



P6

Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: PLEASE SORT

DO NOT GEN

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

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*Analysis by the Legislative Reference Bureau*

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MS AV

*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

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/\* 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, the office of the Wisconsin Covenant Scholars Program in the  
12 department of administration, and the office of credit unions in the department of  
13 financial institutions have the meaning of "division" under this subsection. The  
14 office of the long-term care ombudsman under the board on aging and long-term  
15 care and the office of educational accountability in the department of public  
16 instruction have the meaning of "bureau" under this subsection.

17 **\*-0201/\* SECTION 26.** 15.02 (3) (c) 1. of the statutes is amended to read:

18 15.02 (3) (c) 1. The principal subunit of the department is the "division". Each  
19 division shall be headed by an "administrator". The office of justice assistance in the  
20 department of administration, the office of the Wisconsin Covenant Scholars  
21 Program in the department of administration, and the office of credit unions in the  
22 department of financial institutions have the meaning of "division" and the executive  
23 staff director of the office of justice assistance in the department of administration,

1 the director of the office of the Wisconsin Covenant Scholars Program in the  
2 department of administration, and the director of credit unions have the meaning of  
3 “administrator” under this subdivision.

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

5 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized  
6 or required to employ or retain an attorney, the department or independent agency  
7 may do so only in the following ways:

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

9 (b) Contract with the department of administration for legal services under s.  
10 16.004 (15).

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

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

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

19 (e) Employ or retain any attorney who is not a state employee, subject to s.  
20 20.930.

21 \***-1403/2.2**\* SECTION 28. 15.06 (6) of the statutes is amended to read:

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

1           **\*-0904/2.1\* SECTION 29.** 15.07 (2) (k) of the statutes is created to read:

2           15.07 (2) (k) The secretary of health and family services, or his or her designee,  
3 shall serve as chairperson of the health care quality and patient safety council and  
4 shall appoint chairpersons for subcommittees on patient care, consumer interest and  
5 privacy, public health, and statewide health information exchange and  
6 interoperability.

7           **\*-0393/3.1\* SECTION 30.** 15.07 (2) (m) of the statutes is created to read:

8           15.07 (2) (m) The member appointed under s. 15.345 (6) (a) shall serve as  
9 chairperson of the managed forest land board.

10          **\*-1182/P3.2\* SECTION 31.** 15.103 (1g) of the statutes is created to read:

11          15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of  
12 administration a division of legal services. The administrator of the division shall  
13 be appointed by the secretary of administration in the unclassified service.

14          **\*-0201/4.3\* SECTION 32.** 15.104 of the statutes is created to read:

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

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

21          **\*-1416/6.2\* SECTION 34.** 15.105 (19) (b) of the statutes is created to read:

22          15.105 (19) (b) There is created in the office of justice assistance a bureau of  
23 criminal justice research.

24          **\*-1416/6.3\* SECTION 35.** 15.105 (27) of the statutes is repealed.

\*\*\*\*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.

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

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

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

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

9           3. One district attorney appointed by the governor.

10          4. Three individuals, appointed by the governor.

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

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

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

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

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

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

2           15.145 (1) ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION. There is created in the  
3 department of corrections ~~a parole~~ an earned release review commission consisting  
4 of 8 members. Members shall have knowledge of or experience in corrections or  
5 criminal justice. The members shall include a chairperson who is nominated by the  
6 governor, and with the advice and consent of the senate appointed, for a 2-year term  
7 expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m),  
8 and the remaining members in the classified service appointed by the chairperson.

9           **\*-1261/5.12\* \*-1261/P3.6\* SECTION 38.** 15.155 (5) of the statutes is amended  
10 to read:

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

1           \*-1261/5.13\* \*-1261/P3.7\* SECTION 39. 15.195 (4) (intro.) of the statutes is  
2           renumbered 15.205 (4) (intro.) and amended to read:

3           15.205 (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD. (intro.) There is  
4           created a child abuse and neglect prevention board which is attached to the  
5           department of health and family services children and families under s. 15.03. The  
6           board shall consist of 20 members as follows:

7           \*-1261/5.14\* \*-1261/P3.8\* SECTION 40. 15.195 (4) (a) of the statutes is  
8           renumbered 15.205 (4) (a).

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

11          \*-1261/5.16\* \*-1261/P3.10\* SECTION 42. 15.195 (4) (c) of the statutes is  
12          renumbered 15.205 (4) (c).

13          \*-1261/5.17\* \*-1261/P3.11\* SECTION 43. 15.195 (4) (d) of the statutes is  
14          renumbered 15.205 (4) (d).

15          \*-1261/5.18\* \*-1261/P3.12\* SECTION 44. 15.195 (4) (dg) of the statutes is  
16          renumbered 15.205 (4) (dg).

17          \*-1261/5.19\* \*-1261/P3.13\* SECTION 45. 15.195 (4) (dr) of the statutes is  
18          renumbered 15.205 (4) (dr) and amended to read:

19          15.205 (4) (dr) The secretary of workforce development children and families  
20          or his or her designee.

21          \*-1261/5.20\* \*-1261/P3.14\* SECTION 46. 15.195 (4) (e) of the statutes is  
22          renumbered 15.205 (4) (e).

23          \*-1261/5.21\* \*-1261/P3.15\* SECTION 47. 15.195 (4) (em) of the statutes is  
24          renumbered 15.205 (4) (em).



1       \*-1261/5.22\* \*-1261/P3.16\* SECTION 48. 15.195 (4) (f) of the statutes is  
2       renumbered 15.205 (4) (f).

3       \*-1261/5.23\* \*-1261/P3.17\* SECTION 49. 15.195 (4) (fm) of the statutes is  
4       renumbered 15.205 (4) (fm).

5       \*-1261/5.24\* \*-1261/P3.18\* SECTION 50. 15.195 (4) (g) of the statutes is  
6       renumbered 15.205 (4) (g).

7       \*-0904/2.2\* SECTION 51. 15.197 (6) of the statutes is created to read:

8       15.197 (6) HEALTH CARE QUALITY AND PATIENT SAFETY COUNCIL. There is created  
9       a health care quality and patient safety council, attached to the department of health  
10      and family services under s. 15.03. The health care quality and patient safety council  
11      shall consist of the following members that, except for the members specified in pars.

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

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

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

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

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

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

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

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

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

21      (i) A health care consumer advocate.

22      \*-0878/5.1\* SECTION 52. 15.197 (11n) of the statutes is renumbered 15.107 (7),  
23      and 15.107 (7) (ag), as renumbered, is amended to read:

1 15.107 (7) (ag) There is created a council on developmental disabilities,  
2 attached to the department of health and family services administration under s.  
3 15.03.

4 **\*-1261/5.25\* \*-1261/P3.19\* SECTION 53.** 15.197 (16) of the statutes is  
5 renumbered 15.207 (16) and amended to read:

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

15 **\*-1261/5.26\* \*-1261/P3.20\* SECTION 54.** 15.197 (24) (a) (intro.) of the statutes  
16 is renumbered 15.207 (24) (a) (intro.) and amended to read:

17 15.207 (24) (a) (intro.) There is created a Milwaukee child welfare partnership  
18 council, attached to the department of health and family services children and  
19 families under s. 15.03. The council shall consist of the following members:

20 **\*-1261/5.27\* \*-1261/P3.21\* SECTION 55.** 15.197 (24) (a) 1. of the statutes is  
21 renumbered 15.207 (24) (a) 1.

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

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

1           \*-1261/5.30\* \*-1261/P3.24\* SECTION 58. 15.197 (24) (a) 4. of the statutes is  
2           renumbered 15.207 (24) (a) 4.

3           \*-1261/5.31\* \*-1261/P3.25\* SECTION 59. 15.197 (24) (a) 5. of the statutes is  
4           renumbered 15.207 (24) (a) 5.

5           \*-1261/5.32\* \*-1261/P3.26\* SECTION 60. 15.197 (24) (a) 6. of the statutes is  
6           renumbered 15.207 (24) (a) 6.

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

9           \*-1261/5.34\* \*-1261/P3.28\* SECTION 62. 15.197 (24) (b) of the statutes is  
10          renumbered 15.207 (24) (b).

11          \*-1261/5.35\* \*-1261/P3.29\* SECTION 63. 15.197 (24) (c) of the statutes is  
12          renumbered 15.207 (24) (c).

13          \*-1261/5.36\* \*-1261/P3.30\* SECTION 64. 15.197 (24) (d) of the statutes is  
14          renumbered 15.207 (24) (d) and amended to read:

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

1           \*-1261/5.37\* \*-1261/P3.31\* SECTION 65. 15.20 of the statutes is created to  
2 read:

3           **15.20 Department of children and families; creation.** There is created a  
4 department of children and families under the direction and supervision of the  
5 secretary of children and families.

6           \*-1261/5.38\* \*-1261/P3.32\* SECTION 66. 15.205 (title) of the statutes is  
7 created to read:

8           **15.205 (title) Same; attached boards.**

9           \*-1261/5.39\* \*-1261/P3.33\* SECTION 67. 15.207 (title) of the statutes is  
10 created to read:

11           **15.207 (title) Same; councils.**

12           \*-0393/3.2\* SECTION 68. 15.345 (6) of the statutes is created to read:

13           **15.345 (6) MANAGED FOREST LAND BOARD.** There is created in the department of  
14 natural resources a managed forest land board consisting of the chief state forester  
15 or his or her designee and the following members appointed for 3-year terms:

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

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

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

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

25           \*-1272/5.5\* SECTION 69. 16.002 (2) of the statutes is amended to read:

1           16.002 (2) "Departments" means constitutional offices, departments, and  
2           independent agencies and includes all societies, associations, and other agencies of  
3           state government for which appropriations are made by law, but not including  
4           authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 231, 232,  
5           233, 234, 235, and 237, and 238.

6           \*-1272/5.6\* SECTION 70. 16.004 (4) of the statutes is amended to read:

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

13          \*-1272/5.7\* SECTION 71. 16.004 (5) of the statutes is amended to read:

14          16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
15          authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.  
16          231, 233, 234, and 237, and 238, and their officers and employees, shall cooperate  
17          with the secretary and shall comply with every request of the secretary relating to  
18          his or her functions.

19          \*-1182/P3.3\* SECTION 72. 16.004 (15) of the statutes is created to read:

20          16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an  
21          office, commission, department, independent agency, or board in the executive  
22          branch of state government, and includes the building commission.

23          (b) The department may provide legal services to state agencies. Annually, the  
24          department shall assess each state agency for the cost of the legal services provided

1 to the state agency. The department shall credit all moneys received from state  
2 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

3 **\*-0358/3.1\* SECTION 73.** 16.009 (1) (em) 7. of the statutes is created to read:

4 16.009 (1) (em) 7. A residential care apartment complex, as defined in s. 50.01  
5 (1d).

6 **\*-0358/3.2\* SECTION 74.** 16.009 (2) (p) (intro.) of the statutes is amended to  
7 read:

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

19 **\*-1633/P9.2\* SECTION 75.** 16.015 of the statutes is created to read:

20 **16.015 Truth-in-sentencing phase II council.** The truth-in-sentencing  
21 phase II council shall submit a report on sentencing guidelines to the legislature and  
22 to the governor by January 1, 2008.

23 **\*-1272/5.8\* SECTION 76.** 16.045 (1) (a) of the statutes is amended to read:

24 16.045 (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, 232, 233, 234, 235, ~~or 237~~, or 238.

5 **\*-1432/2.2\* SECTION 77.** 16.22 (4) of the statutes is created to read:

6 16.22 (4) STATE FUNDING. The department shall annually determine the  
7 amount of funding for administrative support of the board that is required for this  
8 state to qualify for federal financial assistance to be provided to the board. The  
9 department shall apportion that amount equally among the departments of  
10 administration, health and family services, public instruction, and workforce  
11 development and shall assess those entities for the necessary funding. The  
12 department shall credit the moneys received to the appropriation account under s.  
13 20.505 (4) (kb).

14 **\*-1330/4.1\* SECTION 78.** 16.257 of the statutes is created to read:

15 **16.257 Postsecondary education promotion.** For the purpose of  
16 promoting attendance at nonprofit postsecondary institutions in this state, the  
17 department shall do all of the following:

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

22 (2) (a) Contract with The Wisconsin Covenant Foundation, Inc., if the secretary  
23 determines it appropriate, to pay The Wisconsin Covenant Foundation, Inc., an  
24 amount not to exceed the amount appropriated under s. 20.505 (4) (bm), to establish  
25 and implement a campaign to promote attendance at nonprofit postsecondary

1 educational institutions in this state. Funds may be expended to carry out the  
2 contract only as provided in pars. (b) and (c).

3 (b) No funds appropriated under s. 20.505 (4) (bm) may be expended until the  
4 The Wisconsin Covenant Foundation, Inc., submits to the secretary a report setting  
5 forth the amount of private contributions received by The Wisconsin Covenant  
6 Foundation, Inc., since the date on which The Wisconsin Covenant Foundation, Inc.,  
7 last submitted a report under this paragraph. After receiving the report, the  
8 secretary may approve the expenditure of funds up to the amount set forth in the  
9 report. Total funds expended in any fiscal year may not exceed the amounts in the  
10 schedule under s. 20.505 (4) (bm).

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

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

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



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

6 **\*-1680/1.1\* SECTION 79.** 16.27 (3) (c) of the statutes is amended to read:

7 16.27 (3) (c) From the appropriation under s. 20.505 (1) (mb), allocate  
8 \$1,100,000 in each federal fiscal year an amount determined by the secretary for the  
9 department's expenses in administering the funds to provide low-income energy  
10 assistance.

11 **\*-1272/5.9\* SECTION 80.** 16.41 (4) of the statutes is amended to read:

12 16.41 (4) In this section, "authority" means a body created under subch. II of  
13 ch. 114 or subch. III of ch. 149 or under ch. 231, 233, 234, or 237, or 238.

14 **\*-1272/5.10\* SECTION 81.** 16.417 (1) (a) of the statutes, as affected by 2005  
15 Wisconsin Act 74, is amended to read:

16 16.417 (1) (a) "Agency" means an office, department, independent agency,  
17 institution of higher education, association, society, or other body in state  
18 government created or authorized to be created by the constitution or any law, that  
19 is entitled to expend moneys appropriated by law, including the legislature and the  
20 courts, but not including an authority or the body created under subch. III of ch. 149  
21 or under ch. 238.

22 **\*-0428/1.1\* SECTION 82.** 16.42 (1) (f) of the statutes is repealed.

23 **\*-0428/1.2\* SECTION 83.** 16.423 of the statutes is repealed.

24 **\*-0428/1.3\* SECTION 84.** 16.46 (5g) of the statutes is repealed.

25 **\*-1352/4.3\* SECTION 85.** 16.50 (3) (e) of the statutes is amended to read:

1           16.50 (3) (e) No pay increase may be approved unless it is at the rate or within  
2           the pay ranges prescribed in the compensation plan or as provided in a collective  
3           bargaining agreement under subch. V or VI of ch. 111.

4           \*-1272/5.11\* SECTION 86. 16.52 (7) of the statutes is amended to read:

5           16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
6           that is authorized to maintain a contingent fund under s. 20.920 may establish a  
7           petty cash account from its contingent fund. The procedure for operation and  
8           maintenance of petty cash accounts and the character of expenditures therefrom  
9           shall be prescribed by the secretary. In this subsection, "agency" means an office,  
10          department, independent agency, institution of higher education, association,  
11          society, or other body in state government created or authorized to be created by the  
12          constitution or any law, that is entitled to expend moneys appropriated by law,  
13          including the legislature and the courts, but not including an authority created in  
14          subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

15          \*-1621/4.1\* SECTION 87. 16.527 (4) (e) of the statutes is amended to read:

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

1 determination of the department included in an interest exchange agreement that  
2 such agreement relates to an appropriation obligation shall be conclusive.

3 \***-1621/4.2\*** SECTION 88. 16.527 (4) (h) of the statutes is created to read:

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

7 a. The aggregate expected debt service and net exchange payments relating to  
8 the agreement during the fiscal year in which the trade date occurs will be less than  
9 the aggregate expected debt service and net exchange payments relating to the  
10 agreement that would be payable during that fiscal year if the agreement is not  
11 executed.

12 b. The aggregate expected debt service and net exchange payments relating to  
13 the agreement in subsequent fiscal years will be greater than the aggregate expected  
14 debt service and net exchange payments relating to the agreement that would be  
15 payable in those fiscal years if the agreement is not executed.

16 2. Subd. 1. shall not apply if either of the follow occurs:

17 a. The department receives a determination by the independent financial  
18 consulting firm that the terms and conditions of the agreement reflect payments by  
19 the state that represent on-market rates as of the trade date for the particular type  
20 of agreement.

21 b. The department provides written notice to the joint committee on finance of  
22 its intention to enter into an agreement that is reasonably expected to satisfy subd.  
23 1., and the joint committee on finance either approves or disapproves, in writing, the  
24 department's entering into the agreement within 14 days of receiving the written  
25 notice from the commission.

1           3. This paragraph shall not limit the liability of the state under an agreement  
2 if actual contracted net exchange payments in any fiscal year exceed original  
3 expectations.

4           \***-1272/5.12\*** SECTION 89. 16.528 (1) (a) of the statutes is amended to read:

5           16.528 (1) (a) "Agency" means an office, department, independent agency,  
6 institution of higher education, association, society, or other body in state  
7 government created or authorized to be created by the constitution or any law, that  
8 is entitled to expend moneys appropriated by law, including the legislature and the  
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
10 ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

11           \***-1272/5.13\*** SECTION 90. 16.53 (2) of the statutes is amended to read:

12           16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
13 invoice, the agency shall notify the sender of the invoice within 10 working days after  
14 it receives the invoice of the reason it is improperly completed. In this subsection,  
15 "agency" means an office, department, independent agency, institution of higher  
16 education, association, society, or other body in state government created or  
17 authorized to be created by the constitution or any law, that is entitled to expend  
18 moneys appropriated by law, including the legislature and the courts, but not  
19 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
20 231, 233, 234, ~~or 237~~, or 238.

21           \***-1621/4.3\*** SECTION 91. 16.53 (10) (a) of the statutes is amended to read:

22           16.53 (10) (a) If an emergency arises which requires the department to draw  
23 vouchers for payments which will be in excess of available moneys in any state fund,  
24 the secretary, after notifying the joint committee on finance under par. (b), may  
25 prorate and establish priority schedules for all payments within each fund, including

1 those payments for which a specific payment date is provided by statute, except as  
2 otherwise provided in this paragraph. The secretary shall draw all vouchers  
3 according to the preference provided in this paragraph. All direct or indirect  
4 payments of principal or interest on state bonds and notes issued under subch. I of  
5 ch. 18 and payments due, if any, under an agreement or ancillary arrangement  
6 entered into under s. 18.06 (8) (a) relating to any public debt contracted under  
7 subchs. I and IV of ch. 18 have first priority. All direct or indirect payments of  
8 principal or interest on state notes issued under subch. III of ch. 18 have 2nd priority.  
9 No payment having a 1st or 2nd priority may be prorated or reduced under this  
10 subsection. All state employee payrolls have 3rd priority. The secretary shall draw  
11 all remaining vouchers according to a priority determined by the secretary. The  
12 secretary shall maintain records of all claims prorated under this subsection.

13 **\*-1272/5.14\* SECTION 92.** 16.54 (9) (a) 1. of the statutes is amended to read:

14 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,  
15 institution of higher education, association, society or other body in state  
16 government created or authorized to be created by the constitution or any law, which  
17 is entitled to expend moneys appropriated by law, including the legislature and the  
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
19 ch. 149 or in ch. 231, 233, 234, ~~or~~ 237, or 238.

20 **\*-1221/7.1\* SECTION 93.** 16.54 (12) (a) of the statutes is amended to read:

21 16.54 (12) (a) The Except as provided under 2007 Wisconsin Act ... (this act),  
22 section 9121 (1m), the department of health and family services may not expend or  
23 encumber any moneys received under s. 20.435 (8) (mm) unless the department of  
24 health and family services submits a plan for the expenditure of the moneys to the

1 department of administration and the department of administration approves the  
2 plan.

3 **\*-1221/7.2\* SECTION 94.** 16.54 (12) (a) of the statutes, as affected by 2007  
4 Wisconsin Act .... (this act), is amended to read:

5 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act .... (this act),~~  
6 ~~section 9121 (1m), the~~ The department of health and family services may not expend  
7 or encumber any moneys received under s. 20.435 (8) (mm) unless the department  
8 of health and family services submits a plan for the expenditure of the moneys to the  
9 department of administration and the department of administration approves the  
10 plan.

11 **\*-1261/5.40\* \*-1261/P3.34\* SECTION 95.** 16.54 (12) (b) of the statutes is  
12 amended to read:

13 16.54 (12) (b) ~~The~~ Except as provided under 2007 Wisconsin Act .... (this act),  
14 section 9155 (1m), the department of ~~workforce development~~ children and families  
15 may not expend or encumber any moneys received under s. 20.445 credited to the  
16 appropriation account under s. 20.437 (2) (mm) or (3) (mm) unless the department  
17 of ~~workforce development~~ children and families submits a plan for the expenditure  
18 of the moneys to the department of administration and the department of  
19 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.

20 **\*-1221/7.3\* \*-1261/P3.34\* SECTION 96.** 16.54 (12) (b) of the statutes, as  
21 affected by 2007 Wisconsin Act .... (this act), is amended to read:

22 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act .... (this act),~~  
23 ~~section 9155 (1m), the~~ The department of children and families may not expend or

1 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)  
2 or (3) (mm) unless the department of children and families submits a plan for the  
3 expenditure of the moneys to the department of administration and the department  
4 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.

5 **\*-1221/7.4\* SECTION 97.** 16.54 (12) (d) of the statutes is amended to read:

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

14 **\*-1261/5.41\* \*-1261/P3.35\* SECTION 98.** 16.54 (12) (d) of the statutes, as  
15 affected by 2007 Wisconsin Act .... (this act), section 97, is amended to read:

16 16.54 (12) (d) At the end of each fiscal year, the department of administration  
17 shall determine the amount of moneys that remain in the appropriation accounts  
18 under ss. 20.435 (8) (mm) and 20.445 20.437 (2) (mm) and (3) (mm) that have not been  
19 encumbered or expended under 2007 Wisconsin Act .... (this act), section ~~9121~~ 9155  
20 (1m), or approved for encumbrance or expenditure by the department pursuant to  
21 a plan submitted under par. (a) or (b) and shall require that such moneys be lapsed  
22 to the general fund. The department shall notify the cochairpersons of the joint  
23 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.

1           **\*-1221/7.5\* SECTION 99.** 16.54 (12) (d) of the statutes, as affected by 2007  
2           Wisconsin Act ... (this act), section 98, is repealed and recreated to read:

3           16.54 (12) (d) At the end of each fiscal year, the department of administration  
4           shall determine the amount of moneys that remain in the appropriation accounts  
5           under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been  
6           approved for encumbrance or expenditure by the department pursuant to a plan  
7           submitted under par. (a) or (b) and shall require that such moneys be lapsed to the  
8           general fund. The department shall notify the cochairpersons of the joint committee  
9           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.

10           **\*-1272/5.15\* SECTION 100.** 16.70 (2) of the statutes is amended to read:

11           16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.  
12           III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237,~~ or 238.

13           **\*-1352/4.4\* SECTION 101.** 16.705 (3) (c) of the statutes is amended to read:

14           16.705 (3) (c) Do not enter into any contract for contractual services in conflict  
15           with any collective bargaining agreement under subch. V or VI of ch. 111.

16           **\*-0628/1.1\* SECTION 102.** 16.75 (1) (a) 1. of the statutes, as affected by 2005  
17           Wisconsin Act 141, is amended to read:

18           16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
19           materials, supplies, equipment, and contractual services to be provided to any  
20           agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
21           (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05  
22           (7) (f), 153.05 (2m) (a), and 287.15 (7), and ~~301.265,~~ shall be awarded to the lowest



1 responsible bidder, taking into consideration life cycle cost estimates under sub.  
2 (1m), when appropriate, the location of the agency, the quantities of the articles to  
3 be supplied, their conformity with the specifications, and the purposes for which they  
4 are required and the date of delivery.

5 **\*-1261/5.42\* \*-1267/P1.11\* SECTION 103.** 16.75 (6) (bm) of the statutes is  
6 amended to read:

7 16.75 (6) (bm) If the secretary determines that it is in the best interest of this  
8 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.  
9 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by  
10 the department of ~~workforce development~~ children and families under s. 49.143, if  
11 the department of ~~workforce development~~ children and families presents the  
12 secretary with a process for the procurement of contracts under s. 49.143 and the  
13 secretary approves the process.

14 **\*-1272/5.16\* SECTION 104.** 16.765 (1) of the statutes is amended to read:

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

25 **\*-1272/5.17\* SECTION 105.** 16.765 (2) of the statutes is amended to read:

1           16.765 (2) Contracting agencies, 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, and the Bradley Center Sports and Entertainment  
5 Corporation shall include the following provision in every contract executed by them:

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

18           \*-1272/5.18\* SECTION 106. 16.765 (4) of the statutes is amended to read:

19           16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the  
22 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment  
23 Corporation shall take appropriate action to revise the standard government  
24 contract forms under this section.

25           \*-1272/5.19\* SECTION 107. 16.765 (5) of the statutes is amended to read:

1           16.765 (5) The head of each contracting agency and the boards of directors of  
2 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
3 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
4 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, and the  
5 Bradley Center Sports and Entertainment Corporation shall be primarily  
6 responsible for obtaining compliance by any contractor with the nondiscrimination  
7 and affirmative action provisions prescribed by this section, according to procedures  
8 recommended by the department. The department shall make recommendations to  
9 the contracting agencies and the boards of directors of the University of Wisconsin  
10 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
11 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
12 the Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment  
13 Corporation for improving and making more effective the nondiscrimination and  
14 affirmative action provisions of contracts. The department shall promulgate such  
15 rules as may be necessary for the performance of its functions under this section.

16           \*-1272/5.20\* SECTION 108. 16.765 (6) of the statutes is amended to read:

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

1           \*-1272/5.21\* SECTION 109. 16.765 (7) (intro.) of the statutes is amended to  
2 read:

3           16.765 (7) (intro.) When a violation of this section has been determined by the  
4 department, the contracting agency, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the  
7 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment  
8 Corporation, the contracting agency, the University of Wisconsin Hospitals and  
9 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
10 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the  
11 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment  
12 Corporation shall:

13           \*-1272/5.22\* SECTION 110. 16.765 (7) (d) of the statutes is amended to read:

14           16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
15 further violations of this section and to report its corrective action to the contracting  
16 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
17 Navigational System Authority, the Wisconsin Aerospace Authority, the Health  
18 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, or the  
19 Bradley Center Sports and Entertainment Corporation.

20           \*-1272/5.23\* SECTION 111. 16.765 (8) of the statutes is amended to read:

21           16.765 (8) If further violations of this section are committed during the term  
22 of the contract, the contracting agency, the Fox River Navigational System Authority,  
23 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan  
24 Authority, the Healthy Wisconsin Authority, or the Bradley Center Sports and  
25 Entertainment Corporation may permit the violating party to complete the contract,

1 after complying with this section, but thereafter the contracting agency, the Fox  
2 River Navigational System Authority, the Wisconsin Aerospace Authority, the  
3 Health Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority,  
4 or the Bradley Center Sports and Entertainment Corporation shall request the  
5 department to place the name of the party on the ineligible list for state contracts,  
6 or the contracting agency, the Fox River Navigational System Authority, the  
7 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,  
8 the Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment  
9 Corporation may terminate the contract without liability for the uncompleted  
10 portion or any materials or services purchased or paid for by the contracting party  
11 for use in completing the contract.

12 **\*-0444/P2.1\* SECTION 112.** 16.771 of the statutes is created to read:

13 **16.771 False claims.** Whoever knowingly presents or causes to be presented  
14 a false claim for payment under any contract or order for materials, supplies,  
15 equipment, or contractual services to be provided to an agency shall forfeit not less  
16 than \$5,000 nor more than \$10,000, plus 3 times the amount of the damages that  
17 were sustained by the state or would have been sustained by the state, whichever is  
18 greater, as a result of the false claim. The attorney general may bring an action on  
19 behalf of the state to recover any forfeiture incurred under this section.

20 **\*-1278/3.2\* SECTION 113.** 16.848 (2) (gc), (gg), (gn), (gr), (gt) and (gw) of the  
21 statutes are created to read:

22 16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale  
23 by the department of military affairs under s. 21.19 (3) or 21.42 (3).

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

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

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

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

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

9 **\*-1278/3.3\* SECTION 114.** 16.848 (4) of the statutes is amended to read:

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

1           **\*-1272/5.24\* SECTION 115.** 16.85 (2) of the statutes is amended to read:

2           16.85 (2) To furnish engineering, architectural, project management, and other  
3 building construction services whenever requisitions therefor are presented to the  
4 department by any agency. The department may deposit moneys received from the  
5 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
6 fund as general purpose revenue — earned. In this subsection, “agency” means an  
7 office, department, independent agency, institution of higher education, association,  
8 society, or other body in state government created or authorized to be created by the  
9 constitution or any law, which is entitled to expend moneys appropriated by law,  
10 including the legislature and the courts, but not including an authority created in  
11 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

12           **\*-1272/5.25\* SECTION 116.** 16.865 (8) of the statutes is amended to read:

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

1 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.  
2 231, 232, 233, 234, 235, ~~or 237~~, or 238.

3 **\*-0444/P2.2\* SECTION 117.** 16.871 of the statutes is created to read:

4 **16.871 False claims. (1)** In this section:

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

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

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

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

15 **\*-1261/5.43\* \*-1261/P3.36\* SECTION 118.** 16.957 (3) (a) of the statutes is  
16 amended to read:

17 16.957 (3) (a) The department shall, on the basis of competitive bids, contract  
18 with community action agencies described in s. ~~46.30~~ 49.265 (2) (a) 1., nonstock,  
19 nonprofit corporations organized under ch. 181, or local units of government to  
20 provide services under the programs established under sub. (2) (a).

21 **\*-1416/6.4\* SECTION 119.** 16.964 (1) (f) of the statutes is repealed.

22 **\*-1416/6.5\* SECTION 120.** 16.964 (3) of the statutes is amended to read:

23 16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)  
24 (a) outside of the classified service.

25 **\*-1610/4.1\* SECTION 121.** 16.964 (5m) of the statutes is created to read:



1           16.964 (5m) The office shall provide grants from the appropriation under s.  
2           20.505 (6) (f) to 1st class cities to employ additional uniformed law enforcement  
3           officers. For each year that a city receives a grant, the city shall provide matching  
4           funds of at least 25 percent of the amount of the grant. The office may provide grants  
5           under this section in addition to any grant that it provides under sub. (5).

6           \*~~1316/1.1~~\* SECTION 122. 16.964 (10) of the statutes is repealed.

7           \*~~1261/5.44~~\* \*~~1261/P3.37~~\* SECTION 123. 16.964 (12) (c) 10. of the statutes  
8           is amended to read:

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

16           \*~~1261/5.45~~\* \*~~1261/P3.38~~\* SECTION 124. 16.964 (12) (e) 1. of the statutes is  
17           amended to read:

18           16.964 (12) (e) 1. A county that receives a grant under this subsection shall  
19           create an oversight committee to advise the county in administering and evaluating  
20           its program. Each committee shall consist of a circuit court judge, the district  
21           attorney or his or her designee, the state public defender or his or her designee, a local  
22           law enforcement official, a representative of the county, a representative of each  
23           other county agency responsible for providing social services, including services  
24           relating to child welfare, mental health, and the Wisconsin Works program,  
25           representatives of the departments of corrections, children and families, and health

1 and family services, a representative from private social services agencies, a  
2 representative of substance abuse treatment providers, and other members to be  
3 determined by the county.

4 **\*-1416/6.6\* SECTION 125.** 16.964 (13) of the statutes is created to read:

5 16.964 (13) (a) The bureau of criminal justice research shall do all of the  
6 following:

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

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

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

19 **\*-1671/2.1\* SECTION 126.** 16.964 (14) of the statutes is created to read:

20 16.964 (14) Annually, the office shall pay the amount appropriated under s.  
21 20.505 (6) (e) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal  
22 services to indigent persons. The Wisconsin Trust Account Foundation, Inc., shall  
23 distribute the amount received as grants to programs that provide civil legal services  
24 to indigent persons. The grants may be used only for the following civil legal services:

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

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

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

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

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

10 (f) Providing ancillary services to juvenile offenders.

11 **\*-1261/5.46\* \*-1671/1.1\* SECTION 127.** 16.964 (14) (a) of the statutes, as  
12 created by 2007 Wisconsin Act .... (this act), is amended to read:

13 16.964 (14) (a) Serving as guardian ad litem for cases with the bureau of  
14 Milwaukee child welfare of the department of ~~health and family services~~ children  
15 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.

16 **\*-0638/P2.1\* SECTION 128.** 16.971 (2) (cf) of the statutes is created to read:

17 16.971 (2) (cf) Implement, operate, maintain, and upgrade an integrated  
18 business information system capable of providing information technology services to  
19 all agencies and authorities in the areas of accounting, auditing, payroll and other  
20 financial services; procurement; human resources; and other administrative  
21 processes. The department may provide information technology services under this  
22 subsection to any agency or authority or local governmental unit as the department  
23 considers to be appropriate and as the department can efficiently and economically

1 provide. The department may charge agencies, authorities, and local governmental  
2 units for information technology services provided to them under this subsection in  
3 accordance with a methodology determined by the department.

4 **\*-0189/1.1\* SECTION 129.** 16.997 (6) of the statutes is repealed.

5 **\*-1403/2.4\* SECTION 130.** 17.07 (3m) of the statutes is amended to read:

6 17.07 (3m) Notwithstanding sub. (3), the parole earned release review  
7 commission chairperson may be removed by the governor, at pleasure.

8 **\*-1524/P3.3\* SECTION 131.** 17.13 (intro.) of the statutes is amended to read:

9 **17.13 Removal of village, town, town sanitary district, school district,**  
10 **and technical college and family care district officers.** (intro.) Officers of  
11 towns, town sanitary districts, villages, school districts, and technical college  
12 districts ~~and family care districts~~ may be removed as follows:

13 **\*-1524/P3.4\* SECTION 132.** 17.13 (4) of the statutes is repealed.

14 **\*-1524/P3.5\* SECTION 133.** 17.15 (5) of the statutes is amended to read:

15 17.15 (5) ~~FAMILY~~ LONG-TERM CARE DISTRICT. Any member of a family long-term  
16 care district governing board appointed under s. 46.2895 (3) (a) ~~2.~~ may be removed  
17 by the appointing authority for cause.

18 **\*-1524/P3.6\* SECTION 134.** 17.27 (3m) of the statutes is amended to read:

19 17.27 (3m) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD. If a vacancy occurs in the  
20 position of any appointed member of a family long-term care district board, the  
21 appointing authority shall appoint to serve for the residue of the unexpired term a  
22 person who meets the applicable requirements under s. 46.2895 (3) (b).

23 **\*-1621/4.4\* SECTION 135.** 18.01 (1) of the statutes is renumbered 18.01 (1m).

24 **\*-1621/4.5\* SECTION 136.** 18.01 (1e) of the statutes is created to read:

1 18.01 (1e) "Aggregate expected debt service and net exchange payments"  
2 means the sum of the following:

3 (a) The aggregate net payments expected to be made and received under a  
4 specified interest exchange agreement under s. 18.06 (8) (a).

5 (b) The aggregate debt service expected to be made on bonds related to that  
6 agreement.

7 (c) The aggregate net payments expected to be made and received under all  
8 other interest exchange agreements under s. 18.06 (8) (a) relating to those bonds that  
9 are in force at the time of executing the agreement.

10 \*-1621/4.6\* SECTION 137. 18.01 (4) (intro.) of the statutes is amended to read:

11 18.01 (4) (intro.) "Public debt" or "debt" means every voluntary, unconditional  
12 undertaking by the state, other than an operating note or an interest exchange  
13 agreement, to repay a sum certain:

14 \*-1621/4.7\* SECTION 138. 18.06 (8) (a) of the statutes is renumbered 18.06 (8)

15 (a) (intro.) and amended to read:

16 18.06 (8) (a) (intro.) The Subject to pars. (am) and (ar), at the time of, or in  
17 anticipation of, contracting public debt and at any time thereafter while the public  
18 debt is outstanding, the commission may enter into agreements and ancillary  
19 arrangements for relating to the public debt, including liquidity facilities,  
20 remarketing or dealer agreements, letter of credit agreements, insurance policies,  
21 guaranty agreements, reimbursement agreements, indexing agreements, or interest  
22 exchange agreements. The commission shall determine all of the following, if  
23 applicable, with respect to any such agreement or ancillary arrangement:

24 \*-1621/4.8\* SECTION 139. 18.06 (8) (a) 1. of the statutes is created to read:

1           18.06 (8) (a) 1. For any payment to be received with respect to the agreement  
2           or ancillary arrangement, whether the payment will be deposited into the bond  
3           security and redemption fund or the capital improvement fund.

4           \*-1621/4.9\* SECTION 140. 18.06 (8) (a) 2. of the statutes is created to read:

5           18.06 (8) (a) 2. For any payment to be made with respect to the agreement or  
6           ancillary arrangement, whether the payment will be made from the bond security  
7           and redemption fund or the capital improvement fund and the timing of any transfer  
8           of funds.

9           \*-1621/4.10\* SECTION 141. 18.06 (8) (am) of the statutes is created to read:

10          18.06 (8) (am) With respect to any interest exchange agreement or agreements  
11          specified in par. (a), all of the following shall apply:

12           1. The commission shall contract with an independent financial consulting firm  
13           to determine if the terms and conditions of the agreement reflect a fair market value,  
14           as of the proposed date of the execution of the agreement.

15           2. The interest exchange agreement must identify by maturity, bond issue, or  
16           bond purpose the debt or obligation to which the agreement is related. The  
17           determination of the commission included in an interest exchange agreement that  
18           such agreement relates to a debt or obligation shall be conclusive.

19           3. The resolution authorizing the commission to enter into any interest  
20           exchange agreement shall require that the terms and conditions of the agreement  
21           reflect a fair market value as of the date of execution of the agreement, as reflected  
22           by the determination of the independent financial consulting firm under subd. 1.,  
23           and shall establish guidelines for any such agreement, including the following:

24           a. The conditions under which the commission may enter into the agreements.

25           b. The form and content of the agreements.

- 1 c. The aspects of risk exposure associated with the agreements.
- 2 d. The standards and procedures for counterparty selection.
- 3 e. The standards for the procurement of, and the setting aside of reserves, if
- 4 any, in connection with, the agreements.
- 5 f. The provisions, if any, for collateralization or other requirements for securing
- 6 any counterparty's obligations under the agreements.
- 7 g. A system for financial monitoring and periodic assessment of the
- 8 agreements.

9 **\*-1621/4.11\* SECTION 142.** 18.06 (8) (ar) of the statutes is created to read:

10 18.06 (8) (ar) 1. Subject to subd. 2., the terms and conditions of an interest  
11 exchange agreement under par. (a) shall not be structured so that, as of the trade date  
12 of the agreement, both of the following are reasonably expected to occur:

13 a. The aggregate expected debt service and net exchange payments relating to  
14 the agreement during the fiscal year in which the trade date occurs will be less than  
15 the aggregate expected debt service and net exchange payments relating to the  
16 agreement that would be payable during that fiscal year if the agreement is not  
17 executed.

18 b. The aggregate expected debt service and net exchange payments relating to  
19 the agreement in subsequent fiscal years will be greater than the aggregate expected  
20 debt service and net exchange payments relating to the agreement that would be  
21 payable in those fiscal years if the agreement is not executed.

22 2. Subd. 1. shall not apply if either of the follow occurs:

23 a. The commission receives a determination by the independent financial  
24 consulting firm under par. (am) 1. that the terms and conditions of the agreement

1 reflect payments by the state that represent on-market rates as of the trade date for  
2 the particular type of agreement.

3 b. The commission provides written notice to the joint committee on finance of  
4 its intention to enter into an agreement that is reasonably expected to satisfy subd.  
5 1., and the joint committee on finance either approves or disapproves, in writing, the  
6 commission's entering into the agreement within 14 days of receiving the written  
7 notice from the commission.

8 3. This paragraph shall not limit the liability of the state under an agreement  
9 if actual contracted net exchange payments in any fiscal year are less than or exceed  
10 original expectations.

11 **\*-1621/4.12\* SECTION 143.** 18.06 (8) (b) of the statutes is amended to read:

12 18.06 (8) (b) The commission may delegate to other persons the authority and  
13 responsibility to take actions necessary and appropriate to implement agreements  
14 and ancillary arrangements under ~~par.~~ pars. (a) and (am).

15 **\*-1621/4.13\* SECTION 144.** 18.06 (8) (d) of the statutes is created to read:

16 18.06 (8) (d) Semiannually, during any year in which the state is a party to an  
17 agreement entered into pursuant to par. (a) (intro.), the department of  
18 administration shall submit a report to the commission and to the cochairpersons of  
19 the joint committee on finance listing all such agreements. The report shall include  
20 all of the following:

21 1. A description of each agreement, including a summary of its terms and  
22 conditions, rates, maturity, and the estimated market value of each agreement.

23 2. An accounting of amounts that were required to be paid and received on each  
24 agreement.



1           3. Any credit enhancement, liquidity facility, or reserves, including an  
2           accounting of the costs and expenses incurred by the state.

3           4. A description of the counterparty to each agreement.

4           5. A description of the counterparty risk, the termination risk, and other risks  
5           associated with each agreement.

6           **\*-1621/4.14\* SECTION 145.** 18.08 (1) (a) of the statutes is renumbered 18.08 (1)  
7           (a) (intro.) and amended to read:

8           18.08 (1) (a) (intro.) All moneys resulting from the contracting of public debt  
9           or any payment to be received with respect to any agreement or ancillary  
10           arrangement entered into under s. 18.06 (8) (a) with respect to any such public debt  
11           shall be credited to a separate and distinct fund, established in the state treasury,  
12           designated as the capital improvement fund, except that such:

13           1. Such moneys which represent ~~premium and~~ accrued interest on bonds or  
14           notes issued, or are for purposes of funding or refunding bonds pursuant to s. 18.06  
15           (5), shall be credited to one or more of the sinking funds of the bond security and  
16           redemption fund or to the state building trust fund.

17           **\*-1621/4.15\* SECTION 146.** 18.08 (1) (a) 2. of the statutes is created to read:

18           18.08 (1) (a) 2. Any such moneys that represent premium or any payments  
19           received pursuant to any agreement or ancillary arrangement entered into under s.  
20           18.06 (8) (a) with respect to any such public debt may be credited to one or more of  
21           the sinking funds of the bond security and redemption fund or to the capital  
22           improvement fund, as determined by the commission.

23           **\*-1621/4.16\* SECTION 147.** 18.08 (2) of the statutes is amended to read:

24           18.08 (2) The capital improvement fund may be expended, pursuant to  
25           appropriations, only for the purposes and in the amounts for which the public debts

1 have been contracted, for the payment of principal and interest on loans or on notes,  
2 for the payment due, if any, under an agreement or ancillary arrangement entered  
3 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes  
4 identified under s. 20.867 (2) (v) and (4) (q), and for expenses incurred in contracting  
5 public debt.

6 **\*-1621/4.17\* SECTION 148.** 18.08 (4) of the statutes is amended to read:

7 18.08 (4) If at any time it appears that there will not be on hand in the capital  
8 improvement fund sufficient moneys for the payment of principal and interest on  
9 loans or on notes or for the payment due, if any, under an agreement or ancillary  
10 arrangement that has been entered into under s. 18.06 (8) (a) with respect to any  
11 public debt and that has been determined to be payable from the capital  
12 improvement fund under s. 18.06 (8) (a) 2., the department of administration shall  
13 transfer to such fund, out of the appropriation made pursuant to s. 20.866, a sum  
14 sufficient which, together with any available money on hand in such fund, is  
15 sufficient to make such payment.

16 **\*-1621/4.18\* SECTION 149.** 18.09 (2) of the statutes is amended to read:

17 18.09 (2) Each sinking fund shall be expended, and all moneys from time to  
18 time on hand therein are irrevocably appropriated, in sums sufficient, only for the  
19 payment of principal and interest on the bonds giving rise to it and, premium, if any,  
20 due upon refunding redemption of any such bonds, and payment due, if any, under  
21 an agreement or ancillary arrangement that has been entered into under s. 18.06 (8)  
22 (a) with respect to any such bonds and that has been determined to be payable from  
23 the bond security and redemption fund under s. 18.06 (8) (a) 2.

24 **\*-1575/1.1\* SECTION 150.** 18.13 (4g) of the statutes is created to read:

1 18.13 (4g) PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public  
2 intervenor does not have authority to initiate any action or proceeding concerning  
3 the issuance of obligations by the building commission under this chapter.

4 \*-1621/4.19\* SECTION 151. 18.55 (6) (a) of the statutes is amended to read:

5 18.55 (6) (a) At the time of, or in anticipation of, contracting revenue  
6 obligations and at any time thereafter while the revenue obligations are  
7 outstanding, the commission may enter into agreements and ancillary  
8 arrangements relating to the revenue obligations, including trust indentures,  
9 liquidity facilities, remarketing or dealer agreements, letter of credit agreements,  
10 insurance policies, guaranty agreements, reimbursement agreements, indexing  
11 agreements, or interest exchange agreements. Any payment made or received  
12 pursuant to any such agreements or ancillary arrangements shall be made from or  
13 deposited into a fund relating to the relevant revenue obligation, as determined by  
14 the commission. The determination of the commission included in an interest  
15 exchange agreement that such an agreement relates to a revenue obligation shall be  
16 conclusive.

17 \*-1621/4.20\* SECTION 152. 18.73 (5) of the statutes is created to read:

18 18.73 (5) AGREEMENTS AND ARRANGEMENTS; DELEGATION; USE OF OPERATING NOTES.

19 (a) At the time of, or in anticipation of, contracting operating notes and at any time  
20 thereafter while the operating notes are outstanding, the commission may enter into  
21 agreements and ancillary arrangements relating to the operating notes, including  
22 liquidity facilities, remarketing or dealer agreements, letter of credit agreements,  
23 insurance policies, guaranty agreements, reimbursement agreements, indexing  
24 agreements, or interest exchange agreements. Any payment received pursuant to  
25 any such agreements or ancillary arrangements shall be deposited in, and any

1 payments made pursuant to any such agreements or ancillary arrangements will be  
2 made from, the general fund or the operating note redemption fund, as determined  
3 by the commission. The determination of the commission included in an interest  
4 exchange agreement that such an agreement relates to an operating note shall be  
5 conclusive.

6 (b) The commission may delegate to other persons the authority and  
7 responsibility to take actions necessary and appropriate to implement agreements  
8 and ancillary arrangements under par. (a).

9 (c) Any operating notes may include operating notes contracted to fund  
10 interest, accrued or to accrue, on the operating notes.

11 \*-1621/4.21\* SECTION 153. 18.74 of the statutes is amended to read:

12 **18.74 Application of operating note proceeds.** All moneys resulting from  
13 the contracting of operating notes or any payment to be received under an agreement  
14 or ancillary arrangement entered into under s. 18.73 (5) with respect to any such  
15 operating notes shall be credited to the general fund, except that moneys which  
16 represent premium and accrued interest on operating notes, or moneys for purposes  
17 of funding or refunding operating notes pursuant to s. 18.72 (1) shall be credited to  
18 the operating note redemption fund.

19 \*-1621/4.22\* SECTION 154. 18.75 (2) of the statutes is amended to read:

20 18.75 (2) The operating note redemption fund shall be expended and all  
21 moneys from time to time on hand therein are irrevocably appropriated, in sums  
22 sufficient, only for the payment of principal and interest on operating notes giving  
23 rise to it and premium, if any, due upon refunding or early redemption of such  
24 operating notes, and for the payment due, if any, under an agreement or ancillary  
25 arrangement entered into under s. 18.73 (5) with respect to such operating notes.