



State of Wisconsin
2007 - 2008 LEGISLATURE

JLD

LRB-1716/P4

ALL:all:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to: state finances and appropriations, constituting the**
2 **executive budget act of the 2007 legislature.**

Analysis by the Legislative Reference Bureau

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

- 3 ***-1261/5.1*** ***-1261/P3.1*** **SECTION 1.** 6.47 (1) (ag) of the statutes is amended
4 to read:
5 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
6 that is certified by the department of ~~health and family services~~ children and families
7 as eligible to receive grants under s. ~~46.95~~ 49.165 (2) and whose name is included on
8 the list provided by the board under s. 7.08 (10).
9 ***-1261/5.2*** ***-1261/P3.2*** **SECTION 2.** 7.08 (10) of the statutes is amended to
10 read:

1 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
2 each municipal clerk, on a continuous basis, the names and addresses of
3 organizations that are certified under s. 46.95 49.165 (4) or 165.93 (4) to provide
4 services to victims of domestic abuse or sexual assault.

5 ***-1352/4.1*** SECTION 3. 7.33 (4) of the statutes is amended to read:

6 7.33 (4) Except as otherwise provided in this subsection, each local
7 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
8 proper application under sub. (3), permit each of its employees to serve as an election
9 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
10 scheduled working hours during the period specified in sub. (3), without loss of pay
11 for scheduled working hours during the period specified in sub. (3) except as provided
12 in sub. (5), and without any other penalty. For employees who are included in a
13 collective bargaining unit for which a representative is recognized or certified under
14 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
15 collective bargaining agreement.

16 ***-1501/2.1*** SECTION 4. 13.101 (6) (a) of the statutes is amended to read:

17 13.101 (6) (a) As an emergency measure necessitated by decreased state
18 revenues and to prevent the necessity for a state tax on general property, the
19 committee may reduce any appropriation made to any board, commission,
20 department, or the University of Wisconsin System, or to any other state agency or
21 activity, by such amount as it deems feasible, not exceeding 25% of the
22 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
23 (er) (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
24 (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry
25 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,

1 village, town, or school district. Appropriations of receipts and of a sum sufficient
2 shall for the purposes of this section be regarded as equivalent to the amounts
3 expended under such appropriations in the prior fiscal year which ended June 30.
4 All functions of said state agencies shall be continued in an efficient manner, but
5 because of the uncertainties of the existing situation no public funds should be
6 expended or obligations incurred unless there shall be adequate revenues to meet the
7 expenditures therefor. For such reason the committee may make reductions of such
8 appropriations as in its judgment will secure sound financial operations of the
9 administration for said state agencies and at the same time interfere least with their
10 services and activities.

11 ***-1261/5.3* *-1267/P1.1* SECTION 5.** 13.101 (6) (a) of the statutes, as affected
12 by 2007 Wisconsin Act ... (this act), is amended to read:

13 13.101 (6) (a) As an emergency measure necessitated by decreased state
14 revenues and to prevent the necessity for a state tax on general property, the
15 committee may reduce any appropriation made to any board, commission,
16 department, or the University of Wisconsin System, or to any other state agency or
17 activity, by such amount as it deems feasible, not exceeding 25% of the
18 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
19 (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
20 (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and ~~20.445 (3)~~ 20.437 (2) (a) and (dz)
21 or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any
22 county, city, village, town, or school district. Appropriations of receipts and of a sum
23 sufficient shall for the purposes of this section be regarded as equivalent to the
24 amounts expended under such appropriations in the prior fiscal year which ended
25 June 30. All functions of said state agencies shall be continued in an efficient

1 manner, but because of the uncertainties of the existing situation no public funds
2 should be expended or obligations incurred unless there shall be adequate revenues
3 to meet the expenditures therefor. For such reason the committee may make
4 reductions of such appropriations as in its judgment will secure sound financial
5 operations of the administration for said state agencies and at the same time
6 interfere least with their services and activities.

****NOTE: This is reconciled s. 13.101 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1501 and -1261.

7 ***-1352/4.2* SECTION 6.** 13.111 (2) of the statutes is amended to read:

8 13.111 (2) DUTIES. The joint committee on employment relations shall perform
9 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
10 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

11 ***-1272/5.1* SECTION 7.** 13.172 (1) of the statutes is amended to read:

12 13.172 (1) In this section, "agency" means an office, department, agency,
13 institution of higher education, association, society, or other body in state
14 government created or authorized to be created by the constitution or any law, that
15 is entitled to expend moneys appropriated by law, including the legislature and the
16 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
17 ch. 231, 233, ~~or 234,~~ or 238.

18 ***-1272/5.2* SECTION 8.** 13.48 (13) (a) of the statutes is amended to read:

19 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
20 facility that is constructed for the benefit of or use of the state, any state agency,
21 board, commission or department, the University of Wisconsin Hospitals and Clinics
22 Authority, the Fox River Navigational System Authority, the Healthy Wisconsin
23 Authority, or any local professional baseball park district created under subch. III

1 of ch. 229 if the construction is undertaken by the department of administration on
2 behalf of the district, shall be in compliance with all applicable state laws, rules,
3 codes and regulations but the construction is not subject to the ordinances or
4 regulations of the municipality in which the construction takes place except zoning,
5 including without limitation because of enumeration ordinances or regulations
6 relating to materials used, permits, supervision of construction or installation,
7 payment of permit fees, or other restrictions.

8 ***-1278/3.1* SECTION 9.** 13.48 (14) (a) of the statutes is amended to read:

9 13.48 (14) (a) In this subsection, "agency" has the meaning given for "state
10 agency" in s. 20.001 (1), except that during the period prior to July 1, 2007, and the
11 period beginning on the effective date of this paragraph [revisor inserts date], and
12 ending on June 30, 2009, the term does not include the Board of Regents of the
13 University of Wisconsin System.

14 ***-1272/5.3* SECTION 10.** 13.62 (2) of the statutes is amended to read:

15 13.62 (2) "Agency" means any board, commission, department, office, society,
16 institution of higher education, council, or committee in the state government, or any
17 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233,
18 234, ~~or 237, or 238~~, except that the term does not include a council or committee of
19 the legislature.

20 ***-1261/5.4* *-1267/P1.2* SECTION 11.** 13.63 (1) (am) of the statutes is
21 amended to read:

22 13.63 (1) (am) If an individual who applies for a license under this section does
23 not have a social security number, the individual, as a condition of obtaining that
24 license, shall submit a statement made or subscribed under oath or affirmation to the
25 board that the individual does not have a social security number. The form of the

1 statement shall be prescribed by the department of ~~workforce development~~ children
2 and families. A license issued in reliance upon a false statement submitted under
3 this paragraph is invalid.

4 ***-1261/5.5*** ***-1267/P1.3*** SECTION 12. 13.63 (1) (b) of the statutes is amended
5 to read:

6 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
7 license to an applicant who does not provide his or her social security number. The
8 board shall not issue a license to an applicant or shall revoke any license issued to
9 a lobbyist if the department of revenue certifies to the board that the applicant or
10 lobbyist is liable for delinquent taxes under s. 73.0301. The board shall refuse to
11 issue a license or shall suspend any existing license for failure of an applicant or
12 licensee to pay court-ordered payments of child or family support, maintenance,
13 birth expenses, medical expenses or other expenses related to the support of a child
14 or former spouse or failure of an applicant or licensee to comply, after appropriate
15 notice, with a subpoena or warrant issued by the department of ~~workforce~~
16 development children and families or a county child support agency under s. 59.53
17 (5) and related to paternity or child support proceedings, as provided in a
18 memorandum of understanding entered into under s. 49.857. No application may
19 be disapproved by the board except an application for a license by a person who is
20 ineligible for licensure under this subsection or s. 13.69 (4) or an application by a
21 lobbyist whose license has been revoked under this subsection or s. 13.69 (7) and only
22 for the period of such ineligibility or revocation.

23 ***-1261/5.6*** ***-1267/P1.4*** SECTION 13. 13.64 (2) of the statutes is amended to
24 read:

1 13.64 (2) The registration shall expire on December 31 of each even-numbered
2 year. Except as provided in sub. (2m), the board shall refuse to accept a registration
3 statement filed by an individual who does not provide his or her social security
4 number. The board shall refuse to accept a registration statement filed by an
5 individual or shall suspend any existing registration of an individual for failure of
6 the individual or registrant to pay court-ordered payments of child or family
7 support, maintenance, birth expenses, medical expenses or other expenses related
8 to the support of a child or former spouse or failure of the individual or registrant to
9 comply, after appropriate notice, with a subpoena or warrant issued by the
10 department of ~~workforce development~~ children and families or a county child
11 support agency under s. 59.53 (5) and related to paternity or child support
12 proceeding, as provided in a memorandum of understanding entered into under s.
13 49.857. If all lobbying by or on behalf of the principal which is not exempt under s.
14 13.621 ceases, the board shall terminate the principal's registration and any
15 authorizations under s. 13.65 as of the day after the principal files a statement of
16 cessation and expense statements under s. 13.68 for the period covering all dates on
17 which the principal was registered. Refusal to accept a registration statement or
18 suspension of an existing registration pursuant to a memorandum of understanding
19 under s. 49.857 is not subject to review under ch. 227.

20 *-1261/5.7* *-1267/P1.5* SECTION 14. 13.64 (2m) of the statutes is amended
21 to read:

22 13.64 (2m) If an individual who applies for registration under this section does
23 not have a social security number, the individual, as a condition of obtaining
24 registration, shall submit a statement made or subscribed under oath or affirmation
25 to the board that the individual does not have a social security number. The form of

1 the statement shall be prescribed by the department of workforce development
2 children and families. A registration accepted in reliance upon a false statement
3 submitted under this subsection is invalid.

4 ***-1261/5.8* *-1261/P3.3* SECTION 15.** 13.83 (3) (f) (intro.) of the statutes is
5 amended to read:

6 13.83 (3) (f) (intro.) The special committee shall be assisted by a technical
7 advisory committee composed of ~~7~~ 8 members representing the following:

8 ***-1261/5.9* *-1261/P3.4* SECTION 16.** 13.83 (3) (f) 2m. of the statutes is
9 created to read:

10 13.83 (3) (f) 2m. The department of children and families.

11 ***-1261/5.10* SECTION 17.** 13.83 (4) (a) 9. of the statutes is repealed.

12 ***-1524/P3.1* SECTION 18.** 13.94 (4) (a) 1. of the statutes is amended to read:

13 13.94 (4) (a) 1. Every state department, board, examining board, affiliated

14 credentialing board, commission, independent agency, council or office in the

15 executive branch of state government; all bodies created by the legislature in the

16 legislative or judicial branch of state government; any public body corporate and

17 politic created by the legislature including specifically the Fox River Navigational

18 System Authority and the Wisconsin Aerospace Authority, a professional baseball

19 park district, a local professional football stadium district, a local cultural arts

20 district and a family long-term care district under s. 46.2895; every Wisconsin works

21 agency under subch. III of ch. 49; every provider of medical assistance under subch.

22 IV of ch. 49; technical college district boards; development zones designated under

23 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit

24 corporation or cooperative or unincorporated cooperative association to which

25 moneys are specifically appropriated by state law; and every corporation, institution,

1 association or other organization which receives more than 50% of its annual budget
2 from appropriations made by state law, including subgrantee or subcontractor
3 recipients of such funds.

4 ***-1524/P3.2* SECTION 19.** 13.94 (4) (b) of the statutes is amended to read:

5 13.94 (4) (b) In performing audits of family long-term care districts under s.
6 46.2895, Wisconsin works agencies under subch. III of ch. 49, providers of medical
7 assistance under subch. IV of ch. 49, corporations, institutions, associations, or other
8 organizations, and their subgrantees or subcontractors, the legislative audit bureau
9 shall audit only the records and operations of such providers and organizations
10 which pertain to the receipt, disbursement or other handling of appropriations made
11 by state law.

12 ***-1272/5.4* SECTION 20.** 13.95 (intro.) of the statutes is amended to read:

13 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
14 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
15 shall be strictly nonpartisan and shall at all times observe the confidential nature
16 of the research requests received by it; however, with the prior approval of the
17 requester in each instance, the bureau may duplicate the results of its research for
18 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
19 designated employees shall at all times, with or without notice, have access to all
20 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
21 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
22 the Healthy Wisconsin Authority, and the Fox River Navigational System Authority,
23 and to any books, records, or other documents maintained by such agencies or
24 authorities and relating to their expenditures, revenues, operations, and structure.

1 ***-1261/5.11*** ***-1267/P1.7*** **SECTION 21.** 14.18 of the statutes is amended to
2 read:

3 **14.18 Assistance from department of workforce development children**
4 **and families.** The governor may enter into a cooperative arrangement with the
5 department of ~~workforce development~~ children and families under which the
6 department assists the governor in providing temporary assistance for needy
7 families under 42 USC 601 et. seq.

8 ***-0388/3.1*** **SECTION 22.** 14.83 of the statutes is amended to read:

9 **14.83 Interstate insurance receivership commission.** There is created an
10 interstate insurance receivership commission as specified in s. 601.59 (3). The
11 member of the commission representing this state shall be the commissioner of
12 insurance or his or her designated representative. The commission member shall
13 serve without compensation but shall be reimbursed from the appropriation under
14 s. 20.145 (1) (g) 1 for actual and necessary expenses incurred in the performance of
15 his or her duties. The commission has the powers and duties granted and imposed
16 under s. 601.59.

17 ***-1432/2.1*** **SECTION 23.** 14.90 (3) of the statutes is repealed.

18 ***-1403/2.1*** **SECTION 24.** 15.01 (2) of the statutes is amended to read:

19 15.01 (2) "Commission" means a 3-member governing body in charge of a
20 department or independent agency or of a division or other subunit within a
21 department, except for the Wisconsin waterways commission which shall consist of
22 5 members and the parole earned release review commission which shall consist of
23 8 members. A Wisconsin group created for participation in a continuing interstate
24 body, or the interstate body itself, shall be known as a "commission", but is not a
25 commission for purposes of s. 15.06. The parole earned release review commission

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1 created under s. 15.145 (1) shall be known as a "commission", but is not a commission
2 for purposes of s. 15.06. ~~The sentencing commission created under s. 15.105 (27)~~
3 ~~shall be known as a "commission" but is not a commission for purposes of s. 15.06 (1)~~
4 ~~to (4m), (7), and (9).~~

****NOTE: This is reconciled s. 15.01 (2). This SECTION has been affected by drafts with the following LRB numbers: LRB-1403 and LRB-1416

5 ***-0201/4.1* SECTION 25.** 15.01 (6) of the statutes is amended to read:

6 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a
7 department or an independent agency, whether specifically created by law or created
8 by the head of the department or the independent agency for the more economic and
9 efficient administration and operation of the programs assigned to the department
10 or independent agency. The office of justice assistance in the department of
11 administration and the office of credit unions in the department of financial
12 institutions have the meaning of "division" under this subsection. The office of the
13 long-term care ombudsman under the board on aging and long-term care, the office
14 of the Wisconsin Covenant Scholars Program in the department of administration,
15 and the office of educational accountability in the department of public instruction
16 have the meaning of "bureau" under this subsection.

17 ***-0201/4.2* SECTION 26.** 15.02 (3) (c) 2. of the statutes is amended to read:

18 15.02 (3) (c) 2. The principal subunit of the division is the "bureau". Each
19 bureau shall be headed by a "director". The office of the long-term care ombudsman
20 under the board on aging and long-term care, the office of the Wisconsin Covenant
21 Scholars Program in the department of administration, and the office of educational
22 accountability in the department of public instruction have the meaning of "bureau"
23 under this subdivision.

Inset
11-23 →

1 ***-1182/P3.1* SECTION 27.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) **LEGAL SERVICES.** If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the department or independent agency is not
15 prohibited by law to do so.

16 (e) Employ or retain any attorney who is not a state employee, subject to s.
17 20.930.

18 ***-1403/2.2* SECTION 28.** 15.06 (6) of the statutes is amended to read:

19 15.06 (6) **QUORUM.** A majority of the membership of a commission constitutes
20 a quorum to do business, except that vacancies shall not prevent a commission from
21 doing business. This subsection does not apply to the parole earned release review
22 commission.

23 ***-0904/2.1* SECTION 29.** 15.07 (2) (k) of the statutes is created to read:

24 15.07 (2) (k) The secretary of health and family services, or his or her designee,
25 shall serve as chairperson of the health care quality and patient safety council and

1 shall appoint chairpersons for subcommittees on patient care, consumer interest and
2 privacy, public health, and statewide health information exchange and
3 interoperability.

4 ***-0393/3.1* SECTION 30.** 15.07 (2) (m) of the statutes is created to read:

5 15.07 (2) (m) The member appointed under s. 15.345 (6) (a) shall serve as
6 chairperson of the managed forest land board.

7 ***-1182/P3.2* SECTION 31.** 15.103 (1g) of the statutes is created to read:

8 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
9 administration a division of legal services. The administrator of the division shall
10 be appointed by the secretary of administration in the unclassified service.

11 ***-0201/4.3* SECTION 32.** 15.104 of the statutes is created to read:

12 **15.104 Same; offices. (1) OFFICE OF THE WISCONSIN COVENANT SCHOLARS**
13 **PROGRAM.** There is created an office of the Wisconsin Covenant Scholars Program in
14 the department of administration. The director of the office shall be appointed by the
15 secretary of administration.

16 ***-1416/6.1* SECTION 33.** 15.105 (19) of the statutes is renumbered 15.105 (19)

17 (a).

18 ***-1416/6.2* SECTION 34.** 15.105 (19) (b) of the statutes is created to read:

19 15.105 (19) (b) There is created in the office of justice assistance a bureau of
20 criminal justice research.

21 ***-1416/6.3* SECTION 35.** 15.105 (27) of the statutes is repealed.

22 *****NOTE:** This is reconciled s. 15.105 (27). This section has been affected by drafts
with the following LRB numbers: -1416/5 and -1403/3.

***-1633/P9.1* SECTION 36.** 15.107 (18) of the statutes is created to read:

1 15.107 (18) TRUTH-IN-SENTENCING PHASE II COUNCIL. (a) *Creation.* There is
2 created in the department of administration a council called the
3 truth-in-sentencing phase II council that shall consist of the following members:

4 1. The state public defender or his or her designee.

5 2. One majority party member and one minority party member from each house
6 of the legislature, appointed as are the members of standing committees in their
7 respective houses.

8 3. One district attorney appointed by the governor.

9 4. Three individuals, appointed by the governor.

10 5. One representative of crime victims, appointed by the governor.

11 6. One circuit judge, appointed by the supreme court.

12 (b) *Officers.* The governor shall designate annually one of the members of the
13 council as chairperson. The council may elect officers other than a chairperson from
14 among its members as its work requires.

15 (c) *Reimbursement and compensation.* Members of the council shall be
16 reimbursed for their actual and necessary expenses incurred in the performance of
17 their duties. An officer or employee of the state shall be reimbursed by the agency
18 that pays the member's salary. Members who are full-time state officers or
19 employees shall receive no compensation for their services. Other members shall be
20 paid \$25 per day, in addition to their actual and necessary expenses, for each day on
21 which they are actually and necessarily engaged in the performance of their duties.

22 (d) *Sunset.* This subsection does not apply after January 31, 2008.

23 *-1403/2.3* SECTION 37. 15.145 (1) of the statutes is amended to read:

24 15.145 (1) PAROLE EARNED RELEASE REVIEW COMMISSION. There is created in the
25 department of corrections ~~a parole~~ an earned release review commission consisting

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

6 ***-1261/5.12* *-1261/P3.6* SECTION 38.** 15.155 (5) of the statutes is amended
7 to read:

8 15.155 (5) SMALL BUSINESS REGULATORY REVIEW BOARD. There is created a small
9 business regulatory review board, attached to the department of commerce under s.
10 15.03. The board shall consist of a representative of the department of
11 administration; a representative of the department of agriculture, trade and
12 consumer protection; a representative of the department of children and families; a
13 representative of the department of commerce; a representative of the department
14 of health and family services; a representative of the department of natural
15 resources; a representative of the department of regulation and licensing; a
16 representative of the department of revenue; a representative of the department of
17 workforce development; 6 representatives of small businesses, as defined in s.
18 227.114 (1), who shall be appointed for 3-year terms; and the chairpersons of one
19 senate and one assembly committee concerned with small businesses, appointed as
20 are members of standing committees. The representatives of the departments shall
21 be selected by the secretary of that department.

22 ***-1261/5.13* *-1261/P3.7* SECTION 39.** 15.195 (4) (intro.) of the statutes is
23 renumbered 15.205 (4) (intro.) and amended to read:

24 15.205 (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD. (intro.) There is
25 created a child abuse and neglect prevention board which is attached to the

1 department of ~~health and family services~~ children and families under s. 15.03. The
2 board shall consist of 20 members as follows:

3 ***-1261/5.14* *-1261/P3.8* SECTION 40.** 15.195 (4) (a) of the statutes is
4 renumbered 15.205 (4) (a).

5 ***-1261/5.15* *-1261/P3.9* SECTION 41.** 15.195 (4) (b) of the statutes is
6 renumbered 15.205 (4) (b).

7 ***-1261/5.16* *-1261/P3.10* SECTION 42.** 15.195 (4) (c) of the statutes is
8 renumbered 15.205 (4) (c).

9 ***-1261/5.17* *-1261/P3.11* SECTION 43.** 15.195 (4) (d) of the statutes is
10 renumbered 15.205 (4) (d).

11 ***-1261/5.18* *-1261/P3.12* SECTION 44.** 15.195 (4) (dg) of the statutes is
12 renumbered 15.205 (4) (dg).

13 ***-1261/5.19* *-1261/P3.13* SECTION 45.** 15.195 (4) (dr) of the statutes is
14 renumbered 15.205 (4) (dr) and amended to read:

15 15.205 (4) (dr) The secretary of ~~workforce development~~ children and families
16 or his or her designee.

17 ***-1261/5.20* *-1261/P3.14* SECTION 46.** 15.195 (4) (e) of the statutes is
18 renumbered 15.205 (4) (e).

19 ***-1261/5.21* *-1261/P3.15* SECTION 47.** 15.195 (4) (em) of the statutes is
20 renumbered 15.205 (4) (em).

21 ***-1261/5.22* *-1261/P3.16* SECTION 48.** 15.195 (4) (f) of the statutes is
22 renumbered 15.205 (4) (f).

23 ***-1261/5.23* *-1261/P3.17* SECTION 49.** 15.195 (4) (fm) of the statutes is
24 renumbered 15.205 (4) (fm).

1 ***-1261/5.24*** ***-1261/P3.18*** SECTION 50. 15.195 (4) (g) of the statutes is
2 renumbered 15.205 (4) (g).

3 ***-0904/2.2*** SECTION 51. 15.197 (6) of the statutes is created to read:

4 15.197 (6) HEALTH CARE QUALITY AND PATIENT SAFETY COUNCIL. There is created
5 a health care quality and patient safety council, attached to the department of health
6 and family services under s. 15.03. The health care quality and patient safety council
7 shall consist of the following members that, except for the members specified in pars.

8 (a) to (c), are appointed by the governor for 2-year terms:

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

10 (b) The secretary of health and family services or his or her designee.

11 (c) The secretary of employee trust funds or his or her designee.

12 (d) An employer who purchases health care for employees.

13 (e) A representative of the Wisconsin Health and Hospital Association.

14 (f) A physician, as defined in s. 448.01 (5).

15 (g) A representative of the health insurance industry.

16 (h) A representative of a major health care provider system.

17 (i) A health care consumer advocate.

18 ***-0878/5.1*** SECTION 52. 15.197 (11n) of the statutes is renumbered 15.107 (7),
19 and 15.107 (7) (ag), as renumbered, is amended to read:

20 15.107 (7) (ag) There is created a council on developmental disabilities,
21 attached to the department of health and family services administration under s.
22 15.03.

23 ***-1261/5.25*** ***-1261/P3.19*** SECTION 53. 15.197 (16) of the statutes is
24 renumbered 15.207 (16) and amended to read:

1 15.207 (16) COUNCIL ON DOMESTIC ABUSE. There is created in the department
2 of ~~health and family services~~ children and families a council on domestic abuse. The
3 council shall consist of 13 members appointed for staggered 3-year terms. Of those
4 13 members, 9 shall be nominated by the governor and appointed with the advice and
5 consent of the senate, and one each shall be designated by the speaker of the
6 assembly, the senate majority leader and the minority leader in each house of the
7 legislature and appointed by the governor. Persons appointed shall have a
8 recognized interest in and knowledge of the problems and treatment of victims of
9 domestic abuse.

10 *~~-1261/5.26~~* *~~-1261/P3.20~~* SECTION 54. 15.197 (24) (a) (intro.) of the statutes
11 is renumbered 15.207 (24) (a) (intro.) and amended to read:

12 15.207 (24) (a) (intro.) There is created a Milwaukee child welfare partnership
13 council, attached to the department of ~~health and family services~~ children and
14 families under s. 15.03. The council shall consist of the following members:

15 *~~-1261/5.27~~* *~~-1261/P3.21~~* SECTION 55. 15.197 (24) (a) 1. of the statutes is
16 renumbered 15.207 (24) (a) 1.

17 *~~-1261/5.28~~* *~~-1261/P3.22~~* SECTION 56. 15.197 (24) (a) 2. of the statutes is
18 renumbered 15.207 (24) (a) 2.

19 *~~-1261/5.29~~* *~~-1261/P3.23~~* SECTION 57. 15.197 (24) (a) 3. of the statutes is
20 renumbered 15.207 (24) (a) 3.

21 *~~-1261/5.30~~* *~~-1261/P3.24~~* SECTION 58. 15.197 (24) (a) 4. of the statutes is
22 renumbered 15.207 (24) (a) 4.

23 *~~-1261/5.31~~* *~~-1261/P3.25~~* SECTION 59. 15.197 (24) (a) 5. of the statutes is
24 renumbered 15.207 (24) (a) 5.

1 ***-1261/5.32*** ***-1261/P3.26*** **SECTION 60.** 15.197 (24) (a) 6. of the statutes is
2 renumbered 15.207 (24) (a) 6.

3 ***-1261/5.33*** ***-1261/P3.27*** **SECTION 61.** 15.197 (24) (a) 7. of the statutes is
4 renumbered 15.207 (24) (a) 7.

5 ***-1261/5.34*** ***-1261/P3.28*** **SECTION 62.** 15.197 (24) (b) of the statutes is
6 renumbered 15.207 (24) (b).

7 ***-1261/5.35*** ***-1261/P3.29*** **SECTION 63.** 15.197 (24) (c) of the statutes is
8 renumbered 15.207 (24) (c).

9 ***-1261/5.36*** ***-1261/P3.30*** **SECTION 64.** 15.197 (24) (d) of the statutes is
10 renumbered 15.207 (24) (d) and amended to read:

11 15.207 (24) (d) If the department of ~~workforce development~~ children and
12 families establishes more than one geographical area in Milwaukee County under
13 s. 49.143 (6), the children's services networks established in Milwaukee County
14 under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall nominate
15 residents of different geographical areas established under s. 49.143 (6) and, when
16 the term of a member appointed under par. (a) 7. ends or if a vacancy occurs in the
17 membership of the council under par. (a) 7., those children's services networks shall
18 nominate a resident of a different geographical area established under s. 49.143 (6)
19 from the geographical area of the member who is being replaced according to a
20 rotating order of succession determined by the children's services networks.

21 ***-1261/5.37*** ***-1261/P3.31*** **SECTION 65.** 15.20 of the statutes is created to
22 read:

23 **15.20 Department of children and families; creation.** There is created a
24 department of children and families under the direction and supervision of the
25 secretary of children and families.

1 ***-1261/5.38*** ***-1261/P3.32*** **SECTION 66.** 15.205 (title) of the statutes is
2 created to read:

3 **15.205 (title) Same; attached boards.**

4 ***-1261/5.39*** ***-1261/P3.33*** **SECTION 67.** 15.207 (title) of the statutes is
5 created to read:

6 **15.207 (title) Same; councils.**

7 ***-0393/3.2*** **SECTION 68.** 15.345 (6) of the statutes is created to read:

8 15.345 (6) **MANAGED FOREST LAND BOARD.** There is created in the department of
9 natural resources a managed forest land board consisting of the chief state forester
10 or his or her designee and the following members appointed for 3-year terms:

11 (a) One member appointed from a list of 5 nominees submitted by the Wisconsin
12 Counties Association.

13 (b) One member appointed from a list of 5 nominees submitted by the Wisconsin
14 Towns Association.

15 (c) One member appointed from a list of 5 nominees submitted by an association
16 that represents the interests of counties that have county forests within their
17 boundaries.

18 (d) One member appointed from a list of 5 nominees submitted by the council
19 on forestry.

20 ***-1272/5.5*** **SECTION 69.** 16.002 (2) of the statutes is amended to read:

21 16.002 (2) "Departments" means constitutional offices, departments, and
22 independent agencies and includes all societies, associations, and other agencies of
23 state government for which appropriations are made by law, but not including
24 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 231, 232,
25 233, 234, 235, and 237, and 238.

1 ***-1272/5.6* SECTION 70.** 16.004 (4) of the statutes is amended to read:

2 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
3 department as the secretary designates may enter into the offices of state agencies
4 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
5 chs. 231, 233, 234, and 237, and 238, and may examine their books and accounts and
6 any other matter that in the secretary's judgment should be examined and may
7 interrogate the agency's employees publicly or privately relative thereto.

8 ***-1272/5.7* SECTION 71.** 16.004 (5) of the statutes is amended to read:

9 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
10 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
11 231, 233, 234, and 237, and 238, and their officers and employees, shall cooperate
12 with the secretary and shall comply with every request of the secretary relating to
13 his or her functions.

14 ***-1182/P3.3* SECTION 72.** 16.004 (15) of the statutes is created to read:

15 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
16 office, commission, department, independent agency, or board in the executive
17 branch of state government, and includes the building commission.

18 (b) The department may provide legal services to state agencies. Annually, the
19 department shall assess each state agency for the cost of the legal services provided
20 to the state agency. The department shall credit all moneys received from state
21 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

22 ***-0358/3.1* SECTION 73.** 16.009 (1) (em) 7. of the statutes is created to read:

23 16.009 (1) (em) 7. A residential care apartment complex, as defined in s. 50.01

24 (1d).

1 *-0358/3.2* SECTION 74. 16.009 (2) (p) (intro.) of the statutes is amended to
2 read:

3 16.009 (2) (p) (intro.) ~~Contract~~ Employ staff within the classified service or
4 contract with one or more organizations to provide advocacy services to potential or
5 actual recipients of the family care benefit, as defined in s. 46.2805 (4), or their
6 families or guardians. The board and contract organizations under this paragraph
7 shall assist these persons in protecting their rights under all applicable federal
8 statutes and regulations and state statutes and rules. An organization with which
9 the board contracts for these services may not be a provider, nor an affiliate of a
10 provider, of long-term care services, a resource center under s. 46.283 or a care
11 management organization under s. 46.284. For potential or actual recipients of the
12 family care benefit, advocacy services required under this paragraph shall include
13 all of the following:

14 *-1633/P9.2* SECTION 75. 16.015 of the statutes is created to read:

15 **16.015 Truth-in-sentencing phase II council.** The truth-in-sentencing
16 phase II council shall submit a report on sentencing guidelines to the legislature and
17 to the governor by January 1, 2008.

18 *-1272/5.8* SECTION 76. 16.045 (1) (a) of the statutes is amended to read:

19 16.045 (1) (a) "Agency" means an office, department, independent agency,
20 institution of higher education, association, society, or other body in state
21 government created or authorized to be created by the constitution or any law, that
22 is entitled to expend moneys appropriated by law, including the legislature and the
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
24 ch. 149 or in ch. 231, 232, 233, 234, 235, or 237, or 238.

25 *-1432/2.2* SECTION 77. 16.22 (4) of the statutes is created to read:

1 16.22 (4) STATE FUNDING. The department shall annually determine the
2 amount of funding for administrative support of the board that is required for this
3 state to qualify for federal financial assistance to be provided to the board. The
4 department shall apportion that amount equally among the departments of
5 administration, health and family services, public instruction, and workforce
6 development and shall assess those entities for the necessary funding. The
7 department shall credit the moneys received to the appropriation account under s.
8 20.505 (4) (kb).

9 *~~1330/4.1~~* SECTION 78. 16.257 of the statutes is created to read:

10 **16.257 Postsecondary education promotion.** For the purpose of
11 promoting attendance at nonprofit postsecondary institutions in this state, the
12 department shall do all of the following:

13 (1) Serve as the state's liaison agency between the higher educational aids
14 board, the department of public instruction, the University of Wisconsin System, the
15 technical college system, and other public and private organizations that are
16 interested in promoting postsecondary education in this state.

17 (2) (a) Contract with The Wisconsin Covenant Foundation, Inc., if the secretary
18 determines it appropriate, to pay The Wisconsin Covenant Foundation, Inc., an
19 amount not to exceed the amount appropriated under s. 20.505 (4) (bm), to establish
20 and implement a campaign to promote attendance at nonprofit postsecondary
21 educational institutions in this state. Funds may be expended to carry out the
22 contract only as provided in pars. (b) and (c).

23 (b) No funds appropriated under s. 20.505 (4) (bm) may be expended until the
24 The Wisconsin Covenant Foundation, Inc., submits to the secretary a report setting
25 forth the amount of private contributions received by The Wisconsin Covenant

1 Foundation, Inc., since the date on which The Wisconsin Covenant Foundation, Inc.,
2 last submitted a report under this paragraph. After receiving the report, the
3 secretary may approve the expenditure of funds up to the amount set forth in the
4 report. Total funds expended in any fiscal year may not exceed the amounts in the
5 schedule under s. 20.505 (4) (bm).

6 (c) The Wisconsin Covenant Foundation, Inc., shall expend funds appropriated
7 under s. 20.505 (4) (bm) in adherence with the uniform travel schedule amounts
8 approved under s. 20.916 (8). The Wisconsin Covenant Foundation, Inc., may not
9 expend funds appropriated under s. 20.505 (4) (bm) on entertainment, foreign travel,
10 payments to persons not providing goods or services to The Wisconsin Covenant
11 Foundation, Inc., or for other purposes prohibited by contract between The
12 Wisconsin Covenant Foundation, Inc., and the department.

13 (3) Coordinate the postsecondary education promotional activities of the
14 department, the persons specified in sub. (1), and The Wisconsin Covenant
15 Foundation, Inc., and prevent duplication of effort in conducting those activities.

16 (4) From the appropriation account under s. 20.505 (4) (br), distribute not more
17 than \$250,000 in each fiscal year as grants to school districts for reimbursement of
18 teachers and administrators for costs incurred in participating in training relating
19 to character education.

20 (5) On or before July 1, 2009, and every July 1 thereafter, submit to the chief
21 clerk of each house of the legislature, for distribution to the appropriate standing
22 committees under s. 13.172 (3), a report on the postsecondary education promotional
23 activities conducted by The Wisconsin Covenant Foundation, Inc., using funds
24 provided under s. 20.505 (4) (bm).

25 *-1680/1.1* SECTION 79. 16.27 (3) (c) of the statutes is amended to read:

1 16.27 (3) (c) From the appropriation under s. 20.505 (1) (mb), allocate
2 \$1,100,000 in each federal fiscal year an amount determined by the secretary for the
3 department's expenses in administering the funds to provide low-income energy
4 assistance.

5 *-1272/5.9* SECTION 80. 16.41 (4) of the statutes is amended to read:

6 16.41 (4) In this section, "authority" means a body created under subch. II of
7 ch. 114 or subch. III of ch. 149 or under ch. 231, 233, 234, ~~or 237~~, or 238.

8 *-1272/5.10* SECTION 81. 16.417 (1) (a) of the statutes, as affected by 2005
9 Wisconsin Act 74, is amended to read:

10 16.417 (1) (a) "Agency" means an office, department, independent agency,
11 institution of higher education, association, society, or other body in state
12 government created or authorized to be created by the constitution or any law, that
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, but not including an authority or the body created under subch. III of ch. 149
15 or under ch. 238.

16 *-0428/1.1* SECTION 82. 16.42 (1) (f) of the statutes is repealed.

17 *-0428/1.2* SECTION 83. 16.423 of the statutes is repealed.

18 *-0428/1.3* SECTION 84. 16.46 (5g) of the statutes is repealed.

19 *-1352/4.3* SECTION 85. 16.50 (3) (e) of the statutes is amended to read:

20 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
21 the pay ranges prescribed in the compensation plan or as provided in a collective
22 bargaining agreement under subch. V or VI of ch. 111.

23 *-1272/5.11* SECTION 86. 16.52 (7) of the statutes is amended to read:

24 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
25 that is authorized to maintain a contingent fund under s. 20.920 may establish a

1 petty cash account from its contingent fund. The procedure for operation and
2 maintenance of petty cash accounts and the character of expenditures therefrom
3 shall be prescribed by the secretary. In this subsection, "agency" means an office,
4 department, independent agency, institution of higher education, association,
5 society, or other body in state government created or authorized to be created by the
6 constitution or any law, that is entitled to expend moneys appropriated by law,
7 including the legislature and the courts, but not including an authority created in
8 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237,~~ or 238.

9 *-1621/4.1* SECTION 87. 16.527 (4) (e) of the statutes is amended to read:

10 16.527 (4) (e) At the time of, or in anticipation of, contracting for the
11 appropriation obligations and at any time thereafter so long as the appropriation
12 obligations are outstanding, the department may enter into agreements and
13 ancillary arrangements relating to the appropriation obligations, including trust
14 indentures, liquidity facilities, remarketing or dealer agreements, letter of credit
15 agreements, insurance policies, guaranty agreements, reimbursement agreements,
16 indexing agreements, or interest exchange agreements. Any payments made or
17 received pursuant to any such agreement or ancillary arrangement shall be made
18 from or deposited as provided in the agreement or ancillary arrangement. The
19 determination of the department included in an interest exchange agreement that
20 such agreement relates to an appropriation obligation shall be conclusive.

21 *-1621/4.2* SECTION 88. 16.527 (4) (h) of the statutes is created to read:

22 16.527 (4) (h) 1. Subject to subd. 2., the terms and conditions of an interest
23 exchange agreement under par. (e) shall not be structured so that, as of the trade date
24 of the agreement, both of the following are reasonably expected to occur:

- 1 a. The aggregate expected debt service and net exchange payments relating to
2 the agreement during the fiscal year in which the trade date occurs will be less than
3 the aggregate expected debt service and net exchange payments relating to the
4 agreement that would be payable during that fiscal year if the agreement is not
5 executed.
- 6 b. The aggregate expected debt service and net exchange payments relating to
7 the agreement in subsequent fiscal years will be greater than the aggregate expected
8 debt service and net exchange payments relating to the agreement that would be
9 payable in those fiscal years if the agreement is not executed.
- 10 2. Subd. 1. shall not apply if either of the follow occurs:
- 11 a. The department receives a determination by the independent financial
12 consulting firm that the terms and conditions of the agreement reflect payments by
13 the state that represent on-market rates as of the trade date for the particular type
14 of agreement.
- 15 b. The department provides written notice to the joint committee on finance of
16 its intention to enter into an agreement that is reasonably expected to satisfy subd.
17 1., and the joint committee on finance either approves or disapproves, in writing, the
18 department's entering into the agreement within 14 days of receiving the written
19 notice from the commission.
- 20 3. This paragraph shall not limit the liability of the state under an agreement
21 if actual contracted net exchange payments in any fiscal year exceed original
22 expectations.
- 23 *-1272/5.12* **SECTION 89.** 16.528 (1) (a) of the statutes is amended to read:
- 24 16.528 (1) (a) "Agency" means an office, department, independent agency,
25 institution of higher education, association, society, or other body in state

1 government created or authorized to be created by the constitution or any law, that
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
4 ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

5 ***-1272/5.13* SECTION 90.** 16.53 (2) of the statutes is amended to read:

6 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
7 invoice, the agency shall notify the sender of the invoice within 10 working days after
8 it receives the invoice of the reason it is improperly completed. In this subsection,
9 "agency" means an office, department, independent agency, institution of higher
10 education, association, society, or other body in state government created or
11 authorized to be created by the constitution or any law, that is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, but not
13 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
14 231, 233, 234, ~~or 237~~, or 238.

15 ***-1621/4.3* SECTION 91.** 16.53 (10) (a) of the statutes is amended to read:

16 16.53 (10) (a) If an emergency arises which requires the department to draw
17 vouchers for payments which will be in excess of available moneys in any state fund,
18 the secretary, after notifying the joint committee on finance under par. (b), may
19 prorate and establish priority schedules for all payments within each fund, including
20 those payments for which a specific payment date is provided by statute, except as
21 otherwise provided in this paragraph. The secretary shall draw all vouchers
22 according to the preference provided in this paragraph. All direct or indirect
23 payments of principal or interest on state bonds and notes issued under subch. I of
24 ch. 18 and payments due, if any, under an agreement or ancillary arrangement
25 entered into under s. 18.06 (8) (a) relating to any public debt contracted under

1 subchs. I and IV of ch. 18 have first priority. All direct or indirect payments of
2 principal or interest on state notes issued under subch. III of ch. 18 have 2nd priority.
3 No payment having a 1st or 2nd priority may be prorated or reduced under this
4 subsection. All state employee payrolls have 3rd priority. The secretary shall draw
5 all remaining vouchers according to a priority determined by the secretary. The
6 secretary shall maintain records of all claims prorated under this subsection.

7 ***-1272/5.14* SECTION 92.** 16.54 (9) (a) 1. of the statutes is amended to read:

8 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
9 institution of higher education, association, society or other body in state
10 government created or authorized to be created by the constitution or any law, which
11 is entitled to expend moneys appropriated by law, including the legislature and the
12 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
13 ch. 149 or in ch. 231, 233, 234, or 237, or 238.

14 ***-1221/7.1* SECTION 93.** 16.54 (12) (a) of the statutes is amended to read:

15 16.54 (12) (a) The Except as provided under 2007 Wisconsin Act (this act),
16 section 9121 (1m), the department of health and family services may not expend or
17 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
18 health and family services submits a plan for the expenditure of the moneys to the
19 department of administration and the department of administration approves the
20 plan.

21 ***-1221/7.2* SECTION 94.** 16.54 (12) (a) of the statutes, as affected by 2007
22 Wisconsin Act (this act), is amended to read:

23 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act (this act),~~
24 section 9121 (1m), the The department of health and family services may not expend
25 or encumber any moneys received under s. 20.435 (8) (mm) unless the department

1 of health and family services submits a plan for the expenditure of the moneys to the
2 department of administration and the department of administration approves the
3 plan.

4 ***-1261/5.40* *-1261/P3.34* SECTION 95.** 16.54 (12) (b) of the statutes is
5 amended to read:

6 16.54 (12) (b) The Except as provided under 2007 Wisconsin Act ... (this act),
7 section 9155 (1m), the department of workforce development children and families
8 may not expend or encumber any moneys received under s. 20.445 credited to the
9 appropriation account under s. 20.437 (2) (mm) or (3) (mm) unless the department
10 of workforce development children and families submits a plan for the expenditure
11 of the moneys to the department of administration and the department of
12 administration approves the plan.

****NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: -1221 and -1261.

13 ***-1221/7.3* *-1261/P3.34* SECTION 96.** 16.54 (12) (b) of the statutes, as
14 affected by 2007 Wisconsin Act ... (this act), is amended to read:

15 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
16 ~~section 9155 (1m), the~~ The department of children and families may not expend or
17 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
18 or (3) (mm) unless the department of children and families submits a plan for the
19 expenditure of the moneys to the department of administration and the department
20 of administration approves the plan.

****NOTE: This is reconciled s. 16.54 (12) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

21 ***-1221/7.4* SECTION 97.** 16.54 (12) (d) of the statutes is amended to read:

1 16.54 (12) (d) At the end of each fiscal year, the department of administration
2 shall determine the amount of moneys that remain in the appropriation accounts
3 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
4 expended under 2007 Wisconsin Act (this act), section 9121 (1m), or approved for
5 encumbrance or expenditure by the department pursuant to a plan submitted under
6 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
7 department shall notify the cochairpersons of the joint committee on finance, in
8 writing, of the department's action under this paragraph.

9 ***-1261/5.41*** ***-1261/P3.35*** **SECTION 98.** 16.54 (12) (d) of the statutes, as
10 affected by 2007 Wisconsin Act (this act), section 97, is amended to read:

11 16.54 (12) (d) At the end of each fiscal year, the department of administration
12 shall determine the amount of moneys that remain in the appropriation accounts
13 under ss. 20.435 (8) (mm) and ~~20.445~~ 20.437 (2) (mm) and (3) (mm) that have not been
14 encumbered or expended under 2007 Wisconsin Act (this act), section ~~9121~~ 9155
15 (1m), or approved for encumbrance or expenditure by the department pursuant to
16 a plan submitted under par. (a) or (b) and shall require that such moneys be lapsed
17 to the general fund. The department shall notify the cochairpersons of the joint
18 committee on finance, in writing, of the department's action under this paragraph.

****NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: -1221 and -1261.

19 ***-1221/7.5*** **SECTION 99.** 16.54 (12) (d) of the statutes, as affected by 2007
20 Wisconsin Act (this act), section 98, is repealed and recreated to read:

21 16.54 (12) (d) At the end of each fiscal year, the department of administration
22 shall determine the amount of moneys that remain in the appropriation accounts
23 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been

1 approved for encumbrance or expenditure by the department pursuant to a plan
2 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
3 general fund. The department shall notify the cochairpersons of the joint committee
4 on finance, in writing, of the department's action under this paragraph.

****NOTE: This is reconciled s. 16.54 (12) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1221 and LRB-1261.

5 ***-1272/5.15* SECTION 100.** 16.70 (2) of the statutes is amended to read:

6 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
7 III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237,~~ or 238.

8 ***-1352/4.4* SECTION 101.** 16.705 (3) (c) of the statutes is amended to read:

9 16.705 (3) (c) Do not enter into any contract for contractual services in conflict
10 with any collective bargaining agreement under subch. V or VI of ch. 111.

11 ***-0628/1.1* SECTION 102.** 16.75 (1) (a) 1. of the statutes, as affected by 2005
12 Wisconsin Act 141, is amended to read:

13 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
14 materials, supplies, equipment, and contractual services to be provided to any
15 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
16 (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05
17 (7) (f), 153.05 (2m) (a), and 287.15 (7), ~~and 301.265~~, shall be awarded to the lowest
18 responsible bidder, taking into consideration life cycle cost estimates under sub.
19 (1m), when appropriate, the location of the agency, the quantities of the articles to
20 be supplied, their conformity with the specifications, and the purposes for which they
21 are required and the date of delivery.

22 ***-1261/5.42* *-1267/P1.11* SECTION 103.** 16.75 (6) (bm) of the statutes is
23 amended to read:

1 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
2 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
3 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by
4 the department of ~~workforce development~~ children and families under s. 49.143, if
5 the department of ~~workforce development~~ children and families presents the
6 secretary with a process for the procurement of contracts under s. 49.143 and the
7 secretary approves the process.

8 ***-1272/5.16* SECTION 104.** 16.765 (1) of the statutes is amended to read:

9 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
11 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
12 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
13 Corporation shall include in all contracts executed by them a provision obligating the
14 contractor not to discriminate against any employee or applicant for employment
15 because of age, race, religion, color, handicap, sex, physical condition, developmental
16 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m),
17 or national origin and, except with respect to sexual orientation, obligating the
18 contractor to take affirmative action to ensure equal employment opportunities.

19 ***-1272/5.17* SECTION 105.** 16.765 (2) of the statutes is amended to read:

20 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
23 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
24 Corporation shall include the following provision in every contract executed by them:
25 "In connection with the performance of work under this contract, the contractor

1 agrees not to discriminate against any employee or applicant for employment
2 because of age, race, religion, color, handicap, sex, physical condition, developmental
3 disability as defined in s. 51.01 (5), sexual orientation or national origin. This
4 provision shall include, but not be limited to, the following: employment, upgrading,
5 demotion or transfer; recruitment or recruitment advertising; layoff or termination;
6 rates of pay or other forms of compensation; and selection for training, including
7 apprenticeship. Except with respect to sexual orientation, the contractor further
8 agrees to take affirmative action to ensure equal employment opportunities. The
9 contractor agrees to post in conspicuous places, available for employees and
10 applicants for employment, notices to be provided by the contracting officer setting
11 forth the provisions of the nondiscrimination clause”.

12 ***-1272/5.18* SECTION 106.** 16.765 (4) of the statutes is amended to read:

13 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
14 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
15 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
16 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
17 Corporation shall take appropriate action to revise the standard government
18 contract forms under this section.

19 ***-1272/5.19* SECTION 107.** 16.765 (5) of the statutes is amended to read:

20 16.765 (5) The head of each contracting agency and the boards of directors of
21 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
22 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
23 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, and the
24 Bradley Center Sports and Entertainment Corporation shall be primarily
25 responsible for obtaining compliance by any contractor with the nondiscrimination

1 and affirmative action provisions prescribed by this section, according to procedures
2 recommended by the department. The department shall make recommendations to
3 the contracting agencies and the boards of directors of the University of Wisconsin
4 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
5 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
6 the Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
7 Corporation for improving and making more effective the nondiscrimination and
8 affirmative action provisions of contracts. The department shall promulgate such
9 rules as may be necessary for the performance of its functions under this section.

10 ***-1272/5.20* SECTION 108.** 16.765 (6) of the statutes is amended to read:

11 16.765 (6) The department may receive complaints of alleged violations of the
12 nondiscrimination provisions of such contracts. The department shall investigate
13 and determine whether a violation of this section has occurred. The department may
14 delegate this authority to the contracting agency, the University of Wisconsin
15 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
16 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
17 the Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
18 Corporation for processing in accordance with the department's procedures.

19 ***-1272/5.21* SECTION 109.** 16.765 (7) (intro.) of the statutes is amended to
20 read:

21 16.765 (7) (intro.) When a violation of this section has been determined by the
22 department, the contracting agency, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
25 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment

1 Corporation, the contracting agency, the University of Wisconsin Hospitals and
2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
3 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
4 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
5 Corporation shall:

6 ***-1272/5.22* SECTION 110.** 16.765 (7) (d) of the statutes is amended to read:

7 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
8 further violations of this section and to report its corrective action to the contracting
9 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
10 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
11 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, or the
12 Bradley Center Sports and Entertainment Corporation.

13 ***-1272/5.23* SECTION 111.** 16.765 (8) of the statutes is amended to read:

14 16.765 (8) If further violations of this section are committed during the term
15 of the contract, the contracting agency, the Fox River Navigational System Authority,
16 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
17 Authority, the Healthy Wisconsin Authority, or the Bradley Center Sports and
18 Entertainment Corporation may permit the violating party to complete the contract,
19 after complying with this section, but thereafter the contracting agency, the Fox
20 River Navigational System Authority, the Wisconsin Aerospace Authority, the
21 Health Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority,
22 or the Bradley Center Sports and Entertainment Corporation shall request the
23 department to place the name of the party on the ineligible list for state contracts,
24 or the contracting agency, the Fox River Navigational System Authority, the
25 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,

1 the Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
2 Corporation may terminate the contract without liability for the uncompleted
3 portion or any materials or services purchased or paid for by the contracting party
4 for use in completing the contract.

5 ***-0444/P2.1* SECTION 112.** 16.771 of the statutes is created to read:

6 **16.771 False claims.** Whoever knowingly presents or causes to be presented
7 a false claim for payment under any contract or order for materials, supplies,
8 equipment, or contractual services to be provided to an agency shall forfeit not less
9 than \$5,000 nor more than \$10,000, plus 3 times the amount of the damages that
10 were sustained by the state or would have been sustained by the state, whichever is
11 greater, as a result of the false claim. The attorney general may bring an action on
12 behalf of the state to recover any forfeiture incurred under this section.

13 ***-1278/3.2* SECTION 113.** 16.848 (2) (gc), (gg), (gn), (gr), (gt) and (gw) of the
14 statutes are created to read:

15 16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale
16 by the department of military affairs under s. 21.19 (3) or 21.42 (3).

17 (gg) Subsection (1) does not apply to property that is conveyed by the
18 department of corrections under s. 301.25.

19 (gn) Subsection (1) does not apply to property that is subject to sale by the state
20 under 20.909 (2).

21 (gr) Subsection (1) does not apply to land that is sold or traded by the Kickapoo
22 reserve management board under s. 41.41 (7).

23 (gt) Subsection (1) does not apply to property that is donated by the department
24 of transportation under s. 84.09 (5r).

1 (gw) Subsection (1) does not apply to the sale of property by the department of
2 health and family services under s. 51.06 (6).

3 ***-1278/3.3* SECTION 114.** 16.848 (4) of the statutes is amended to read:

4 16.848 (4) Except as provided in s. 13.48 (14) (e), if there is any outstanding
5 public debt used to finance the acquisition, construction, or improvement of any
6 property that is sold under sub. (1), the department shall deposit a sufficient amount
7 of the net proceeds from the sale of the property in the bond security and redemption
8 fund under s. 18.09 to repay the principal and pay the interest on the debt, and any
9 premium due upon refunding any of the debt. If the property was acquired,
10 constructed, or improved with federal financial assistance, the department shall pay
11 to the federal government any of the net proceeds required by federal law. If the
12 property was acquired by gift or grant or acquired with gift or grant funds, the
13 department shall adhere to any restriction governing use of the proceeds. Except as
14 required under ~~sub. (5m)~~ and ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if there
15 is no such debt outstanding, there are no moneys payable to the federal government,
16 and there is no restriction governing use of the proceeds, and if the net proceeds
17 exceed the amount required to be deposited, paid, or used for another purpose under
18 this subsection, the department shall deposit the net proceeds or remaining net
19 proceeds in the general fund.

20 ***-1272/5.24* SECTION 115.** 16.85 (2) of the statutes is amended to read:

21 16.85 (2) To furnish engineering, architectural, project management, and other
22 building construction services whenever requisitions therefor are presented to the
23 department by any agency. The department may deposit moneys received from the
24 provision of these services in the account under s. 20.505 (1) (kc) or in the general
25 fund as general purpose revenue — earned. In this subsection, “agency” means an

1 office, department, independent agency, institution of higher education, association,
2 society, or other body in state government created or authorized to be created by the
3 constitution or any law, which is entitled to expend moneys appropriated by law,
4 including the legislature and the courts, but not including an authority created in
5 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

6 ***-1272/5.25* SECTION 116.** 16.865 (8) of the statutes is amended to read:

7 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
8 proportionate share of the estimated costs attributable to programs administered by
9 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
10 may charge premiums to agencies to finance costs under this subsection and pay the
11 costs from the appropriation on an actual basis. The department shall deposit all
12 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
13 Costs assessed under this subsection may include judgments, investigative and
14 adjustment fees, data processing and staff support costs, program administration
15 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
16 subsection, "agency" means an office, department, independent agency, institution
17 of higher education, association, society, or other body in state government created
18 or authorized to be created by the constitution or any law, that is entitled to expend
19 moneys appropriated by law, including the legislature and the courts, but not
20 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
21 231, 232, 233, 234, 235, ~~or 237~~, or 238.

22 ***-0444/P2.2* SECTION 117.** 16.871 of the statutes is created to read:

23 **16.871 False claims.** (1) In this section:

24 (a) "Agency" has the meaning given in s. 16.70 (1e).

25 (b) "Construction work" has the meaning given in s. 16.87 (1) (a).

1 (c) "Limited trades work" has the meaning given in s. 16.70 (7).

2 (2) Whoever knowingly presents or causes to be presented a false claim under
3 any contract for construction work or limited trades work, or for engineering or
4 architectural services, to be provided to any agency shall forfeit not less than \$5,000
5 nor more than \$10,000, plus 3 times the amount of the damages that were sustained
6 by the state or would have been sustained by the state, whichever is greater, as a
7 result of the false claim. The attorney general may bring an action on behalf of the
8 state to recover any forfeiture incurred under this subsection.

9 ***-1261/5.43* *-1261/P3.36* SECTION 118.** 16.957 (3) (a) of the statutes is
10 amended to read:

11 16.957 (3) (a) The department shall, on the basis of competitive bids, contract
12 with community action agencies described in s. ~~46.30~~ 49.265 (2) (a) 1., nonstock,
13 nonprofit corporations organized under ch. 181, or local units of government to
14 provide services under the programs established under sub. (2) (a).

15 ***-1416/6.4* SECTION 119.** 16.964 (1) (f) of the statutes is repealed.

16 ***-1416/6.5* SECTION 120.** 16.964 (3) of the statutes is amended to read:

17 16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)
18 (a) outside of the classified service.

19 ***-1610/4.1* SECTION 121.** 16.964 (5m) of the statutes is created to read:

20 16.964 (5m) The office shall provide grants from the appropriation under s.
21 20.505 (6) (f) to 1st class cities to employ additional uniformed law enforcement
22 officers. For each year that a city receives a grant, the city shall provide matching
23 funds of at least 25 percent of the amount of the grant. The office may provide grants
24 under this section in addition to any grant that it provides under sub. (5).

25 ***-1316/1.1* SECTION 122.** 16.964 (10) of the statutes is repealed.

1 ***-1261/5.44*** ***-1261/P3.37*** **SECTION 123.** 16.964 (12) (c) 10. of the statutes
2 is amended to read:

3 16.964 (12) (c) 10. The program is developed with input from, and implemented
4 in collaboration with, one or more circuit court judges, the district attorney, the state
5 public defender, local law enforcement officials, county agencies responsible for
6 providing social services, including services relating to alcohol and other drug
7 addiction, child welfare, mental health, and the Wisconsin Works program, the
8 departments of corrections, children and families, and health and family services,
9 private social services agencies, and substance abuse treatment providers.

10 ***-1261/5.45*** ***-1261/P3.38*** **SECTION 124.** 16.964 (12) (e) 1. of the statutes is
11 amended to read:

12 16.964 (12) (e) 1. A county that receives a grant under this subsection shall
13 create an oversight committee to advise the county in administering and evaluating
14 its program. Each committee shall consist of a circuit court judge, the district
15 attorney or his or her designee, the state public defender or his or her designee, a local
16 law enforcement official, a representative of the county, a representative of each
17 other county agency responsible for providing social services, including services
18 relating to child welfare, mental health, and the Wisconsin Works program,
19 representatives of the departments of corrections, children and families, and health
20 and family services, a representative from private social services agencies, a
21 representative of substance abuse treatment providers, and other members to be
22 determined by the county.

23 ***-1416/6.6*** **SECTION 125.** 16.964 (13) of the statutes is created to read:

24 16.964 (13) (a) The bureau of criminal justice research shall do all of the
25 following:

1 1. Serve as a clearinghouse of justice system data and information and conduct
2 justice system research and data analysis under this section.

3 8. Not later than the first day of the 12th month beginning after the effective
4 date of this subdivision [revisor inserts date], and biennially thereafter, prepare
5 a report containing statewide statistics on standard sentences for each felony offense
6 and how the standard sentences of each circuit court compare to the statistics on the
7 sentences for its respective region and how the standard sentences of each circuit
8 court compare to the statistics on the sentences for the state. The report shall be
9 distributed to the appropriate standing committees of the legislature in the manner
10 provided under s. 13.172 (3), to the governor, and to the director of state courts.

11 (b) The executive director shall appoint a staff director under s. 15.105 (19) (b)
12 outside of the classified service.

13 ***-1671/2.1* SECTION 126.** 16.964 (14) of the statutes is created to read:

14 16.964 (14) Annually, the office shall pay the amount appropriated under s.
15 20.505 (6) (e) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal
16 services to indigent persons. The Wisconsin Trust Account Foundation, Inc., shall
17 distribute the amount received as grants to programs that provide civil legal services
18 to indigent persons. The grants may be used only for the following civil legal services:

19 (a) Serving as guardian ad litem for cases with the bureau of Milwaukee child
20 welfare of the department of health and family services.

21 (b) Coordinating insurance benefits for medical assistance recipients.

22 (c) Assisting Wisconsin Works participants in applying for supplemental
23 security income program benefits.

24 (d) Obtaining and enforcing child support, including legal services related to
25 domestic abuse.

1 (e) Developing discharge plans for mentally ill inmates and assisting those
2 inmates in their community integration planning.

3 (f) Providing ancillary services to juvenile offenders.

4 ***-1261/5.46* *-1671/1.1* SECTION 127.** 16.964 (14) (a) of the statutes, as
5 created by 2007 Wisconsin Act (this act), is amended to read:

6 16.964 (14) (a) Serving as guardian ad litem for cases with the bureau of
7 Milwaukee child welfare of the department of ~~health and family services~~ children
8 and families.

****NOTE: This is reconciled s. 16.964 (14) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1261 and -1671.

9 ***-0638/P2.1* SECTION 128.** 16.971 (2) (cf) of the statutes is created to read:

10 16.971 (2) (cf) Implement, operate, maintain, and upgrade an integrated
11 business information system capable of providing information technology services to
12 all agencies and authorities in the areas of accounting, auditing, payroll and other
13 financial services; procurement; human resources; and other administrative
14 processes. The department may provide information technology services under this
15 subsection to any agency or authority or local governmental unit as the department
16 considers to be appropriate and as the department can efficiently and economically
17 provide. The department may charge agencies, authorities, and local governmental
18 units for information technology services provided to them under this subsection in
19 accordance with a methodology determined by the department.

20 ***-0189/1.1* SECTION 129.** 16.997 (6) of the statutes is repealed.

21 ***-1403/2.4* SECTION 130.** 17.07 (3m) of the statutes is amended to read:

22 17.07 (3m) Notwithstanding sub. (3), the parole earned release review
23 commission chairperson may be removed by the governor, at pleasure.