub. (1), (1m), or (2) must be
12 an attorney admitted to practice law in this state and, except as provided in ~~ss. s.~~ s.
13 978.043 and 978.044, may perform any duty required by law to be performed by the
14 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),
15 or (2) may appoint such temporary counsel as may be authorized by the department
16 of administration.

17 **SECTION 2481.** 978.044 of the statutes is repealed.

18 **SECTION 2484.** 978.05 (4m) of the statutes is amended to read:

19 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department
20 departments of workforce development and health and family services regarding the
21 fraud investigation program programs under ~~s. ss.~~ ss. 49.197 (1m) and 49.845 (1).

22 **SECTION 2485.** 978.05 (8) (b) of the statutes is amended to read:

23 978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~ss. s.~~ s.
24 978.043 and 978.044, make appropriate assignments of the staff throughout the
25 prosecutorial unit. The district attorney may request the assistance of district

ENGROSSED ASSEMBLY BILL 100

SECTION 2485

1 attorneys, deputy district attorneys, or assistant district attorneys from other
2 prosecutorial units or assistant attorneys general who then may appear and assist
3 in the investigation and prosecution of any matter for which a district attorney is
4 responsible under this chapter in like manner as assistants in the prosecutorial unit
5 and with the same authority as the district attorney in the unit in which the action
6 is brought. Nothing in this paragraph limits the authority of counties to regulate the
7 hiring, employment, and supervision of county employees.

8 **SECTION 2490.** 978.13 (1) (d) of the statutes is amended to read:

9 978.13 (1) (d) In counties having a population of 500,000 or more, the salary
10 and fringe benefit costs of 2 clerk positions providing clerical services to the
11 prosecutors in the district attorney's office handling cases involving the unlawful
12 possession or use of firearms. The secretary of administration shall pay the amount
13 authorized under this subsection to the county treasurer from the appropriation
14 under s. 20.475 (1) (f) or (i) pursuant to a voucher submitted by the district attorney
15 to the department of administration.

16 **SECTION 2491.** 978.13 (1m) of the statutes is amended to read:

17 978.13 (1m) The amount paid under sub. (1) (b), (c), and (d) combined may not
18 exceed the amount appropriated under s. 20.475 (1) (f) and (i) combined.

19 **SECTION 2493.** 1997 Wisconsin Act 27, section 9456 (3m) (a), as last affected
20 by 2003 Wisconsin Act 48, is repealed.

21 **SECTION 2494.** 1999 Wisconsin Act 9, section 9401 (2zt), as last affected by 2003
22 Wisconsin Act 33, is repealed.

23 **SECTION 2495.** 1999 Wisconsin Act 9, section 9401 (2zu), as last affected by
24 2003 Wisconsin Act 33, is repealed.

25 **SECTION 2496.** 2001 Wisconsin Act 74, section 23 (5) is repealed.

ENGROSSED ASSEMBLY BILL 100

SECTION 2496g

SECTION 2496g. 2003 Wisconsin Act 33, section 9106 (1) (g) 2. is amended to

read:

[2003 Wisconsin Act 33] Section 9106 (1)

(g) UNIVERSITY OF WISCONSIN SYSTEM

2. *Projects financed by program revenue supported*

borrowing:

Eau Claire — Children's Center	1,842,000
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Extension — Lowell Hall improvements	1,144,000
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Green Bay — University Union expansion	1,400,000
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(Total project all funding sources \$6,000,000)

La Crosse — Residence hall	22,344,000
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Madison — Distribution services facility purchase	5,300,000
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— Parking ramps	20,000,000
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— Walnut Street steam and chilled-water plant purchase	90,000,000
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Oshkosh — Recreation and Wellness Center	20,206,000
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— Titan Stadium expansion	1,000,000
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(Total project all funding sources \$6,500,000)

Parkside — Student Union expansion and

admissions office	22,164,000	23,730,000
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(Total project all funding sources \$25,191,000)

Platteville — Glenview Commons improvements	2,946,000
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ENGROSSED ASSEMBLY BILL 100

SECTION 2496g

1 Stevens Point — University Center remodeling
2 and addition 16,000,000

3 (Total project all funding sources \$16,720,000)

4 Stout — Holvid Hall remodeling and addition 8,570,000

5 — Price Commons addition completion 514,000

6 Superior — Wessman Arena locker room addition 674,400

7 (Total project all funding sources \$1,124,000)

8 — Student Center renovation — Phase

9 1 or replacement 7,500,000 16,885,000

10 (Total project all funding sources \$20,855,000)

11 System — Utilities improvements 3,523,000

12 (Total project all funding sources \$19,585,000)

13 Whitewater — Conner University Center addition

14 and remodeling — Phase 1 7,430,000 19,452,000

15 (Total project all funding sources \$19,637,000)

16 — Moraine Hall remodeling 1,797,000

17 (Total project all funding sources \$2,397,000)

18 **SECTION 2496r.** 2003 Wisconsin Act 33, section 9106 (1) (g) 5. is repealed.

19 **SECTION 2498.** 2003 Wisconsin Act 318, section 3 is repealed.

20 **SECTION 2499.** 2003 Wisconsin Act 318, section 4 is repealed.

21 **SECTION 2500.** 2003 Wisconsin Act 318, section 6 is repealed.

22 **SECTION 2501.** 2003 Wisconsin Act 318, section 11 is repealed.

23 **SECTION 2502.** 2003 Wisconsin Act 318, section 13 is repealed.

ENGROSSED ASSEMBLY BILL 100**SECTION 2503**

SECTION 2503. 2003 Wisconsin Act 318, section 14 is repealed.

SECTION 2504. 2003 Wisconsin Act 318, section 15 is repealed.

SECTION 2505. 2003 Wisconsin Act 318, section 17 is repealed.

SECTION 2506. 2003 Wisconsin Act 318, section 18 is repealed.

SECTION 2507. 2003 Wisconsin Act 318, section 20 is repealed.

SECTION 2508. 2003 Wisconsin Act 318, section 22 is repealed.

SECTION 2509. 2003 Wisconsin Act 318, section 25 (3) is renumbered 49.45 (6tw) of the statutes and amended to read:

49.45 (6tw) PAYMENTS TO CITY HEALTH DEPARTMENTS. From the appropriation account under section s. 20.435 (7) (b) of the statutes, as affected by this act, in state fiscal year 2004-05, the department of health and family services may make payments to local health departments, as defined under s. 250.02 (4) (a) 3. of the statutes. Payment under this subsection to such a local health department may not exceed on an annualized basis payment made by the department of health and family services to the local health department under section s. 49.45 (6t) of the statutes, 2003 stats., for services provided by the local health department in 2002.

SECTION 2510. 2003 Wisconsin Act 318, section 27 is repealed.

SECTION 9101. Nonstatutory provisions; administration.

(4) SALE OF CERTAIN STATE PROPERTY.

(a) 1. No later than July 1, 2006, the secretary of administration shall review all holdings of state-owned real property for potential sale, except as provided in subdivision 2.

2. Subdivision 1. does not apply to any property, facility, or institution the closure or sale of which is not authorized under section 16.848 of the statutes, as created by this act.

ENGROSSED ASSEMBLY BILL 100

SECTION 9101

(b) No later than October 1, 2006, the secretary of administration shall submit a report to the secretary of the building commission containing an inventory of his or her recommendations to offer specified state properties for sale under section 16.848 of the statutes, as created by this act, and the reasons therefor. A property may be included in the inventory with or without approval of the state agency having jurisdiction of the property. If, on or before June 30, 2007, the building commission votes to approve the sale of any property included in the inventory, the department of administration may offer the property for sale under section 16.848 of the statutes, as created by this act.

(c) This subsection does not apply after June 30, 2007.

(6) STUDY OF PHYSICIAN INFORMATION DATABASE. By March 1, 2006, the department of health and family services shall study and make recommendations to the joint committee on finance concerning the feasibility of creating a centralized physician information database, including through a joint public and private effort.

INS PPV
(7q) REPORT ON HEALTH CARE INFORMATION. By November 30, 2005, the department of health and family services shall report to the joint legislative audit committee and the joint committee on finance concerning the status of implementing section 153.05 (14) of the statutes, as created by this act.

(9k) YOUTH DIVERSION PROGRAM TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration that are primarily related to the youth diversion from gang activities program under section 16.964 (8), 2003 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of corrections.

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SECTION 9101

1 (b) *Positions and employees.* On the effective date of this paragraph, all
2 positions and all incumbent employees holding those positions in the department of
3 administration performing duties that are primarily related to the youth division
4 from gang activities program under section 16.964 (8), 2003 stats., as determined by
5 the secretary of administration, are transferred to the department of corrections.

6 (c) *Employee status.* Employees transferred under paragraph (h) have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the department of corrections that they enjoyed in the department of
9 administration immediately before the transfer. Notwithstanding section 230.28 (4)
10 of the statutes, no employee so transferred who has attained permanent status in
11 class is required to serve a probationary period.

12 (d) *Tangible personal property.* On the effective date of this paragraph, all
13 tangible personal property, including records, of the department of administration
14 that is primarily related to the youth diversion from gang activities program under
15 section 16.964 (8), 2003 stats., as determined by the secretary of administration, is
16 transferred to the department of corrections.

17 (e) *Pending matters.* Any matter pending with the department of
18 administration on the effective date of this paragraph that is primarily related to the
19 youth diversion from gang activities program under section 16.964 (8), 2003 stats.,
20 as determined by the secretary of administration, is transferred to the department
21 of corrections. All materials submitted to or actions taken by the department of
22 administration with respect to the pending matter are considered as having been
23 submitted to or taken by the department of corrections.

24 (f) *Contracts.* All contracts entered into by the department of administration
25 in effect on the effective date of this paragraph that are primarily related to the youth

ENGROSSED ASSEMBLY BILL 100

SECTION 9101

1 diversion from gang activities program under section 16.964 (8), 2003 stats., as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of corrections. The department of corrections shall carry out any
4 obligations under those contracts unless modified or rescinded by the department of
5 corrections to the extent allowed under the contract.

6 (g) *Rules and orders.* All rules promulgated by the department of
7 administration in effect on the effective date of this paragraph that are primarily
8 related to the youth diversion from gang activities program under section 16.964 (8),
9 2003 stats., remain in effect until their specified expiration dates or until amended
10 or repealed by the department of corrections. All orders issued by the department
11 of administration in effect on the effective date of this paragraph that are primarily
12 related to the youth diversion from gang activities program under section 16.964 (8),
13 2003 stats., remain in effect until their specified expiration dates or until modified
14 or rescinded by the department of corrections.

15 (9r) RULES CONCERNING VIDEO GAMING DEVICES FOR PARI-MUTUEL RACING. By the
16 first day of the 3rd month beginning after the effective date of this subsection, the
17 department of administration shall, using the procedure under section 227.24 of the
18 statutes, promulgate the rules required under section 562.02 (1) (L) of the statutes,
19 as created by this act, for the period before the effective date of the permanent rules
20 promulgated under section 562.02 (1) (L) of the statutes, as created by this act, but
21 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
22 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
23 is not required to provide evidence that promulgating a rule under this subsection
24 as an emergency rule is necessary for the preservation of the public peace, health,

ENGROSSED ASSEMBLY BILL 100

SECTION 9101

1 safety, or welfare and is not required to provide a finding of emergency for a rule
2 promulgated under this subsection.

3 (10k) PAYMENT OF MEMBERSHIP DUES FOR MIDWESTERN HIGHER EDUCATION COMPACT.

4 From the appropriation under section 20.505 (1) (ka) of the statutes, the department
5 of administration shall, no later than June 30, 2006, make payment of this state's
6 membership dues to the midwestern higher education compact in the 2004-05 fiscal
7 year, but not to exceed \$82,500.

8 (10q) INFORMATION TECHNOLOGY DEVELOPMENT ASSISTANCE TO ELECTIONS BOARD.

9 The department of administration shall:

10 (a) Assist the elections board in the selection of an appropriate vendor to
11 complete the board's computer database conversion project.

12 (b) Designate a staff person to provide to the elections board quality assurance
13 for information technology development work completed in connection with creation
14 of the board's campaign finance database.

15 (10r) TRANSFER OF COUNTY AND TRIBAL LAW ENFORCEMENT GRANT PROGRAMS.

16 (a) *Definitions.* In this subsection:

17 1. "County law enforcement grant program" means the grant program under
18 section 16.964 (7), 2003 stats.

19 2. "Tribal law enforcement grant program" means the grant program under
20 section 16.964 (6), 2003 stats.

21 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
22 liabilities of the department of administration primarily related to county or tribal
23 law enforcement grant programs administered by the office of justice assistance, as
24 determined by the secretary of administration, shall become the assets and liabilities
25 of the department of justice.

ENGROSSED ASSEMBLY BILL 100

SECTION 9101

1 (c) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of administration
3 that is primarily related to county or tribal law enforcement grant programs
4 administered by the office of justice assistance, as determined by the secretary of
5 administration, is transferred to the department of justice.

6 (d) *Contracts.* All contracts entered into by the department of administration
7 or the office of justice assistance in effect on the effective date of this paragraph that
8 are primarily related to the office's county or tribal law enforcement grant programs,
9 as determined by the secretary of administration, remain in effect and are
10 transferred to the department of justice. The department of justice shall carry out
11 any obligations under such a contract until the contract is modified or rescinded by
12 the department of justice to the extent allowed under the contract.

13 (e) *Rules and orders.* All rules promulgated by the department of
14 administration or the office of justice assistance primarily related to the office's
15 county or tribal law enforcement grant programs, as determined by the secretary of
16 administration, that are in effect on the effective date of this paragraph shall become
17 rules of the department of justice and shall remain in effect until their specified
18 expiration dates or until amended or repealed by the department of justice. All
19 orders issued by the department of administration or the office of justice assistance
20 primarily related to the office's county or tribal law enforcement grant programs that
21 are in effect on the effective date of this paragraph shall become orders of the
22 department of justice and shall remain in effect until their specified expiration dates
23 or until modified or rescinded by the department of justice.

24 (f) *Pending matters.* Any matter pending with the office of justice assistance
25 on the effective date of this paragraph that is primarily related to the office's county

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1 or tribal law enforcement grant programs, as determined by the secretary of
2 administration, is transferred to the department of justice, and all materials
3 submitted to or actions taken by the office of justice assistance with respect to the
4 pending matter are considered as having been submitted to or taken by the
5 department of justice.

6 (10t) FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY LEASE. If the building
7 commission determines to sell any state-owned land that is leased to the Fox River
8 Navigational System Authority under section 237.06 of the statutes as provided in
9 SECTION 9105 (14q) of this act, the department of administration shall renegotiate
10 the lease entered into under section 237.06 of the statutes to reflect the sale of the
11 property.

12 (10v) SALE OR CONTRACTUAL OPERATION OF STATE-OWNED HEATING, COOLING, AND
13 POWER PLANTS AND WASTEWATER TREATMENT FACILITIES. Notwithstanding section 16.50
14 (1) of the statutes, as affected by this act, the secretary of administration shall
15 require submission of expenditure estimates under section 16.50 (2) of the statutes
16 for each state agency, as defined in section 20.001 (1) of the statutes, that proposes
17 to expend moneys in the 2005-07 fiscal biennium that are not encumbered on the
18 effective date of this subsection from any appropriation for the operation of a
19 state-owned heating, cooling, or power plant or wastewater treatment facility.
20 Notwithstanding section 16.50 (2) of the statutes, the secretary shall disapprove any
21 such estimate for any period during which that plant or facility is owned or operated
22 by a private entity. The secretary may then require the use of the amounts of any
23 disapproved expenditure estimates for the purpose of payment of the costs of
24 purchasing heating, cooling, power, or wastewater treatment for the state agencies

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1 or facilities for which the amounts were appropriated. The secretary shall notify the
2 joint committee on finance in writing of any action taken under this subsection.

3 (11k) DATA CENTER AND BUSINESS MANAGEMENT SYSTEM PROJECTS. During the
4 2005-07 fiscal biennium, if the department of administration notifies the joint
5 committee on finance of the proposed acquisition of any information technology
6 resource related to the proposed new state data center or the proposed state business
7 management system that the department considers to be major or that is likely to
8 result in substantive change of service, the department shall not proceed with the
9 proposed acquisition until at least 14 working days after the notification. In
10 addition, if within 14 working days after the date of the department's notification,
11 the cochairpersons of the committee notify the department that the committee has
12 scheduled a meeting for the purpose of reviewing the proposed acquisition, the
13 department shall not proceed with acquisition of the resource unless the acquisition
14 is first approved by the committee.

15 (12k) DATA CENTER AND BUSINESS MANAGEMENT SYSTEM PROGRESS REPORTS. During
16 the 2005-07 fiscal biennium, the department of administration shall report
17 semiannually to the joint committee on finance concerning the lease of a new state
18 data center and the current costs associated with the additional hardware and
19 software to increase the state's information technology processing capacity in
20 connection with the proposed state business management system. The reports shall
21 include:

22 (a) The major stages and substages of the projects, including an assessment of
23 need, and an assessment of the design, implementation, and testing stages and their
24 major substages.

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(b) The scheduled, estimated, and actual completion dates for each major stage and substage of the projects.

(c) The budgeted amounts and the amounts actually expended for each major stage and substage of the projects.

(d) An evaluation of the projects, including any problems encountered or risks associated with proceeding to the next stage of each project.

SECTION 9102. Nonstatutory provisions; aging and long-term care board.

SECTION 9103. Nonstatutory provisions; agriculture, trade and consumer protection.

(4d) GRANT TO CASHTON AREA DEVELOPMENT CORPORATION. During the 2005-07 fiscal biennium, the department of agriculture, trade and consumer protection shall award a grant of \$150,000 for planning and \$150,000 for implementation under section 93.46 (3) of the statutes, as created by this act, to the Cashton Area Development Corporation for the Cashton Greens Renewable Energy Park.

(4e) GRAIN INSPECTION PROGRAM PLAN. The department of agriculture, trade and consumer protection shall submit to the secretary of administration a plan for a revised method for providing grain inspection services under section 93.06 (1m) of the statutes. The department shall propose a method that is financially viable, uses a flexible workforce to reflect seasonal changes in the volume of services needed, and maintains oversight by this state of the quality of grain inspection services and the integrity of inspection certificates. No later than September 30, 2005, the secretary shall submit the plan, as submitted by the department or as modified, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary within 14 working days after the date of the secretary's submittal of the

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1 plan that the committee has scheduled a meeting for the purpose of reviewing the
2 plan, the department may implement the plan as proposed. If, within 14 working
3 days after the date of the department's submittal, the cochairpersons of the
4 committee notify the secretary that the committee has scheduled a meeting for the
5 purpose of reviewing the proposed plan, the department may implement the plan
6 only upon approval of the committee.

7 **SECTION 9104. Nonstatutory provisions; arts board.**

8 **SECTION 9105. Nonstatutory provisions; building commission.**

9 (1) 2005-07 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years
10 beginning on July 1, 2005, and ending on June 30, 2007, the Authorized State
11 Building Program is as follows:

12 (a) DEPARTMENT OF ADMINISTRATION

13 1. *Projects financed by general fund supported*
14 *borrowing:*

15 Renovation of State Natural Resources Building

16 General Executive Facility 2 — Phase 2 —

17 Madison

\$ 350,000

18 (Total project all funding sources \$5,839,100)

19 2. *Projects financed by program revenue supported*

20 *borrowing:*

21 Renovation of State Natural Resources Building

22 General Executive Facility 2 — Phase 2 —

23 Madison

4,639,100

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1 (Total project all funding sources \$5,839,100)

2 3. *Projects financed by segregated fund supported*

3 *borrowing:*

4 Renovation of State Natural Resources Building

5 General Executive Facility 2 — Phase 2 —

6 Madison 850,000

7 (Total project all funding sources \$5,839,100)

8 4. *Agency totals:*

9 General fund supported borrowing 350,000

10 Program revenue supported borrowing 4,639,100

11 Segregated fund supported borrowing 850,000

12 Total — All sources of funds \$ 5,839,100

13 (b) DEPARTMENT OF CORRECTIONS

14 1. *Projects financed by general fund supported*

15 *borrowing:*

16 Dodge Correctional Institution — Central

17 Pharmacy \$ 1,991,400

18 Ethan Allen School — Visiting Center 1,325,000

19 Oakhill Correctional Institution — Food service

20 facility 4,779,800

21 Drug Abuse Correctional Center replacement —

22 Oshkosh 1,900,000

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1 (Total project all funding sources \$13,900,000)

2 2. *Projects financed by existing general fund supported*

3 *borrowing authority:*

4 Drug Abuse Correctional Center replacement —

5 Oshkosh 12,000,000

6 (Total project all funding sources \$13,900,000)

7 3. *Agency totals:*

8 General fund supported borrowing 9,996,200

9 Existing general fund supported borrowing

10 authority 12,000,000

11 Total — All sources of funds \$ 21,996,200

12 (c) DEPARTMENT OF MILITARY AFFAIRS

13 1. *Projects financed by general fund supported*

14 *borrowing:*

15 Mitchell Field land acquisition — Milwaukee \$ 560,000

16 Field maintenance shop renovation/addition —

17 Wausau 385,800

18 (Total project all funding sources \$6,579,800)

19 Readiness Center renovation/addition — Portage 2,193,100

20 (Total project all funding sources \$7,774,200)

21 Field maintenance shop renovation/addition —

22 Whitewater 21,200

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(Total project all funding sources \$690,000)

2. *Projects financed by federal funds:*

Camp Williams search and rescue training facility 3,331,300

Field maintenance shop renovation/addition —

Wausau 6,194,000

(Total project all funding sources \$6,579,800)

Readiness Center renovation/addition — Portage 5,581,100

(Total project all funding sources \$7,774,200)

Field maintenance shop renovation/addition —

Whitewater 668,800

(Total project all funding sources \$690,000)

Three motor vehicle storage buildings 2,250,000

3. *Agency totals:*

General fund supported borrowing 3,160,100

Federal funds 18,025,200

Total — All sources of funds \$ 21,185,300

(d) DEPARTMENT OF NATURAL RESOURCES

1. *Projects financed by general fund supported*

borrowing:

Purchase of Service Center — Dodgeville \$ 177,800

(Total project all funding sources \$812,000)

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1 2. *Projects financed by existing general fund supported*

2. *borrowing authority — stewardship property*

3 *development and local assistance funds:*

4	Purchase of Service Center — Dodgeville	100,700
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5 (Total project all funding sources \$812,000)

6	State campground expansion — statewide	5,762,300
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7 Newport State Park — park entrance and visitors

8	center	480,000
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9 (Total project all funding sources \$680,000)

10 3. *Projects financed by segregated fund supported*

11 *borrowing:*

12 Wild Rose State Fish Hatchery renovation —

13	Phase 2	3,892,600
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14 (Total project all funding sources \$11,589,500)

15	Purchase of Service Center — Dodgeville	533,500
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16 (Total project all funding sources \$812,000)

17	Ranger station replacement — Merrill	1,300,400
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18 4. *Projects financed by segregated funds:*

19 Wild Rose State Fish Hatchery renovation —

20	Phase 2	7,200,000
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21 (Total project all funding sources \$11,589,500)

22 5. *Projects financed by gifts, grants, and other receipts:*

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SECTION 9105

1 Newport State Park — park entrance and visitors

2 center 200,000

3 (Total project all funding sources \$680,000)

4 6. *Projects financed by federal funds:*

5 Wild Rose State Fish Hatchery renovation —

6 Phase 2 496,900

7 (Total project all funding sources \$11,589,500)

8 7. *Agency totals:*

9 General fund supported borrowing 177,800

10 Existing general fund supported borrowing

11 authority — stewardship property development

12 and local assistance funds 6,343,000

13 Segregated fund supported borrowing 5,726,500

14 Segregated funds 7,200,000

15 Gifts, grants, and other receipts 200,000

16 Federal funds 496,900

17 Total — All sources of funds \$ 20,144,200

18 (e) STATE FAIR PARK BOARD

19 1. *Projects financed by general fund supported*

20 *borrowing:*

21 Racetrack improvements \$ 1,200,000

22 2. *Agency totals:*

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1 General fund supported borrowing 1,200,000

2 Total — All sources of funds \$ 1,200,000

3 (f) STATE HISTORICAL SOCIETY

4 1. *Projects financed by general fund supported*

5 *borrowing:*

6 Old World Wisconsin — multipurpose and storage

7 building \$ 1,310,200

8 Shared storage building for State Historical

9 Society and Wisconsin Veterans Museums —

10 Dane County 15,000,000

11 2. *Agency totals:*

12 General fund supported borrowing 16,310,200

13 Total — All sources of funds \$ 16,310,200

14 (g) DEPARTMENT OF TRANSPORTATION

15 1. *Projects financed by segregated fund supported*

16 *revenue borrowing:*

17 Division of Motor Vehicles Service Center

18 expansion and heating, ventilation, and air

19 conditioning renovation — Milwaukee \$ 979,300

20 Division of State Patrol District Headquarters

21 remodeling — Fond du Lac 1,139,400

22 2. *Agency totals:*

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1	Segregated fund supported revenue borrowing	2,118,700
2	Total — All sources of funds	\$ 2,118,700
3	(h) UNIVERSITY OF WISCONSIN SYSTEM	
4	1. <i>Projects financed by general fund supported</i>	
5	<i>borrowing:</i>	
6	Madison — Purchase of space at Uni-	
7	versity Square project	\$ 39,850,000
8	(Total project all funding sources \$56,850,000)	
9	— Sterling Hall renovation	37,500,000
10	(Total project all funding sources \$39,500,000)	
11	Milwaukee — Golda Meir Library remodeling —	
12	Phase 1	3,508,000
13	(Total project all funding sources \$4,908,000)	
14	— Columbia St. Mary's Columbia cam-	
15	pus medical facilities acquisition	
16	and remodeling	56,530,000
17	(Total project all funding sources \$112,120,000)	
18	Platteville — Tri-state initiative facilities	20,000,000
19	(Total project all funding sources \$50,615,000)	
20	Stevens Point — Waste Management laboratory	1,789,000
21	Stout — Jarvis science wing addition and	
22	remodeling	40,637,000

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1 Superior — Jim Dan Hill Library renovation 4,500,000

2 (Total project all funding sources \$6,500,000)

3 System — Classroom renovation/instructional

4 technology 7,000,000

5 — Utility Improvements — 3 campuses 21,008,000

6 (Total project all funding sources \$28,600,000)

7 Whitewater — College of Business and Economics

8 building 35,549,000

9 (Total project all funding sources \$41,039,000)

10 2. Projects financed by existing general fund supported

11 borrowing authority:

12 Madison — Wisconsin Institute for Discovery 50,000,000

13 (Total project all funding sources \$150,000,000)

14 3. Projects financed by program revenue supported

15 borrowing:

16 Madison — Purchase of space at University

17 Square project 17,000,000

18 (Total project all funding sources \$56,850,000)

19 — Chadbourne Residence Hall renova-

20 tion 6,599,000

21 — Purchase of facilities at 21 and 35 N.

22 Park Street (parking and housing) 46,832,200

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1	— Research Park II — roads and utili-	
2	ties	15,000,000
3	Milwaukee — Columbia St. Mary's Columbia	
4	campus medical facilities acquisition and	
5	remodeling	55,590,000
6	(Total project all funding sources \$112,120,000)	
7	Oshkosh — South campus parking ramp	7,319,000
8	Platteville — Tri-state initiative facilities	23,100,000
9	(Total project all funding sources \$50,615,000)	
10	— Pioneer Stadium locker/wrestling/	
11	storage building	644,000
12	— Purchase of residence hall (west of	
13	Longhorn Drive)	20,000,000
14	System — Utility improvements — 3 campuses	7,592,000
15	(Total project all funding sources \$28,600,000)	
16	Whitewater — Sayles Residence Hall renovation	6,821,000
17	4. <i>Projects financed by gifts, grants, and other receipts:</i>	
18	Madison — Wisconsin Institute for Discovery	100,000,000
19	(Total project all funding sources \$150,000,000)	
20	— Sterling Hall renovation	2,000,000
21	(Total project all funding sources \$39,500,000)	

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1	— Education building restoration,	
2	renewal, and addition	31,000,000
3	— Elvehjem Museum addition — Phase	
4	1	31,530,000
5	— Engineering student learning center	
6	remodeling	538,000
7	— Kegonsa Campus production and	
8	research facilities — Stoughton	4,500,000
9	— Wisconsin National Primate	
10	Research Center addition — Phase 1	8,500,000
11	— Waisman Center renovation	6,000,000
12	Milwaukee — Golda Meir Library remodeling —	
13	Phase 1	1,400,000
14	(Total project all funding sources \$4,908,000)	
15	Platteville — Tri-state initiative facilities	7,515,000
16	(Total project all funding sources \$50,615,000)	
17	Superior — Jim Dan Hill Library renovation	2,000,000
18	(Total project all funding sources \$6,500,000)	
19	Whitewater — College of Business and Economics	
20	building	5,490,000
21	(Total project all funding sources \$41,039,000)	

22 5. Agency totals:

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1	General fund supported borrowing	267,871,000
2	Existing general fund supported borrowing	
3	authority	50,000,000
4	Program revenue supported borrowing	206,497,200
5	Gifts, grants, and other receipts	<u>200,473,000</u>
6	Total — All sources of funds	\$ 724,841,200
7	(i) DEPARTMENT OF VETERANS AFFAIRS	
8	1. <i>Projects financed by existing program revenue</i>	
9	<i>supported borrowing authority:</i>	
10	120-Bed Skilled Nursing Facility — Chippewa	
11	Falls	\$ 8,575,000
12	(Total project all funding sources \$24,500,000)	
13	Southern Wisconsin Veterans Retirement Center	
14	— connector walkways	1,193,675
15	(Total project all funding sources \$3,410,500)	
16	2. <i>Projects financed by federal funds:</i>	
17	120-Bed Skilled Nursing Facility — Chippewa	
18	Falls	15,925,000
19	(Total project all funding sources \$24,500,000)	
20	Southern Wisconsin Veterans Retirement Center	
21	— connector walkways	2,216,825
22	(Total project all funding sources \$3,410,500)	

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1 Southern Wisconsin Veterans Memorial Cemetery

2 — Phase 3 — Union Grove 4,500,000

3 3. *Agency totals:*

4 Existing program revenue supported borrowing

5 authority 9,768,675

6 Federal funds 22,641,825

7 Total — All sources of funds \$ 32,410,500

8 (k) CHILDREN'S HOSPITAL AND HEALTH SYSTEM

9 1. *Projects financed by general fund supported*

10 *borrowing:*

11 Children's research institute — Wauwatosa \$ 10,000,000

12 (Total program all funding sources \$40,000,000)

13 2. *Projects financed by gifts, grants, and other receipts:*

14 Children's research institute — Wauwatosa 20,000,000

15 (Total program all funding sources \$40,000,000)

16 3. *Projects financed by federal funds:*

17 Children's research institute — Wauwatosa 10,000,000

18 (Total program all funding sources \$40,000,000)

19 4. *Totals:*

20 General fund supported borrowing 10,000,000

21 Gifts, grants, and other receipts 20,000,000

22 Federal funds 10,000,000

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1	Total — All sources of funds	\$ 40,000,000
2	(L) ALL AGENCY PROJECT FUNDING	
3	1. <i>Projects financed by general fund supported</i>	
4	<i>borrowing:</i>	
5	Facilities maintenance and repair	\$ 111,251,800
6	(Total program all funding sources \$158,817,000)	
7	Utilities repair and renovation	46,004,500
8	(Total program all funding sources \$65,431,600)	
9	Health, safety, and environmental protection	23,570,900
10	(Total program all funding sources \$27,244,400)	
11	Preventive maintenance	1,818,200
12	(Total program all funding sources \$3,818,200)	
13	Programmatic remodeling and renovation	9,090,900
14	(Total program all funding sources \$11,956,700)	
15	Land and property acquisition	2,272,700
16	(Total program all funding sources \$7,272,700)	
17	Capital equipment acquisition	5,991,000
18	(Total program all funding sources \$6,031,000)	
19	2. <i>Projects financed by existing general fund supported</i>	
20	<i>borrowing authority — stewardship property</i>	
21	<i>development and local assistance funds:</i>	
22	Facilities maintenance and repair	4,600,800

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1 (Total program all funding sources \$158,817,000)

2 3. *Projects financed by program revenue supported*

3 borrowing:

4 Facilities maintenance and repair 30,851,100

5 (Total program all funding sources \$158,817,000)

6 Utilities repair and renovation 17,514,300

7 (Total program all funding sources \$65,431,600)

8 Health, safety, and environmental protection 3,354,500

9 (Total program all funding sources \$27,244,400)

10 Preventive maintenance 2,000,000

11 (Total program all funding sources \$3,818,200)

12 Programmatic remodeling and renovation 409,300

13 (Total program all funding sources \$11,956,700)

14 Land and property acquisition 5,000,000

15 (Total program all funding sources \$7,272,700)

16 4. *Projects financed by segregated fund supported*

17 borrowing:

18 Facilities maintenance and repair 3,924,300

19 (Total program all funding sources \$158,817,000)

20 5. *Projects financed by segregated fund supported*

21 revenue borrowing:

22 Facilities maintenance and repair 4,392,600

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(Total program all funding sources \$158,817,000)

Utilities repair and renovation 923,800

(Total program all funding sources \$65,431,600)

6. *Projects financed by program revenue:*

Facilities maintenance and repair 1,958,000

(Total program all funding sources \$158,817,000)

Utilities repair and renovation 424,000

(Total program all funding sources \$65,431,600)

Health, safety, and environmental protection 319,000

(Total program all funding sources \$27,244,400)

Programmatic remodeling and renovation 2,206,500

(Total program all funding sources \$11,956,700)

Capital equipment acquisition 40,000

(Total program all funding sources \$6,031,000)

7. *Projects financed by segregated funds:*

Facilities maintenance and repair 1,431,100

(Total program all funding sources \$158,817,000)

8. *Projects financed by gifts, grants, and other receipts:*

Facilities maintenance and repair 40,000

(Total program all funding sources \$158,817,000)

Programmatic remodeling and renovation 250,000

(Total program all funding sources \$11,956,700)