



**2005 DRAFTING REQUEST**

**Bill**

Received: **01/27/2005**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Reference Bureau**

By/Representing:

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Analysis for the budget

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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>
/?	chanaman			_____			
				_____			

FE Sent For:

<END>



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

305 docs  
927 pgs w Att #2

Stephen R. Miller  
Chief

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### MEMORANDUM

**To:** Legal and Administrative Services Teams  
**From:** Steve Miller, Chief  
**Date:** January 27, 2005  
**Subject:** General Proofreading of the Budget

We will begin general proofreading of the budget on Saturday, January 29. The "/p3" version will be available Saturday morning. We will run the last compile Friday. From this point on, you must enter any changes on the Master, which will be in my office Friday evening. Please enter the changes in red and write your initials next to the changes.

Except for proofreading the chapter 20 schedule, all proofreading tasks should be completed by 3:00 on Monday so we can resolve all problems by noon on Tuesday. You may want to proofread over the weekend to avoid interruptions. As you finish your assigned task, please send Cathlene an e-mail.

A number of documents will assist in proofreading tasks. First, all attorneys will receive a sections affected list for the budget bill. We will print five copies of a sort list, one list of all renumbered and all renumbered and amended action phrases, and four copies of a list of all bill SECTIONS containing repealed, renumbered, and renumbered and amended action phrases. We will also print a list of all \*\*\*\*NOTES. With the exception of the sections affected list, all documents will be next to the Master.

The various proofreading tasks and the persons who will be completing them are as follows:

#### Proofreading the Chapter 20 Schedule RAC, GMM, JK

Please proof the chapter 20 schedule against the statutes as affected by the chapter 20 text of the bill. Resolve any discrepancies by changing the compiled bill or by having the schedule changed. Pay close attention to chapter 20 bill SECTIONS that contain a "bud note." When you have finished, DOA will sign off on the text and the schedule.

25 copies of budget -  
3-holed punched  
(at least 5 copies by Sat. A.M.)  
2 copies of analysis  
(triple spaced) 1 to me  
1 to Peter Grant



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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~~holdovers from  
1999-2001  
I think?~~

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AN ACT ...; relating to:

*Analysis by the Legislative Reference Bureau*

**INTRODUCTION**

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2005-2007 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2005-2007 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

**GUIDE TO THE BILL**

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled "laws of [year], chapter ...." from 1848 to 1981, and "[year] Wisconsin Act ...." beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Appropriation changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Aging and long-term care board.**
- XX03 Agriculture, trade and consumer protection.**
- XX04 Arts board.**
- XX05 Building commission.**
- XX06 Child abuse and neglect prevention board.**
- XX07 Circuit courts.**
- XX08 Commerce.**
- XX09 Corrections.**
- XX10 Court of appeals.**
- XX11 District attorneys.**
- XX12 Educational communications board.**
- XX13 Elections board.**
- XX14 Employee trust funds.**
- XX15 Employment relations commission.**
- XX16 Ethics board.**
- XX17 Financial institutions.**
- XX18 Fox River Navigational System Authority.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health and family services.**
- XX22 Higher educational aids board.**
- XX23 Historical society.**
- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment board.**
- XX27 Joint committee on finance.**
- XX28 Judicial commission.**
- XX29 Justice.**
- XX30 Legislature.**
- XX31 Lieutenant governor.**
- XX32 Lower Wisconsin state riverway board.**
- XX33 Medical College of Wisconsin.**

- XX34 Military affairs.
- XX35 Natural resources.
- XX36 Public defender board.
- XX37 Public instruction.
- XX38 Public lands, board of commissioners of.
- XX39 Public service commission.
- XX40 Regulation and licensing.
- XX41 Revenue.
- XX42 Secretary of state.
- XX43 State employment relations, office of
- XX44 State fair park board.
- XX45 Supreme Court.
- XX46 Technical college system.
- XX47 Tourism.
- XX48 Transportation.
- XX49 Treasurer.
- XX50 University of Wisconsin Hospitals and Clinics Authority.
- XX51 University of Wisconsin Hospitals and Clinics Board.
- XX52 University of Wisconsin System.
- XX53 Veterans affairs.
- XX54 Workforce development.
- XX55 Other.

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For example, for general nonstatutory provisions relating to the historical society, see SECTION 9123. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number "55" (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

- DATCP ... Department of Agriculture, Trade and Consumer Protection
- DETF ..... Department of Employee Trust Funds
- DFI ..... Department of Financial Institutions
- DHFS .... Department of Health and Family Services
- DMA ..... Department of Military Affairs
- DNR ..... Department of Natural Resources
- DOA ..... Department of Administration
- DOC ..... Department of Corrections

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- DOJ ..... Department of Justice
- DOR ..... Department of Revenue
- DOT ..... Department of Transportation
- DPI ..... Department of Public Instruction
- DRL ..... Department of Regulation and Licensing
- DVA ..... Department of Veterans Affairs
- DWD ..... Department of Workforce Development
- JCF ..... Joint Committee on Finance
- OCI ..... Office of the Commissioner of Insurance
- PSC ..... Public Service Commission
- UW ..... University of Wisconsin
- WHEDA .. Wisconsin Housing and Economic Development Authority
- WHEFA ... Wisconsin Health and Educational Facilities Authority

\*\*\* ANALYSIS FROM -0496/1 \*\*\*

AGRICULTURE

Under current law, DATCP administers the Soil and Water Resource Management Program. ~~The program~~ provides grants for land and water resource management projects and for the construction of animal waste management systems. This bill increases the general obligation bonding authority for the Soil and Water Resource Management Program by \$7,000,000.

\*\*\* ANALYSIS FROM -1247/1 \*\*\*

AGRICULTURE

This bill authorizes DATCP to make grants to increase the use of agricultural products and agricultural wastes as energy sources, to reduce the generation or increase the beneficial use of agricultural wastes, and to encourage the development of biochemicals from agricultural products. A grant may not exceed \$300,000.

\*\*\* ANALYSIS FROM -0495/1 \*\*\*

AGRICULTURE

This bill authorizes DATCP to make loans for the development of rural business enterprises or for rural economic development ~~and to charge fees and interest for those loans as required to obtain federal funding to make loans for those purposes.~~

\*\*\* ANALYSIS FROM -0494/2 \*\*\*

AGRICULTURE

Under current law, DATCP ~~is~~ generally required to make payments to the owners of livestock, including farm-raised deer, that DATCP orders to be destroyed because of exposure to or infection with disease. A disease indemnity payment for the destruction of a livestock animal generally equals two-thirds of the difference between the appraised value of the animal and any payment that the owner received from selling the slaughtered animal, but not more than \$1,500 per animal.

Under this bill, if DATCP orders an animal to be destroyed because it is suspected to have a transmissible spongiform encephalopathy and the owner disposes of the animal as directed by DATCP, the amount of the disease indemnity is increased by the costs of destroying and disposing of the animal. Transmissible

DATCP also reimburses the owner for

, such as chronic wasting disease,

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spongiform encephalopathies include chronic wasting disease and bovine spongiform encephalopathy (mad cow disease). The bill also authorizes DATCP to expend general purpose revenues to pay an indemnity to a person whose animal is killed in order to conduct surveillance testing for chronic wasting disease, but only if funds received by DATCP from the federal government or another state agency for the payment of indemnities are insufficient to pay the indemnity.

\*\*\* ANALYSIS FROM -1750/2 \*\*\*

~~STATE GOVERNMENT~~

~~STATE FINANCE~~

This bill transfers \$130,100 in fiscal year 2005-06 and \$130,100 in fiscal year 2006-07 from the agrichemical management fund to the general fund.

\*\*\* ANALYSIS FROM -0774/P4 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill changes the way the Department of Commerce (department) awards grants and loans from the Wisconsin development fund (WDF). Generally, the department is authorized under current law to make grants and loans from the WDF to businesses and local governments for promoting economic development and creating and retaining jobs.

CTS Insert A-5:

Current law authorizes the department to award from the WDF (1) a grant to a person for capitalizing a revolving loan fund whose purpose is to promote local or regional economic development; (2) a "rapid response" loan to a person for the purchase of equipment or the purchase, renovation, or construction of a building; (3) a grant to a business group to investigate reorganizing or reincorporating an existing business as an employee-owned business; (4) a grant to a small business (defined as a business operating for profit with 250 or fewer employees) for preparing a proposal for a federal program; (5) a grant to fund the preliminary stages of the expansion or start-up of a business that is or will be located in an urban area in this state; and (6) grants to the Wisconsin Procurement Institute to further its efforts to secure federal government contracts and create jobs. Under current law, specific conditions and limitations apply to the department's authority to make a grant or loan for each of the purposes described above.

Current law also authorizes the department, at the request of the Development Finance Board (board), to award, from the WDF (1) a grant or loan to a business or consortium for technical research related to technology development; (2) a grant or loan to a business for customized labor training; (3) a grant or loan to a major economic development project (defined as a project that is necessary to retain or create a significant number of jobs, that will lead to significant capital investment in the state, or that will make a significant contribution to the state's economy), if the project is not eligible for technology development or customized labor training grants or loans; and (4) a grant or loan to a business, public entity, or nonprofit organization for researching, developing, and marketing products and processes related to certain types of pollution or waste.

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board may award a grant or loan to a major economic development project that is not eligible for technology development or customized labor training grants or loans. "Major economic development project" is defined as a project that is necessary to retain or create a significant number of jobs in a political subdivision, will lead to significant capital investment in the state, or will make a significant contribution to the state's economy. Under the technology and pollution control and abatement program, the board may award a grant or loan to a new or expanding business, a municipality or other public entity, or a nonprofit organization for research into, and development of, products and processes involving certain types of pollution or waste and the marketing of such products and processes.

Four

Under current law, ~~there are~~ specific conditions and limitations ~~that~~ apply to the department's authority to make a grant or loan under the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs. These programs are also subject to a set of conditions and limitations ~~that apply to all four~~ ~~these conditions~~ and limitations permit the board to award a grant or loan only if it has made certain determinations and considered certain factors. The board must determine that the project serves a public purpose, that the project is not likely to occur without a WDF grant or loan, and that the recipient will contribute at least 25 percent of the cost of the project ~~from funds not provided by the state~~. The board must consider, among other factors, the extent to which the project will retain or increase employment in this state, the extent to which the project will contribute to the economic growth of this state, the financial soundness of the business, and whether the project will be located in a targeted area. Currently, the board ~~decides whether a project will be~~ located in a targeted area based on a number of considerations including an area's employment rate and median household income.

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This bill eliminates the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs, as well as the programs for revolving loan fund capitalization, rapid response loans, employee ownership assistance, urban area early planning, and the Wisconsin Procurement Institute. The bill authorizes the department, at the request of the board, to make a grant or loan of WDF funds to an eligible recipient for eligible activities. ~~The bill defines "eligible recipient" as a governing body or person who is eligible to receive a grant or loan.~~ ~~Under the bill, "eligible activities" means any of the following: capital financing; worker training; entrepreneurial development; providing assistance to technology-based businesses or to businesses at a foreign trade show or event; promoting urban or regional economic development; establishing revolving loan funds; providing working capital; and promoting employee ownership through conducting studies to investigate the reorganization of existing businesses as employee-owned businesses and implementing such studies.~~

assisting

1 min period

Under the bill, the board is required to consider a number of factors in deciding whether to award a WDF grant or loan, including whether the project serves a public purpose and whether the project might not occur without a WDF grant or loan. ~~Under the bill, the board is not required to make any factual determinations, in order to award a grant or loan.~~ The bill eliminates certain factors from the board's

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consideration of whether a project will be located in a targeted area. The bill also eliminates priority requirements that currently apply to the technology development, customized labor training, and major economic development programs; the board is no longer required to: (1) give priority to grants or loans to recipients who use techniques that reduce or eliminate the use of ozone-depleting substances; (2) give more favorable terms on grants and loans awarded to projects that will be located in targeted areas; (3) give priority to grants or loans to recipients who will give hiring priority to recipients of aid to families with dependent children; or (4) give priority to grants and loans for projects related to brownfields redevelopment.

The bill requires the department to establish procedures and conditions for WDF grants and loans, including a matching requirement of at least 25 percent. The bill also changes the definition of "small business," for purposes of WDF grants for preparing the federal program proposals, to mean a business with fewer than 100 employees.

\*\*\* ANALYSIS FROM -1272/P1 \*\*\*

## COMMERCE AND ECONOMIC DEVELOPMENT

### ~~ECONOMIC DEVELOPMENT~~

This bill requires the Department of Commerce (department) to designate certain areas of the state as extremely depressed areas and authorizes the department to award a grant to a business that locates in an area designated as an extremely depressed area, if the business will create at least 100 qualifying jobs in the area. A business may use grant proceeds to pay eligible costs. Under the bill, the department may award a grant only if the business agrees to pay at least 90 percent of the new employees a family-supporting wage and to make every reasonable effort to fill at least 75 percent of the new jobs with individuals who reside in the extremely depressed area. The department may make grant payments to an eligible business for up to five years.

The bill requires the department to promulgate rules defining "extremely depressed area," which must be an area with an unemployment rate equal to or exceeding 150 percent of the statewide average unemployment rate. The bill requires the department also to define by rule "eligible costs," "family-supporting wage," and "qualifying jobs."

\*\*\* ANALYSIS FROM -1614/P3 \*\*\*

## ~~COMMERCE AND ECONOMIC DEVELOPMENT~~

### ~~ECONOMIC DEVELOPMENT~~

This bill authorizes the Department of Commerce (department) to make a grant to an employer to provide a job training program for the employer's employees. The department may award a grant to an employer that will create a significant number of new, high-paying jobs in this state or will introduce new capital investment that will retain a significant number of jobs in this state. The department may also award a grant to an employer for training employees who do not earn a family-supporting wage, if the employer agrees to pay a family-supporting wage to employees who

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successfully complete the training program and there is significant potential for additional wage increases.

Under the bill, employers must develop training programs jointly with a technical college or other training provider, and grant proceeds may be paid directly to the technical college or other training provider. The department must give preference to employers who develop training programs with a technical college. The bill requires the department to define the terms "capital investment," "family-supporting wage," "high-paying job," and "significant numbers."

\*\*\* ANALYSIS FROM -1227/1 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

~~ECONOMIC DEVELOPMENT~~

This bill creates an appropriation from the transportation fund to pay for tourism marketing, in an amount equal to 40 percent of the amount collected in fees imposed on certain rental vehicles.

\*\*\* ANALYSIS FROM -0718/P3 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

~~ECONOMIC DEVELOPMENT~~

Under the Enterprise Development Zone Program, the Department of Commerce (department) is authorized to allocate tax credits to eligible businesses that conduct certain economic activities in areas designated as enterprise development zones. Under current law, the department may not designate more than 79 enterprise development zones unless it obtains the approval of the Joint Committee on Finance.

limits

This bill eliminates the cap on the number of enterprise development zones the department may designate without the approval of the Joint Committee on Finance. The bill caps the total amount of tax benefits the department may allocate under the program at \$243,000,000.

to

\*\*\* ANALYSIS FROM -0470/P2 \*\*\*

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

~~ECONOMIC DEVELOPMENT~~

CTS Insert A-8:

The Department of Commerce (department) may award a gaming economic development grant to improve the profitability of a business that has been negatively impacted by a casino, a gaming economic diversification grant to diversify the economy of a community or to remediate brownfields, and a Business Employees' Skills Training grant for training and educating a business's current or prospective employees. Under current law, the department may award these grants directly to qualified businesses. This bill authorizes the department to contract with and pay grant proceeds directly to persons who provide grantees the assistance for which these grants are made.

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INS A-8 attached

\*\*\* ANALYSIS FROM -1212/1 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT**

This bill makes Forward Wisconsin, Inc., ineligible to spend \$1,000,000 of appropriated money in the 2006-07 fiscal year unless DOA certifies that it has raised \$2,000,000 in private donations.

\*\*\* ANALYSIS FROM -1594/P2 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

Under current law, the Department of Commerce awards grants to technology-based nonprofit organizations to provide support for a manufacturing extension center. This bill transfers administration of this program to the Technical College System Board and prohibits the board from awarding a grant to a district in the technical college system or to a corporation or foundation created for the benefit of a district.

\*\*\* ANALYSIS FROM -1827/3 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

(manufacturers, wholesaler, and retailer)

Under current law, alcohol beverages are generally distributed to consumers under a three-tier distribution system. ~~the (manufacturer) may sell only to a wholesaler or rectifier; the wholesaler or rectifier may sell only to a wholesaler or to a retailer; and the retailer may sell only to the consumer. With specific exceptions, no person may sell outside of the three-tier system.~~ DOR issues intoxicating liquor wholesalers' permits authorizing the sale of intoxicating liquor (wine and distilled spirits) at wholesale from the premises described in the permit to intoxicating liquor retailers and to other wholesalers. With limited exceptions, a manufacturer may not hold any direct or indirect interest in a wholesaler and a manufacturer or wholesaler may not hold any direct or indirect interest in a retailer.

Under this bill, any intoxicating liquor sold by a wholesaler must be physically unloaded at the wholesaler's premises prior to being delivered to a retailer or to another wholesaler, and the wholesaler's premises must be capable of warehousing intoxicating liquor. Also, a wholesaler must annually sell and deliver intoxicating liquor to at least ten retailers that do not have any direct or indirect interest in each other or in the wholesaler. If a wholesaler violates these requirements, in addition to the current penalty of a fine of up to \$1,000 or imprisonment for not more than 90 days or both, a court may order that the wholesaler forfeit profits gained from the violation and that the wholesaler's permit be revoked. A retailer that receives a benefit from a wholesaler violation, with knowledge of the circumstances giving rise to the violation, is subject to similar penalties. The bill also requires DOR to promulgate rules related to enforcement of these requirements.

Under current law, DOR may suspend or revoke any alcohol beverages permit issued by DOR for violating any legal requirement. This bill creates a new, similar mechanism that applies specifically to suspension or revocation of wholesaler's permits based upon written allegations, including allegations of third parties, without a hearing.

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to  
p. 10

INSERT ARG-1

\*\*\* ANALYSIS FROM -1560/3 \*\*\*

COMMERCE AND ECONOMIC DEVELOPMENT

~~COMMERCE~~

See also Transportation - Other transportation.

From p. 100  
-1929/p1

INSERT

~~\*\*\* ANALYSIS FROM -1560/3 \*\*\*~~

Under current law, upon request by the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any alcohol beverages violation, but DOR is not authorized to prosecute such violations. This bill authorizes DOR to represent the state in prosecuting violations of the wholesaler requirements created by the bill. The bill also creates a private cause of action on behalf of wholesalers, retailers, and trade associations allowing them to prosecute violations of the wholesaler requirements created by the bill if a complaint is made to DOR and DOR fails to timely render a decision on the complaint.

move from p. 100 attached on back of pg.

→ INSERT ARG 1

\*\*\* ANALYSIS FROM -0738/2 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT**

Currently DOA may not allocate more than \$3.2 million of federal funds for the payment of assistance to meet weather-related or fuel supply shortage emergencies. This bill eliminates this \$3.2 million restriction.

\*\*\* ANALYSIS FROM -1225/1 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT**

Under current law, WHEDA maintains a surplus fund, which generally consists of assets that are not required to pay the cost of issuing bonds or notes, to make loans, or to honor agreements with bondholders and noteholders.

This bill requires WHEDA to make two payments of \$2,500,000 to the state from WHEDA's surplus fund. The bill requires one payment in fiscal year 2005-06 and another payment in fiscal year 2006-07.

\*\*\* ANALYSIS FROM -1255/2 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS**

This bill increases fees DFI charges to a foreign corporation when the corporation files its annual report or applies for a certificate of withdrawal (which withdraws authority for the corporation to transact business in this state). Under current law, a foreign corporation doing business in this state must, when filing its annual report, pay a fee of \$2 for every \$1,000 of capital employed in this state for which the corporation has not already paid a fee (excess capital). Also under current law, a foreign corporation doing business in this state must, when applying for a certificate of withdrawal, pay a \$2 fee for every \$1,000 of excess capital. This bill increases both fees to \$3 for every \$1,000 of excess capital.

\*\*\* ANALYSIS FROM -0502/1 \*\*\*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**BUILDINGS AND SAFETY**

This bill increases the maximum amount that the Department of Commerce (Commerce) can establish by rule for licenses and registrations that Commerce issues to plumbers, utility contractors, pipelayers, and contractors installing or maintaining automatic fire sprinklers. Current law defines a "utility contractor" to be one who is skilled in installing piping that transports, rainwater, sewage, or other liquid wastes.

department

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This bill doubles the maximum amounts for each of these licenses and registrations. The bill also doubles the maximum term for these licenses and registrations, as well as the term for plumbing supervisors that Commerce employs.

\*\*\* ANALYSIS FROM -0252/2 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC may lease space within adult or juvenile correctional institutions to one or two private businesses to employ inmates or residents to manufacture products or components or provide services for sale on the open market. Current law also requires that the earnings of an inmate or resident employed under this program be used for compensating victims of crimes, supporting the person's dependents, and paying for the person's room and board, among other things. This bill eliminates DOC's authority to operate the private business prison employment program.

\*\*\* ANALYSIS FROM -0251/1 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some of the costs of supervising the person. This bill authorizes DOC to charge an annual fee of up to \$50 to a person required to register as a sex offender and who is on probation, parole, or extended supervision or otherwise in DOC's custody. DOC may use the proceeds of the fee to cover some of its costs of supervising persons on probation, parole, or extended supervision.

\*\*\* ANALYSIS FROM -0247/3 \*\*\*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$187 for care in a juvenile correctional facility or a treatment facility, \$239 for care in a residential care center for children and youth, \$149 for care in a group home, \$49 for care in a foster home, \$92 for care in a treatment foster home, \$87 for corrective sanctions services, and \$26 for aftercare services. This bill changes those assessments for fiscal year 2005-06 to \$218 for care in a juvenile correctional facility or a treatment facility, \$227 for care in a residential care center for children and youth, \$170 for care in a group home, \$51 for care in a foster home, \$85 for care in a treatment foster home, \$89 for corrective sanctions services, and \$27 for aftercare services and for fiscal year 2006-07 to \$224 for care in a juvenile correctional facility or a treatment facility, \$235 for care in a residential care center for children and youth, \$179 for care in a group home, \$54 for care in a foster home, \$89 for care in

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from p. 15/16

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*This bill increases those assessments for care in a juvenile correctional facility, treatment facility, foster home, or group home, for corrective sanctions a treatment foster home, \$91 for corrective sanctions services, and \$27 for aftercare services.*

*Services, and for aftercare services and decreases those assessments for care*

\*\*\* ANALYSIS FROM -1862/1 \*\*\*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

*In a residential care center for children and youth or treatment foster home*

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. Subject to certain exceptions, DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. This bill appropriates general purpose revenues for the purpose of reimbursing secured correctional facilities for costs incurred in providing care, services, and supplies for juveniles placed in those facilities.

\*\*\* ANALYSIS FROM -1624/2 \*\*\*

**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Current law, requires DOC, under the Community Intervention Program, to distribute \$3,750,000 in each year to counties for early intervention services for juvenile first offenders and for intensive community-based intervention services for seriously chronic juvenile offenders. This bill transfers administration of the Community Intervention Program to the Office of Justice Assistance in DOA.

\*\*\* ANALYSIS FROM -0550/2 \*\*\*

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

In all criminal proceedings, and in a limited number of civil proceedings, such as those involving children in need of protective services, a circuit court must provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all criminal and civil proceedings, to provide an interpreter for a party or witness who has limited English proficiency, regardless of indigence.

\*\*\* ANALYSIS FROM -0551/1 \*\*\*

*Keep*

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

*INSERT A CMH From pp. 13-14*

This bill authorizes the director of state courts to require counties to record all financial transactions relating to the operation of circuit courts in a uniform chart of accounts and to audit annual reports of court costs that are submitted to the director of state courts under current law. The bill also changes the reporting date from July 1 to May 15.

\*\*\* ANALYSIS FROM -1670/3 \*\*\*

~~COURTS AND PROCEDURE~~

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~~OTHER COURTS AND PROCEDURE~~

This bill requires the Office of Justice Assistance to pay moneys to the Wisconsin Trust Account Foundation, Inc., to be given as grants to programs that provide civil legal services to indigent persons. The Wisconsin Trust Account Foundation, Inc., was created by the Supreme Court to allocate the money received from attorney trust accounts under Supreme Court rules to programs that provide civil legal services to persons who are indigent. Under the bill, the grants may be used only for assisting Wisconsin Works participants with medical claims, developing discharge plans for mentally ill inmates, coordinating insurance benefits for medical assistance recipients, providing ancillary services to juvenile offenders, obtaining child support, and acting as a guardian ad litem in cases with the Bureau of Milwaukee Child Welfare.

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\*\*\* ANALYSIS FROM -1736/1 \*\*\*

~~COURTS AND PROCEDURE~~

~~OTHER COURTS AND PROCEDURE~~

This bill raises the penalty surcharge, which the court imposes whenever the court imposes a fine or forfeiture for most violations of state laws or local ordinances, from 24 percent to 25 percent of the fine or forfeiture imposed. The bill also increases the amount of the money collected for this surcharge that goes to the law enforcement training fund and is used to train law enforcement, jail, and secure detention officers and for crime laboratory equipment, from 48 percent to 49.5 percent.

\*\*\* ANALYSIS FROM -1118/P1 \*\*\*

~~COURTS AND PROCEDURE~~

~~CIRCUIT COURTS~~

Under current law, the clerk of circuit court must charge a justice information system surcharge from persons who must pay certain specified fees such as fees for the commencement of a civil action, for a third-party complaint, for an appeal from a municipal court or for review of an administrative decision, or for a garnishment, wage earner, small claims, or forfeiture action. Under current law the surcharge is \$9, two-ninths of which is credited to a state program revenue appropriation for the development and operation of automated justice information systems and six-ninths of which is credited to a state program revenue appropriation for the operation of circuit court automated information systems.

This bill increases the surcharge to \$12, five-twelfths of which is credited to the state program revenue appropriation for the development and operation of automated justice information systems and one-half of which is credited to the state program revenue appropriation for the operation of circuit court automated information systems.

\*\*\* ANALYSIS FROM -0539/P3 \*\*\*

~~STATE GOVERNMENT~~

~~OTHER STATE GOVERNMENT~~

Under current law, if a court imposes a sentence or places a person on probation, the court must impose a crime victim and witness assistance surcharge. The

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surcharge must be \$50 for each misdemeanor offense or count (misdemeanor) and \$70 for each felony offense or count (felony). Of the money \$30 for each misdemeanor and \$50 for each felony is used to reimburse counties for services to victims and witnesses of crimes, such as court appearance notification services, victim compensation, social services referrals, escort and other transportation services related to the investigation or prosecution of the case, protection services, and family support services, including child and other dependent care services. V M P

M P  
This bill increases the surcharge amount to \$60 for each misdemeanor and \$85 for each felony. Of the money \$40 for each misdemeanor and \$65 for each felony is used to reimburse counties for the services, such as those listed above, to victims and witnesses of crimes.

→ \*\*\* ANALYSIS FROM -1059/P2 \*\*\*

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, with some exceptions, if a court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or a violation of a municipal or county ordinance, a court must impose a \$7 crime laboratories and drug law enforcement surcharge. This bill increases the surcharge to \$8.

This bill lapses to the general fund at the end of every fiscal year all moneys received from the surcharge and appropriated to DOJ for the purposes of providing deoxyribonucleic acid (DNA) analysis, administering a DNA data bank, and paying for the costs of mailing and materials in DOJ's role as a center for the clearance of information between law enforcement officers, activities relating to drug law enforcement, drug law violation prosecution assistance, and activities of the state and regional crime laboratories.

→ \*\*\* ANALYSIS FROM -1417/P4 \*\*\*

HEALTH AND HUMAN SERVICES

CHILDREN

This bill creates a \$20 child abuse prevention and child mental health surcharge and requires a court to impose the surcharge on each misdemeanor offense or count and on each felony offense or count when it imposes a sentence or places a person on probation. Of the surcharge \$6 will be transferred to the Child Abuse and Neglect Prevention Board for distribution as grants to organizations, and \$14 will be transferred to DHFS for grants to counties with populations of less than 500,000 and to tribal governing bodies in the counties to promote collaborative programs that provide prevention, intervention, and treatment for alcohol and other drug abuse problems. If an inmate in a state prison or a person sentenced to a state prison has not paid the child abuse prevention and child mental health surcharge, DOC must assess and collect the amount owed from the inmate's wages or other moneys.

→ \*\*\* ANALYSIS FROM -0546/1 \*\*\*

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

This bill gives DOJ the authority to bring an action for injunctive or other equitable relief against a person who interferes with the exercise or enjoyment by an

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individual of a right secured by the constitution or laws of this state or of the United States.

\*\*\* ANALYSIS FROM -1737/2 \*\*\*

**COURTS AND PROCEDURE**

**DISTRICT ATTORNEYS**

Generally, under current law, a county selects its own district attorney, but the district attorney and deputy and assistant district attorneys are state employees. DOA provides administrative assistance to district attorney offices. This bill transfers the administrative assistance duties to DOJ.

Current law requires the district attorney of Milwaukee County and the district attorney of another county, as selected by DOC, each to assign one assistant district attorney to be a restorative justice coordinator (coordinator). Each coordinator must establish a program to provide support to victims of crime, help reintegrate the victims into community life, and provide a forum to: allow offenders to meet with the victims or engage in other activities to discuss the impact of their crimes, explore potential restorative responses by the offenders, and provide methods to reintegrate the offenders into community life. The coordinators must assist other district attorneys in establishing similar programs in other counties. The coordinators must keep data regarding the time spent, the number of victims and offenders served, the types of offenses, the program addresses, and the rate of recidivism. DOA must maintain the data that the coordinators gather.

These requirements expire on June 30, 2005. This bill repeals the statutes that create the requirements.

\*\*\* ANALYSIS FROM -1554/3 \*\*\*

**CRIMES**

Under current law, the initial maximum term of probation for a person convicted of a single misdemeanor is two years. The minimum term of probation is six months. Under this bill, if a person is convicted of a Class A misdemeanor (for which the maximum term of imprisonment is generally nine months), the initial maximum term of probation is one year. The minimum term of probation in such a case remains six months. If a person is convicted of any other type of misdemeanor, the initial maximum term of probation is six months, and there is no minimum term. Neither of these maximum terms of probation applies, however, if the person committed the misdemeanor while possessing a firearm or if the conviction is for an act of domestic abuse, for having nonconsensual sexual contact with another person, or for a misdemeanor under chapter 948 of the statutes (which covers certain crimes against children). In such a case, the initial maximum term of probation is two years.

\*\*\* ANALYSIS FROM -1660/3 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center Program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. If DOC determines that an inmate has successfully completed the program, the inmate is released early to parole or extended

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supervision. Inmates convicted of certain violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation. This bill authorizes DOC to establish similar treatment and release programs at any state prison.

**CRIMES**

The bill directs the Sentencing Commission to review sentences imposed on individuals who are convicted of nonviolent offenses, other than those relating to operating a vehicle while under the influence of an intoxicant, or with a restricted controlled substance or a prohibited level of alcohol in his or her blood, and to develop recommendations for alternative dispositions for those individuals that may be used by courts at or before sentencing. The Sentencing Commission must submit its recommendations in a report to the legislature by December 31, 2005.

\*\*\* ANALYSIS FROM -0420/2 \*\*\*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law allows a school board to enter into a five-year renewable achievement guarantee (SAGE) contract with DPI to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving \$2,000 for each low-income pupil enrolled in grades eligible for SAGE funding in the school district. The most recent set of SAGE contracts expires at the end of the 2005-06 school year.

This bill authorizes another set of SAGE contracts, starting in the 2006-07 school year, and increases the \$2,000 per pupil payment to \$2,250 in the 2005-06 fiscal year and \$2,500 in the 2006-07 fiscal year for these new contracts and for renewals of existing contracts.

\*\*\* ANALYSIS FROM -0425/4 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Beginning in the 2006-07 fiscal year, this bill authorizes DPI to award grants to school boards to implement four-year-old kindergarten programs. A school board is eligible for an initial grant of up to \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of up to \$1,500 for each such pupil.

\*\*\* ANALYSIS FROM -1588/3 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

This bill directs DPI to award grants of up to \$100,000 to no more than 20 school districts for the design, development, and implementation of a differentiated compensation program for teachers in the 2005-07 fiscal biennium. Such a program must base all or part of teacher salary increases on one or more of the following factors:

1. An increase in a teacher's knowledge about teaching or about the subjects he or she teaches or an improvement in a teacher's teaching skills.

To be eligible for a grant,

ANALYSIS FROM -1660/3 \*\*\*

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2. The assumption by a teacher of additional responsibilities, including mentoring other teachers.

3. The assignment of a teacher to a grade level or subject area in which there are teacher shortages.

4. The assignment of a teacher to a school that is difficult to staff or that is low in pupil performance.

The bill directs DPI to establish a competitive process for awarding grants, to give preference in awarding grants to school districts in which the teachers, the community, and the businesses in the community support the grant, and to make reasonable efforts in awarding grants to reflect the diversity of school districts on various factors.

\*\*\* ANALYSIS FROM -1592/1 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Under current law, a school district's revenue limit is based on a three-year rolling average of its enrollment. This bill sets a school district's revenue limit at the amount calculated using a three-year or five-year rolling average of its enrollment, whichever yields the higher amount.

\*\*\* ANALYSIS FROM -0607/2 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Current law limits the amount of revenue (revenue limit) that a school district may obtain from general school aids, computer aid, and the property tax levy. If a school district's revenue in any school year is less than the applicable revenue limit for that school year, the revenue limit otherwise applicable in the subsequent school year is increased by an amount equal to 75 percent of the difference between the revenue limit in the preceding school year and the school district's actual revenue for that school year.

This bill increases that subsequent revenue limit for such a school district to the entire difference between the revenue limit in the preceding school year and the actual revenue for that school year.

\*\*\* ANALYSIS FROM -0605/2 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

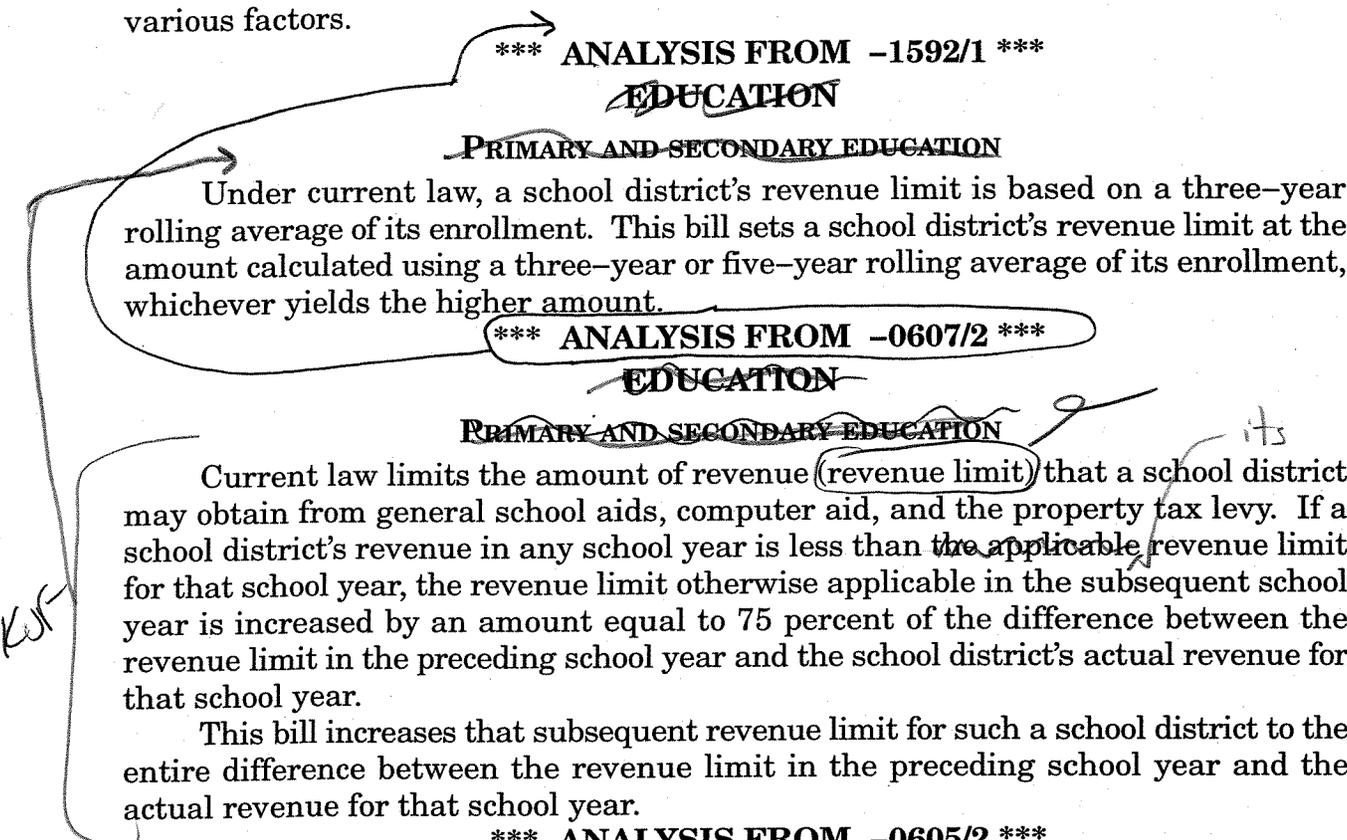
Currently, a school district with per pupil revenue below \$7,800 in any school year is exempt from school district revenue limits. This bill raises the amount to \$8,100 in the 2005-06 school year and to \$8,400 in subsequent school years.

\*\*\* ANALYSIS FROM -1566/2 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Current law requires a school board annually to publish a summary of its proposed budget before it holds a public hearing on the budget. This bill requires the summary to include, for the proposed budget, the current budget, and the budget in



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the previous fiscal year, the school district's general fund balance at the end of the fiscal year divided by the school district's general fund expenditures in that fiscal year, expressed as a percentage. The budget summary must also include, for the current and previous fiscal years, the statewide average school district general fund balance at the end of the fiscal year divided by the statewide average school district general fund expenditures in that fiscal year, expressed as a percentage.

The bill also provides that if a school board adopts a proposed budget in which the school district's general fund balance at the end of the fiscal year divided by the school district's general fund expenditures in that fiscal year will exceed an amount equal to 90 percent of the statewide average school district general fund ratio of balance to expenditures in the previous fiscal year, the school board must approve the excess by a separate vote.

\*\*\* ANALYSIS FROM -0393/2 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Under current law, the state reimburses school boards and private schools 10 cents for each breakfast served under the School Breakfast Program. This bill raises the reimbursement rate to 15 cents.

\*\*\* ANALYSIS FROM -0396/3 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

This bill increases the reimbursement rates for school district pupil transportation

\*\*\* ANALYSIS FROM -0609/2 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

This bill <sup>and</sup> changes the funding source for school transportation aid from the general fund to the transportation fund.

\*\*\* ANALYSIS FROM -0423/3 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Under current law, a school board, board of control of a cooperative educational service agency, county children with disabilities education board, or an independent charter school established by the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Milwaukee Area Technical College, <sup>and</sup> the city of Milwaukee is eligible to receive state aid for certain special education costs, such as salaries for special education personnel and transporting children with disabilities. Other costs, such as providing nursing care or assistive technology for children with disabilities, are not reimbursable under state or federal law. Beginning in the 2006-07 school year, this bill provides state aid for these costs equal to 90 percent of the amount by which these costs exceeded \$30,000 per child in the previous year.

\*\*\* ANALYSIS FROM -0395/2 \*\*\*

school

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~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Current law authorizes the employment of teachers, school social workers, school psychologists, and coordinators of special education, who are licensed by DPI, for a special education program ~~operated by a school board, cooperative educational service agency, county children with disabilities education board, or independent charter school.~~ The salaries of these employees are eligible for reimbursement by the state through special education aid.

Beginning in the 2006-07 fiscal year, this bill allows the employment of licensed school counselors for special education programs and provides that the cost of their salaries is eligible for reimbursement through special education aid.

\*\*\* ANALYSIS FROM -0400/3 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

This bill directs DPI to award grants to persons who employ individuals licensed by DPI as initial educators in positions that require a DPI teaching license. The amount of the grant is equal to the amount that the employer is spending to provide a mentor for the initial educator, but not more than \$375 for each initial educator so employed. The employer must use the funds to provide a mentor for each initial educator.

\*\*\* ANALYSIS FROM -0399/1 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

Current law directs DPI to award a grant to any person who is certified by the National Board for Professional Teaching Standards, licensed by DPI as a teacher or employed as a teacher in a private school, and employed as a teacher in this state.

This bill provides that a teacher who is licensed by DPI as a master educator is also eligible for the grant.

\*\*\* ANALYSIS FROM -0370/1 \*\*\*

~~EDUCATION~~

~~PRIMARY AND SECONDARY EDUCATION~~

This bill creates a grant program, funded with Indian gaming revenue, under which a person may apply to DPI for a grant of up to \$30,000 to: (1) impart to pupils an appreciation and understanding of different value systems and cultures; (2) promote pupils' understanding of human relations, particularly with regard to American Indians; or (3) assist pupils, schools, and communities in appreciating racial and cultural diversity. The bill also appropriates Indian gaming revenue for the American Indian language and culture education program, which DPI administers.

stays [ \*\*\* ANALYSIS FROM -1648/2 \*\*\* ]

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

This bill requires DOC to expend funds to improve the wastewater treatment facility at the Jackson Correctional Institution.

~~**EDUCATION**~~

~~**PRIMARY AND SECONDARY EDUCATION**~~

This bill provides state aid to nonsectarian private or tribal schools in which at least 75 percent of the pupils enrolled are American Indian. The amount provided is \$200 for each pupil who completes the fall semester in the school's American Indian language and culture education program.

This bill requires the state superintendent of public instruction (DPI) to award a grant to Beloit College to educate children and adults in southern Wisconsin about Native American cultures.

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Arts Board is required to provide grants to individuals or groups of exceptional talent engaged in the arts and is permitted to contract with individuals, organizations, units of government, and institutions for services furthering the development of the arts and humanities. This bill requires the Arts Board to provide grants to American Indian individuals or to groups of exceptional talent engaged in the arts and permits the Arts Board to contract with American Indian individuals, organizations, institutions, and tribal governments for services furthering the development of the arts and humanities.

**ENVIRONMENT**

**WATER QUALITY**

Currently, DNR provides a grant, which expires on July 1, 2005, to the town of Swiss, Burnett County, and the St. Croix Band of Chippewa to build wastewater and drinking water treatment facilities. The bill extends the grant until July 1, 2007.

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Current law requires DHFS to provide a grant for a compulsive gambling awareness campaign. This bill appropriates Indian gaming receipts to fund the compulsive gambling awareness campaign grant.

\*\*\* ANALYSIS FROM -0342/3 \*\*\*

~~**EDUCATION**~~

~~**PRIMARY AND SECONDARY EDUCATION**~~

This bill directs DPI to award grants to school districts to partially reimburse them for the costs incurred in offering advanced placement courses in high schools that are not offering them. A grant may not exceed \$300 per pupil enrolled in advanced placement courses.

\*\*\* ANALYSIS FROM -0343/3 \*\*\*

~~EDUCATION~~~~PRIMARY AND SECONDARY EDUCATION~~

This bill directs DPI to award grants to cooperative educational service agencies and the Milwaukee Public Schools for the purpose of providing advanced curriculum and assessments for gifted and talented middle school pupils.

\*\*\* ANALYSIS FROM -1534/3 \*\*\*

~~EDUCATION~~~~PRIMARY AND SECONDARY EDUCATION~~

Current law directs DWD annually to allocate \$100,000 from federal Temporary Assistance for Needy Families (TANF) moneys to the Wausau school district for English training for three-, four-, and five-year-old Southeast Asian children. This bill shifts funding for this purpose to DPI and to general purpose revenue. The bill also eliminates the Head Start supplement from TANF funds.

\*\*\* ANALYSIS FROM -1762/2 \*\*\*

~~EDUCATION~~~~PRIMARY AND SECONDARY EDUCATION~~

This bill directs DPI to award grants to nonprofit organizations in the 2005-06 fiscal year to support programs that train community-based adult literacy staff and to establish new volunteer-based programs in areas of the state that have a demonstrated need for adult literacy services. A grant may not exceed \$25,000.

\*\*\* ANALYSIS FROM -0401/1 \*\*\*

~~EDUCATION~~~~PRIMARY AND SECONDARY EDUCATION~~

*KWF* This bill authorizes DPI to assist in the establishment of, and to participate in, a consortium of state education agencies organized for the purpose of obtaining public and private funds to be used for the group purchase of an English language proficiency assessment system.

\*\*\* ANALYSIS FROM -1675/1 \*\*\* *of*

~~EDUCATION~~~~HIGHER EDUCATION~~

This bill limits the increase in resident undergraduate tuition at the UW System to a 5.4 percent increase in the 2005-06 academic year over tuition charged for the 2004-05 academic year and a 5.4 percent increase in the 2006-07 academic year over tuition charged for the 2005-06 academic year.

\*\*\* ANALYSIS FROM -1521/3 \*\*\*

~~EDUCATION~~~~HIGHER EDUCATION~~

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

\*\*\* ANALYSIS FROM -0368/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

Current law grants certain veterans an exemption from nonresident tuition at the UW System, even if they were not Wisconsin residents at the time of entry or reentry into active duty. This bill provides that only a person who was a Wisconsin resident at the time of entry or reentry into active duty may receive an exemption from nonresident tuition.

\*\*\* ANALYSIS FROM -1840/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

Current law authorizes the Board of Regents of the UW System to award nonresident tuition exemptions to different categories of students, but the number of remissions for each category is limited. This bill eliminates these limits.

\*\*\* ANALYSIS FROM -1606/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

Currently DHFS and the Department of Commerce, in conjunction with the UW System's State Laboratory of Hygiene (lab), conduct federal Occupational Safety and Health Administration (OSHA) testing, pursuant to a contract with OSHA. This bill transfers the entire responsibility for this testing, along with incumbent employees and positions, to the lab.

\*\*\* ANALYSIS FROM -1839/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

\* This bill requires the Board of Regents (Board) of the UW System to file a plan with DOA to eliminate 200 UW System administrative positions. If the plan is not submitted by May 30, 2006, and approved by DOA by June 30, 2006, then for the 2006-07 fiscal year, the board loses the authority, under current law, to create or abolish faculty and academic staff positions from general program operations funding.

\*\*\* ANALYSIS FROM -1676/1 \*\*\*

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~~EDUCATION~~

~~HIGHER EDUCATION~~

*KJF*  
This bill requires the Board of Regents of the UW System to submit a report by January 1, 2007 *to the governor* that details by campus and system administration the position reductions made to meet the requirements of the 2005 biennial budget act.

\*\*\* ANALYSIS FROM -1838/2 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

This bill requires the Board of Regents of the UW System to submit to the secretary of administration by August 1, 2006, a report that describes by position classification and campus the faculty positions that were created from July 1, 2004, to July 1, 2006.

\*\*\* ANALYSIS FROM -1866/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

This bill directs the Board of Regents of the UW System to allocate certain amounts of money from the UW System general program operations appropriation for implementing the recommendations of the UW System Committee on Baccalaureate Expansion and for the UW-Rock County Engineering Initiative.

\*\*\* ANALYSIS FROM -1520/1 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

This bill requires DOA annually to lapse from three UW System appropriations the amount of money equal to the amount spent from a DOJ appropriation for legal advice regarding UW's public broadcasting.

\*\*\* ANALYSIS FROM -1636/2 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

Current law authorizes a technical college district board to charge an additional fee for a short-term, professional development, vocational-adult seminar or workshop offered to individuals who are employed in a related field. The additional fee may not exceed an amount equal to the full cost of the seminar or workshop less the normal program fee.

This bill eliminates this restriction on the amount of the additional fee but provides that the seminar or workshop may not consist of more than 24 hours of instruction.

\*\*\* ANALYSIS FROM -1486/1 \*\*\*

~~EDUCATION~~

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, DOA administers an Educational Telecommunications Access Program under which DOA provides, or contracts for provision of, Internet

*to the governor*

*2005-07*

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access and two-way interactive video links to educational agencies. Under that program, an educational agency, subject to certain exceptions, may request access to either one data line for Internet access or one video link and is charged a monthly fee for that access. Any costs incurred by DOA that exceed that monthly fee are paid from the universal service fund, which is a separate trust fund that consists of contributions made by certain telecommunications providers and that is used to promote universal access to telecommunications services (universal service). In addition, DOA receives aid from a federal program that supports universal service, commonly referred to as the E-Rate Program, that DOA uses to pay administrative expenses and to reimburse the Building Commission for public debt incurred in providing educational technology infrastructure to school districts and public libraries.

This bill permits an educational agency that is eligible for a rate discount under the E-Rate Program, specifically an elementary school, a secondary school, or a library, to request data lines, video links, and bandwidth access in addition to what is provided under the Educational Telecommunications Access Program. The bill requires DOA to apply for aid under the E-Rate Program to cover the costs of those additional data lines and video links and that additional bandwidth access and, to the extent that the aid does not cover those costs, to require an educational agency to pay DOA a monthly fee that is sufficient to cover those costs.

\*\*\* ANALYSIS FROM -1510/2 \*\*\*

### EDUCATION

#### ~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools (EAB-approved schools) to protect the students, prevent fraud, and encourage accepted educational standards at those schools. Currently, the EAB is attached to DVA for administrative purposes. This bill attaches the EAB to the Technical College System Board for administrative purposes.

Under current administrative rules, the EAB may seek a court order to take possession of an EAB-approved school's records if it appears that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable. Current law, however, exempts from the oversight of the EAB tax-exempt schools that were incorporated in this state before January 1, 1992, or that had their headquarters and principal places of business in this state before 1970, schools that are licensed or approved, and supervised, by other state agencies, schools approved by DPI for the training of teachers, and schools accredited by accrediting agencies recognized by the EAB (schools not approved by the EAB).

This bill permits the EAB to take possession of the student records of an EAB-approved school or a school not approved by the EAB operating in this state if the school discontinues its operations, proposes to discontinue its operations, or is in imminent danger of discontinuing its operations as determined by the EAB and if the EAB determines that those records are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records. The bill also permits the EAB to seek a court order authorizing the EAB to

and WHEG grants for UW System students are funded in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities

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take possession of the student records of an EAB-approved school or a school not approved by the EAB if necessary to protect those records from being destroyed, secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those records.

In addition, the bill permits the EAB to retain in an appropriation account that it uses for the examination and approval of school programs not more than 20 percent of the amount of the unencumbered balance at the end of each fiscal year that does not exceed 20 percent of the amount appropriated for those purposes for the next fiscal year and requires that, of the balance remaining, 50 percent shall lapse to the general fund and 50 percent shall be transferred to an appropriation account that the EAB uses to indemnify students who suffer losses as a result of a school closure.

\*\*\* ANALYSIS FROM -1789/1 \*\*\*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Higher Educational Aids Board awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$2,500 for any academic year. This bill increases that maximum grant amount to \$3,000 for any academic year and eliminates that funding source for WHEG grants

\*\*\* ANALYSIS FROM -1803/1 \*\*\*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, there is appropriated to the Higher Educational Aids Board (HEAB) a sum sufficient equal to \$20,745,900 in the 2003-04 fiscal year and equal to \$19,926,800 in the 2004-05 fiscal year for higher education grants for UW System students. This bill appropriates to HEAB a sum sufficient equal to \$44,783,200 in the 2005-06 fiscal year and equal to \$51,469,300 in the 2006-07 fiscal year for those grants.

\*\*\* ANALYSIS FROM -1861/2 \*\*\*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, those grants are funded in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities. This bill eliminates that funding for WHEG grants.

\*\*\* ANALYSIS FROM -1648/2 \*\*\*

**CORRECTIONAL SYSTEM**

**ADULT CORRECTIONAL SYSTEM**

This bill requires DOC to expend funds to improve the wastewater treatment facility at the Jackson Correctional Institution.

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**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill provides state aid to nonsectarian private or tribal schools in which at least 75 percent of the pupils enrolled are American Indian. The amount provided is \$200 for each pupil who completes the fall semester in the school's American Indian language and culture education program.

This bill requires the state superintendent of public instruction to award a grant to Beloit College to educate children and adults in southern Wisconsin about Native American cultures.

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Under current law, the Arts Board is required to provide grants to individuals or groups of exceptional talent engaged in the arts and is permitted to contract with individuals, organizations, units of government, and institutions for services furthering the development of the arts and humanities. This bill requires the Arts Board to provide grants to American Indian individuals or groups of exceptional talent engaged in the arts and permits the Arts Board to contract with American Indian individuals, organizations, institutions, and tribal governments for services furthering the development of the arts and humanities.

**ENVIRONMENT**

**WATER QUALITY**

Currently, DNR provides a grant, which expires on July 1, 2005, to the town of Swiss, Burnett County, and the St. Croix Band of Chippewa to build wastewater and drinking water treatment facilities. The bill extends the grant until July 1, 2007.

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Current law requires DHFS to provide a grant for a compulsive gambling awareness campaign. This bill appropriates Indian gaming receipts to fund the compulsive gambling awareness campaign grant.

\*\*\* ANALYSIS FROM -1826/1 \*\*\*

**EDUCATION**

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Current law authorizes six unclassified division administrator positions for the State Historical Society of Wisconsin. This bill reduces that number to five.

\*\*\* ANALYSIS FROM -0352/4 \*\*\*

**EMPLOYMENT**

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines, after

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investigation, that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As <sup>one</sup> an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a <sup>another</sup> further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

Under current law, however, this process does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1 percent of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7 percent of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees.

This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

Under current law, school district professional employees are required to be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement. MS 9

MS 9 Finally, the bill eliminates a 3.8 percent cap imposed on salary and fringe benefit annual cost increases for all nonrepresented professional school district employees.

\*\*\* ANALYSIS FROM -1700/1 \*\*\*

### EMPLOYMENT

Currently, the federal government provides regular grants to this state for the purpose of financing the cost of administration of unemployment insurance (UI). In addition, the federal government provides special grants to this state that may be used for the purpose of administration of UI, for the payment of UI benefits, or for certain other purposes. Currently, only the first \$2,389,107 of the moneys in a special grant for federal fiscal year 2002 may be used for UI administration. This bill permits all of the moneys received in the special grant for federal fiscal year 2002 to be used for UI administration, but only after all available moneys provided to this state in regular federal grants are first used for that purpose. The bill further

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~~provides that none of the moneys in any special federal grant for federal fiscal years 2000, 2001, or 2002 may be encumbered or expended after September 30, 2007.~~

~~The change potentially increases the liability of employers to finance UI benefits through contributions (taxes).~~

~~\*\*\* ANALYSIS FROM -1595/2 \*\*\*~~

~~EMPLOYMENT~~

~~Currently, DWD operates an employment service that assists unemployed individuals in finding suitable employment. This program is funded with federal revenue.~~

~~This bill permits this program to be funded, in addition, from the unemployment reserve fund, which is used to pay unemployment insurance benefits. The change potentially increases the liability of employers to finance those benefits through contributions (taxes).~~

~~\*\*\* ANALYSIS FROM -1305/1 \*\*\*~~

~~EMPLOYMENT~~

~~Under current law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located (prevailing wage law). Current law requires each contractor, subcontractor, and ~~contractor's or subcontractor's~~ agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law, other than a state highway project, to submit, on a weekly basis, to the ~~contracting~~ local governmental unit or state agency authorizing the work a certified record indicating for the preceding week the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked.~~

~~\*\*\* ANALYSIS FROM -1623/1 \*\*\*~~

~~EMPLOYMENT~~

to administer

~~Under current law, DWD collects an annual assessment from each worker's compensation insurer and self-insured employer doing business in this state and uses those assessments for the administration of the worker's compensation program. This bill requires DWD to use a portion of those assessments to conduct a study of injuries to health care workers caused by lifting; develop and distribute to health care facilities, providers, and workers informational materials that promote a lift-free working environment for health care workers; and distribute grants to health care facilities and providers to assist in the implementation of a lift-free working environment for health care workers.~~

~~\*\*\* ANALYSIS FROM -1306/2 \*\*\*~~

implementing

a certified record of that information for the preceding week

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**EMPLOYMENT**

Under current law, the Wisconsin Technical College System (WTCS) Board is required to provide a school-to-work program that includes a school-to-work program for children-at-risk in Milwaukee County and a work-based learning program under which the WTCS Board awards grants to tribal colleges for programs that provide occupational training and work-base learning experiences to youths and adults. This bill transfers administration of those programs to the Governor's Work-Based Learning Board.

**\*\*\* ANALYSIS FROM -1560/3 \*\*\***

**STET**

**COMMERCE AND ECONOMIC DEVELOPMENT**

**COMMERCE**

See also Transportation - Other transportation.

**EDUCATION**

**HIGHER EDUCATION**

This bill changes the funding source for several technical college system appropriations from the general fund to the transportation fund.

**EMPLOYMENT**

This bill changes the funding source for a DWD appropriation account for the Employment Transit Assistance Program, which funds projects to improve access to jobs in areas that are not served by an adequate mass transit system, from the general fund to the transportation fund.

**ENVIRONMENT**

**AIR QUALITY**

This bill changes the funding source for an appropriation for administration of the Motor Vehicle Emission Inspection and Maintenance Program from the general fund to the transportation fund.

**HEALTH**

This bill changes the funding source for an appropriation account for emergency medical services from the general fund to the transportation fund.

**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

This bill changes the funding source for an appropriation account for the costs of removal and disposal of car kill deer from highways and for an appropriation account for the maintenance and development of certain state park, forest, and Lower Wisconsin State Riverway roads from the general fund to the transportation fund.

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

This bill changes the funding source for a DOJ appropriation account relating to the lease of certain computers from the general fund to the transportation fund.

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**TRANSPORTATION**

**OTHER TRANSPORTATION**

Under current law, DOT collects a supplemental vehicle title fee of \$7.50 in connection with applications for certificates of title for new vehicles and for vehicles the ownership of which has been transferred. The Department of Commerce (Commerce) also collects a supplemental manufactured home title fee of \$7.50 in connection with applications for certificates of title for new manufactured homes and for manufactured homes the ownership of which has been transferred. These two supplemental title fees are deposited into the transportation fund. By October 1 of each year, the secretary of transportation must certify to the secretary of administration the amount of these two supplemental title fees collected during the previous fiscal year and that amount, minus \$555,000, is transferred from the general fund to the environmental fund on October 1 of each year.

Under this bill, this transfer mechanism is eliminated and these two supplemental title fees are deposited directly into the environmental fund for nonpoint source water pollution abatement. The bill includes provisions ensuring that the impact of this change will occur as of July 1, 2005.

**VETERANS AND MILITARY AFFAIRS**

This bill changes the funding source for several military affairs appropriations regarding emergency management from the general fund to the transportation fund.

\*\*\* ANALYSIS FROM -0462/1 \*\*\*

**ENVIRONMENT**

**WATER QUALITY**

Under the Clean Water Fund Program, ~~this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium.~~ This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2005-07 biennium at \$136,600,000. The bill also increases the general obligation bonding authority for the Clean Water Fund Program by \$9,600,000.

*Wisconsin makes loans at subsidized interest rates*

Under the Safe Drinking Water Loan Program, ~~this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium.~~ This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2005-07 biennium at \$13,500,000. The bill also increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$6,100,000.

*Wisconsin makes at subsidized interest rates*

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy

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environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that fiscal biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2005-07 biennium at \$3,300,000.

\*\*\* ANALYSIS FROM -0453/3 \*\*\*

**ENVIRONMENT**

**WATER QUALITY**

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for nonpoint source financial assistance by \$6,000,000.

Under current law, DNR also administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$4,700,000.

\*\*\* ANALYSIS FROM -0458/2 \*\*\*

**ENVIRONMENT**

**WATER QUALITY**

Under current law, DNR administers a program that provides compensation to landowners or lessees of properties on which contaminated wells are located. A landowner or lessee with a family income of not more than \$65,000 may be eligible for the program. The program generally pays 75 percent of eligible costs with a maximum award of \$9,000. Eligible costs include the costs of treating the well water or of constructing a new well or obtaining clean water from another source. If a new well is constructed or clean water is obtained from another source, the cost of abandoning the contaminated well is also an eligible cost. Abandoning a well generally involves filling and sealing the well.

This bill expands the program that provides compensation for well contamination so that it covers claims solely for the costs of abandoning a well that is unused or that poses a hazard to health or safety.

\*\*\* ANALYSIS FROM -1360/2 \*\*\*

**ENVIRONMENT**

**AIR QUALITY**

Currently, the federal government has delegated to DNR the authority to administer the federal Clean Air Act in this state. The Clean Air Act requires certain stationary sources of air pollution, such as large factories, to obtain operation permits. State law requires additional stationary sources of air pollution to obtain operation permits. Under current law, DNR promulgates rules setting fees to be paid by the operator of any stationary source for which an operation permit is required. The fees are based on the amount of pollutants that a stationary source emits.

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This bill sets fees to be paid by the operator of a stationary source of air pollution that is required to obtain an operation permit under state law, but not under the Clean Air Act. The fees for a stationary source covered by a simplified permit are \$1,500 per year and the fees for a stationary source covered by a traditional permit are \$3,000 per year. The bill sets fees of \$300 per year for stationary sources that are exempt from the requirement to obtain an operation permit but that emit more than three tons of a regulated pollutant in a year. The bill also sets fees of \$300 to be paid by a person seeking a waiver of the requirement to obtain a permit for the construction or modification of a stationary source of air pollution. The bill does not change the provisions concerning fees for operation permits that are required under the Clean Air Act.

OR

\*\*\* ANALYSIS FROM -1603/6 \*\*\*

STATE GOVERNMENT

STATE FINANCE

This bill transfers \$8,930,300 in fiscal year 2005-06 and \$41,930,300 in fiscal year 2006-07 from the petroleum inspection fund to the general fund. NO #

\*\*\* ANALYSIS FROM -1361/4 \*\*\*

STATE GOVERNMENT

STATE FINANCE

The This bill transfers \$7,842,100 in fiscal year 2005-06 and \$5,742,100 in fiscal year 2006-07 from the recycling fund to the general fund. NO #

\*\*\* ANALYSIS FROM -1602/2 \*\*\*

STATE GOVERNMENT

STATE FINANCE

The also This bill transfers \$7,200,000 in fiscal year 2005-06 and \$800,000 in fiscal year 2006-07 from the environmental fund to the general fund.

\*\*\* ANALYSIS FROM -0462/1 \*\*\*

ENVIRONMENT

WATER QUALITY

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2005-07 biennium at \$136,600,000. The bill also increases the general obligation bonding authority for the Clean Water Fund Program by \$9,600,000.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill

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sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2005-07 biennium at \$13,500,000. The bill also increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$6,100,000.

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under the Land Recycling Loan Program, <sup>Wisconsin makes</sup> this state provides loans to ~~villages, towns, and counties~~ <sup>political subdivisions</sup> for projects to remedy environmental contamination at sites owned by <sup>the</sup> political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that fiscal biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2005-07 biennium at \$3,300,000.

\*\*\* ANALYSIS FROM -0454/1 \*\*\*

**ENVIRONMENT**

**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Current law authorizes DNR to conduct or fund activities to remedy environmental contamination in some situations. This bill increases the authorized general obligation bonding authority to finance that remedial action by \$3,000,000.

\*\*\* ANALYSIS FROM -1362/1 \*\*\*

**ENVIRONMENT**

**RECYCLING**

This bill authorizes DNR to contract with a nonprofit organization for services to assist businesses to reduce the amount of solid waste <sup>they</sup> generated or to reuse or recycle solid waste.

\*\*\* ANALYSIS FROM -1612/3 \*\*\*

**ENVIRONMENT**

**RECYCLING**

Current law imposes a recycling fee of \$3 per ton on most solid waste that is disposed of at a licensed solid waste disposal facility, such as a landfill. This bill creates an exemption from the recycling fee for ~~certain~~ waste material, disposed of by companies that make paper or paperboard from wastepaper. <sup>that is</sup> The material to which the exemption applies is waste material that cannot be used to make paper or paperboard, and the material must have been acquired in the normal course of recycling.

\*\*\* ANALYSIS FROM -0461/2 \*\*\*

**ENVIRONMENT**

**OTHER ENVIRONMENT**

Current law authorizes persons, including government agencies, to agree to use electronic means to conduct transactions. Electronic information satisfies any legal requirement that information exchanged under such an agreement be in writing,

and an electronic signature satisfies any legal requirement that a record containing that information be signed. Current law also requires DOA to promulgate rules concerning the use of electronic records and electronic signatures by government agencies.

*No F* This bill authorizes DNR to charge fees to cover the costs of electronically conducting transactions under the environmental programs administered by DNR.

\*\*\* ANALYSIS FROM -1795/4 \*\*\*

### GAMBLING

Current law prohibits any employee in the Lottery Division of DOR (division) ~~or the executive assistant or secretary or deputy secretary of revenue~~ from ~~having a direct or indirect interest in, or being employed by, any lottery vendor while serving as an employee in the division or as the executive assistant or as secretary or deputy secretary of revenue~~ or for two years following the person's termination of service.

This bill provides that an employee in the division who terminates employment with DOR ~~on or after the bill's effective date~~ may be employed by a vendor at any time after his or her date of termination if DOR has entered into a contract with the vendor to perform lottery functions that were previously performed by the employee while he or she was employed in the division. *In addition,*

In addition, the bill provides that no employee in the division may discuss with a vendor who is attempting to obtain a major procurement contract any matter relating to the future employment of the employee with the vendor unless the discussion relates to employment with a vendor that is entering into a contract to perform the employee's services and the division administrator provides prior written consent.

Finally, the bill provides that, if a contract for a major procurement is for services that were performed by employees in the division, the contract may not be entered into unless the contract requires the vendor to offer employment to those employees in the division who performed those services and whose position was terminated.

\*\*\* ANALYSIS FROM -0397/2 \*\*\*

### EDUCATION

#### PRIMARY AND SECONDARY EDUCATION

This bill establishes a new categorical aid program, sparsity aid, for school districts in which the enrollment is no more than 2,000, the pupil density per square mile is less than 15, and in which at least 20 percent of the enrollment is eligible for a free or reduced-price lunch under the National School Lunch Program. If a school district is eligible for aid, beginning in the 2006-07 school year it will receive \$150 per pupil enrolled if no more than 40 percent of its enrollment is eligible for a free or reduced-price lunch or \$300 per pupil enrolled if more than 40 percent of its enrollment is eligible for a free or reduced-price lunch.

\*\*\* ANALYSIS FROM -1649/5 \*\*\*

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*DOR may not enter into a contract for lottery services*

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### HEALTH AND HUMAN SERVICES

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HEALTH MEDICAL ASSISTANCE

Under current law, DHFS must collect, analyze, and disseminate health care information from health care providers other than hospitals and ambulatory surgery centers; in addition, DOA must contract with an entity to collect, analyze, and disseminate health care information from hospitals and ambulatory surgery centers. ~~Both DHFS and the entity under contract with DOA must, from the data collected, prepare certain reports that do not permit the identification of a patient, an employer, or a health care provider. The Board on Health Care Information, attached to DHFS, must advise DHFS on the collection, analysis, and dissemination of health care information, provide oversight on the reports issued by DHFS and the entity under contract with DOA, and develop overall strategy and direction for health care information collection activities.~~ Activities of the Board on Health Care Information and DHFS are funded from fees for performance of certain work under contract and from assessments that are annually levied on health care providers other than hospitals and ambulatory surgery centers.

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This bill eliminates the Board on Health Care Information as of October 1, 2005, and replaces it on that date with a nine-member Health Care Quality and Patient Safety Board (HCQPSB), attached to DOA, which assumes the duties and powers of the Board on Health Care Information. In addition, the HCQPSB must do all of the following:

and perform certain other duties

1. By March 1, 2006, study and make recommendations concerning the feasibility of creating a centralized physician information database.
2. By October 1, 2006, study and make recommendations concerning rules required and authorized to be promulgated by DHFS concerning the collection, analysis, and dissemination of health care information.
3. By January 1, 2007, develop a plan and specific strategies to deploy health care information systems technology for health care quality, safety, and efficiency.
4. Annually report on its plans, activities, accomplishments, and recommendations.
5. Annually assess the extent to which automated information and decision support systems are used by health care providers in Wisconsin.
6. Annually assess options and develop a plan to achieve automation of all health care systems in Wisconsin by 2010.
7. Make grants or loans to clinics, health maintenance organizations, hospitals, or physicians for various projects.

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The bill creates the health care quality improvement fund, a segregated fund that consists of moneys transferred from the injured patients and families compensation fund, the net proceeds of certain revenue obligations, a portion of the annual assessments levied on health care providers other than hospitals and ambulatory surgery centers, and the repayment of any loans made by the HCQPSB. Funds of the health care quality improvement fund are, under the bill, appropriated for general program operations of the HCQPSB, for grants or loans made by the HCQPSB, and for benefits under the Medical Assistance (MA) program, including payments for direct graduate medical education, a major managed care supplement,

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The bill prohibits DHFS from enforcing rules promulgated before the effective date of this bill as an act that relate to the collection from physicians of workforce and practice information, health care plan affiliations, and hospital privileges, and from dentists, chiropractors, and podiatrists, of workforce and practice information. Beginning July 1, 2007, the bill also prohibits DHFS from enforcing rules promulgated before that date relating to physician claims data. DHFS may only promulgate rules relating to the collection and dissemination of health care information that are first approved by HCQPSB.

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~~SECTION 1. 153.75 (title) of the statutes is amended to read:~~

~~153.75 (title) **Rule making and enforcement.**~~

~~History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 2003 a. 33.~~

~~SECTION 2. 153.75 (3) of the statutes is created to read:~~

~~153.75 (3) Notwithstanding sub. (1) (a), (b), (f), (m), (n), (o), (s), (t), and (u) and ss. 153.05 (1), (5), and (8) and 153.45, after June 30, 2007, the department may not enforce rules promulgated under this chapter before July 1, 2007, relating to claims data to be submitted by physicians, to procedures for verification, review, and comment on the claims data, to adjustment of the data, and to waiver of the data submission requirement.~~

~~SECTION 3. 153.75 (4) of the statutes is created to read:~~

~~153.75 (4) Notwithstanding sub. (1) (a), (b), (f), (m), (n), (o), (q), (t), and (u), and ss. 153.05 (1), (5) and (8), 153.21, and 153.45, after the effective date of this subsection .... [revisor inserts date], the department may not enforce rules promulgated under this chapter before the effective date of this subsection [revisor inserts date], relating to any of the following:~~

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a pediatric services supplement, rural hospital supplements, and an essential access city hospital.

Under the bill, the entity under contract with DOA must annually report to the HCQPSB concerning the fulfillment of the entity's obligations under the contract. Also, before July 1, 2007, DHFS may promulgate only those rules relating to the collection, analysis, and dissemination of health care information that are first approved by the HCQPSB.

OTHER HEALTH AND HUMAN SERVICES

Under current law, the Wisconsin Health and Educational Facilities Authority (WHEFA) provides financial assistance to private and public health facilities and hospitals. This bill prohibits WHEFA from providing such financial assistance unless the health facility or hospital demonstrates to the ~~Health Care Quality and Patient Safety Board (HCQPSB)~~ that the health facility or hospital is making efforts to improve medical technology.

INSURANCE

→ specified

Under current law, certain health care providers are required to carry health care liability insurance with liability limits of ~~at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year.~~ Any portion of a medical malpractice claim against a health care provider subject to the health care liability insurance requirements that exceeds the ~~policy~~ limits of the health care provider's health care liability insurance is paid by the injured patients and families compensation fund. Moneys for the fund come from annual assessments paid by the health care providers who are subject to the health care liability insurance requirements. Current law provides that the fund is established to curb the rising costs of health care by financing part of the liability incurred by health care providers as a result of medical malpractice claims and that the fund is held in irrevocable trust for the sole benefit of providers and proper claimants and may not be used for any other purpose of the state.

This bill transfers \$140,286,000 in fiscal year 2005-06 and \$9,714,000 in fiscal year 2006-07 from the injured patients and families compensation fund to the health care quality improvement fund, as created in the bill. The bill also adds to the stated purposes of the injured patients and families compensation fund the purposes of ensuring the availability of health care providers in Wisconsin and of enabling the deployment of health care information systems technology for health care quality, safety, and efficiency, by the Health Care Quality and Patient Safety Board (HCQPSB), as created in the bill.

STATE GOVERNMENT  
STATE FINANCE

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This bill creates a program to issue revenue obligations to fund costs associated with the reform of the Medical Assistance program. Under the bill, funds for the program may not exceed \$125,000,000. The bill provides that the principal and interest costs on the revenue obligations are to be paid from excise taxes that are currently imposed on the sale of liquor, fermented malt beverages, cigarettes, and tobacco products. These taxes are to be deposited into the excise tax fund, a fund

~~under current law that can be used for any revenue obligations issued to pay the state's unfunded prior service liability under the Wisconsin Retirement System (WRS). To dedicate moneys in the excise tax fund for the payment of these grants, the bill eliminates the state's authority to issue revenue obligations secured by tax revenues derived from the sale of liquor, fermented malt beverages, cigarettes, and tobacco products for the payment of the state's unfunded prior liability under the WRS. Obligations for this purpose have already been issued under other current law authority.~~

\*\*\* ANALYSIS FROM -0311/3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

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Currently, DHFS administers several programs under waivers of federal Medicaid laws under which Medical Assistance (MA) recipients who reside in state centers for the developmentally disabled or other institutions or who meet certain levels of care requirements are relocated into their communities and provided home and community-based services and long-term care support services.

This bill authorizes DHFS to request, from the secretary of the U.S. Department of Health and Human Services, a waiver of federal Medicaid laws to provide home or community-based services to MA recipients who have serious mental illnesses and who meet certain level of care requirements for services in nursing homes. If DHFS receives the waiver, DHFS may, from general purpose revenues and federal Medicaid funds, contract with a county or a private agency to administer the home or community-based services under the Community Opportunities and Recovery Program created in the bill.

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\*\*\* ANALYSIS FROM -0261/1 \*\*\*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

~~Under current law, the Badger Care health care program (BadgerCare) provides partially or wholly subsidized health care coverage to eligible families and children. A family, or a child who does not reside with his or her parent, may be eligible for health care coverage under BadgerCare if the child's or family's income does not exceed 185 percent of the federal poverty line and the child or family meets certain nonfinancial criteria, such as not having access to employer-subsidized health care coverage. Current law defines "child" as a person under the age of 19 years and defines "family" as a unit that consists of at least one child and his or her parent or parents, all of whom reside in the same household.~~

This bill expands BadgerCare to provide health care coverage to an unborn child whose mother is not eligible for BadgerCare or ~~eligible~~ for Medical Assistance, except for certain emergency services. The income of the unborn child's mother, mother and her spouse, or mother and her family, whichever is applicable, must meet the current law income requirements. The unborn child and the unborn child's mother must meet the current law nonfinancial eligibility requirements, except that the unborn child is not required to have a social security number and one or more of the following may apply to the unborn child's mother: 1) she is not a U.S. citizen or

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a qualifying alien; 2) she is an inmate of a public institution; or 3) she does not provide a social security number, but only if she is not a U.S. citizen or qualifying alien. An "unborn child" is defined as a person from conception to live birth. The effect of the change is to provide prenatal care to low-income pregnant women who are not otherwise eligible for BadgerCare or Medical Assistance.

~~\*\*\* ANALYSIS FROM -0591/1 \*\*\*~~

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

~~Under current law, DHFS must, using general purpose revenues, contract with a private, nonprofit organization to, among other things, prescribe criteria for grants to conduct respite care projects, solicit project applications, and award, on a matching basis, grants for the projects to county departments, American Indian tribes or bands, and community-based entities. Respite care projects facilitate access to care so that caregivers and families of persons with special needs may receive temporary relief; the respite care projects do not provide direct services. By June 1, 2004, DHFS and the organization with which it must contract must have evaluated the respite care projects.~~

(which facilitate access to care so as to provide temporary relief to families and other caregivers)

~~This bill eliminates the Respite Care Program under which general purpose revenues are granted for projects to facilitate access to care that provides temporary relief to caregivers and families of persons with special needs.~~

~~\*\*\* ANALYSIS FROM -0560/2 \*\*\*~~

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

Under current law, nursing homes and intermediate care facilities for the mentally retarded (ICFMRs) must pay an assessment on each bed for which they are licensed. A portion of the bed assessment revenues is deposited in the general fund (\$13,800,000 in fiscal year 2004-05, and 45 percent of the revenues starting in fiscal year 2005-06) and the remainder is deposited in the Medical Assistance trust fund. Money in the Medical Assistance trust fund is appropriated for payment of Medical Assistance program benefits.

This bill provides that in each fiscal year \$13,800,000 of the revenues generated from the nursing home and ICFMR bed assessment shall be deposited in the general fund and the remainder shall be deposited in the Medical Assistance trust fund.

Under current law, DHFS levies, enforces, and collects assessments on all licensed beds of nursing homes and intermediate care facilities for the mentally retarded. The assessments are \$75 per calendar month per licensed bed of a nursing home and \$435 in fiscal year 2003-04 and \$445 in fiscal year 2004-05 per calendar month per licensed bed of an intermediate care facility for the mentally retarded (ICFMR).

This bill increases the amount of the assessment per licensed bed of a nursing home to up to \$125 per calendar month and the amount of the assessment per licensed bed of an ICFMR to up to \$523 per calendar month in fiscal year 2005-06 and up to \$587 per calendar month in fiscal year 2006-07.

\*\*\* ANALYSIS FROM -0747/1 \*\*\*

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HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHFS reimburses school districts, cooperative educational service agencies (CESAs), or DPI 60 percent of the amount that the state receives as federal Medicaid reimbursement for health care services that school districts, CESAs, or DPI provide in schools to pupils who are eligible for the ~~Medical Assistance (MA)~~ program. DHFS may make supplemental MA payments for these services if the total of the reimbursement and the supplements does not exceed federal Medicaid payment limitations. The amounts of any supplemental MA payments made by DHFS must be decreased from the DPI general purpose revenues appropriation account for payment to counties, CESAs, and school districts for special education services and must be lapsed to the general fund.

This bill eliminates the authority for DHFS to make supplemental MA payments for school-based services provided to pupils who are eligible for MA and eliminates the requirement that the amounts of these supplements be lapsed to the general fund from DPI's general purpose revenues appropriation for special education.

\*\*\* ANALYSIS FROM -1302/2 \*\*\*

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHFS provides ~~Medical Assistance (MA)~~ payment<sup>S</sup> to nursing homes and some community-based residential facilities (facilities) under a detailed formula that assigns cost-based payment for certain items and flat-rate payment for others. Currently, support services (dietary services, environmental services, fuel and utilities, administrative, and general costs) and direct care costs (personal comfort supplies, medical supplies, over-the-counter drugs, and nonbillable services for ancillary nursing home personnel) are paid on a flat-rate basis. This bill changes payment from cost based to flat rate for nonbillable direct care costs for registered nurses, licensed practical nurses, and nurse's assistants.

Currently, in calculating amounts payable for direct care costs, DHFS must establish standards for facilities that ~~do not~~ primarily serve the developmentally disabled separately from standards for facilities that ~~primarily serve the developmentally disabled and must, for each type of facility, take into account direct care costs for a sample of all such facilities in Wisconsin.~~ Further, DHFS must establish the direct care component of the facility payment rate for each facility by comparing actual allowable direct care cost information for that facility, as adjusted for inflation, to the standard. If a facility has an approved program to provide services to developmentally disabled residents, residents dependent on ventilators, or residents requiring supplemental skilled care because of complex medical conditions, DHFS may provide the facility with a supplement to the direct care component. This bill eliminates differences in standards for payment of direct care costs between facilities that primarily serve the developmentally disabled and those that do not, and eliminates the requirement that DHFS ~~establish a direct care~~

do not

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applicable

Beginning July 1, 2006,

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component of the payment rate for each facility by <sup>compare</sup> comparing the facility's actual allowable direct care costs to the standard.

Lastly, the bill requires DHFS to issue inquiries, before July 1, 2006, concerning the existence of managed care organizations that are capable of developing the provision of primary, acute, and long-term managed care, on a regional basis, to elderly and disabled MA recipients.

\*\*\* ANALYSIS FROM -0264/2 \*\*\*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, children who are in foster care ~~including treatment foster care~~, are eligible to receive medical assistance. In most cases, this eligibility ends when the child reaches the age of 18.

This bill extends eligibility for medical assistance on January 1, 2007, to an individual who is 18 or 19 years old, and on January 1, 2008, to an individual who is 18, 19, or 20 years old, and who on his or her 18th birthday was in foster care or treatment foster care.

\*\*\* ANALYSIS FROM -0879/4 \*\*\*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under ~~current law~~, DHFS administers the Medical Assistance (MA) program and the BadgerCare (BadgerCare) health care program. Generally, under MA DHFS pays for health care services provided to eligible low-income persons, and under BadgerCare DHFS pays for health care services provided to certain low-income children who do not reside with a parent and to certain low-income families. Current law provides that DHFS may recover incorrect payments that were made for health care services under MA that resulted from a misstatement or omission of fact by a person supplying information in an application for benefits or from the failure of a person to report the receipt of income or assets in an amount that would have affected a recipient's eligibility for benefits.

This bill adds that DHFS may also recover incorrect payments <sup>that DHFS</sup> made for health care services under MA that result from the failure of a person to report changes in a recipient's financial or nonfinancial situation or eligibility characteristics that would have affected the recipient's eligibility for benefits or his or her cost-sharing requirements. ~~and~~ provides that DHFS may recover incorrect payments made for health care services under BadgerCare resulting from any of the same reasons for which DHFS may recover incorrect payments made under MA.

The bill also provides that, if an MA or BadgerCare recipient to or for whom an incorrect payment was made fails, after notice, to repay the incorrect amount, DHFS may bring an action to enforce repayment. ~~The recipient has 30 days to appeal the order.~~ DHFS may issue an order to compel repayment. ~~The recipient has 30 days to appeal the order.~~ If he or she does not pay the amount due under the order and does not appeal the order within 30 days, DHFS may present a certified copy of the order to the circuit court. ~~The circuit court~~ must render a judgment in accordance with the order without further notice to the recipient. The judgment may be enforced in the same manner as any other judgment

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rendered by a court. In addition, DHFS must certify the obligation to DOR for collection as a setoff against any state income tax refund that is due the recipient.

This procedure for obtaining a judgment for the amount of an incorrect payment and for collecting the amount as a tax refund setoff is similar to the procedure in current law for obtaining a judgment for, and collecting, amounts owed to DHFS for various types of care, maintenance, and services that DHFS is required to provide, such as to persons committed to inpatient treatment facilities, to persons criminally committed to mental health institutions, to juveniles taken into custody for emergency detention, and to persons protectively placed or receiving protective services.

\*\*\* ANALYSIS FROM -0746/4 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

certain

Under current law, DHFS administers Medical Assistance (MA), which is a joint federal-state program under which persons with low income and few assets are provided health care services. The Community Aids Program (CAP) is funded from state general purpose revenues and federal block grant moneys; under it, DHFS distributes to county departments of social services, human services, community programs, and developmental disabilities services moneys for community social, mental health, developmental disabilities, and alcohol and other drug abuse services and certain other services. Until January 1, 2006, DHFS may make, from general purpose revenues for CAP, payment for MA services provided by the county departments and by local health departments. The MA services for which these

payments may be made include early and periodic screening and diagnosis; home health services; services and supplies for family planning; physical and occupational therapy; speech, hearing, and language disorder services; medical day treatment services; certain mental health and alcohol and other drug abuse services; certain nursing services; personal care services; respiratory care services; care coordination for high-risk pregnancies; prenatal, postpartum, and young child care coordination; lead poisoning and lead exposure services; mental health crisis intervention services; and certain case management services. Also until January 1, 2006, DHFS may make, from the general purpose revenues for CAP, MA payments to providers of personal care, home health, and respiratory care services.

MA MA This bill eliminates the January 1, 2006, sunset on ~~the~~ <sup>these</sup> ~~payments~~ <sup>and</sup> ~~from general purpose revenues for CAP of MA payments to county departments and local health departments and to providers of personal care home health, and respiratory care services~~ <sup>keep period</sup>

Under current law, during 2006, DHFS must make payments from the MA trust fund to hold county departments and local health departments harmless for the elimination, from July 26, 2003, to January 1, 2006, of the community services deficit reduction benefit (CSDRB), under which counties and local health departments could claim federal Medicaid matching funds to cover costs for MA services provided that were not fully reimbursed.

that This bill eliminates ~~the~~ <sup>that</sup> ~~requirement that DHFS make payments in 2006 from the MA trust fund to hold county departments and local health departments~~

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~~harmless for the elimination of CSDRB during the period from July 26, 2003, to January 1, 2006, authorizes payments from the general purpose revenues for CAP to city health departments for this purpose, and eliminates the recommencement of CSDRB.~~

\*\*\* ANALYSIS FROM -0124/1 \*\*\*

HEALTH AND FAMILY SERVICES

MEDICAL ASSISTANCE

Current law prohibits DHFS from reimbursing a provider for certain elective surgical procedures under the Medical Assistance Program unless the patient receives a second medical opinion regarding the appropriateness of the procedure. Second opinions are required for elective surgical procedures for which there is a demonstrably high rate of difference between first and second medical opinions. This bill eliminates the requirement for second medical opinions for elective surgical procedures under the Medical Assistance Program.

\*\*\* ANALYSIS FROM -0260/2 \*\*\*

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, as a benefit under the Medical Assistance (MA) program, DHFS pays ~~charges for transportation by emergency medical vehicle to obtain emergency medical care, transportation by specialized medical vehicle to obtain emergency medical care, and, if first approved by the county department of human services or social services, transportation by common carrier or private motor vehicle to obtain nonemergency medical care.~~ *and* Under the bill, DHFS will pay on behalf of MA recipients charges for transportation by emergency medical vehicle to obtain emergency medical care and also to obtain nonemergency medical care if transportation by other means is contraindicated. Otherwise, DHFS will pay charges for transportation to obtain nonemergency medical services ~~that~~ *only if it* provided through an entity with which DHFS has contracted to manage transportation services for the MA program.

\*\*\* ANALYSIS FROM -0265/3 \*\*\*

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

*keep*  
Under one program under current law, low-income individuals who are eligible to receive federal supplemental security income (SSI) because they are blind, disabled, or 65 years of age or older are eligible to receive a state supplemental payment. Under another program under current law, an individual who receives SSI or state supplemental payments, or both, and who is a custodial parent of a dependent child is eligible to receive monthly payments for the support of the dependent child. DHFS administers both of the programs. This bill expressly provides that DHFS shall administer both programs, and authorizes DHFS to promulgate rules to guide the administration of eligibility determinations and benefits payments under the programs.



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DHFS administers a number of public assistance programs under current law under which persons who satisfy eligibility criteria receive financial, health care, or other types of assistance. This bill specifically authorizes DHFS to recover benefits incorrectly paid under any of the assistance programs that it administers, and provides that DHFS may recover overpayments by reducing the benefits of a family or individual who received the overpayments and who is still receiving benefits. The bill authorizes DHFS to specify by rule other methods for recovering incorrectly paid benefits, and provides for recovery of these incorrectly paid benefits through a state income tax refund setoff process.

Under current law, DWD is required to investigate suspected fraudulent activity on the part of participants in the Aid to Families with Dependent Children (AFDC) program and participants in the Wisconsin Works (W-2) program and to conduct activities to reduce payment errors in W-2. DHFS is authorized to contract with DWD for DWD to investigate suspected fraudulent activity and to conduct activities to reduce payment errors ~~in two programs administered by DHFS: the MA and the food stamp program.~~ *under*

~~This bill maintains the requirement for DWD to investigate fraud and conduct error reduction activities and the authorization for DHFS to contract with DWD, but adds an alternative fraud and error reduction scheme for both departments.~~ *both of which DHFS administers*  
Under the bill, DHFS is also required to investigate suspected fraudulent activities and to conduct activities to reduce payment errors in the programs that it administers and DWD is authorized to contract with DHFS *for DHFS* to investigate suspected fraud and conduct payment error reduction activities in the programs that DWD administers. Thus, each department must either conduct its own investigation and error reduction activities or contract with the other department to do so. In addition, the bill adds three DHFS-administered programs to the programs for which fraudulent activity must be investigated and payment error reduction activities must be conducted: *Budget Care* ~~the Budget Care health care program,~~ the program under which DHFS provides state supplemental payments to persons eligible to receive SSI, and the program under which DHFS makes monthly payments for the support of dependent children to custodial parents who are receiving SSI or state supplemental payments.

This bill also changes from annual to continuing a DWD general purpose revenue appropriation that is used primarily for the administration and benefit costs of W-2. The unencumbered balance of an annual appropriation lapses to the fund from which the moneys are appropriated at the end of a fiscal year; continuing appropriation balances do not lapse at the end of a fiscal year or at the end of a biennium and are expendable until fully depleted.

CHILDREN

Under current law, DHFS or a county department of human services or social services (county department) provides monthly payments to foster parents, treatment foster parents, kinship care relatives, and long-term kinship care relatives who provide care and maintenance for children. DHFS also provides adoption assistance, including monthly maintenance payments, to adoptive parents to assist in the cost of the care of children with special needs. This bill permits DHFS or a county department to recover an overpayment of foster care, treatment foster

Budget Care

for DHFS

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care, kinship care, long-term kinship care, and adoption assistance payments from a foster parent, treatment foster parent, kinship care relative, long-term kinship care relative, or adoptive parent who continues to receive those payments by reducing those payments. The bill also permits DHFS to specify by rule other methods for recovering those payments.

\*\*\* ANALYSIS FROM -0878/1 \*\*\*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DHFS contracts with county departments of social services or human services (county departments), and may contract with American Indian tribe governing bodies (tribal governing bodies), to administer ~~the~~ ~~maintained~~ ~~programs~~ and reimburses the county departments and tribal governing bodies for their costs of administering those programs. ~~the~~ ~~income~~ ~~maintenance~~ program is defined as the Medical Assistance (MA) program, the Badger Care ~~health care program~~, the food stamp program, ~~and~~ the cemetery, funeral, and burial expenses program.

This bill provides that DHFS, a county department, or a tribal governing body may request from any person in this state information that is appropriate and necessary for determining or verifying eligibility or benefits for a recipient under any of the income maintenance programs. (With respect to MA and the food stamp program, the bill reinstates authority that DHFS had before administration of those programs was transferred to DWD and then back to DHFS.) A person who receives a request for information must, within seven days, provide the information unless its access is prohibited or restricted by law. The bill also authorizes DHFS, a county department, or a tribal governing body to issue a subpoena to compel production of financial information or other documentary evidence for determining or verifying eligibility or benefits for an income maintenance program recipient. Under the bill, DHFS, a county department, or a tribal governing body, or an employee of any of them, ~~is prohibited~~ from disclosing, for any purpose not connected with administration of the income maintenance program ~~for which the information was requested or subpoenaed~~, information obtained as a result of a request or subpoena. In addition, the bill provides that no person is liable for allowing access to, or disclosing, information in response to a request or subpoena from DHFS, a county department, or a tribal governing body or for any other action taken in good faith to comply with such a request.

known collectively as "income maintenance" programs

and prohibits

\*\*\* ANALYSIS FROM -0490/P2 \*\*\*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, if DWD determines that benefits have been overpaid under the Wisconsin Works (W-2) program, the person to whom the benefits were overpaid is required to repay the amount of the overpayment. The statutes provide the collection procedure if the person does not repay the overpaid amount. This bill makes a few changes to the procedure ~~under current law for collecting~~ ~~benefits that were overpaid under W-2~~

insert 49-2

move to p. 49

under current law for collecting benefits that were overpaid under W-2

DJK

move to p. 49

pay

Insert 49-2 cont'd

semiannually pay fees

file a notice every time

a levy

Under current law, ~~fees paid by DWD~~ to the clerk of circuit court for filing warrants constituting liens on the real and personal property of overpaid persons ~~are billed semiannually~~, but fees for filing satisfactions, releases, or withdrawals of warrants ~~are paid~~, when those documents are filed. The bill makes the payment of filing fees for satisfactions, releases, and withdrawals of warrants semiannual also.

Under current law, DWD is required to issue and file a notice of withdrawal of a warrant if a person who received an overpayment complies with a payment schedule arranged with DWD. The bill makes the issuing and filing of a notice of withdrawal discretionary with DWD so that DWD is not required to ~~withdraw a warrant after just one~~ payment is made on schedule.

Under current law, ~~if DWD levies~~ against the property of ~~an overpaid person~~, ~~the levy~~ is effective until it is satisfied or released, or until one year from the date the levy was served, whichever occurs first. Also, any third party in possession of property subject to levy, such as a financial institution at which an overpaid person has an account, is entitled to a levy fee of \$5 ~~that may be deducted~~ from the proceeds of the levy. The bill eliminates the one-year time limit so that a levy is effective until satisfied or released, and provides that, if a third party retains a levy fee, the third party must increase the amount of the levy by the fee amount before deducting the fee from the proceeds.

a person who received an overpayment

deduct

\*\*\* ANALYSIS FROM -0314/1 \*\*\*

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS reimburses pharmacists and pharmacies for prescription drugs purchased by persons enrolled in Senior Care, a prescription drug assistance program for low-income elderly persons. The reimbursement rate is equal to 105 percent of the prescription drug reimbursement rate under the Medical Assistance (MA) program, plus a dispensing fee, and minus a copayment paid by the Senior Care enrollee.

This bill reduces the reimbursement rate under Senior Care to 100 percent of the prescription drug reimbursement rate under MA, plus the dispensing fee, and minus the copayment.

\*\*\* ANALYSIS FROM -1662/4 \*\*\*

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DWD allocates specific amounts of moneys in each fiscal year, including federal Child Care Development Funds (CCDF) and federal moneys received under the federal Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes, including transferring moneys to DHFS for its day care licensing operations. This bill ~~increases and decreases~~ those allocations and adds an allocation to pay for a share of the costs of a mail-order lending library and information center operated by DPI's division for libraries, technology, and community learning. The bill eliminates an allocation for grants for developing early

sets the amounts of

for fiscal years 2005-06 and 2006-07

PJK

childhood centers for providing outreach and training for parents and training for child care providers, and eliminates the program.

\*\*\* ANALYSIS FROM -1597/1 \*\*\*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as ~~Wisconsin Works~~ benefits or ~~Medical Assistance (MA)~~ benefits, and whose estates are insufficient to pay those expenses. The amounts paid by the county departments are the lesser of \$1,000 or the cemetery expenses not paid by the estate and the lesser of \$1,500 or the funeral and burial expenses not paid by the estate. DHFS is required to reimburse the county departments for those payments from a general purpose revenue appropriation out of which DHFS also pays county departments for administering income maintenance programs, which include the cemetery, funeral, and burial expenses program, the MA program, the Badger Care health care program, and the food stamp program. This bill provides that DHFS must reimburse the county departments for payments of ~~cemetery, funeral, and burial expenses~~ only to the extent that funds are available for this purpose.

W-2

those

\*\*\* ANALYSIS FROM -1635/3 \*\*\*

**HEALTH AND HUMAN SERVICES**

**PUBLIC ASSISTANCE**

Under current law, DHFS uses general purpose revenue (GPR) and federal ~~moneys received under the federal Temporary Assistance for Needy Families (TANF) block grant program~~ for providing grants to organizations that provide various types of domestic abuse services; for providing grants to nonprofit corporations and county departments of human services or social services for programs to prevent and reduce youth violence, the incidence of youth alcohol and other drug abuse, and the incidence of nonmarital pregnancy; and for providing grants to American Indian tribes and bands for providing services related to vocational preparation and reducing high school dropout rates, pregnancy prevention, and developing skills to increase economic self-sufficiency. This bill maintains the funding level for these programs but replaces the TANF funding with ~~funding from GPR~~. *more*

moneys

**OTHER HEALTH AND HUMAN SERVICES**

Under the Domestic Abuse Grants Program in current law, DHFS provides grants to organizations that provide various types of domestic abuse services, such as shelter facilities and victim counseling. In addition to providing general grant authority, current law directs DHFS to provide grants in specific amounts to specific organizations, such as a grant in each fiscal year to the Wisconsin Coalition Against Domestic Violence for the cost of a staff person to provide assistance in obtaining legal services. The bill provides that under the program DHFS must provide a grant of \$563,500 in each fiscal year to the Refugee Family Strengthening Project for providing domestic abuse services to the refugee population, including the cost of hiring bilingual staff persons, especially those who speak Hmong.