



**2005 DRAFTING REQUEST**

**Bill**

Received: **01/11/2005**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Kraus -

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**Topic:**

Lapses from Program Revenue Appropriation Accounts

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**Instructions:**

See Attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rchampag 01/11/2005	jdyer 01/12/2005	pgreensl 01/12/2005	_____	lnorthro 01/12/2005		State
/2	rchampag 01/13/2005	jdyer 01/13/2005	rschluet 01/13/2005	_____	lnorthro 01/13/2005		State
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/9	chanaman 01/25/2005	jdyer 01/25/2005	jfrantze 01/25/2005	_____	mbarman 01/25/2005		State
/10	rchampag 01/28/2005	jdyer 01/28/2005	pgreensl 01/28/2005	_____	sbasford 01/28/2005		State
/11	rchampag 02/04/2005	wjackson 02/04/2005	pgreensl 02/04/2005	_____	mbarman 02/04/2005		

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*J/1/08*

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*10/28 JLD*  
*1/28 ps*    *1/28 ps*    *1/28 ps*

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*19/15 jdy to 1/25 [Signature] 1/25*

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*[Handwritten notes: 18/25 jcd, 1/25 ps, ps]*

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*Ch 1-21*  
*1-21*

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1/6/20 jld

Handwritten signature and date 1/20/05

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/4      rchampag      jdyer      rschluet      \_\_\_\_\_      mbarman           State  
01/19/2005      01/19/2005      01/19/2005      \_\_\_\_\_

/5      rchampag      wjackson      rschluet      \_\_\_\_\_      Inorthro  
01/19/2005      01/19/2005      01/20/2005      \_\_\_\_\_

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## 2005-07 Budget Bill Statutory Language Drafting Request

- **Topic: PR Lapses and SEG Transfers to the General Fund**
- Tracking Code:
- SBO team: Special projects
- SBO analyst: Jennifer Kraus
  - Phone: 266-2214
  - Email: jennifer.kraus@doa.state.wi.us
- **Agency acronym: All**
- **Agency number: n/a**

The attached spreadsheet contains information related to PR and SEG appropriations that will lapse/transfer to the general fund. The highlighted appropriations are ones where analysts have already requested statutory language.

*over*

PR, SEG, GPR-CONTINUING BALANCES - LAPSES and TRANSFERS to the GENERAL FUND

Agency #	Agency/Appropriation title	Alpha-Numeric	FY06	FY07	FUND SOURCE
<i>RCT</i> 20.115	DATCP	1(i) - 134	\$ 250,000		PRO
		7(ja) - 725 ['Jay']	\$ 50,000		PRO
<i>Robin K</i> 20.145	OCI	1(g)-131	\$ 2,000,000	\$ 2,000,000	PRO
		1(g)-131	\$ 4,703,000	\$ 4,703,000	PRO
		1(g)-131	\$ 1,538,300	\$ 1,538,300	PRO
	subtotal		\$ 1,538,300	\$ 8,241,300	
<i>Robin K</i> 20.370	DNR	Recycling Fund	\$ 5,800,000	\$ 5,700,000	SEG
		Environmental Mgmt account	\$ 4,200,000	\$ 800,000	SEG
		Petroleum Inspection Fund	\$ 49,000,000	\$ -	SEG
20.435	DHFS	Caregiver Background	\$ 250,000	\$ 250,000	PRO
		Inter/intra Agency Programs	\$ 151,800	\$ 278,300	PRS
20.566	DOR	Admin of local prof. football star	\$ 185,200		PRO
		Admin of liquor tax	\$ 70,000		PRO
		Admin of resort tax	\$ 107,100		PRO
		Reassessments	\$ 222,200		PRO
<i>PG</i> 20.292	WTCS	2(g)	\$ 250,000	\$ -	PRS
20.455	DOJ	2kd	\$ 900,000	\$ 1,300,000	PR-S
20.433	Child Abuse Neglect Preventior	1(g) - 180	\$ 35,700	\$ 35,700	PRO

Already being drafted



*Sen*

*TODAY*

*Jld*

DOA:.....Kraus - Lapses from Program Revenue Appropriation Accounts

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

*LPS - Please  
check auto refs*

*Don't gen*

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

*Analysis by the Legislative Reference Bureau*

✓ STATE GOVERNMENT

✓ STATE FINANCE

This bill requires DOA to lapse moneys to the general fund from a number of program revenue appropriation accounts. The appropriations are made to the following state agencies: DATCP, DHFS, and DOR, ~~and the Department of Commerce~~; the Child Abuse and Neglect Prevention Board and the Technical College System Board; and OCI.

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

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

2 SECTION 9255. ✓ Appropriation changes; other.

3 (1) STATE AGENCY APPROPRIATION LAPSES TO THE GENERAL FUND. ✓

a.r.

1 (a) *Appropriation lapses to the general fund.* Subject to paragraph (b), in the  
 2 fiscal years indicated, from the following appropriation accounts, the secretary of  
 3 administration shall lapse to the general fund the amounts indicated:

4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 on p. 2 see attached

	Agency	2005-06 Fiscal Year	2006-07 Fiscal Year
6	<b>20.115</b> <i>Agriculture, trade and consumer protection, department of</i>		
7			
8	(1) (i)	\$250,000	\$ -0-
9	(7) (ja)	50,000	-0-
10	<b>20.433</b> <i>Child abuse and neglect prevention board</i>		
11			
12	(1) (g)	35,700	35,700
13	<b>20.435</b> <i>Health and family services, department of</i>		
14			
15	(6) (jm)	250,000	250,000
16	(8) (kx)	151,800	278,300
17	<b>20.145</b> <i>Insurance, office of the commissioner of</i>		
18			
19	(1) (g)	1,538,300	8,241,300
20	<b>20.566</b> <i>Revenue, department of</i>		
21	(1) (ge)	185,200	-0-
22	(1) (ha)	70,000	-0-
23	(1) (gf)	107,100	-0-
24	(2) (h)	222,200	-0-
25	<b>20.292</b> <i>Technical college system, board of</i>		
26	(2) (g)	250,000	-0-

1           (b) *Prohibited appropriation lapses and transfers.* The secretary of  
2 administration may not lapse or transfer moneys to the general fund from any  
3 appropriation account specified in paragraph (a) if the lapse or transfer would violate  
4 a condition imposed by the federal government on the expenditure of the moneys or  
5 if the lapse or transfer would violate the federal or state constitution. ✓

6

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1607/1dn

RAC: ↑:....

JLD

Jennifer Kraus:

Please note that the state's ability to regulate a particular occupation or business includes the authority to charge regulated individuals or entities a reasonable fee or tax to defray the cost of regulation, but only to the extent necessary for that purpose, and does not include the authority to impose such a fee or tax on regulated individuals for the purpose of raising revenue in general. See *Wis. Tel. Co. v. Public Service Comm.*, 206 Wis. 589 (1932). In determining the validity of such a fee, the burden is on the state to demonstrate that the fee is necessary to cover the reasonable costs of the regulatory system and that the fee is used for no purpose other than to meet those costs. *Milw. Mobilization for Survival v. Milw. County Park Comm.*, 477 F. Supp. 1210, 1220 (D.C. Wis., 1979). Although the Wisconsin Supreme Court has expressed great deference to the legislature's decisions regarding taxing and spending, see *Flynn v. Department of Administration*, 216 Wis. 2d 521 (1998) (upholding lapse of court automation fees to the general fund), you may wish to make certain that no regulatory fees are being lapsed to the general fund. ✓

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1607/1dn  
RAC:jld:pg

January 12, 2005

Jennifer Kraus:

Please note that the state's ability to regulate a particular occupation or business includes the authority to charge regulated individuals or entities a reasonable fee or tax to defray the cost of regulation, but only to the extent necessary for that purpose, and does not include the authority to impose such a fee or tax on regulated individuals for the purpose of raising revenue in general. See *Wis. Tel. Co. v. Public Service Comm.*, 206 Wis. 589 (1932). In determining the validity of such a fee, the burden is on the state to demonstrate that the fee is necessary to cover the reasonable costs of the regulatory system and that the fee is used for no purpose other than to meet those costs. *Milw. Mobilization for Survival v. Milw. County Park Comm.*, 477 F. Supp. 1210, 1220 (D.C. Wis., 1979). Although the Wisconsin Supreme Court has expressed great deference to the legislature's decisions regarding taxing and spending, see *Flynn v. Department of Administration*, 216 Wis. 2d 521 (1998) (upholding lapse of court automation fees to the general fund), you may wish to make certain that no regulatory fees are being lapsed to the general fund.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1880/1  
RAC:kmg:pg

DOA:.....Caucutt - Program revenue appropriation reductions and transfers  
FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*  
**STATE GOVERNMENT**

**STATE FINANCE**

This bill requires DOA to lapse moneys to the general fund from a number of program revenue appropriation accounts. The appropriations are made to the following state agencies: DOA, DATCP, DEG, DHFS, DOJ, DRL, and the Department of Commerce; the Child Abuse and Neglect Prevention Board; and OCI.

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

---

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

2 **SECTION 9260. Appropriation changes; other.**

3 (1) STATE AGENCY APPROPRIATION LAPSES TO THE GENERAL FUND.

4 (a) *Appropriation lapses to the general fund.* Subject to paragraph (b), in the  
5 fiscal years indicated, from the following appropriation accounts, the secretary of  
6 administration shall lapse to the general fund the amounts indicated:

	2003-04	2004-05
Agency	Fiscal Year	Fiscal Year
<b>20.505 Administration, department of</b>		
(1) (ka)	\$ 700,000	\$ 700,000
(1) (kb)	695,000	695,000
(1) (kc)	555,000	555,000
(1) (ke)	750,000	750,000
(1) (kj)	850,000	850,000
(8) (j)	50,000	50,000
<b>20.115 Agriculture, trade and consumer protection, department of</b>		
(1) (gb)	425,900	425,900
<b>20.433 Child abuse and neglect prevention board</b>		
(1) (g)	16,400	16,400
<b>20.143 Commerce, department of</b>		
(1) (L)	1,200,000	1,200,000
(3) (j)	2,098,500	2,098,500
(4) (kd)	449,000	449,000
<b>20.435 Health and family services, department of</b>		
(4) (hg)	162,500	162,500
(4) (hi)	50,000	50,000
(6) (jm)	275,000	275,000
<b>20.145 Insurance, office of the commissioner of</b>		
(1) (g)	1,226,800	1,226,800

## Champagne, Rick

---

**From:** Olsen-Hasek, Sonya  
**Sent:** Thursday, January 13, 2005 10:51 AM  
**To:** Champagne, Rick  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Rick - These are in the first year only. Sorry for my lack of specificity.

Sonya

-----Original Message-----

From: Kraus, Jennifer - DOA  
Sent: Wednesday, January 12, 2005 2:31 PM  
To: Olsen-Hasek, Sonya  
Subject: FW: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Pls respond to Rick and cc: me

-----Original Message-----

From: Champagne, Rick [mailto:Rick.Champagne@legis.state.wi.us]  
Sent: Wednesday, January 12, 2005 2:27 PM  
To: Kraus, Jennifer - DOA  
Subject: RE: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Are these each year or in first year?

-----Original Message-----

From: Kraus, Jennifer - DOA  
Sent: Wednesday, January 12, 2005 2:26 PM  
To: Champagne, Rick  
Subject: FW: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

FYI

-----Original Message-----

From: Olsen-Hasek, Sonya  
Sent: Wednesday, January 12, 2005 11:34 AM  
To: Kraus, Jennifer - DOA  
Cc: Caucutt, Dan  
Subject: RE: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

OSER's state ops cut plan includes lapsing a total of \$35,000 PR from 3 appropriations:

\$10,000: 20.545(1)(jm)  
\$15,000: 20.545(1)(i)  
\$10,000: 20.545(1)(ka)

-----Original Message-----

From: Kraus, Jennifer - DOA  
Sent: Wednesday, January 12, 2005 10:58 AM  
To: \*DOA Budget AN; \*DOA Budget TL  
Subject: FW: LRB Draft: 05-1607/1 Lapses from Program Revenue  
Appropriation Accounts

Let me know if you have additions to this draft. Remember any PR lapse in the state ops cut plans will need to be incorporated here. SEG transfers also need to be drafted but won't be in a table like this.

Jenny

-----Original Message-----

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]  
Sent: Wednesday, January 12, 2005 10:55 AM  
To: Kraus, Jennifer - DOA  
Cc: Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica  
Subject: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation  
Accounts

Following is the PDF version of draft 05-1607/1.



RMR

Today

DOA:.....Kraus - Lapses from Program Revenue Appropriation Accounts  
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

the Office of State Employment Relations (OSER) in DOA

don't gen

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

Analysis by the Legislative Reference Bureau  
STATE GOVERNMENT  
STATE FINANCE

entities

This bill requires DOA to lapse moneys to the general fund from a number of program revenue appropriation accounts. The appropriations are made to the following state agencies, DATCP, DHFS, and DOR; the Child Abuse and Neglect Prevention Board and the Technical College System Board; and OCI.

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

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

2 SECTION 9255. Appropriation changes; other.

3 (1) STATE AGENCY APPROPRIATION LAPSES TO THE GENERAL FUND.

4 (a) *Appropriation lapses to the general fund.* Subject to paragraph (b), in the  
5 fiscal years indicated, from the following appropriation accounts, the secretary of  
6 administration shall lapse to the general fund the amounts indicated:

	Agency	2005-06 Fiscal Year	2006-07 Fiscal Year
1			
2			
3	<b>20.115</b> <i>Agriculture, trade and consumer</i>		
4	<i>protection, department of</i>		
5	(1) (i)	\$ 250,000	\$ -0-
6	(7) (ja)	50,000	-0-
7	<b>20.433</b> <i>Child abuse and neglect prevention</i>		
8	<i>board</i>		
9	(1) (g)	35,700	35,700
10	<b>20.435</b> <i>Health and family services,</i>		
11	<i>department of</i>		
12	(6) (jm)	250,000	250,000
13	(8) (kx)	151,800	278,300
14	<b>20.145</b> <i>Insurance, office of the commissioner</i>		
15	<i>of</i>		
16	(1) (g)	1,538,300	8,241,300
17	<b>20.566</b> <i>Revenue, department of</i>		
18	(1) (ge)	185,200	-0-
19	(1) (ha)	70,000	-0-
20	(1) (gf)	107,100	-0-
21	(2) (h)	222,200	-0-
22	<b>20.292</b> <i>Technical college system, board of</i>		
23	(2) (g)	250,000	-0-
24	(b) <i>Prohibited appropriation lapses and transfers.</i> The secretary of		
25	administration may not lapse or transfer moneys to the general fund from any		
26	appropriation account specified in paragraph (a) if the lapse or transfer would violate		

22

23

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26

INSIT 2-22 ✓

1 a condition imposed by the federal government on the expenditure of the moneys or  
2 if the lapse or transfer would violate the federal or state constitution.

3 (END)

D-note  
↓



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1607/2dn

RAC::

Jed

Jennifer Kraus:

This version of the draft adds the lapses for the Office of State Employment Relations. ✓

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1607/2dn  
RAC:jld:rs

January 13, 2005

Jennifer Kraus:

This version of the draft adds the lapses for the Office of State Employment Relations.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

✓

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## Champagne, Rick

**From:** Kraus, Jennifer - DOA  
**Sent:** Monday, January 17, 2005 1:20 PM  
**To:** Champagne, Rick  
**Subject:** FW: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Here's another one...

-----Original Message-----

**From:** Rogers, Amanda  
**Sent:** Monday, January 17, 2005 1:14 PM  
**To:** Kraus, Jennifer - DOA  
**Cc:** Hanle, Bob  
**Subject:** RE: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Hi Jenny,

DPI's PR lapses included in their cuts plan are as follows:

1. Alcohol and other drug abuse program: [s. 20.255(1)(kd)] - \$200,000 (FY06), \$200,000 (FY07)
2. Personnel certific., teacher supply, info. and analysis and teacher improv.: [s. 20.255(1)(hg)] - \$176,100 (FY06), \$176,100 (FY07)

As we discussed, I'll talk to DPI tomorrow to confirm that these are both lapses and reductions in expenditure authority.

Thanks!  
Amanda

-----Original Message-----

**From:** Kraus, Jennifer - DOA  
**Sent:** Wednesday, January 12, 2005 10:58 AM  
**To:** \*DOA Budget AN; \*DOA Budget TL  
**Subject:** FW: LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Let me know if you have additions to this draft. Remember any PR lapse in the state ops cut plans will need to be incorporated here. SEG transfers also need to be drafted but won't be in a table like this.

Jenny

-----Original Message-----

**From:** Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]  
**Sent:** Wednesday, January 12, 2005 10:55 AM  
**To:** Kraus, Jennifer - DOA  
**Cc:** Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica  
**Subject:** LRB Draft: 05-1607/1 Lapses from Program Revenue Appropriation Accounts

Following is the PDF version of draft 05-1607/1.

✓

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## Champagne, Rick

**From:** Kraus, Jennifer - DOA  
**Sent:** Tuesday, January 18, 2005 3:43 PM  
**To:** Champagne, Rick  
**Subject:** FW: DOC Ops reduction - GPR-earned

Rick - Here's one for DOC (you can ignore the position information).

I'm checking on the DOR question.  
I'll also be sending R&L shortly and DOA soon.

Jenny

-----Original Message-----

**From:** Steinmetz, Jana  
**Sent:** Tuesday, January 18, 2005 3:37 PM  
**To:** Kraus, Jennifer - DOA  
**Subject:** DOC Ops reduction - GPR-earned

DOC's 10% reduction plan includes cutting \$320,600 PRO and 7.0 PRO FTE annually.

The \$320,600 would come from the following:

agency: 410  
program: 03  
numeric: 23  
alpha: hm

Let me know if you need additional information.

Thanks,  
Jana

✓

---

**Champagne, Rick**

**From:** Kraus, Jennifer - DOA  
**Sent:** Tuesday, January 18, 2005 3:44 PM  
**To:** Champagne, Rick  
**Cc:** Dombrowski, Cynthia  
**Subject:** PR Lapse

R&L PR lapse:  
1(g) General program operations  
\$797,000 FY06 and \$871,700 FY07.