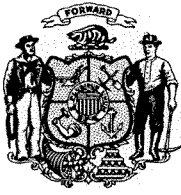


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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1780/P1

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"/P1" → "/P2"

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0566/1 ***

INTRODUCTION

This bill is the "executive budget bill" under section 16.47 (1) of the statutes.

It contains the governor's recommendations for appropriations for the 2007-2009 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2007-2009 fiscal biennium.

The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending

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authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

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

GUIDE TO THE BILL

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

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

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

section number indicate the type of provision:

91XX Nonstatutory provisions.

92XX Fiscal changes.

93XX Initial applicability.

94XX Effective dates.

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

XX01 Administration.

XX02 Aging and Long-Term Care Board.

XX03 Agriculture, Trade and Consumer Protection.

XX04 Arts Board.

XX05 Building Commission.

XX06 Child Abuse and Neglect Prevention Board.

XX07 Circuit Courts.

XX08 Commerce.

- XX09 Corrections.**
- XX10 Court of Appeals.**
- XX11 District Attorneys.**
- XX12 Educational Communications Board.**
- XX13 Elections Board.**
- XX14 Employee Trust Funds.**
- XX15 Employment Relations Commission.**
- XX16 Ethics Board.**
- XX17 Financial Institutions.**
- XX18 Fox River Navigational System Authority.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health and Family Services.**
- XX22 Higher Educational Aids Board.**
- XX23 Historical Society.**
- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment Board.**

- XX27 Joint Committee on Finance.**
- XX28 Judicial Commission.**
- XX29 Justice.**
- XX30 Legislature.**
- XX31 Lieutenant Governor.**
- XX32 Lower Wisconsin State Riverway Board.**
- XX33 Medical College of Wisconsin.**
- XX34 Military Affairs.**
- XX35 Natural Resources.**
- XX36 Public Defender Board.**
- XX37 Public Instruction.**
- XX38 Public Lands, Board of Commissioners of.**
- XX39 Public Service Commission.**
- XX40 Regulation and Licensing.**
- XX41 Revenue.**
- XX42 Secretary of State.**
- XX43 State Employment Relations, Office of**
- XX44 State Fair Park Board.**

- XX45 Supreme Court.
- XX46 Technical College System.
- XX47 Tourism.
- XX48 Transportation.
- XX49 Treasurer.
- XX50 University of Wisconsin Hospitals and Clinics Authority.
- XX51 University of Wisconsin Hospitals and Clinics Board.
- XX52 University of Wisconsin System.
- XX53 Veterans Affairs.
- XX54 Workforce Development.
- XX55 other.

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

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

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

DATCP ... Department of Agriculture, Trade and Consumer Protection

DETF Department of Employee Trust Funds

DFI Department of Financial Institutions

DHFS Department of Health and Family Services

DMA Department of Military Affairs

DNR Department of Natural Resources

DOA Department of Administration

DOC Department of Corrections

DOJ Department of Justice

DOR Department of Revenue

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

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AGRICULTURE

*** ANALYSIS FROM -1465/2 ***

AGRICULTURE

Under current law, an eligible claimant may recover a certain amount of property taxes paid through the refundable farmland preservation credit. When a tax credit is refundable and the amount of the credit that is otherwise due an eligible claimant exceeds the claimant's tax liability, or there is no outstanding tax liability, the excess amount of the credit is paid to the claimant by check.

Under current law, the land to which a claim for the farmland preservation credit relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance that is certified by the Land and Water Conservation Board (LWCB). Land that is not subject to exclusive agricultural use

zoning may become subject to a farmland preservation agreement only if the county in which the land is located has an agricultural preservation plan that is certified by

LWCB. ^{MOVE} A farmland preservation agreement is between the landowner and DATCP.

The agreement commits the owner to keep the land in agricultural use for the duration of the agreement, up to 25 years, although the law allows DATCP or LWCB

^{may} to release land from an agreement under certain circumstances. ^{keep} Under current law,

when land is rezoned from exclusive agricultural use and in some of the circumstances under which land is released from a farmland preservation agreement, DATCP is required to file a lien against the land for the amount of the farmland preservation credit received by the owner during the preceding ten years.

This bill eliminates the requirement that DATCP file a lien against land that is released from a farmland preservation agreement or that is rezoned from exclusive agricultural use. Under this bill, DATCP may not release land from a farmland preservation agreement until the owner pays \$100 per acre to this state, except in

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certain cases, such as the death or disability of the owner. Also under this bill, rezoning of land from exclusive agricultural zoning must be conditioned on payment of \$100 per acre of land that is rezoned. Payment is made to the local governmental unit that grants the rezoning.

This bill also provides that DATCP, rather than LWCB, certifies exclusive agricultural use zoning ordinances and county agricultural preservation plans and revisions to the ordinances and plans. DATCP may, but is not required to, grant certification based on a signed statement, by the relevant local governmental unit, that the ordinance or plan meets the requirements for certification.

*** ANALYSIS FROM -0320/2 ***

AGRICULTURE

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

*** ANALYSIS FROM -1381/1 ***

RET

AGRICULTURE

This bill authorizes DATCP to provide financial assistance *of funds* to a business to pay a portion of the costs of capital improvements *designed* to prevent pollution from agricultural chemicals. ✓

*** ANALYSIS FROM -0323/1 ***

AGRICULTURE

Currently, DATCP administers laws regulating nurseries and laws related to plant pests, which include authorization of quarantines and orders for treatment of infested plants. A person violating these laws is subject to criminal penalties

consisting of a fine of up to \$200 or imprisonment for not more than six months or both. *R keep*

not This bill *increases criminal* ~~modifies~~ the penalties for violating laws regulating nurseries and laws related to plant pests. Under the bill, a person violating these laws may be fined up

to \$1,000 for a first offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than six months, or both, for a subsequent offense. The

bill also provides that, in lieu of the criminal penalties, a person violating these laws may be required to pay a forfeiture *les* (civil penalty) of not less than \$200 nor more than

\$5,000 or, for an offense committed within five years of a previous offense, may be required to pay a forfeiture of not less than \$400 nor more than \$10,000. *to a maximum for a repeat offense of*

for violating these laws, ranging from a minimum of

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*** ANALYSIS FROM -0319/3 ***

AGRICULTURE

This bill requires DATCP to provide funding, from the recycling fund, for research and development ^{concerning which it,} of anaerobic digesters. ~~The research and development must be conducted~~ at farms participating in the discovery farms program of the Wisconsin Agricultural Stewardship Initiative, Inc., a nonprofit organization. ^{An} anaerobic digester on a farm produces and collects methane from animal waste.

*** ANALYSIS FROM -0304/3 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

From P.12

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

of Commerce (Commerce)

Under current law, the department ^{authorizes} may make any of the following ^{to award from the Wisconsin development fund (WDF)} from the WDF: 1) a grant to a person for capitalizing a revolving loan fund ^{whose purpose is} to promote local or regional economic development; 2) a "rapid response" loan to a person ^{to} for the purchase of equipment or ^{to} the purchase, renovation, or construction of a building; 3) a grant to a business group to investigate ^{to} the reorganization or new ^{renovate, or construct}

incorporation of an existing business as an employee-owned business; 4) a grant to a small business for preparing a proposal for a federal program ("small business" is defined as a business operating for profit with 250 or fewer employees); 5) a grant to fund the preliminary stages of the expansion or start-up of a business that is or will be located in an urban area in this state; 6) grants to the Wisconsin Procurement Institute to further the Institute's efforts to secure federal government contracts and create jobs in the state; 7) a grant or loan to a person or small business for expenses related to the commercialization of a technologically innovative product, process, or service.

Current law also authorizes the department of Commerce at the request of the Development Finance Board (board), to make grants and loans from the WDF under the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs. Under the technology development program, the board may award a grant or loan to a business or consortium for technical research intended to result in the development of, the initial commercialization of, or the improvement of an industrial product or process. Under the customized labor training program, the board may award a grant or loan to a business for labor training. Under the major economic development program, the customized

to any of the following:
1)

2)

if the project is ineligible

board may award a grant or loan to a major economic development project that is not eligible for technology development or customized labor training grants or loans

"Major economic development project" is defined as a project that is necessary to retain or create a significant number of jobs in a political subdivision, will lead to significant capital investment in the state, or will make a significant contribution to the state's economy.

Under the technology and pollution control and abatement program, the board may award a grant or loan to a new or expanding business, a municipality or other public entity, or a nonprofit organization for research into, and development of, products and processes involving certain types of pollution or waste and the marketing of such products and processes.

Under current law, there are specific conditions and limitations that apply to the department's authority to make a grant or loan under the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs. These programs are also subject to a set of conditions and limitations that apply to all four. These conditions and limitations permit the board to award a grant or loan only if it has made certain determinations and considered certain factors. The board must determine that the project serves a public purpose, that the project is not likely to occur without a WDF

grant or loan, and that the recipient will contribute at least 25 percent of the cost of the project from funds not provided by the state. The board must consider, among other factors, the extent to which the project will retain or increase employment in this state, the extent to which the project will contribute to the economic growth of this state, the financial soundness of the business, and whether the project will be located in a targeted area. Currently, the board decides whether a project will be located in a targeted area based on a number of considerations including an area's employment rate and median household income.

This bill eliminates the technology development, customized labor training, major economic development, and technology and pollution control and abatement programs, as well as the programs for revolving loan fund capitalization, rapid response loans, employee ownership assistance, urban area early planning, and the Wisconsin Procurement Institute. The bill authorizes the department ^{Commerce} at the request of the board, to make a grant or loan of WDF funds to an eligible recipient for eligible activities. The bill defines "eligible recipient" as a governing body or person who is ^{other eligible} eligible to receive a grant or loan. Under the bill, "eligible activities" means any of the following: capital financing; worker training; entrepreneurial development; providing assistance to technology-based businesses or to ^{for} businesses at a foreign

trade show ~~or event~~ promoting urban or regional economic development; establishing revolving loan funds; providing working capital; and promoting employee ownership through conducting studies to investigate the reorganization of existing businesses as employee-owned businesses and implementing such studies.

Under the bill, the board is required to consider a number of factors in deciding whether to award a WDF grant or loan, including whether the project serves a public purpose and whether the project might not occur without a WDF grant or loan, among other factors.

Under the bill, the board is not required to make any factual determinations in order to award a grant or loan. The bill eliminates certain factors from the board's

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

or 4) give priority to grants and loans for projects related to brownfields redevelopment.

not The bill requires *also* the department *Commerce* to establish procedures and conditions for WDF grants and loans, including a matching requirement of at least 25 percent. The

bill also changes the definition of "small business," for purposes of WDF grants for preparing the federal program proposals, to mean a business with fewer than 100 employees.

*** ANALYSIS FROM -1083/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

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

This bill requires WHEDA to make a payment of \$2,000,000 to the Department of Commerce from WHEDA's surplus fund *pay Commerce from the surplus fund* in fiscal year 2007-08 and another *another* \$2,000,000 payment *to* in fiscal year 2008-09. The payments fund housing cost grants and loans and grants to local housing organizations made by the Department of Commerce

*** ANALYSIS FROM -1440/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill creates a biennial appropriation from the recycling fund. Under the bill, the Department of Commerce may award a grant or loan to a business for

technology to increase renewable fuel or energy production or for new renewable fuel

or energy technology. A grant recipient must provide at least 50 percent of the cost

of a project funded by a grant. The bill also requires the Department of Commerce

to make grants from the appropriation totaling up to \$5,000,000 to a person who

plans to construct a cellulosic ethanol plant in the state. The person must submit a

plan for the use of the grant proceeds and agree to reporting and auditing

requirements. Under the bill, the department may also make grants and loans from

the appropriation under current programs that are funded by the Wisconsin

development fund

Commerce

Wisconsin
WDF

In addition, the bill creates an annual appropriation from the recycling fund for

administering the new renewable fuel and energy grant and loan program and

current economic development programs funded by the Wisconsin development

fund

Wisconsin development
WDF

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill authorizes the Department of Commerce to make a grant to a technology-based nonprofit organization to assist manufacturers in this state in adopting process improvements that result in the production of more goods of higher quality with less effort. Under the bill, the Department of Commerce may not award ^{produced} more than \$1,500,000 in such grants in a fiscal biennium.

FROM P.19

*** ANALYSIS FROM -1484/4 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, ~~the Department of~~ Commerce ~~department~~ provides funding for the promotion of science-based and technology-based businesses through a nonstock, nonprofit high-technology business development corporation.

In addition, from the Wisconsin development fund, the department may award grants or loans to businesses and associations of businesses and higher educational institutions for technology research and for purposes related to the development of new, or the improvement of existing, industrial products or processes. Also under

current law, an appropriation to ^{Commerce} ~~the department~~ provides funding to Forward Wisconsin, Inc., which is a private corporation, for its economic development promotion activities. Also under current law, the department may designate up to

eight technology development zones within which certain new or expanding high-technology businesses may be certified by the department to receive tax credits.

This bill requires ^{Commerce} the department to organize and assist in maintaining the

Wisconsin Venture Center (WVC), a nonprofit corporation with the purpose of

raising capital to promote and support emerging industries in the state.

In fiscal year 2007-08, Commerce

The department must make a one-time grant of \$700,000 to WVC for start-up

capital and administrative expenses for which WVC need not provide matching

funds. Thereafter, ^{In fiscal year 2008-09 and Commerce} the department must make annual grants of up to \$500,000 to

WVC for which WVC need not provide matching funds. ^{Commerce} The department may make

additional grants to WVC if WVC ^{and requirements} submits an expenditure plan that is approved by

the secretary of commerce; provides 50 percent of the funding for the project from

other sources; provides information requested by the department related to funds

received for the project from private sources; and enters into a written agreement

with the department related to the use of the grant proceeds. Whenever WVC

receives a grant from the department, it must submit a report to the department with

detailed information on how it spent the grant proceeds.

*contribute
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match of the grant
funds
and complies
with reporting
requirements
regarding
the use of
the grant
proceeds.*

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WVC is to be governed by a board of directors that includes: the secretary of commerce or his or her designee; the secretary of financial institutions or his or her designee; and no more than 12 other members who are appointed by the governor and

who represent entrepreneurs in the state, high-technology businesses in the state, research institutions in the state, the state's venture capital industry, the state's investment banking industry, the state's business development community, and professionals who are experienced in providing services to persons in the aforementioned categories. Annually, WVC must submit a report on its activities to the governor.

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill creates a new annual general purpose revenue appropriation for advertising, marketing, and promotional activities for economic development of, and business recruitment to, this state.

*** ANALYSIS FROM -1519/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Securities

Current law generally requires a person who represents a broker-dealer or issuer in securities transactions to be licensed as an agent (securities agent), and

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generally requires an investment adviser representative to be licensed as such, before transacting business in this state. Securities agents and investment adviser representatives must pay to DFI initial and renewal license fees of \$30.

This bill increases the initial and renewal license fees for securities agents and investment adviser representatives from \$30 to \$60.

*** ANALYSIS FROM -1680/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

HOUSING

Under current law, DOA administers a low-income energy assistance program.

Current law directs DOA to allocate \$1,100,000 of federal funds in each federal fiscal

year for expenses in administering the program. This bill deletes the specific amount and directs the secretary of administration to determine the amount to be allocated

for expenses.

*** ANALYSIS FROM -1366/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

Under current law, the Department of Commerce (department) is required to contract with private organizations to provide education concerning construction standards, inspection requirements, and business practices to builders of one- and two-family dwellings. The department is also required to provide education regarding the process involved in the building of these dwellings to consumers. This

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bill eliminates the requirement that the department provide education to builders concerning building practices and eliminates the requirement that education be provided to consumers. As to education concerning construction standards and inspection requirements, the department is authorized to enter such a contract, but is not required to do so.

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*** ANALYSIS FROM -1184/P7 ***

CORRECTIONS

CORRECTIONAL SYSTEMS HEAD
ADULT CORRECTIONAL SYSTEM
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SUB

Current law requires DOC to maintain global positioning system (GPS)

tracking of sex offenders who have been committed as sexually violent persons (SVPs) and certain sex offenders who have committed specified sex offenses against a child (serious child sex offense). These GPS tracking requirements begin on July 1, 2007. With some exceptions, DOC must actively monitor the sex offenders, and, with some exceptions, the requirements apply for the rest of an offender's life. The sex offenders to be tracked include individuals who have been committed as SVPs and released to supervised release or discharged from DHFS custody, individuals found not guilty of a serious child sex offense by reason of mental disease or defect and placed on conditional release or discharged, individuals who are released to extended supervision or parole while serving a sentence for committing a serious child sex offense, individuals who are placed on probation for committing a serious

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child sex offense, and individuals who are released from prison upon completing a sentence imposed for a serious child sex offense. DOC may petition a court to terminate the GPS tracking requirement if the individual is permanently physically incapacitated.

This bill delays the implementation of the requirements to January 1, 2008. This bill requires DOC only to record the sex offender's location rather than ~~actively~~ monitor the person and changes the length of the tracking requirement to apply only while the sex offender is on supervised release, conditional release, extended supervision, parole, or lifetime supervision for the serious child sex offense. This bill eliminates the requirement to track SVPs discharged from DHFS custody, individuals found not guilty of a serious child sex offense by reason of mental disease or defect who are discharged from commitment, individuals placed on probation for committing a serious child sex offense, and individuals released from prison upon completing a sentence imposed for a serious child sex offense. The bill also allows DOC to petition a court to terminate the GPS tracking requirement if DOC determines that the individual would not endanger the public if not tracked.

Also under current law, DOC must maintain GPS tracking of a sex offender who has been found to have committed under the law of another jurisdiction a crime that

is comparable to a serious child sex offense if the individual resides in this state, is employed or carrying on a vocation in this state, or is a student in this state. This bill applies this requirement only to individuals who, after January 1, 2008, begin their supervision by DOC under the Interstate Corrections Compact.

Finally under current law, a sex offender who is on supervised release must be restricted to his or her home for the first year except for outings that are under the direct supervision of a DOC escort and that are for employment purposes, for religious purposes, or for caring for his or her basic living needs. This bill allows DOC to contract for the escorts.

*** ANALYSIS FROM -1386/1 ***

CORRECTIONAL SYSTEM
ADULT CORRECTIONAL SYSTEM

Current law requires DOC and DHFS to provide, at a certain correctional institution, a substance abuse treatment program for inmates who are eligible to earn early release to parole or extended supervision upon successful completion of the program.

This bill allows DOC and DHFS to provide, at any correctional facility the departments determine is appropriate, ^{the} a substance treatment abuse program ^{for}

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inmates who are eligible to earn early release to parole or extended supervision upon successful completion of the program.

*** ANALYSIS FROM -1185/2 ***

~~CORRECTIONS~~

~~ADULT CORRECTIONAL SYSTEM~~

Under current law, DOC may house, for up to 90 days, a person released to extended supervision in a regional detention facility or, with the approval of the sheriff, in a county jail.

This bill allows DOC to house, for up to 90 days, a person released to extended supervision in any DOC facility, county jail, Huber facility, or work camp.

*** ANALYSIS FROM -1546/1 ***

~~CORRECTIONAL SYSTEM~~

~~CORRECTIONS~~

~~ADULT CORRECTIONAL SYSTEM~~

This bill requires DOC to provide funding for New Hope Project, Inc., a transitional employment program for criminal offenders.

*** ANALYSIS FROM -1349/1 ***

~~CORRECTIONAL SYSTEM~~

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JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC ~~is required to~~ ^{must} allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the

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costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$209 for care in a juvenile correctional facility or a treatment facility, \$244 for care in a residential care center for children and youth, \$163 for care in a group home, \$50 for care in a foster home, \$87 for care in a treatment foster home, \$82 for corrective sanctions services, and \$33 for aftercare services. This bill changes those assessments for fiscal year 2007-08 to \$269 for care in a juvenile correctional facility or a treatment facility, \$277 for care in a residential care center for children and youth, \$165 for care in a group home, \$67 for care in a foster home, \$132 for care in a treatment foster home, \$99 for corrective sanctions services, and \$40 for aftercare services and for fiscal year 2008-09 to \$279 for care in a juvenile correctional facility or a treatment facility, \$296 for care in a residential care center for children and youth, \$172 for care in a group home, \$74 for care in a foster home, \$145 for care in a treatment foster home, \$101 for corrective sanctions services, and \$41 for aftercare

services. *By law this bill increases those assessments for fiscal years 2007-08 and 2008-09*

***** ANALYSIS FROM -1181/8 *****

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CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids (generally referred to as "youth aids"), DOC is required to allocate to counties various state and federal moneys to pay for state-provided juvenile ~~correctional services and local delinquency related and juvenile justice services.~~ This bill appropriates for youth aids moneys from the county aid fund, which consists of real estate transfer fees retained by the state, and requires DOC to allocate those moneys to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period for which that information is available.

TAXATION

OTHER TAXATION

Under current law, generally, the conveyance of real property from one person to another is subject to a real estate transfer fee at the rate of 30 cents for each \$100 of the conveyance's value. The register of deeds for the county in which the property is located collects the fee at the time that the conveyance is recorded with the register of deeds. The register of deeds retains 20 percent of the fee for the county and submits the remainder to the state. This bill increases the rate of the real estate transfer fee to 60 cents for each \$100 of a conveyance's value and requires the register of deeds

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to submit 90 percent of the fee to the state, rather than 80 percent. Under the bill, the amount of the real estate transfer fee retained by the state is deposited into the county aid fund. This bill pays part of the amount paid to counties for circuit court costs out of the county aid fund. The bill also pays from the county aid fund part of the amount paid to counties as community youth and family aids (generally referred to as "youth aids"), which are aids paid to counties for juvenile delinquency-related services. Those costs and aids are currently paid out of the general fund. Beginning in 2008, county aid payments, formerly referred to as "shared revenue payments," will be paid in part from the county aid fund and in part from the general fund.

Additionally, the bill creates an affordable housing trust fund, consisting of moneys transferred from the county aid fund and appropriated for current housing grant and loan programs administered by the Department of Commerce.

***** ANALYSIS FROM -1350/2 *****

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CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids (generally referred to as "youth aids"), DOC is required to allocate to counties various state and federal moneys to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill requires DOC to allocate

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~~an additional \$5,000,000 in each of fiscal years 2007-08 and 2008-09 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three-year period for which that information is available.~~

~~*** ANALYSIS FROM -0628/1 ***~~

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~~CORRECTIONAL SYSTEM~~

~~JUVENILE CORRECTIONAL SYSTEM~~

Under current law, DOC is required to enter into contracts with organizations in Milwaukee County, Racine County, Kenosha County, and Brown County to provide services for the diversion of youths from gang activities into productive activities (Youth Diversion Program). ~~Currently, one of those organizations is required to be located in ward one in the city of Racine.~~ This bill transfers administration of the Youth Diversion Program from DOC to the Office of Justice Assistance in DOA. ~~The bill also requires one of the organizations contracted with to provide those services to be located in ward two, instead of ward one, in the city of Racine.~~

*** ANALYSIS FROM -0459/2 ***

PUBLIC DEFENDER

Small caps for sub-heading

Under current law, the State Public Defender (SPD) provides counsel to represent people in various legal proceedings, including criminal proceedings that

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cont.

may result in imprisonment, emergency detention or involuntary civil commitment proceedings, proceedings for the protective placement of an adult, paternity determinations, and juvenile delinquency proceedings. The SPD provides counsel to children regardless of the child's income or assets, but only provides counsel to adults who are indigent.

This bill requires the SPD to provide legal representation to any person, regardless of whether the person is indigent, who seeks SPD representation and is the subject of an involuntary commitment proceeding for mental health or alcoholism treatment, a protective placement or services proceeding, or a proceeding concerning involuntary administration of psychotropic medication. The bill provides that the court may require such a person, who is an adult, to reimburse the SPD for all or part of the costs of legal representation if the person is able to make reimbursement. The bill makes the changes in eligibility for SPD representation effective July 1, 2008.

*** ANALYSIS FROM -0108/4 ***

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, the director of state courts makes payments to counties for the costs they incur in administering the circuit court branches. Current law defines

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those ~~circuits~~ ^{and} costs to include jury fees, witness fees, expert witness fees, and ~~salary and fringe benefits for~~ ^{salaries} judicial assistants, and ~~any other court operating costs~~ ^{to exclude} ~~except~~ costs related to courtroom security, rent, utilities, maintenance and ~~construction of~~ court facilities. ~~Currently, the salary of judges and their court reporters is paid by the state under another provision.~~ Currently, each county is required to submit information about court costs by July 1 of each year for costs incurred in the previous calendar year in a format that is established by the director of state courts.

This bill requires counties to report their reimbursable court costs on a uniform chart of accounts ~~that the director of state courts creates.~~ ^{and} The bill also changes the date that the counties must report the court costs from July 1 to May 15.

***** ANALYSIS FROM -0111/3 *****
COURTS AND PROCEDURE
CIRCUIT COURTS ^{some}

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

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interpreter for a party or witness who has limited English proficiency ~~regardless of~~

~~indigence~~

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*** ANALYSIS FROM -0110/6 ***

COURTS AND PROCEDURE

CIRCUIT COURTS

Under current law, half of the moneys received under the justice information system surcharge are credited to the court information systems appropriation account. The court information systems account is also funded by moneys received under various court fees and surcharges. This bill authorizes the supreme court to

establish and collect fees for use of the circuit court automated information systems, to be credited to the court information systems appropriation account. This bill also credits funds from the county aid fund to each county for circuit court support payments. This bill increases certain court surcharges.

*** ANALYSIS FROM -1671/2 ***

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

This bill requires the Office of Justice Assistance to provide money to the Wisconsin Trust Account Foundation, Inc., to be given as grants to programs that provide civil legal services to indigent persons. The supreme court created Wisconsin Trust Account Foundation, Inc., to allocate the money received from attorney trust accounts under supreme court rules to programs that provide civil legal services to

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persons who are indigent. Under the bill, the grants may be used only for assisting Wisconsin Works participants with medical claims, developing discharge plans for mentally ill inmates, coordinating insurance benefits for medical assistance recipients, providing ancillary services to juvenile offenders, obtaining child support, and acting as a guardian ad litem in cases with the Bureau of Milwaukee Child Welfare.

***** ANALYSIS FROM -1067/1 *****
COURTS AND PROCEDURE
OTHER COURTS AND PROCEDURE

CRIMINAL LAW
CRIMINAL PROCEDURE
DHFS

Under current law, if a court has reason to doubt the competency of a defendant in a criminal case, the court may require *DOC* to examine the defendant to determine whether the person is competent to proceed to trial. If *DOC* determines that the person is not competent, but may attain competency with treatment, the court is required to suspend the criminal proceedings and commit the defendant to the custody of DHFS for placement in an appropriate mental health institution for up to 12 months, or for the maximum sentence specified for the most serious offense with which the defendant is charged, whichever is less.

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Under the bill, a defendant who is deemed incompetent may, as determined by DHFS, be treated in a mental health institution or may receive treatment in a jail or a locked unit of a facility.

*** ANALYSIS FROM -0293/2 ***

~~CORRECTIONAL SYSTEM~~

~~ADULT CORRECTIONAL SYSTEM~~

Agree to

Under current law, a person found not guilty of a crime by reason of mental disease or defect may be institutionalized or may receive supervision in the community under the conditional release program. If a participant in the conditional release program violates a condition of his or her release, or is otherwise deemed unsafe for community living, DHFS may require the person to be detained pending a petition by DHFS to revoke the person's conditional release. Current law requires DHFS to file the petition within 48 hours of the person's detention.

This bill extends the time for DHFS to file a petition for revocation of a person's conditional release from 48 to 72 hours, excluding Saturdays, Sundays, and legal holidays.

*** ANALYSIS FROM -1403/2 ***

~~CORRECTIONS~~

~~ADULT CORRECTIONAL SYSTEM~~

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-1184 (GPS)*

Currently, the parole commission in DOC determines whether, and under what conditions, inmates serving indeterminate sentences may be released from

imprisonment to parole. A person who is serving a bifurcated sentence is not eligible for parole and generally must serve the entire confinement portion of his or her bifurcated sentence before being released to extended supervision. However, a person who is sentenced to a bifurcated sentence for a Class C to Class I felony may petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she has served 85 percent (for Class C to Class E felonies) or 75 percent (for Class F to Class I felonies) of the confinement in prison portion of the sentence. Under current law, a person who is released to extended supervision must serve his or her entire sentence before extended supervision terminates.

Under this bill, the parole commission is renamed the earned release review commission. In addition to its duties under current law, the earned release review commission may release to extended supervision a prisoner who was sentenced to a bifurcated sentence for a Class F to Class I felony if the prisoner has served 75 percent of the confinement in prison portion of the sentence and may terminate the extended supervision of a prisoner who was sentenced to a bifurcated sentence for a Class F to Class I felony if the prisoner has served 75 percent of the extended supervision portion of the sentence. A prisoner who is serving a bifurcated sentence

for a Class C to a Class E felony must petition the sentencing court for any sentence adjustment.

*** ANALYSIS FROM -1633/P7 ***

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CRIMES
SENTENCING

The bill creates a Truth-In-Sentencing Phase II Council (council) in DOA to *submit a report on* propose sentencing guidelines to the legislature *and the governor* by January 1, 2008, *and* the duties of the council end on January 31, 2008. If the legislature does not pass a bill that contains sentencing guidelines that are informed by the council's proposed guidelines by June 11, 2008, then DOA must propose legislation to revert from determinate sentencing to indeterminate sentencing. The legislature must pass or reject the bill without amendment by August 1, 2008.

*** ANALYSIS FROM -1416/6 ***

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CRIMES
SENTENCING

This bill eliminates the sentencing commission and creates a bureau of criminal justice research (bureau) in the Office of Justice Assistance (OJA), which takes on some of the duties of the sentencing commission. These duties include compiling data regarding sentencing practices, providing information regarding costs that result from sentencing practices, studying and reporting on whether race is a factor when imposing sentences, and studying how sentencing options affect various types

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of offenders and offenses.

Under this bill, the bureau also serves as a clearinghouse of justice system data and conducts justice system research and data analysis (currently performed by OJA). The bureau must prepare a statistical report detailing standard sentences for felonies and how the sentencing practices of each circuit court compare to its region and to the state.

***** ANALYSIS FROM -1402/P3 *****

CRIMES

CRIMINAL PROCEDURE

Under current law, the Office of Justice Assistance (OJA) administers a treatment alternatives and diversion grant program to fund county programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. This bill requires the county that has the highest violent crime rate to submit an application for a treatment alternatives and diversion grant by August 15, 2007. The bill further ^{and} provides that upon approval of the application, OJA must award the county a treatment alternatives and diversion grant of \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009.

The bill also requires the county that has the highest violent crime rate to submit a plan to OJA for conducting presentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting

information that courts may use at sentencing. The plan must identify the target group and provide for risk assessments and needs assessments of the offenders, assessment of available community-based treatment services, collection and dissemination of information concerning the accuracy and usefulness of the assessments, and annual evaluation of the presentencing assessment program. The bill provides that upon approval of the plan, OJA shall award the county \$250,000 for calendar year 2008 and \$500,000 for calendar year 2009 to perform presentencing assessments of offenders.

***** ANALYSIS FROM -0435/1 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, when a court imposes a sentence on a person who has committed a crime or places a person who has committed a crime on probation, the person is required to pay a crime victim and witness assistance surcharge of \$60 for each misdemeanor and \$85 for each felony. Most of the surcharge (part A) is allocated to fund county programs for crime victims and witnesses and to provide awards to crime victims. The rest of the surcharge (part B) is used for grants to fund services for victims of sexual assaults.

Current law also requires that the crime victim and witness assistance surcharge be imposed in certain cases in which a criminal prosecution is deferred or suspended. Specifically, if a person is charged with a crime for conduct that could also be prosecuted as a civil offense and the person agrees to pay a forfeiture as part of an agreement to have the prosecution deferred or suspended, the court must impose, in addition to the forfeiture, a crime victim and witness assistance surcharge of \$60 (if the person was originally charged with a misdemeanor) or \$85 (if the person was originally charged with a felony).

This bill revises the criteria for imposing crime victim and witness assistance surcharges in civil offense cases and changes how money collected from those surcharges is used. Under the bill, a court must impose the crime victim and witness assistance surcharge if: 1) a person is charged with one or more crimes in a complaint; 2) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and 3) the court finds that the person committed that civil offense. In addition, under the bill, all money collected in such cases from crime victim and witness surcharges is "part A money," which must be used to fund county programs for crime victims and witnesses and to provide awards to crime victims.

*** ANALYSIS FROM -1610/4 ***

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

CRIMINAL LAW
LAW ENFORCEMENT

Currently, the Office of Justice Assistance (OJA) provides grants to cities to employ uniformed police officers whose primary duty is beat patrolling. This bill authorizes OJA to provide additional grants to first class cities to employ additional uniformed police officers whose duties may or may not include beat patrolling.

*** ANALYSIS FROM -1316/1 ***

CRIMES

LAW ENFORCEMENT

Under current law, the Office of Justice Assistance must administer a grant program to provide funding to law enforcement agencies for digital recording equipment for making audio or audio and visual recordings of custodial interrogations or for training personnel to use such equipment. This bill repeals the grant program.

*** ANALYSIS FROM -0451/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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~~Current law limits the amount that each school district can increase per pupil revenue over the per pupil revenue of the prior school year. This limit does not apply to school districts in which the amount of per pupil revenue is less than a statutory revenue ceiling, currently set at \$8,400.~~
(not) The

This bill increases the per pupil revenue ceiling to \$8,700 for the 2007-08 school year and to \$9,000 for any subsequent school year.

*** ANALYSIS FROM -0493/4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Currently, if a school district's enrollment is declining, its revenue limit is increased by the amount of additional revenue that would have been calculated had the decline in enrollment been 25 percent of what it was. This bill increases the district's revenue limit by the additional amount that would have been calculated had there been no decline in enrollment.

The bill also provides that if a school district's revenue limit, ~~after consideration~~ *as calculated* of the per pupil adjustment and low revenue ceiling but before any other adjustments, is less than the district's base revenue from the previous school year, the district's initial revenue limit would be set at the prior year's base revenue. ✓

*** ANALYSIS FROM -1290/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. ~~Several~~

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~~exceptions are provided. For example, if a school district increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit, its revenue limit is increased by the cost of that service.~~

This bill provides that, beginning in the 2008–09 school year, a school district may exceed its revenue limit in any school year by \$25,000 for up to 500 pupils enrolled in the district in grades 9 to 12 and by an additional \$25,000 for each additional 500 pupils enrolled in the district in grades 9 to 12. A school district must work in partnership with a local law enforcement agency to develop a school safety plan and must submit the plan to DPI.

(w/4) The excess revenue ~~may~~ ^{must} be used to pay ^{for certain specified safety expenses} up to \$25,000 of the compensation costs of providing one security officer for the first one to 500 pupils enrolled in the 9th through 12th grades, and up to \$25,000 of the compensation costs of providing one additional security officer for every additional 500 9th through 12th grade pupils. In order to use the excess revenue for this purpose, the school district must enter into a cost-sharing agreement with the local law enforcement agency under which the school district and the local law enforcement agency each agree to contribute 50 percent of the costs for each security officer.

~~Alternatively or in addition, a school district may use the excess revenue to purchase safety equipment. DPI must specify the safety equipment eligible for the revenue limit adjustment by rule.~~

*** ANALYSIS FROM -1485/2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several exceptions are provided. For example, if a school district increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit, its revenue limit is increased by the cost of that service.

This bill provides that, beginning in the 2008–09 school year, a school district may exceed its revenue limit in any school year by the amount spent in that school year to provide teacher mentoring activities, required by DPI by rule, for initial educators. An initial educator is ~~defined by rule as~~ *mentoring* an individual who has successfully completed an approved professional education program and ~~who~~ *is* licensed by the department for the first time in a particular level or category. A school

district may exceed its revenue limit by up to \$2,160 per initial educator, less any grant money received by the school district for that initial educator.

***** ANALYSIS FROM -0470/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law allows an eligible school board to enter into a five-year renewable student achievement guarantee (SAGE) contract with DPI to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low-income enrollment. Eligible schools receive \$2,250 for each low-income pupil enrolled in grades eligible for SAGE funding. The most recent set of SAGE contracts expired at the end of the 2004-05 school year.

This bill authorizes a new installment of renewable, five-year SAGE contracts beginning in the 2008-09 school year. DPI is required to give priority in awarding new SAGE contracts to schools with the highest percentage of low-income pupils.

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

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), the state pays for certain pupils to attend private schools located in the city of Milwaukee. Under current law, for each pupil attending a private school under the MPCP, the state pays the lesser of the private school's educational cost per pupil or the amount paid per

pupil in the previous school year under the MPCP increased by the percentage change in general school aid over the previous school year. State aid to the Milwaukee Public Schools (MPS) is then reduced by an amount equal to 45 percent of the amount paid by the state for the MPCP.

This bill maintains the 45 percent reduction in state aid paid for up to 15,000 pupils attending MPCP schools, but eliminates the reduction for all pupils above 15,000.

***** ANALYSIS FROM -1193/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under ~~the Milwaukee Parental Choice Program (MPCP)~~, the state pays for *current law, to* certain pupils ~~to attend private schools located in the city of Milwaukee.~~ *To* continue in the MPCP, a private school must submit an independent financial audit and evidence of sound fiscal practices to DPI by September 1 following a year in which the private school participated in the MPCP.

This bill requires each private school participating in the MPCP to pay to DPI an annual, nonrefundable fee in an amount to be determined by DPI. DPI must use all fees collected under this bill to evaluate the financial audits and evidence of sound fiscal practices submitted to DPI by participating private schools.

***** ANALYSIS FROM -1481/3 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill authorizes DPI to pay up to \$5,000,000 in the 2007-08 school year and up to \$10,000,000 annually thereafter to the Milwaukee Board of School Directors to implement initiatives to improve pupil academic achievement in all grades. The board must submit a plan to DOA for its approval that describes the initiatives planned and the research showing that the initiatives have a positive effect on pupil academic achievement.

***** ANALYSIS FROM -0472/3 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill creates a new aid program, paid for from the transportation fund, to subsidize the cost of driver education classes for eligible pupils enrolled in ~~the Milwaukee Public Schools (MPS)~~. Under the bill, MPS must reduce by \$150 the fee for each pupil who enrolls in a driver education program offered by the school district and who meets income eligibility standards for a free or reduced lunch plan. MPS is eligible for the aid if the pupil successfully completes the driver education program. Under the bill, DPI reimburses MPS \$150 per eligible pupil or a prorated amount if the number of eligible pupils exceeds the amount of aid available.

***** ANALYSIS FROM -1501/2 *****

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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LRB-1780/P1 after
P. 47 LRB-0472/3

LRB-1819

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↓ ⑨ This bill allows the city of

Milwaukee to establish one residential
charter school of no more than 300 pupils

If the city does so, the per pupil
reimbursement rate for the state's payment
to the school is ^{twice} twice the rate for other
charter schools