

GENERAL GOVERNMENT AND JUSTICE

ADMINISTRATION

General Agency Provisions

NONE
BN

1. CONSOLIDATION OF ATTORNEYS AND LEGAL STAFF UNDER DOA

CMAA/DOA
Senate: With some exceptions, restore the Governor's recommendation which was deleted by the Joint Committee on Finance to consolidate certain attorneys and legal staff under DOA. Provide a total of \$15,268,200 PR and -44.79 GPR, -15.61 FED, 84.9 PR, and -24.1 SEG positions in 2008-09 for all state agencies for the transfer of attorneys and legal staff to DOA, effective July 1, 2008. Consolidate state attorneys and legal staff as follows:

	Change to JFC	
	Funding	Positions
GPR	\$0	- 44.79
FED	0	- 15.61
PR	15,268,200	84.50
SEG	0	- 24.10
Total	\$15,268,200	0.00

Create Division of Legal Services. Create a Division of Legal Services with \$15,268,200 PR and 125.9 PR positions [124.9 classified and 1.0 unclassified] for personnel costs associated with the transfer of certain executive branch state agency attorney and legal staff positions to the agency, effective July 1, 2008. Included in these positions would be 1.0 PR unclassified division administrator position appointed by the Secretary of DOA. Increase by one the number of unclassified division administrators under DOA in the statutory enumeration of unclassified state positions.

Attorneys and Legal Staff Transferred. Transfer all attorney and legal staff positions in executive branch state agencies to the new Division of Legal Services effective July 1, 2008, unless otherwise specified. Define legal staff as those individuals that provide support services for attorneys, as determined by the Secretary of DOA.

Specify that the state agencies subject to this transfer requirement would be any office, commission, department, independent agency, or board in the executive branch, including the Building Commission, but excluding the Board on Aging and Long-Term Care, the Department of Military Affairs, the Department of Public Instruction, the Public Service Commission, the Public Defender Board, the UW System Board of Regents, the University of Wisconsin Hospitals and Clinics Board, the State of Wisconsin Investment Board, the Office of the Governor, the Government Accountability Board, the Department of Justice, and the Employment Relations Commission. The Secretary of DOA would be authorized to identify the positions to be transferred.

Specify that the following attorney and legal staff positions would not be transferred to DOA: (a) employees of district attorneys; (b) one lead attorney at the Office of State

Employment Relations (whose duties include negotiation of collective bargaining agreements for labor relations); and (c) one "general counsel" or lead attorney at the Departments of Administration; Agriculture, Trade, and Consumer Protection; Children and Families; Commerce; Corrections; Employee Trust Funds; Financial Institutions; Health and Family Services; Natural Resources; Regulation and Licensing; Revenue; Transportation; Veterans Affairs; and Workforce Development; and at the Office of the Commissioner of Insurance.

Transfer of Hearing Examiners and Administrative Law Judges. Specify that all hearing officers, hearing examiners, and administrative law judges would be transferred to DOA's Division of Hearings and Appeals on July 1, 2008, except for such employees that work for the Department of Workforce Development.

DOA Authorized to Provide Legal Services. Authorize DOA to provide legal services to state agencies. Require DOA to annually assess each state agency for legal services provided to that agency and create a new PR-continuing legal services appropriation for the receipt of moneys paid by state agencies for legal services.

General Counsel Positions. Create 13.0 classified general counsel positions to serve as the only agency legal counsel for the following agencies: (a) Department of Administration; (b) Department of Agriculture, Trade, and Consumer Protection; (c) Department of Children and Families; (d) Department of Commerce; (e) Department of Corrections; (f) Department of Financial Institutions; (g) Department of Health and Family Services; (h) Department of Natural Resources; (i) Department of Regulation and Licensing; (j) Department of Revenue; (k) Department of Transportation; (l) Department of Workforce Development; and (m) Office of the Commissioner of Insurance.

Limitations on Agency Attorney Use. Specify that if any executive branch department or independent agency is authorized or required to retain an attorney, the agency must: (a) use a state employee, unless the agency contracts with DOA's Division of Legal Services or its Division of Hearings and Appeals; or (b) be furnished with legal services from the Department of Justice or DOA's Division of Hearings and Appeals. The Department of Health and Family Services would retain the right to hire non-state attorneys to recover certain medical assistance costs from estates.

Transitional Provisions. Specify that all transferred attorneys and legal staff would have the same rights and status as in the agency in which they originated. Specify that attorneys and legal staff that have obtained permanent status would not have to undergo a probationary period in DOA. Specify that all equipment, supplies, and furniture related to the duties of the transferred employees, as specified by the Secretary of DOA, would be transferred to DOA on July 1, 2008.

The following table summarizes the attorney and legal staff position transfers and other adjustments under this item:

Agency	Current Positions Subject to Transfer	Positions Transferred to DOA	Positions Retained in Agencies		
			Existing Classified Attorney Positions*	New Classified General Counsel Positions	Total Legal Staff Before Position Reductions
Administration	4.00	4.00	0.00	1.00	5.00
Agriculture, Trade and Consumer Prot.	7.50	7.50	0.00	1.00	8.50
Children and Families	4.30	4.30	0.00	1.00	5.30
Commerce	3.00	3.00	0.00	1.00	4.00
Corrections	7.80	7.80	0.00	1.00	8.80
Employee Trust Funds	2.00	1.00	1.00	0.00	2.00
Financial Institutions	6.00	6.00	0.00	1.00	7.00
Health and Family Services	19.50	19.50	0.00	1.00	20.50
Insurance	6.00	6.00	0.00	1.00	7.00
Natural Resources	17.50	17.50	0.00	1.00	18.50
Office of State Employment Relations	2.00	1.00	1.00	0.00	2.00
Regulation and Licensing	30.00	30.00	0.00	1.00	30.00
Revenue	16.75	16.75	0.00	1.00	17.75
Transportation	11.00	11.00	0.00	1.00	12.00
Veterans Affairs	3.00	2.00	1.00	0.00	3.00
Workforce Development	1.55	1.55	0.00	1.00	2.55
Total 2007-08 FTE (All Agencies)	141.90	138.90	3.00	13.00	154.90
New DOA Division of Legal Services					
Administrator Position		1.00	0.00	0.00	1.00
Total 2008-09 FTE Reduction (in DOA)		-14.00	0.00	0.00	-14.00
Total 2008-09 FTE (All Agencies)		125.90	3.00	13.00	141.90
All Agencies Net Reduction (Current Positions Compared to 2008-09 FTE)					0.00

*An existing classified attorney would be retained in the indicated agency and designated as the lead attorney for the agency.

Assembly: No change to Joint Finance.

2. INTEGRATED BUSINESS INFORMATION SYSTEM

Senate: Require DOA to implement, operate, maintain, and upgrade an integrated business information system (IBIS) capable of providing information technology services to all executive branch agencies for the following: (a) all financial services (includes accounting, auditing, and payroll); (b) procurement; (c) human resources; and (d) other administrative duties. Allow DOA to provide these services to any executive branch agency as long as the service can be provided efficiently and economically, as determined by the Department. Allow non-executive branch agencies, authorities, and local units of government to participate in IBIS at their own discretion. Specify that DOA may charge these agencies for IBIS only if they participate. Specify, that DOA may charge an agency, authority, or local unit of government for these services in accordance with the methodology determined by the Department.

	Chg. to JFC
PR	\$17,089,200

Provide \$9,062,900 in 2007-08 and \$10,594,500 in 2008-09 under a newly-created PR-continuing appropriation for the receipt of charges to agencies for IBIS services, for the following: (a) \$647,900 in 2007-08 and \$660,100 in 2008-09 for salaries and fringe benefits; (b) \$493,300 annually for limited-term employees; and (c) \$7,921,700 in 2007-08 and \$9,441,100 in 2008-09 for supplies and services. No positions would be created. Specify that the current printing, mail, communications, and information technology appropriation could not be used for IBIS service assessments. Allow the Department to expend monies in excess of the amounts appropriated under the new appropriation where the depreciated value of equipment purchased is at least equal to the excess expenditures.

Create a PR-continuing appropriation for payments from authorities and local units of government for IBIS system operations. No funding is provided under this appropriation. The Department, however, could expend all moneys received. Modify the current program revenue-supported information technology and communications services; nonstate agencies appropriation to specify that IBIS system charges could not be expended under this appropriation.

Reestimate the amount of funding needed under this appropriation by -\$1,284,100 PR annually related to IBIS costs no longer supported from the procurement services appropriation.

Create two sum sufficient appropriations (one for segregated appropriations and one for program revenue appropriations) that would allow DOA to provide sum-sufficient supplements to state agency appropriations that support IBIS system assessments.

Assembly: No change to Joint Finance.

3. DATA CENTER FUNDING AND SERVER CONSOLIDATION REQUIREMENTS

Senate: Provide \$2,458,000 in 2007-08 and \$2,352,800 in 2008-09 for space rental costs, maintenance, fuel and utilities, taxes and fiber optics for the new data center in Madison. Specify that \$2,458,000 in 2007-08 would be provided under the Department of Administration's printing, mail processing, communications and information technology for state agencies appropriation and \$2,352,800 in 2008-09 would be provided under the Joint Committee on Finance's PR-supplemental appropriation.

	Chg. to JFC
PR	\$4,810,800

Require the Department to publish on its website the following information for all information technology projects: (a) the total anticipated cost of the project; (b) the total amount that will be assessed for the project; and (c) the amounts that will be assessed to each agency, if a flat rate will be used; or (d) the rate per service provided, if a flat rate is not used. Prohibit the Department from assessing more than 110% of the lesser of the amounts appropriated for an information technology project or the anticipated cost of the project.

Require the Department to do the following before continuing server consolidation: (a)

complete a revised study of consolidation, in consultation with other executive branch agencies; (b) specify that the study would develop a timeline and full-cost estimate of initially consolidating executive branch servers; (c) identify the cost of retaining servers at the agencies; (d) specify that all costs would consider use of the current space used by agencies; and (e) specify that in considering the costs and benefits of server consolidation that the Department consider the costs that could be saved if less space was leased at the current data center or at an alternative location. Require the Department to provide this information to the Joint Committee on Finance and the Joint Committee on Information Policy and Technology (JCIPT) or the Joint Legislative Audit Committee if JCIPT is not an active committee. Allow the Department to request supplemental appropriation authority pending analysis of the information provided under points (a) through (e).

Assembly: No change to Joint Finance.

4. **INFORMATION TECHNOLOGY REPORTING**

Senate: No change to Joint Finance.

Assembly: Allow the Joint Committee on Information Policy and Technology (JCIPT), if it is organized, or the Joint Legislative Audit Committee, if JCIPT is not organized, to review all executive branch information technology projects with an actual or projected cost of at least \$1 million or considered high-risk by the Department of Administration. Require semiannual reports from the Department of Administration to JCIPT or the Joint Legislative Audit Committee that document the following for each project: (a) original and updated projections for project costs; (b) original and updated projections for the date of completion of any stage of the project; (c) the reason for cost or timeline changes under points (a) and (b); (d) contractual information related to an information technology project; (e) the funding sources for the project; (f) the amount of funding provided under a master lease; (g) information on the expected and actual completion of any stage of an information technology project; and (h) any additional information considered important by the Committee related to information technology projects. Allow JCIPT or the Joint Legislative Audit Committee to make recommendations to the Legislature and the Governor related to whether an information technology project should be implemented or continued.

5. **CONVERSION TO MONTHLY PAYROLL SYSTEM**

Senate: No change to Joint Finance.

Assembly: Direct the Department of Administration and the University of Wisconsin System (UW System) to convert biweekly payroll systems to monthly payroll systems as soon as practicable after the effective date of the bill. The provision would apply to both nonrepresented and represented state employees currently under a biweekly payroll period. Provide that the payroll period would be a prohibited subject of collective bargaining. No funding would be provided for the conversion to a monthly payroll system. Therefore, the

costs of the conversion would be absorbed by state agencies, including the UW System.

6. OFFICE OF ENERGY INDEPENDENCE

Senate: No change to Joint Finance.

NONE

Assembly: Delete the provision that would create an Office of Energy Independence as follows: (a) modify the Governor's recommendation by deleting 2.0 SEG positions supported from the public benefits fund and transfer \$138,900 SEG annually from salaries and fringe benefits to supplies and service for use in low-income heating assistance grants; (b) delete 6.0 FED administrative manager position from the Department's federal aid appropriation and transfer \$427,700 FED annually from salaries and fringe benefits to supplies and services for use in low-income heating assistance grants; (c) delete 1.0 PR position from services to nonstate government services appropriation and transfer \$71,100 from salary and fringe benefits to supplies and services; and (d) delete the creation of the Office of Energy Independence and the duties of the staff and the goals of the Office.

	Change to JFC Funding Positions	
FED	\$0	-6.00
PR	0	-1.00
SEG	0	-2.00
Total	\$0	-9.00

7. RECORDS MANAGEMENT POSITION

Senate: No change to Joint Finance.

NONE

Assembly: Delete the Joint Finance provision which would provide \$70,900 and 1.0 classified records manager position annually in the Department of Administration.

	Change to JFC Funding Positions	
PR	-\$141,800	-1.00

8. ELIMINATE WASHINGTON D.C. OFFICE

Senate: No change to Joint Finance.

NONE

Assembly: Delete \$230,400 and 2.0 positions annually from the Department of Administration's general program operations appropriation related to funding for a federal relations office and state staff in a Washington D.C. office. Repeal statutory provisions related to the Office, placement of the Director in Executive Salary Group 3, the authority of the appointing authority to set staff salary levels, and placement of the positions in the unclassified service.

	Change to JFC Funding Positions	
GPR	-\$460,800	-2.00

9. CHILD CARE SUBSIDY PHASE OUT

Senate: No change to Joint Finance.

Assembly: Specify that the Department of Administration may not pay any more than \$268,400 in 2007-08, \$178,900 in 2008-09, and \$89,400 in 2009-10 for subsidizing a child care service. Beginning in 2010-11, delete statutory language allowing the Department to subsidize a child care facility that provides services to state employees. Delete \$89,500 in 2008-09 from the facility operations and maintenance appropriation related to the decrease in funding.

	Chg. to JFC
PR	- \$89,500

10. GRANT FOR THE WISCONSIN TECHNICAL COLLEGE SYSTEM FOUNDATION

Senate: No change to Joint Finance. *NONE*

Assembly: Delete the Joint Finance provision which would provide \$109,500 annually for grants to support administrative costs of the Wisconsin Technical College System Foundation for operating the Department of Defense excess property program.

	Chg. to JFC
GPR	- \$219,000

11. COUNTY MANAGEMENT ASSISTANCE FOR MENOMINEE COUNTY

60434

Senate: Increase the amounts provided for county management assistance grants to Menominee County by \$50,000 PR annually from tribal gaming revenue.

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	Chg. to JFC
GPR-REV	- \$100,000
PR	\$100,000

Under current law, \$500,000 PR annually from tribal gaming revenues is appropriated to Menominee County for public safety, public health, public infrastructure, public employee training, and economic development. The Joint Committee on Finance recommended an increase of \$50,000 PR annually from tribal gaming revenues. The Senate recommendation would, therefore, increase the total grant amount to \$600,000 annually. Since non-dedicated tribal gaming revenues are deposited in the general fund, this recommendation would reduce revenue to the general fund by \$50,000 annually.

Assembly: No change to Joint Finance.

12. COMPREHENSIVE PLANNING MODIFICATIONS *NONE*

MES

Senate: No change to Joint Finance.

Assembly: Extend the date in which a local unit of government must act in accordance to a comprehensive plan from January 1, 2010 to January 1, 2015. Specify that municipalities of less than 2,500 are exempt from comprehensive planning requirements. Under current law, as of January 1, 2010, an action of a local unit of government must be consistent with its comprehensive plan if taking an action on one of the following: (a) an official mapping of the municipality; (b) local subdivision regulation; (c) county zoning ordinances; (d) city or village

zoning ordinances; (e) town zoning ordinances; and (f) zoning of shorelines or wetlands in shorelands.

Office of Justice Assistance

1. CHILD ADVOCACY CENTERS *DK BN*

R2K
b0453 ✓
Senate: Provide \$240,000 in 2008-09, to the Department of Administration's Office of Justice Assistance (OJA) under a new GPR annual child advocacy centers appropriation to provide annual grants of \$20,000 to each of the following 12 child advocacy centers for education, training, medical advice, and quality assurance activities: (a) Care House in Rock County; (b) Child Protection Center in Milwaukee County; (c) Safe Harbor in Dane County; (d) Kenosha Child Advocacy Center in Kenosha County; (e) Fox Valley Child Advocacy Center in Winnebago County; (f) Stepping Stones in La Crosse County; (g) CARE Center in Waukesha County; (h) Child Advocacy Center of Northeastern Wisconsin in Marathon County; (i) Chippewa County Child Advocacy Center; (j) a child advocacy center in Brown County; (k) a child advocacy center in Racine County; and (l) a child advocacy center in Walworth County. The intent of child advocacy centers is to provide comprehensive services for child victims and their families by coordinating services from law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers.

	Chg. to JFC
GPR	\$240,000

Assembly: No change to Joint Finance.

CM
b0370 ✓
2. GRANT FOR WISCONSIN CASA ASSOCIATION *DK BN*

Senate: Direct OJA to provide a grant of \$150,000 FED annually during 2007-09 only, to the Wisconsin CASA (court-appointed special advocates) Association for the support, assistance, and development of court-appointed special advocate programs. Direct OJA to fund the grants from amounts received under the federal Byrne Justice Assistance Grant Program. In abuse and neglect cases, a court-appointed special advocate may provide information to the court regarding the best interests of a child.

Assembly: No change to Joint Finance.

b0402 ✓
cm
3. MOBILE DATA COMPUTERS FOR THE CITY OF FORT ATKINSON *DK BN*

Senate: Direct OJA to provide a grant of \$61,400 FED in 2007-08, funded with federal criminal justice-related grant funds, to purchase mobile data computers for law enforcement vehicles for the City of Fort Atkinson.

Assembly: No change to Joint Finance.

4. **GRANT FOR COPS-N-KIDS READING PROGRAM** *OK RA*

Senate: Direct OJA to provide a three-year grant totaling \$112,500 FED, effective January 1, 2008, to the Cops-n-Kids Reading Program in the City of Racine. The Office previously provided a three-year grant totaling \$112,500 FED, funded with federal juvenile justice funding, to support this program which expires on December 31, 2007. Under this provision, the Legislature would direct the Office to provide an additional three-year grant.

Assembly: No change to Joint Finance.

5. **EMERGENCY GENERATOR FOR THE TOWN OF SUMNER IN JEFFERSON COUNTY** *OK RA*

Senate: Direct OJA to provide a grant of \$10,000 FED in 2007-08, funded with federal homeland security grant dollars, to purchase an emergency generator for the Town of Sumner in Jefferson County.

Assembly: No change to Joint Finance.

6. **CREATION OF BUREAU OF CRIMINAL JUSTICE RESEARCH** *(SIGH) OK RA*

Senate: No change to Joint Finance.

Assembly: Delete \$1,044,300 in 2007-08, \$1,308,100 in 2008-09, and 8.0 positions annually and delete the creation of a Bureau of Criminal Justice Research in OJA. Further, provide that the Sentencing Commission would sunset on the effective date of this bill. Under SB 40, the current law duties (other than the adoption of advisory sentencing guidelines for felonies) of the Sentencing Commission would have been transferred to the Bureau. The Sentencing Commission is responsible for providing analysis of state sentencing practices and for assessing the impact of proposed sentencing changes. The Sentencing Commission includes gubernatorial and legislative representatives, as well as representatives from the courts, the Office of the State Public Defender, the Attorney General, a crime victim representative, and a private practice criminal defense attorney appointed by the State Bar of Wisconsin. Under current law, the Sentencing Commission is scheduled to sunset on December 31, 2007.

	Change to JFC Funding Positions	
GPR	-\$2,352,400	- 8.00

7. **TRANSFER OF YOUTH DIVERSION PROGRAM FROM THE DEPARTMENT OF CORRECTIONS** *NOW*

Senate: No change to Joint Finance.

Assembly: Delete provision transferring the administration of the youth diversion

program from the Department of Corrections to OJA. Direct Corrections to reduce funding for youth diversion contracts by \$25,100 PR annually to reflect budgeted expenditure authority under the penalty surcharge funded PR youth diversion grant appropriation. Under current law, Corrections is required to utilize program funding to enter into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. The provisions of 2005 Wisconsin Act 25 transferred the administration of this program from OJA to Corrections.

Further, require that the annual contract to an organization in the City of Racine (Ward 2 under SB 40) to provide services to divert youths from gang activities into productive activities must be put out under a competitive bid process to any organization in the City of Racine. Under current law, contracts under the program are not subject to a competitive bid process.

8. LAW ENFORCEMENT OFFICER SUPPLEMENT GRANTS

Senate: No change to Joint Finance. *NONE*

Assembly: Delete \$450,000 annually to the law enforcement officer supplement grant program.

	Chg. to JFC
GPR	-\$900,000

Under current law, the program has base funding of \$1,000,000 annually and the program provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. A city is eligible to apply for a grant under the program if it has a population of at least 25,000. OJA must make grant awards to the 10 eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available from the Federal Bureau of Investigation's uniform crime reporting system. OJA may not award an annual grant in excess of \$150,000 to any one city. The additional grant funding would permit the Office to provide nearly full-funded grants to the ten cities eligible to participate under the program.

9. CIVIL LEGAL SERVICES FOR THE INDIGENT

Senate: No change to Joint Finance. *NONE*

Assembly: Delete the program to provide state grant funding to organizations (through the Wisconsin Trust Account Foundation, Incorporated) that provide civil legal services to indigent persons. Delete the GPR annual appropriation for indigent civil legal services under DOA's supervision and management program and delete \$1,000,000 in 2008-09.

	Chg. to JFC
GPR	-\$1,000,000

10. PRESENTENCING ASSESSMENT GRANT TO THE COUNTY WITH THE HIGHEST VIOLENT CRIME RATE

Senate: No change to Joint Finance. *W D W O E*

Assembly: Delete the provision providing a grant to the county that has the highest violent crime rate, as reported by OJA, to fund the preparation of presentencing assessments of offenders. Presentencing assessments provide courts information for criminal sentencing decisions. Delete \$500,000 in 2008-09, in the Joint Committee on Finance GPR supplemental appropriation which was reserved in this appropriation for possible future release to OJA to provide this grant funding.

	Chg. to JFC
GPR	-\$500,000

11. GRANTS FOR COUNTY ALCOHOL AND OTHER DRUG ABUSE PROGRAMS

Senate: No change to Joint Finance. *N O W E*

Assembly: Delete grant funding of \$375,000 in 2007-08, to the county that has the highest violent crime rate, as reported by OJA, to enable the county to establish and operate a treatment alternatives and diversion from incarceration program.

	Chg. to JFC
GPR	-\$375,000

12. BYRNE FUNDED DANE COUNTY YOUTH COURT COORDINATOR

Senate: No change to Joint Finance. *W D W O E*

Assembly: Delete provision directing OJA to allocate \$58,000 FED annually in Byrne funding during 2007-09, to an entity in Dane County for the employment of a full-time youth court coordinator to expand the number of youth courts in the County. The intent of the funding would be to support the youth court activities of the Dane County Timebank, Inc.

13. DELETE OFFICE AND TRANSFER FUNDING, STAFF, AND DUTIES TO THE DEPARTMENTS OF JUSTICE AND MILITARY AFFAIRS

Senate: No change to Joint Finance. *N O W E*

Assembly: Delete \$19,700 GPR and 0.15 GPR position, \$174,500 FED and 1.60 FED positions, and \$120,100 PR and 1.0 PR position annually to eliminate OJA administrative staffing and delete the Office.

	Change to JFC Funding Positions	
GPR	-\$39,400	-0.15
FED	-349,000	-1.60
PR	-240,200	-1.00
Total	-\$628,600	-2.75

Transfer the administration of federal homeland security grant funding to the Department of Military Affairs (DMA) by: (a) creating a federal continuing appropriation under DMA for the receipt and expenditure of funds for homeland security

programs and providing \$36,729,400 FED in 2007-08, and \$36,584,300 FED in 2008-09; (b) enumerating as a statutory duty of the Adjutant General, the administration of federal homeland security funds; (c) delete the federal aid, homeland security appropriation under OJA which is utilized to receive and expend funding for federal homeland security programs; and (d) delete the requirement that OJA apply for contracts and receive and expend federal funds related to homeland security.

Transfer the remaining funding, staff, and duties of the Office to the Department of Justice. Specifically, transfer \$1,220,900 GPR and 2.27 GPR positions, \$21,751,200 FED and 13.58 FED positions, and \$1,684,700 PR and 1.40 PR positions in 2007-08, and \$1,220,900 GPR and 2.27 GPR positions, \$21,333,200 FED and 11.58 FED positions, and \$1,684,700 PR and 1.40 PR positions in 2008-09.

CIRCUIT COURTS

1. NEW KENOSHA COUNTY CIRCUIT COURT BRANCH

Senate: Create a new circuit court branch for Kenosha County. Provide 1.0 GPR circuit court judge position and 1.0 GPR court reporter position for Kenosha County. The initial election for the new circuit court branch would occur at the spring election of 2009 for a term commencing on August 1, 2009, and ending on July 31, 2015. Since the term would not begin until after the end of the 2008-09 fiscal year, costs associated with the positions would not occur until the 2009-11 biennium. Based on 2006-07 salary levels, total annual funding needed for the 2.0 positions would be \$230,500 GPR and \$3,900 PR.

Assembly: No change to Joint Finance.

2. NEW JUNEAU COUNTY CIRCUIT COURT BRANCH

Senate: No change to Joint Finance.

Assembly: Provide \$232,400 GPR and \$32,200 PR in 2008-09 and 1.0 GPR circuit court judge position and 1.0 GPR court reporter position to create a new circuit court branch for Juneau County. The initial election for the new circuit court branch would occur at the spring election of 2008 for a term commencing on August 1, 2008, and ending on July 31, 2014.

	Change to JFC Funding Positions	
GPR	\$232,400	2.00
PR	<u>32,200</u>	<u>0.00</u>
Total	\$264,600	2.00

3. CIRCUIT COURT SUPPORT PAYMENTS FUNDING

Senate: No change to Joint Finance.

Assembly: Maintain current law and delete \$9,103,000 in 2007-08 and \$10,012,500 in 2008-09 for increased funding for circuit court support payments to counties. Delete the Joint Finance provision modifying the distribution formula for circuit court support payments.

Under the bill, funding in the new SEG appropriation would be transferred from the county aid fund, with revenue generated from the real estate transfer fees.

	Chg. to JFC
SEG	-\$19,115,500

4. COURT INTERPRETER REIMBURSEMENT

Senate: No change to Joint Finance.

Assembly: Maintain current law related to state reimbursement to counties for court interpreter services and delete \$134,400 in 2007-08 and \$125,500 in 2008-09. Funding (\$99,100 in 2007-08 and \$172,500 in 2008-09) would be provided associated with projected caseload growth.

	Chg. to JFC
GPR	-\$259,900

COMPENSATION AND OTHER RESERVES

1. COMPENSATION AND OTHER RESERVES

Senate: No change to Joint Finance.

Assembly: Reduce compensation and other reserves by \$21,921,600 GPR, \$11,833,100 FED, \$6,615,100 PR, and \$5,977,200 SEG in 2007-08 and \$72,268,000 GPR, \$39,269,800 FED, \$22,017,700 PR, and \$19,916,100 SEG in 2008-09. Reserve the remaining amounts for state employee compensation adjustments and potential cost increases for state employee health insurance coverage. In addition, GPR reserves would be available to cover any potential revenue losses relating to the March, 2007, Wisconsin Supreme Court decision in *Wisconsin Department of Revenue v. River City Refuse Removal, Inc.* Remaining compensation and other reserve amounts by fund source and fiscal year, under the provision, are shown in the following table:

	Chg. to JFC
GPR-Reserves	-\$94,189,600
FED-Reserves	- 51,102,900
PR-Reserves	- 28,632,800
SEG-Reserves	- 25,893,300
Total	- \$199,818,600

<u>Fund Source</u>	<u>2007-08</u>	<u>2008-09</u>
General Purpose Revenue	\$45,862,900	\$100,278,700
Federal Revenue	24,756,500	54,490,600
Program Revenue	13,839,800	30,551,600
Segregated Revenue	<u>12,505,200</u>	<u>27,635,400</u>
TOTAL	\$96,964,400	\$212,956,300

CORRECTIONS

Departmentwide

1. DELETE ADMINISTRATIVE FUNDING

Senate: No change to Joint Finance. *NOW*

Assembly: Delete \$12.6 million annually associated with administrative funding. Create non-statutory language specifying that the funding reductions cannot be made from funding for: (a) correctional facilities; (b) contract bed funding; (c) the sex offender registry; (d) GPS tracking of child sex offenders; (e) the monitoring center; and (f) probation, parole, and extended supervision. The funding deletion represents a 30% reduction to administrative costs under the Department.

Chg. to JFC	
GPR	-\$25,200,000

2. DELETE FUNDING FOR EXECUTIVE ASSISTANT SALARY AND FRINGE BENEFITS

Senate: No change to Joint Finance. *NOW*

Assembly: Delete \$159,600 annually associated with the salary and fringe benefits for the Department's executive assistant position. Allow the Department to retain the currently authorized position. As a result, Corrections would be required to fund the position utilizing base resources.

Chg. to JFC	
GPR	-\$319,200

3. **CONTRACTING FOR HEALTH CARE SERVICES**

Senate: No change to Joint Finance. *nowt*

Assembly: Require the Department of Corrections to solicit requests for proposals (RFPs) for contracting for departmentwide health care services. Specify that, if cost savings would result from contracting, the Department must contract for health care services. Require that any contractor be an accredited correctional health care provider and that each institution at which contracted services are provided must also meet accreditation standards. Direct the Department to provide the Joint Committee on Finance and the appropriate standing committee in each house with a copy of the RFP for health care services when it is issued. Further, specify that when a bid is selected, or when all bids are rejected, the Department must notify the Joint Committee on Finance and the appropriate standing committee in each house, and provide a complete copy of all submitted bids. If all RFPs are rejected, direct the Department to report to the Joint Committee on Finance and the appropriate standing committees in each house on the reasons for rejection.

4. **RELEASE OF PRISONER HEALTH CARE RECORD INFORMATION**

Senate: No change to Joint Finance. *nowt*

Assembly: Modify current law to provide that a prisoner's health care information can be released to certain correctional or county jail employees if the prisoner has a communicable disease and disclosure of the information is necessary to protect the health and safety of individuals at the correctional facility or jail. Individuals to whom information would be disclosed include: (a) a correctional officer who has custody of or is responsible for the supervision of the prisoner; (b) a person designated with custodial authority of the prisoner; or (c) a law enforcement officer or other person responsible for transferring the prisoner to or from prison or jail.

Adult Correctional Institutions

1. **RENAME PAROLE COMMISSION THE EARNED RELEASE REVIEW COMMISSION AND EXPAND AUTHORITY OF COMMISSION TO MODIFY BIFURCATED SENTENCES**

Senate: Rename the Parole Commission the Earned Release Review Commission. Provide that the Commission may release to extended supervision a person sentenced to a bifurcated sentence for a Class F (a maximum sentence of 7.5 years in prison and 5 years

	Chg. to JFC
GPR	- \$464,900

extended supervision) to a Class I (a maximum sentence of 18 months in prison and 2 years extended supervision) felony after the person has served at least 75% of the prison confinement portion of his or her sentence. Also, provide that the Commission may terminate the person's extended supervision for a Class F to Class I felony after the person has completed 75% of his or her extended supervision. Statutory provisions related to extended supervision for Class A to Class E felonies would remain the same.

As a result, estimated contract bed savings are \$464,900 in 2008-09, assuming that prison populations will be reduced by approximately five offenders a month beginning in September, 2008.

Provide that the Commission may consider any of the following as a ground for petition for sentence reduction: (a) the inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since sentencing; (b) a change in law or procedure effective after the inmate was sentenced that would have resulted in a shorter term of confinement in prison, if the change had been applicable when the inmate was sentenced; (c) the inmate is subject to confinement in another state or the inmate is in the United States illegally and may be deported; or (d) sentence adjustment is otherwise in the interests of justice.

For an inmate in prison, provide that the Commission may adjust a person's bifurcated sentence for a Class F to Class I felony by reducing the confinement term by the amount of time remaining in prison, less up to 30 days, and providing a corresponding increase in the term of extended supervision.

If a sentence adjustment is based on a change in law or procedure, and the total sentence length of the adjusted sentence is greater than the maximum sentence length that the offender could have received if the change in law or procedure had been applicable when the offender was originally sentenced, the Commission may reduce the length of the term of extended supervision so that the total sentence length does not exceed the updated maximum sentence length.

If a sentence adjustment is based on a change in law or procedure, and the adjusted term of extended supervision is greater than the maximum term of extended supervision that the offender could have received if the change in law or procedure had been applicable when the offender was originally sentenced, the Commission may reduce the length of the term of extended supervision so that the term does not exceed the updated maximum term for extended supervision.

Provide that an inmate sentenced to a bifurcated sentence for a Class F to Class I felony may only submit one petition to the Commission for sentence adjustment for each bifurcated sentence.

The Commission would also assume the current duties of the Parole Commission related to release under the state's former indeterminate sentencing structure.

Under current law, an inmate serving a sentence for a crime other than a Class B felony, may petition the sentencing court to adjust the sentence if: (a) the inmate has served at least 85% of the term of confinement for a Class C to E felony; or (b) the inmate has served at least 75% of the term of confinement for a Class F to I felony. The court may deny the petition or may hold it for further consideration. If the court holds the petition for further consideration, the court must notify the district attorney of the inmate's petition. If the district attorney objects to the adjustment of the sentence within 45 days of receiving the court's notification, the court must deny the petition. Under this modification, sentence modification decisions would be made by the Earned Release Review Commission.

This provision was deleted from the bill as a policy item by the Joint Committee on Finance.

Assembly: No change to Joint Finance.

2. EARNED RELEASE PROGRAM EXPANSION

NOTE

Senate: No change to Joint Finance.

Assembly: Delete the provision to require the Departments of Corrections and Health and Family Services to provide a substance abuse treatment program for inmates at any correctional facility that the Departments determine is appropriate for the purposes of the earned release program. As a result, funding would be modified as follows: (a) -\$1,565,000 in 2007-08 and -\$1,896,500 in 2008-09 and -31.5 positions annually; and (b) \$1,657,400 in 2007-08 and \$11,570,300 in 2008-09 associated with contract bed savings.

Change to JFC Funding Positions		
GPR	\$9,766,200	- 31.50

Under the Joint Finance provision, funding and positions were provided associated with the following facilities: (a) Chippewa Valley Correctional Treatment Facility, \$651,700 in 2007-08 and \$790,800 in 2008-09 and 13.0 positions annually; (b) Racine Correctional Institution, \$625,900 in 2007-08 and \$756,100 in 2008-09 and 13.0 positions annually; and (c) Taycheedah Correctional Institution, \$287,400 in 2007-08 and \$349,700 in 2008-09 and 5.5 positions annually. In addition, contract bed funding associated with 88 contract beds in 2007-08 and 616 contract beds in 2008-09 was removed to reflect estimated reductions in prison populations.

Under current law, the Departments may designate a section of a mental health institution as a correctional treatment facility for the treatment of substance abuse of inmates, known as the Wisconsin substance abuse program, where inmates made eligible by a court may be released to parole or extended supervision if Corrections determines that the inmate has successfully completed the program ("earned release program"). Currently, the Drug Abuse Correctional Center is the only correctional facility meeting this statutory requirement. In addition to DACC, statutory language provides that the Robert E. Ellsworth Correctional Center operate a substance abuse treatment program for female inmates for the earned release program.

3. **OVERTIME FUNDING**

Senate: No change to Joint Finance.

Assembly: Delete provision to provide \$8,914,200 in 2007-08 and \$8,984,000 in 2008-09 and 50.0 correctional officer positions annually associated with utilization of overtime in adult correctional facilities.

Change to JFC Funding Positions		
GPR	-\$17,898,200	- 50.00

4. **FULL FUNDING FOR SECURITY POSITIONS**

Senate: No change to Joint Finance.

Assembly: Delete provision to provide \$1,549,300 and 39.0 positions annually to restore security personnel deleted as part of a general funding and position reduction item in the 2005-07 biennial budget.

Change to JFC Funding Positions		
GPR	-\$3,098,600	- 39.00

5. **DELETE UNIT SUPERVISOR POSITIONS**

Senate: No change to Joint Finance.

Assembly: Delete \$3,631,100 and 40.0 positions annually associated with corrections unit supervisor positions. Create statutory language prohibiting the Department from employing unit supervisors or comparable positions unless the person reports directly to the institution's security director.

Change to JFC Funding Positions		
GPR	-\$7,262,200	- 40.00

6. **DELETE COMPENSATION FOR INMATE EDUCATION AND PROGRAM ASSIGNMENTS**

Senate: No change to Joint Finance.

Assembly: Delete \$835,200 annually associated with inmate compensation for participating in education and program assignments. Inmates are currently compensated at 15 cents per hour. Create statutory language prohibiting the Department from compensating inmates for education and program assignments.

Chg. to JFC		
GPR	-\$1,670,400	

7. **DELETE COMPENSATION FOR "INVOLUNTARILY UNASSIGNED" INMATES**

Senate: No change to Joint Finance.

Assembly: Delete \$635,700 annually associated with inmate compensation for inmates who wish to work or participate in education or program assignments but for whom no assignment is available. Inmates are currently compensated at 5 cents per hour. Create statutory language prohibiting the Department from compensating inmates who are involuntarily unassigned.

Chg. to JFC	
GPR	-\$1,271,400

8. DELETE FUNDING FOR INMATE POSTAGE AND WRITING MATERIALS

Senate: No change to Joint Finance.

Assembly: Delete \$67,700 annually associated with stamps and writing materials the Department provides inmates when they are admitted to the prison system.

Chg. to JFC	
GPR	-\$135,400

9. DELETE PROVISION OF STATE IDENTIFICATION

Senate: No change to Joint Finance.

Assembly: Delete the provision to: (a) require the Department to provide a state identification card to individuals released from prison who do not possess another form of state identification; (b) specify that an offender would be required to pay for the state identification card from the balances in his or her general fund account and that such payment would be a first draw on that account; and (c) specify that, to the extent that funding was unavailable in an inmate's account, Corrections would fund these costs.

10. DELETE FOODSHARE APPLICATIONS

Senate: No change to Joint Finance.

Assembly: Delete the provision to: (a) require the Department to assist offenders prior to release in applying for assistance under the FoodShare program; (b) specify that an institution's address may be initially utilized in the application process; and (c) allow an authorized correctional employee to receive telephone calls on an offender's behalf for matters related to the FoodShare program.

11. DELETE TREATMENT ALTERNATIVES AND DIVERSION PROGRAM

Senate: No change to Joint Finance.

Assembly: Delete the provision to: (a) direct the Department of Corrections to submit a report to the Joint Committee on Finance by May 1, 2008, on the impact of the treatment alternatives and diversion program on the Department's 2009-11 biennial budget; and (b)

specify that Corrections evaluate the impact of increased community treatment and diversion programs for non-violent offenders on the Department's institutional and community corrections populations, and on the Department's costs of operation.

12. DELETION OF CERTAIN TRAINING REQUIREMENTS FOR CORRECTIONAL OFFICERS WHO ARE EMERGENCY MEDICAL TECHNICIANS

Senate: No change to Joint Finance. N

Assembly: Create statutory language to provide that correctional officers who are also certified emergency medical technicians not be required to participate in annual certifications courses for CPR & AED training. Under the Department's current administrative rules, all correctional officers are required to participate in certain annual training courses, including CPR & AED training.

13. PRAIRIE DU CHIEN CORRECTIONAL INSTITUTION REPORT

Senate: No change to Joint Finance. N

Assembly: In addition to directing the Department to evaluate and report on segregation overcrowding at the Prairie du Chien Correctional Institution (as required under Joint Finance), direct the Department to evaluate the need for expanding North Hall to provide more inmate housing, program space, and a servery.

14. COMPUTER RECYCLING PROGRAM REESTIMATE

Senate: No change to Joint Finance. N

Assembly: Delete \$2,600 in 2007-08 and \$1,200 in 2008-09 associated with reestimated revenue under the Department's computer recycling program appropriation.

	Chg. to JFC
SEG	-\$3,800

Adult Community Corrections

1. EXPANSION OF COMMUNITY ALTERNATIVES TO REVOCATION

Senate: No change to Joint Finance. N

Assembly: Delete provision to provide \$1,745,500 in 2007-08 and \$4,040,500 in 2008-09 for purchased services for offenders to expand community alternatives to revocation as follows: (a) \$709,100 in 2007-08 and \$998,400 in 2008-09 for community alcohol and other drug abuse treatment; (b) \$125,000 in 2007-08 and \$625,000 in 2008-09 for five day reporting centers (two to open in January, 2008 and three to open in July, 2008); (c) \$410,600 in 2007-08 and \$821,300 in 2008-09 for temporary living placements (75 placements opening in January, 2008); (d) \$1,095,000 in 2008-09 for increased costs associated with existing halfway house contracts; and (e) \$500,800 annually for four-month placements in transitional jobs training. Delete provision specifying that \$500,000 of the funding provided for transitional jobs training be earmarked for the New Hope Project, Inc., a Milwaukee-based nonprofit organization.

Chg. to JFC	
GPR	-\$1,087,000

As a result of deleting the program expansion, contract bed funding would increase by \$1,224,200 in 2007-08 (65 beds) and \$3,474,800 in 2008-09 (185 beds).

PM
2. FULL FUNDING FOR COMMUNITY CORRECTIONS POSITIONS

Senate: No change to Joint Finance. *N*

Assembly: Delete provision to provide \$39,500 annually to fully fund non-salary costs associated with 14.25 community corrections positions created in 2005 Act 25.

Chg. to JFC	
GPR	-\$79,000

PM
3. PLACEMENTS FOR NINETY-DAY SANCTIONS

Senate: Modify current law to provide the following additional locations for confinement as a sanction if a person released to extended supervision signs a statement admitting a violation of a condition of extended supervision: (a) a facility owned or operated by the Department; (b) a Huber facility; or (c) a work camp.

Under current law, if a person released to extended supervision signs a statement admitting a violation of a condition of extended supervision, Corrections may, as a sanction for the violation, confine the person in regional detention facility or, with the approval of the sheriff, in a county jail.

This provision was deleted from the bill as a policy item by the Joint Committee on Finance.

Assembly: No change to Joint Finance. *N*

bill by cmb
4. TECHNICAL MODIFICATIONS TO GPS TRACKING OF CERTAIN CHILD SEX OFFENDERS

Senate/Assembly: Specify that lifetime global positioning system (GPS) tracking applies

OK BA

to persons for whom a special bulletin notification (SBN) is issued on or after the effective date of the provision. [This modification clarifies the statutory language adopted by the Joint Committee on Finance by deleting the phrase "has received" and substituting "receives." As a result, GPS tracking applies beginning January 1, 2008, to offenders for whom a police chief or sheriff receives (rather than "has received") a SBN.

5. SEX OFFENDER REGISTRY FEE

Senate: No change to Joint Finance. *OK BK*

Assembly: Adopt the Joint Committee on Finance's recommendation with the following modification: increase the annual fee to up to \$100. Under action of the Joint Committee on Finance, statutory language would be modified to allow the Department to require a person who must register as a sex offender, regardless of whether they are in Corrections' custody or supervision, to pay an annual fee of up to \$50 to support enhanced sex offender management costs for polygraph testing and community treatment. As a result of the increase, additional revenue is estimated to be \$911,500 in 2007-08 and \$907,500 in 2008-09, as compared to the bill.

	Chg. to JFC
PR-REV	\$1,819,000

6. LICENSE PLATE REQUIREMENTS FOR CERTAIN CHILD SEX OFFENDERS

Senate: No change to Joint Finance. *N*

Assembly: Include the provisions of 2007 Assembly Bill 226 to require child sex offenders, who are required to be monitored using GPS tracking, to utilize special registration plates on their vehicles that would have a chartreuse-colored background so as to readily apprise law enforcement officers that the vehicle is owned by a sex offender. A fee of \$30, in addition to the prescribed registration fee, would be charged for the issuance or renewal of these plates. Provide that it is a Class G felony (a maximum of five years in prison and five years extended supervision) for a person to intentionally fail to utilize the special registration plates. Provide that it is a Class H felony (a maximum of three years in prison and three years extended supervision) for a person to operate a motor vehicle on a highway without the special registration plates.

Juvenile Corrections

1. YOUTH AIDS ALLOCATIONS

Senate: No change to Joint Finance. *OK BK*

but at 23,000,000 over biennium
OK BK
SEC DELETED
GPB

Assembly: Delete provision to provide \$5.0 million GPR annually and \$7.4 million SEG in 2007-08 and \$9.4 million SEG in 2008-09 to increase youth aids funding. Under the bill, funding in the new SEG appropriation would be transferred from the county aid fund, with revenue generated from the real estate transfer fees. Base level funding for youth aids is \$88,290,200 (\$85,841,000 GPR and \$2,449,200 PR).

	Chg. to JFC
GPR	-\$10,000,000
SEG	-16,800,000
Total	-\$26,800,000

GMM 2. **RESPONSE TO AUDIT OF JUVENILE COURT JURISDICTION FOR 17 YEAR OLDS**

Senate: No change to Joint Finance. *W*

Assembly: Delete provision directing the Department to submit a response to the audit of the effect of providing juvenile court jurisdiction for 17 year olds to the Joint Legislative Audit Committee and Joint Committee on Finance by March 31, 2008.

DISTRICT ATTORNEYS

1. **TREMPEALEAU COUNTY DISTRICT ATTORNEY** *OK BR*

*CMH
b 1188*

Senate: Provide \$49,300 in 2007-08, and \$49,800 in 2008-09, and 0.4 position annually to convert the elected district attorney in Trempealeau County to full-time status.

	Change to JFC Funding Positions	
GPR	\$99,100	0.40

Assembly: No change to Joint Finance.

2. **VERNON COUNTY DISTRICT ATTORNEY** *OK BR*

new #

Senate: No change to Joint Finance.

Assembly: Provide \$12,300 in 2007-08, and \$12,500 in 2008-09, and 0.10 position annually to convert the elected district attorney in Vernon County to full-time status.

	Change to JFC Funding Positions	
GPR	\$24,800	0.10

3. **ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS** *OK BR*

*RLR
b0497*

Senate: Provide \$32,400 in 2007-08, and \$97,200 in 2008-09, to provide 2.0 additional assistant district attorney (ADA)

	Change to JFC Funding Positions	
GPR	\$129,600	2.00

positions as follows: (a) 1.0 ADA position to Polk County effective January 1, 2009; (b) 0.5 ADA position to Rock County effective January 1, 2008; and (c) 0.5 ADA position to St. Croix County effective January 1, 2008.

Assembly: No change to Joint Finance.

PJM
5/10/86 and
5/10/87

4. BYRNE FUNDED ASSISTANT DISTRICT ATTORNEY POSITIONS

Senate: No change to Joint Finance. *OK VSN*

Assembly: Direct the Department of Justice to provide \$49,100 PR in 2007-08, and \$81,500 PR in 2008-09, to fund additional assistant district attorney positions for the following counties: (a) 0.25 FTE to Chippewa County, on the effective date of the bill; and (b) 1.0 FTE to St. Croix County, effective January 1, 2008. Funding would be provided from the federal Byrne Justice Assistance Grant Program.

	Change to JFC Funding Positions	
PR	\$130,600	1.25

EMPLOYEE TRUST FUNDS

1. REQUIRED RETIREMENT CONTRIBUTIONS FOR NONREPRESENTED STATE EMPLOYEES

OK
RR

Senate: No change to Joint Finance.

Assembly: Provide that the state may not pay the first 5.0% of earnings that its nonrepresented classified and unclassified state employees, including University of Wisconsin faculty and academic staff, are required to pay as employee contributions to the WRS. The provision would first apply to earnings paid on September 1, 2007. State savings of budgeted fringe benefit amounts are estimated at \$74.3 million (all funds) in 2007-08 and \$89.2 million (all funds) in 2008-09. The GPR share of these amounts, which would lapse to the general fund, would total an estimated \$30.1 million in 2007-08 and \$36.2 million in 2008-09.

GPR-Lapse	\$66,300,000
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Prohibit the Employee Trust Funds Board from approving employee required contribution rates of less than 5% for general employees, and state elected officials and executives. Provide that the referral requirement under s. 13.50(6)(a) would not apply to the actions of the Legislature in enacting this provision. Under 13.50(6)(a), no bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employees, may be acted upon by the Legislature until

it has been referred to the Joint Survey Committee on Retirement Systems for a written report on the bill or amendment. The report must pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

Require that the GPR-funded fringe benefits amounts budgeted for such contributions, but offset by these employee contributions, would lapse to the general fund. Specify that comparable program revenue funds offset by these employee contributions would lapse to the appropriate program revenue appropriation account and that comparable segregated funds offset by these employee contributions would lapse to the appropriate segregated fund.

Direct the Secretary of DOA to determine for each state agency the amount that the agency is not required to spend as a result of this provision during the period that begins on September 1, 2007, and ends on June 30, 2009, and the amount from each appropriation from which the moneys would have been expended during that period, other than for FED appropriations.

Under current law, statutory employee-required contribution rates for WRS participants, expressed as a percent of gross earnings, have been established but with different rates depending on the participant's employment classification. These classifications and the statutory employee-required contribution rates are as follows: (a) general employees [5.0% of gross earnings]; and (b) elected officials and state executives [5.5%].

The ETF Board may adjust the statutory rates, on recommendation of the Board's consulting actuary, under certain circumstances. Over time, such adjustments have been made. Currently, the adjusted employee-required contribution rates in 2007 are as follows: (a) general employees [5.0% of gross earnings]; and (b) elected officials and state executives [3.0%].

The statutes also authorize an employer to pay on behalf of the employee all or a part of any employee-required contributions. Over time, state employee groups have negotiated, or have been provided under the compensation plan for nonrepresented employees, an employer "pickup" of almost all employee-required WRS contributions.

The provision would not affect state employees represented by a collective bargaining unit unless a similar required employee contribution provision was negotiated in future collective bargaining agreements.

RA

2. MUNICIPAL EMPLOYEE RETIREMENT CONTRIBUTIONS

RA

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 449 and provide that a participating employer in the Wisconsin Retirement System (WRS) who is covered by the Municipal Employment Relations Act (MERA) may not pay, on behalf of any employee, the first

three percent of earnings that the participating employee is required to pay as employee required contributions under the WRS if that employee first becomes a participating employee in the WRS on or after the provision's effective date. Employers covered by MERA generally include any city, county, village, town, metropolitan sewerage district, school district, family care district, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state.

Under current law, required employer and employee contributions under the WRS and the earnings on these contributions, fund the cost of providing retirement annuities to public employees who are covered under the WRS. Current law permits the employer, on behalf of its employees, to pay all or part of the employee required contributions.

3. INCREASED HEALTH INSURANCE CONTRIBUTIONS FOR NON-PROTECTIVE STATUS STATE EMPLOYEES

Senate: No change to Joint Finance.

Assembly: Require that, except for protective occupation employees, state employees be required to contribute 10% of the cost for state health insurance premiums for coverage effective January 1, 2008. State savings of budgeted fringe benefit amounts are estimated at \$17.9 million (all funds) in 2007-08 and \$35.5 million (all funds) in 2008-09. The GPR share of these amounts, which would lapse to the general fund, would total an estimated \$7.4 million in 2007-08 and \$14.7 million in 2008-09. Currently, state employees pay approximately 6% of health insurance premium costs.

	Chg. to JFC
GPR-Lapse	\$22,100,000

Require that the GPR-funded fringe benefits amounts budgeted for such contributions, but offset by these employee contributions, would lapse to the general fund. Specify that comparable program revenue funds offset by these employee contributions would lapse to the appropriate program revenue appropriation account and that comparable segregated funds offset by these employee contributions would lapse to the appropriate segregated fund.

Direct the Secretary of DOA to determine for each state agency the amount that the agency is not required to spend as a result of this provision during the period that begins on January 1, 2008, and ends on June 30, 2009, and the amount from each appropriation from which the moneys would have been expended during that period, other than for FED appropriations.

4. HEALTH INSURANCE COVERAGE FOR DOMESTIC PARTNERS OF STATE EMPLOYEES AND STATE ANNUITANTS

Senate: For the purpose of group health insurance coverage offered to state employees or to WRS annuitants who were employed by a state agency on the date of termination of covered employment, specify that the definition of "dependent" would include a domestic partner, a

domestic partner's minor children dependent on the employee for support and maintenance, or the domestic partner's children (and stepchildren) of any age, if handicapped to an extent requiring continued dependence. The provision would permit state employees and state annuitants to purchase family health insurance coverage for their domestic partners.

Define "domestic partner" as an individual in a domestic partnership. Provide that a "domestic partnership" would mean a relationship between two individuals that satisfies all of the following: (a) each individual is at least 18 years old and otherwise competent to enter into a contract; (b) neither individual is married to, or in a domestic partnership with, another individual; (c) the two individuals are not related by blood in any way that would prohibit marriage under state law; (d) the two individuals consider themselves to be members of each other's immediate family; and (e) the two individuals agree to be responsible for each other's basic living expenses. Specify that these provisions would first apply to coverage under the group insurance plans offered by the Group Insurance Board on January 1, 2009.

Because the provision for domestic partner coverage would first apply to coverage beginning on January 1, 2009, the fiscal effect would be limited to six months in the 2007-09 biennium. State and employee contributions relating to the addition of a domestic partner to the employee's group health insurance contract would increase only if the state employee's original contract was changed from single coverage to family coverage. For those state employees currently enrolled under family coverage, the addition of a domestic partner would not result in a higher contribution rate for the employee, since there would be no further change to the family coverage rate that already applied.

For health care coverage of domestic partners of annuitants who were former state employees, the costs of coverage would be funded either from the available balances in amounts reserved in the annuitant's accumulated sick leave conversion credit account, or (if no such balances existed) out-of-pocket of the covered individual.

Under federal and state income tax provisions, an employee receiving employer-provided health insurance for a domestic partner who is not the employee's dependent would have to include in the employee's income the excess of the fair market value of the health insurance premiums attributable to the domestic partner's coverage over the amount paid by the employee for such coverage. In addition, the employer and the employee would each be required to pay FICA-related taxes of 7.65% of the value of the premiums paid for by the employer for a domestic partner who was not a dependent of the employee.

Under current law, the Group Insurance Board offers health care coverage plans for state employees, local government employees, school district employees, and Wisconsin Retirement System (WRS) annuitants. For state employees, the Board must offer at least two insured or self-insured health care coverage plans providing substantially equivalent hospital and medical benefits, including a health maintenance organization or a preferred provider plan, if those health care plans are determined by the Board to be available in the area of the employee's place of employment and are approved by the Board. The Board is required to place each of the plans into one of three premium payment tiers established in accordance with standards adopted by the Board. The tiers must be separated according to the employee's share of premium costs.

The Board must provide both a family coverage option for persons desiring to cover eligible dependents, and a single coverage option for other eligible persons. The Department of Employee Trust Funds is authorized to promulgate rules to define the term "dependent" for each group insurance plan. For health insurance purposes, the Department's rules define a dependent as an employee's spouse and an employee's unmarried child who is dependent upon the employee or the employee's former spouse for at least 50% of support and maintenance. Child includes a natural child, stepchild, adopted child, a child in certain adoptive placements, and a legal ward who became a legal ward of the employee or the employee's former spouse prior to age 19, and who is: (a) under the age of 19; (b) age 19 or over but less than age 25, if a full-time student; or (c) age 19 or older and incapable of self-support because of a physical or mental disability which is expected to be of long-continued or indefinite duration.

This would restore the Governor's recommendation, which was deleted by the Joint Committee on Finance.

Assembly: No change to Joint Finance.

5. ALLOW CERTAIN LOCAL GOVERNMENT HEALTH CARE COVERAGE PLANS TO INCLUDE DOMESTIC PARTNERS

Senate: Allow local governmental employers that participate in ETF's Wisconsin Public Employers' (WPE) group health insurance program, to designate for health care coverage under the WPE program the spouse, domestic partner, minor child, including stepchildren of the current marriage or children of a domestic partner dependent on the employee for support and maintenance, or child of any age, including stepchildren of the current marriage or children of a domestic partner, if handicapped to an extent requiring continued dependence. The local governmental employer would be required to consent, in writing to ETF, to initiate the domestic partner coverage.

Define "domestic partner" as an individual in a domestic partnership. Provide that a "domestic partnership" would mean a relationship between two individuals that satisfies all of the following: (a) each individual is at least 18 years old and otherwise competent to enter into a contract; (b) neither individual is married to, or in a domestic partnership with, another individual; (c) the two individuals are not related by blood in any way that would prohibit marriage under state law; (d) the two individuals consider themselves to be members of each other's immediate family; and (e) the two individuals agree to be responsible for each other's basic living expenses. Specify that these provisions would first apply to coverage under the WPE group insurance plans offered by the Group Insurance Board on January 1, 2009.

Assembly: No change to Joint Finance.

6. INITIAL STATE PAYMENTS FOR HEALTH INSURANCE PREMIUMS FOR CERTAIN STATE EMPLOYEES

Senate: No change to Joint Finance.

Assembly: Delete the provision that would have provided that, except for limited-term employees, the employer-required contribution toward the health insurance premium of certain state employees would begin on the first day of the third month, instead of the first day of the seventh month, beginning after the date on which the employee begins employment with the state, not including any leave of absence. The provision would have taken effect July 1, 2008.

7. VALUE-BASED HEALTH CARE INITIATIVES

Senate: No change to Joint Finance.

Assembly: Provide \$150,000 annually for ETF's contribution to a joint contract that ETF and the Department of Health and Family Services (DHFS) plan to enter into with the Wisconsin Health Information Organization to collect, analyze, and publicly report certain health care claims information from insurers and administrators, to develop and maintain a centralized data repository, and to provide to DHFS, without charge, health care claims information and reports requested by DHFS. Under the Joint Finance provision, \$100,000 in 2007-08 and \$50,000 in 2008-09 was provided on a one-time basis for this purpose.

	Chg. to JFC
SEG	\$150,000

Authorize the ETF appropriation account under s. 20.515(1)(ut) to pay costs associated with contracting for insurance data collection and analysis services under s. 153.05(2r). Further, under s. 153.05(2r), provide that ETF may expend up to \$150,000 annually, in conjunction with DHFS funding, to contract jointly with a data organization to perform data collection services. This provision reinstates similar provisions as those that are repealed under 2005 Wisconsin Act 228 on June 30, 2007.

EMPLOYMENT RELATIONS COMMISSION

1. DISCIPLINARY PROCEDURES FOR LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS

Senate: Modify the Joint Finance provision and provide that, notwithstanding the current law provision for an appeal of a disciplinary order to the circuit court, a collective

bargaining agreement entered into between law enforcement and fire fighting personnel and a municipal employer may contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing would be required to be public and the decision of the arbitrator must be issued within 180 days of the conclusion of the hearing. Repeal a current law provision that a court order sustaining a disciplinary decision of a tribunal is final and conclusive.

Provide that in a bargaining unit containing fire fighting or law enforcement personnel, the municipal employer would be prohibited from bargaining collectively with respect to: (a) the prohibition of access to arbitration as an alternative to the disciplinary procedures under current law; (b) the reduction of current law standards relating to the determination of just cause to sustain charges against fire fighting or law enforcement personnel; and (c) the payment of compensation in a way that is inconsistent with the current law provision that no person may be deprived of compensation while suspended, pending the disposition of charges.

The treatment of these provisions would first apply to fire fighters and law enforcement personnel who are affected by a collective bargaining agreement that contains provisions that are inconsistent with that treatment on the day on which the agreement expires, or is extended, modified, or renewed, whichever occurs first.

Under current law, a law enforcement officer or fire fighter employed by a city (other than the City of Milwaukee), village, town or county may not be suspended, reduced in rank, or dismissed by a grievance committee, civil service commission, county board, or board of police and fire commissioners (a tribunal) unless the tribunal determines that there is just cause to sustain the charges that have been brought against the officer or fire fighter. If the charges are sustained and the officer or fire fighter is disciplined by the tribunal, he or she may appeal the order to circuit court, except that a county law enforcement officer, under a recent decision of the Wisconsin Supreme Court (Eau Claire County v. General Teamsters Union Local No. 662, 2000 WI 57), may proceed either with an appeal to circuit court or with the grievance procedures, including arbitration, in the officer's collective bargaining agreement. The trial based on the appeal is before the court, which must determine whether there is just cause to sustain the charges against the accused officer or fire fighter and the tribunal's order. If the charges and the tribunal's order are sustained, the tribunal's order is final and conclusive but, if reversed, the officer or fire fighter is reinstated and entitled to pay as though he or she were in continuous service. Similar procedures, other than the just cause standard, apply to police officers employed by the City of Milwaukee.

Under the SB 40 provision, the subordinate would be provided with one of two appeal options from a PFC order: (a) the Circuit Court (as provided under current law); or (b) an alternative procedure negotiated under a collectively bargained alternative (as would be provided under SB 40).

The amendment would permit collective bargaining agreements to establish different dispute resolution procedures, including arbitration, than those provided under current law (PFC or other tribunal review and an option to appeal to the Circuit Court). Further, a

municipal employer would be prohibited from bargaining collectively with respect to any prohibition of access to arbitration as an alternative to the disciplinary procedures under current law. As a result, each law enforcement or fire fighter collective bargaining agreement would be allowed to specify dispute resolution procedures applicable to the employees covered by each agreement. Finally, because the amendment removes the current law provision that the order of a PFC is final and conclusive, if it is affirmed by the Circuit Court, it would allow a subordinate to appeal an affirmed order to the Court of Appeals and, potentially, to the Supreme Court.

Assembly: Delete the Joint Finance provision that would have provided that current law appeal provisions applicable to any fire fighter suspended, reduced in rank, suspended and reduced in rank, or removed by an authorized tribunal would not apply to any such person who is subject to the terms of a collective bargaining agreement that provides an alternative to the appeals procedure, unless the person chooses to appeal the order to circuit court. The provision would not apply to City of Milwaukee law enforcement or fire fighting personnel. The provision would have first applied to a person who is suspended, reduced in rank, suspended and reduced in rank, or removed on the effective date of the provision.

2. AUTHORITY OF PUBLIC EMPLOYERS TO SELECT GROUP HEALTH INSURANCE PLANS

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 110 relating to collective bargaining over health care coverage for municipal employees and allowing municipal employers to change health care coverage plan providers. Specify that bargaining over the selection of a health care coverage plan would be prohibited if the employer offers to enroll its employees in a plan provided to local government employers by the Group Insurance Board, or in a plan that is substantially similar to the plan offered by the Group Insurance Board. The Office of the Commissioner of Insurance would be required to promulgate rules that set out standardized benefits under health care coverage plans and that may be used for determining whether any health care coverage plan is similar to the plan offered by the Group Insurance Board. Specify that any cost savings would not have to be passed along in the salary offer under a qualified economic offer. Under the state Municipal Employment Relations Act (MERA), any employer would be allowed to unilaterally change its employees' health care coverage plan provider if the benefits remain substantially the same, and if either the actual providers of the health care are the same, or cost savings will result from changing the health care coverage plan provider.

3. FINAL OFFER LIMITS UNDER THE MUNICIPAL EMPLOYMENT RELATIONS ACT

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 448 and prohibit any final offer

that is submitted to the Wisconsin Employment Relations Commission (WERC) for interest arbitration from requiring the annual expenditure for compensation and fringe benefits per employee to be more than the amount spent in the previous year, increased by the allowable percentage increase in available revenue, if the municipal employer is subject to limitations on available revenue under state law. Available revenue would be defined as the sum of the allowable property tax levy and payments received for general transportation aids, aids relating to connecting highways, and municipal and county shared revenue, except: (a) if the employer is a school district, available revenue would be the sum of state aid and the property tax levy; and (b) if the employer is a technical college district, available revenue would be the sum of the allowable property tax levy and state aid. If WERC determines that a final offer requires greater expenditure, WERC would be required to return the offer to the party and the party must revise it before submitting it again. If the last written position requires greater expenditure than permitted under this provision, WERC must consider that the party failed to submit an offer. Provide that this expenditure limit provision would be given greatest weight in arbitration decisions for affected municipalities.

4. **MUNICIPAL CONTRACTING UNDER THE MUNICIPAL EMPLOYMENT RELATIONS ACT**

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 447 and provide that a municipal employer may solicit bids to perform services that are currently performed by its employees if the municipal employer notifies the labor organization that represents the employees that it intends to solicit the bids and conducts an internal cost study to determine the total costs incurred by the municipal employer in having its employees perform the services. The costs determined by this study would be designated the "current internal cost." The study must also determine the percentage of the current internal cost that is attributable to wages and benefits paid to the employees who perform the services and who are represented by a labor organization. This percentage would be designated the "labor cost ratio." After conducting this study, the municipal employer may then solicit and receive bids to perform any services that are currently performed by its employees.

These bids would be designated the "preliminary external bids." No later than 30 days after receiving the final bid, the municipal employer must select the preliminary external bid that it considers most advantageous. The sum of the cost of this bid and the municipal employer's cost in administering any contract resulting from the bid would be designated the "selected external cost." After determining the selected external cost, the municipal employer must then perform a calculation in which it subtracts the selected external cost from an amount equal to 90 percent of the current internal cost and must then multiply the result by the labor cost ratio. The product would be designated the "required labor savings." The municipal employer must then notify the labor organization that represents the employees of the required labor savings. If the required labor savings is an amount less than or equal to zero, the municipal employer would be required to bargain collectively any decision to enter into

contracts for the performance of services. If the required labor savings is an amount greater than zero, the municipal employer would not be required to bargain collectively any decision to contract for the performance of services, unless the labor organization notifies the municipal employer that the employees agree to participate in a nonbinding arbitration process.

Under the nonbinding arbitration process, each party would be required to submit to an arbitrator a proposal to reduce the current internal cost by an amount at least equal to the required labor savings. The reductions specified in the proposals must come entirely from changes to the wages, hours, or conditions of employment of the employees who are represented by the labor organization. The arbitrator may select any item from either proposal to reduce the current internal cost by an amount at least equal to the required labor savings. If the labor organization rejects the arbitrator's proposal, the municipal employer would not be required to bargain collectively the decision to contract for the performance of the services. If the municipal employer rejects the arbitrator's proposal, the municipal employer would be required to bargain collectively the decision to contract for the performance of the services. However, if neither party rejects the arbitrator's proposal, the proposal would be final and binding on both parties and must then be incorporated into a collective bargaining agreement. If the proposal is not rejected and is incorporated into a collective bargaining agreement, the municipal employer would not be allowed to solicit and receive bids to perform the service covered by the arbitrator's proposal for a period of three years from the date that the arbitrator submits his or her proposal to the parties.

Under current law, a municipal employer's decision to contract out for services that are performed by its employees is a mandatory subject of collective bargaining under the Municipal Employment Relations Act (MERA). This provision would establish a process under which a municipal employer's decision to contract out for such services can become a permissive subject of collective bargaining under MERA.

GENERAL PROVISIONS

1. ELIMINATION OF SICK LEAVE FOR CERTAIN ELECTED OFFICIALS

Senate: No change to Joint Finance.

Assembly: Include the provisions of Assembly Substitute Amendment 1 (ASA 1) to 2007 Assembly Bill 31 relating to the elimination of sick leave for legislators, justices and judges, and all other state elected officials. Provide that: (a) no member of the Legislature may receive sick leave as a member of the Legislature during any term of office that begins after the provision's

effective date; (b) no Supreme Court justice, court of appeals judge, or circuit court judge may receive sick leave as a justice or judge beginning on the date that the next justice or judge assumes office after the effective date of the provision; and (c) no other state elected official, including a district attorney, may receive sick leave while in state office during any term of office that begins after the provision's effective date. Under current law, elected officials (except legislators) receive 16.25 sick leave days per year; legislators receive 10.56 sick leave days per year.

2. **POSTING OF LEGAL NOTICES**

Senate: No change to Joint Finance.

Assembly: Include the provisions of Assembly Substitute Amendment 1 to Assembly Bill 170 which would specify that the internet may be included as a place in which a legal notice may be posted. Under current law, a municipality may give a legal notice by either: (a) publishing the legal notice in a local newspaper; or (b) posting the document in three public places that are likely to give notice to affected persons. This provision would allow a municipality to include the internet as one of the three allowable postings.

3. **NOTICE OF ORDINANCES, RULES, AND ORDERS**

Senate: No change to Joint Finance.

Assembly: Allow a county, city, village, or town to print the following information in lieu of printing the entire ordinance, rule, order, resolution, motion, or other actions: (a) the number and title of the action; (b) the enactment date of the action; (c) a summary of the action; and (d) information (including a phone number, a street address, and a web site) about where the full text of the action may be obtained or viewed.

Specify that this type of posting could be used as notice for any of the following: (a) an ordinance of a town or village; (b) splitting the terms of a county board of supervisors so that terms are staggered; (c) county ordinances; (d) town rules and orders; (e) resolutions, motions and other actions adopted by a town meeting; (f) ordinances adopted by a town board; and (g) resolutions of general application adopted by a town board and having the effect of law.

Under current law, the complete text of an ordinance that is enacted by a city or village must be published in the official city newspaper or in a newspaper that is published in the village. If no newspaper exists in a village, however, the ordinance may instead be posted in at least three public places in the village. Currently, counties must publish an ordinance as a class 1 notice and distribute copies to the town clerks. Towns must, currently, publish rules and orders as Class 1 notices. Towns must also publish ordinances, resolutions, motions, and other actions as either a Class 1 notice, or post these actions in at least three places in the town that are likely viewing places within 30 days of passage or adoption. This provision would modify the amount of information that would have to be contained in these postings.

4. COLLECTION OF FINES AND FORFEITURES BY COUNTIES

Senate: No change to Joint Finance.

Assembly: Modify current law to allow counties to retain: (a) 20% of state fines and forfeitures; and (b) 30% of state fines and forfeitures collected within one year of the effective date of the provision that were imposed at least 180 days before the effective date of the provision. Under current law, 10% of state fines and forfeitures are retained by counties. The remaining amounts are deposited to the state's common school fund.

5. ASSIGNMENT OF INCOME AND EARNINGS FOR MUNICIPAL COURT JUDGMENTS

Senate: No change to Joint Finance.

Assembly: Provide that, if a municipal court orders restitution, forfeiture, costs, fees, or surcharges against a person that are not paid, the municipal court may issue an order assigning not more than 25% of the person's commissions, earnings, salaries, wages, pension benefits, and other money due the person to the court for payment of unpaid restitution, forfeiture, costs, fees, or surcharges.

Under current law, if a person does not pay a municipal court judgment, the municipal court may: (a) defer payment for a period of time or provide installment payments; (b) order the person to perform community service work in lieu of payment; or (c) suspend the person's driving privileges until the judgment is paid. The above provision would add the option of assigning the person's income.

6. GARNISHMENT OF A MINOR'S EARNINGS

Senate: No change to Joint Finance.

Assembly:

Definition of Household Income. Adopt the provisions of 2007 Assembly Bill 34 and provide that for purposes of determining the "household income" of an unemancipated minor debtor when satisfying a judgment for unpaid restitution, court costs, a forfeiture, or a surcharge (during any month in which an earnings garnishment is in effect), household income would mean the disposable earnings and unearned income: (a) of the unemancipated minor debtor; (b) of the parent that the unemancipated minor debtor resides with for at least 50% of the month; and (c) of the parent's dependents. Household income would be reduced by any earnings assigned by court order in an action affecting the family (such as for the payment of child support, family support, or maintenance).

Apart from circumstances in which the law specifically provides for the partial liability of a parent for the acts of a minor, under current law for purposes of determining an

unemancipated minor debtor's household income for an earnings garnishment, the disposable earnings and unearned income of the minor debtor's parent is not considered. As a result, under current law an unemancipated minor debtor may be exempt from an earnings garnishment as his or her household income may be below the federal poverty line.

Length of Garnishment. Provide that the earnings garnishment of an unemancipated minor debtor continues until the debt is paid in full. Under current law, an earnings garnishment generally lasts for 13 weeks or until the debt is collected through the garnishment, whichever is less.

7. JOHN DOE PROCEEDINGS

Senate: No change to Joint Finance.

Assembly: Prohibit prisoners from initiating a John Doe proceeding under s. 968.26(1) of the statutes. Under current law related to John Doe proceedings, a person who believes a crime has been committed may complain to a judge, who will ascertain whether a crime has been committed and proceed accordingly. This provision would prohibit prisoners from complaining to a judge, providing that prisoners may only complain to the district attorney.

8. MILWAUKEE POLICE DISCHARGE PROVISIONS

Senate: Provide that a police officer employed by a first-class city (Milwaukee) who is discharged would not be provided pay or benefits during the period that the matter that is the subject of the discharge is disposed of by the board of fire and police commissioners, or in which the time for appeal passes without an appeal being made. The provision would first apply to a police officer who is discharged on the first day of the seventh month beginning after the effective date of the provision.

Under current law, no member of the police force may be suspended or discharged without pay or benefits until the matter that is the subject of the suspension or discharge is disposed of by the board of fire and police commissioners or the time for appeal passes without an appeal being made. Under the amendment, the provision would still apply to suspensions, but not discharges.

Assembly: No change to Joint Finance.

9. CONTRACTING FOR FOOD IN COUNTY JAILS

Senate: No change to Joint Finance.

Assembly: Make the sheriff's contracting to provide meals for inmates of the county jail a prohibited subject of bargaining if the sheriff determines that the contract will result in lower

costs than if county employees were to provide the meals. Further, specify that the municipal employer is prohibited from bargaining the impact of that decision on wages, hours and other conditions of employment of employees performing these services. Provide that the authority first applies to employees who are covered by a collective bargaining agreement that includes provisions inconsistent with the exercise of the authority by the sheriff on the day the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

10. LEGAL STATUS CHECK

Senate: No change to Joint Finance.

Assembly: Require the county sheriff to check the legal status of individuals who are charged with a felony or the offense of operating under the influence while driving an all-terrain vehicle, boat, motor vehicle or snowmobile, and notify the federal Immigration and Customs Enforcement if the individual is not legally in the United States.

11. REFUSAL OR TERMINATION OF EMPLOYMENT OF CERTAIN OFFENDERS

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 260 to provide that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a sex offense or a violent offense and who has not been pardoned on that offense, whether or not the circumstances of the offense substantially related to the circumstances of the particular job.

12. REFUSAL OR TERMINATION OF EMPLOYMENT BY EDUCATIONAL AGENCY OF UNPARDONED FELONS

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 30 to provide that it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony.

13. INCREASE THE PENALTY FOR EXPOSING GENITALS OR PUBIC AREA

Senate: No change to Joint Finance.

Assembly: Provide that whoever, for the purposes of sexual arousal or sexual gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic areas to

a child is guilty of a Class I felony, punishable of up to 1.5 years in prison and two years extended supervision and/or up to \$10,000 fine. Require persons convicted of the offense to provide a DNA specimen to the state crime laboratories. Under current law, this offense is a Class A misdemeanor.

14. CIVIL LIABILITY FOR INJURIES CAUSED BY ILLEGAL DRUG USE

Senate: No change to Joint Finance.

RPN
Assembly: Create a civil cause of action for damages resulting from injuries caused by an individual's use of an illegal drug against a person who knowingly participated in the distribution of the illegal drug. Under this provision, a parent, legal guardian, child, spouse, sibling, or employer of the illegal drug user, medical facility, government agency, individual exposed to the illegal drug in utero, or person injured as the result of the willful, reckless, or negligent action of the illegal drug user, may bring an action for damages.

Allow the illegal drug user to bring an action for damages caused by the use of an illegal drug if he or she discloses to law enforcement authorities the information about his or her sources of illegal drugs, has not used illegal drugs for six months before filing the action, and continues to remain free of illegal drug use throughout the pending action.

15. PRIVILEGE OF SELF-DEFENSE

DA
Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 35 to modify current law related to self-defense to provide that, if an actor intentionally used force that was intended or likely to cause death or great bodily harm, the court must presume that the actor reasonably believed that the force was necessary to prevent imminent death or great bodily harm to himself or herself if the actor makes a self-defense claim, if the person against whom force was used was unlawfully and forcibly entering the actor's residence or in the actor's residence. This presumption does not apply if the actor was engaged in an unlawful activity or was using his or her residence to further an unlawful activity, or the person against whom force was used was a peace officer who entered or attempted to enter the actor's residence in the performance of his or her official duties.

16. OBSERVATION OF JUNETEENTH DAY

RPN
Senate: Provide the June 19 would be designated as Juneteenth Day and appropriate celebrations may be held in commemoration of that day. Provide that when June 19, falls on a Sunday, celebrations of Juneteenth Day may be held on either June 18, or June 20. The provision would not make Juneteenth Day a paid holiday for state employees.

Assembly: No change to Joint Finance.

17. DESIGNATION OF "FIGHTING BOB" LAFOLLETTE DAY

Senate: No change to Joint Finance.

Assembly: Delete the provisions which would designate June 14th annually as "Fighting Bob" LaFollette Day.

GOVERNMENT ACCOUNTABILITY BOARD

1. ALLOWING AN ELECTOR TO REQUIRE IDENTIFICATION

Senate: No change to Joint Finance.

Assembly: Include provisions of 2007 Senate Bill 200, which would allow electors to require identification whenever a ballot is issued under their name. Specify that the elector would have to appear in person at the office of the municipal clerk or board of election commissioners of the municipality where the elector resides and sign a statement, on a form issued by the Government Accountability Board, stating that they wish to require identification shown whenever a ballot is issued to someone claiming to be them at a polling place. Allow the person to also revoke this requirement in a similar manner. All forms must be filed at least 31 days before an election.

Specify that the following could be used for identification of an elector: (a) a valid Wisconsin driver's license issued by the Department of Transportation (DOT); (b) a valid identification card issued by a U.S. uniformed service; or (c) a valid Wisconsin identification card issued by DOT. Specify that voting lists provided to poll workers must include indications as to which persons have required identification to be shown. In cases where a license has been revoked the citation issued upon revocation may be used as proof of identity.

Specify that such an elector, who votes by absentee ballot, would be required to enclose a copy of his or her identification when voting an absentee ballot by mail. If an affected elector votes by absentee ballot fails to enclose a copy of the identification with his or her ballot, the ballot is treated as a provisional ballot.

Allow an elector who votes at a polling place, and has opted to require identification, to vote provisionally. If the person votes provisionally, require them to provide proper identification either at the polling place before the end of the voting date or at municipal clerk

or board of election commissioner's offices by 4 p.m. on the date following the election. If these deadlines are not met, specify that the ballot is not counted.

Specify that this provision would first take effect on January 1, 2009, and effect all elections beginning with the 2009 spring primary election.

2. **UTILIZATION OF EMPLOYMENT COMPENSATION FOR POLITICAL PURPOSES**

Senate: No change to Joint Finance.

Assembly: Preclude: (a) any employer or labor organization from increasing the salary of an officer or employee, or giving an emolument to an officer, employee, or other person, with the intention that the increase in salary, or the emolument, or a part of it, be used to make a campaign finance contribution or disbursement; (b) any employer or labor organization from discriminating against an officer or employee with respect to any term or condition of employment for failing to make a campaign finance contribution; failing to support or oppose a candidate, proposition, political party, or committee; or supporting or opposing a candidate, proposition, political party, or committee; and (c) any employer or other person responsible for the disbursement of moneys in payment of wages or salaries to withhold any portion of an employee's wages or salary for the purpose of making a campaign finance contribution to a committee or for use as a campaign finance contribution to a committee except upon the written request of the employee.

Any such request under (c) would have to be made on a form prescribed by the Government Accountability Board (GAB) informing the employee of the prohibition under (c). The request would be valid for 12 months from the date on which it was made by the employee unless the employer and employee agreed to an earlier termination date. Each person withholding money under (c) would be required to maintain open for public inspection for a period of no less than three years from the date on which a withholding occurs, during normal business hours, documents and books of accounts which would have to include a copy of each employee's request for withholding, the amounts and dates on which moneys were withheld under the request, and the amounts and dates on which moneys were transferred to any committee by the person. Each such person would be required to deliver or transmit copies of such information to GAB upon its request.

Further provide that no labor organization could use moneys derived from an all-union agreement or a fair-share agreement (as these agreements are defined under state statute) that are paid by an individual who is not a member of the organization for the purpose of making a campaign finance contribution or disbursement, unless authorized by the individual. Any authorization would have to be made in the manner provided under (c) above.

3. **BALLOT PRINTING IN MILWAUKEE**

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Senate Bill 201, which provide that prior to the date of the election, a first class city is prohibited from printing more than 200% of the ballots used in the previous election corresponding to the election in which ballots are being printed. Specify that this provision would become effective on the first day of the second month after the effective date of the bill.

Under current law, the county clerk or board of election commissioners of each county is responsible for printing ballots for elections, with the following exceptions: (a) municipalities must print ballots when required for local elections; (b) a first class city (Milwaukee), may print its own ballots for any election; (c) any municipality that uses an electronic voting system may print ballots with the permission of the county clerk or board of election commissioners of the county or counties in which the municipality is located; and (d) no ballots are printed for distribution to electors in a municipality that uses voting machines. Currently, a sufficient number of ballots must be printed to assure that there is a ballot for each elector. Currently, there is no limit on the number of ballots that may be printed.

4. ELIMINATE STRAIGHT PARTY VOTING

Senate: No change to Joint Finance.

Assembly: Beginning with the 2008 general election, eliminate the option to vote straight party ticket, unless a person is voting absentee from the military or from overseas. Specify that a person would have to vote jointly for a president and vice president of the same ticket, unless the person writes in candidates in both spaces. Under current law, a ballot must include an option that would allow an elector to vote for an entire party (straight party ticket), except in primary elections.

GOVERNOR

1. STAFF TO THE GOVERNOR

Senate: No change to Joint Finance.

Assembly: Delete the provision which would provide \$355,300 and 4.0 unclassified positions annually to assist in the development and implementation of policy initiatives in the Office of the Governor.

	Change to JFC Funding Positions	
GPR	-\$710,600	-4.00

JUSTICE

1. CRIME VICTIM COMPENSATION AWARD FUNDING

Senate: No change to Joint Finance.

Assembly: Delete the provision specifying that restitution payments received by the state from defendants to offset awards made to victims under the crime victim compensation program would now be credited to a new, PR appropriation created under DOJ to provide additional crime victim restitution. Under current law, approximately \$300,000 annually is credited to the general fund from defendant restitution payments.

	Chg. to JFC
GPR-REV	\$600,000
PR-REV	-\$600,000
FED	-\$180,000
PR	-\$600,000
Total	-\$780,000

Federal Victims of Crime Act (VOCA) funds are made available to match 60% of state funding for crime victim compensation. It is estimated that providing an additional \$300,000 PR in state crime victim compensation funding in 2007-08, would permit the state to receive an additional \$180,000 FED in VOCA funding in 2008-09.

Under current law, the crime victim compensation program compensates victims and their dependents for the cost of medical treatment (both physical and mental), lost wages, funeral and burial expenses, loss of support to dependents of a deceased victim, and replacement costs of any clothing or bedding that is held for evidentiary purposes. In addition, victims who are homemakers may be compensated for expenses related to securing homemaker services when someone must be hired to perform these services. The maximum award for any one injury or death is \$40,000. This amount is in addition to a \$2,000 maximum reimbursement of burial expenses that may be awarded. In 2006-07, \$2,390,700 (\$1,258,000 GPR, \$643,900 FED and \$488,800 PR) is budgeted under this program to make awards to victims of crime. The program is funded from GPR, from part "A" of the crime victim and witness assistance surcharge and from federal VOCA grants.

2. LAW ENFORCEMENT COMMUNITY POLICING GRANTS PROGRAM

Senate: No change to Joint Finance.

Assembly: Delete \$250,000 annually to the law enforcement community policing grants program to provide grants to the City of Milwaukee for activities related to decentralized law enforcement and crime prevention in targeted neighborhoods that suffer from high levels of violent and drug-related crime. If the City of Milwaukee applies for a grant under the program, the City must include a proposed plan of expenditure of the grant funds. DOJ is

	Chg. to JFC
GPR	-\$500,000

required to review any such application and plan and must provide the grant to the City of Milwaukee if the submitted materials meet the requirements of the program.

3. REIMBURSEMENT FOR COUNTY VICTIM AND WITNESS ASSISTANCE PROGRAMS

Senate: No change to Joint Finance.

Assembly: Delete the provision modifying the imposition of the crime victim and witness assistance surcharge to civil offenses. Specifically, delete the provision specifying that the surcharge would now be imposed if: (a) a person is charged with one or more crimes in a complaint; (b) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and (c) the court finds that the person committed the civil offense on or after the effective date of this change to the surcharge. Under the bill, the administration estimated that this surcharge change would generate \$660,000 annually in revenue during 2007-09. Under Joint Finance, the revenue from this surcharge change was re-estimated at \$0 annually until revenue growth from the surcharge could be more definitively determined.

4. DEPARTMENT OF JUSTICE NUISANCE LITIGATION

Senate: No change to Joint Finance.

Assembly: Prohibit the Department of Justice from bringing or joining a nuisance lawsuit if the alleged activity is not in violation of a statute, rule, permit, or ordinance.

5. PARTIAL EXEMPTION OF UTILITY SECURITY SYSTEM PLANS FROM THE OPEN RECORDS LAW

Senate: No change to Joint Finance.

Assembly: Adopt the provisions of Enrolled 2003 Senate Bill 8 which would provide that an authority (as defined under the state's Open Records Law) may withhold access to any record containing a utility security system plan or a portion of a utility security system plan if the authority determines that a facility or system that is the subject of the plan is so vital to the state that the incapacity or destruction of the facility or system would have a debilitating impact on the physical or economic security of the state or on public health, safety, or welfare.

A "utility" would mean a person that generates, transmits, or distributes electricity, transports or distributes natural gas, operates a public water system, or provides telecommunications or sewer service. A "security system plan" would mean a plan for the physical or electronic security of facilities, telecommunications systems, or information technology systems owned or operated by a utility, including any information, photograph,

audio or visual presentation, schematic diagram, survey, recommendation, consultation, or other communication related to such a plan, and including any threat assessment, vulnerability or capability assessment, or threat response plan or any emergency evacuation plan.

LEGISLATURE

1. LEGISLATIVE LAPSE REQUIREMENT

Senate: No change to Joint Finance.

Assembly: Require the Co-chairs of the Joint Committee on Legislative Organization (JLO) to ensure that an amount equal to \$6,305,600 over the 2007-09 biennium is lapsed to the general fund (\$3,561,000 in 2007-08 and \$2,744,600 in 2008-09). When combined with the elimination of the Revisor of Statutes Bureau (contained in the Joint Committee on Finance version of SB 40, \$111,100 GPR in 2007-08 and -\$705,600 GPR in 2008-09 and -10.0 GPR positions annually), the Legislature's budget (base budget plus standard budget adjustments) would be reduced by the equivalent of 5% annually (\$3,449,900 in 2007-08 and \$3,450,200 in 2008-09).

	Chg. to JFC
GPR-Lapse	\$6,305,600

2. MEMBERSHIP DUES APPROPRIATION

Senate: No change to Joint Finance.

Assembly: Reduce the legislative membership dues appropriation associated with payments to the National Conference of State Legislatures (NCSL) by \$166,200 in 2007-08 and \$179,500 in 2008-09. The funding reduction represents the estimated NCSL dues for the 2007-09 biennium.

	Chg. to JFC
GPR	-\$345,700

Should be taken care of in schedule

3. LEGISLATURE GIFTS AND GRANTS APPROPRIATION

Senate: Create a continuing program revenue appropriation under the Legislature for the receipt and expenditures for gifts and grants by either the Senate or Assembly. Under the appropriation, funds could be expended for the purpose for which the donor specified. The intent of the provision is to allow support of the Senate Scholars Program.

Assembly: No change to Joint Finance.

4. **REQUIRED SIX-YEAR REVIEW OF ADMINISTRATIVE RULES**

Senate: No change to Joint Finance.

Assembly: Specify that every agency that has promulgated administrative rules must determine which of these rules has been in effect for six years before the effective date of the bill without being modified or revised. Specify that each agency must submit a notice to the Chief Clerk of each house of the Legislature regarding these rules. Further, when any other rule has been in effect for six years without being modified or revised, the agency that promulgated the rule must submit a notice to the Chief Clerk of each house of the Legislature regarding the rule. Specify that the notice include the rule's identifying name and number, the date it was promulgated and last modified or revised, if appropriate, and a brief description of the subject matter of the rule.

Require that the presiding officer of each house of the Legislature, within 10 working days following the day on which a notice is received, direct the appropriate Chief Clerk to refer the notice to one standing committee. Upon receipt of notice that a rule has been referred to a committee, the chairperson of the committee must notify, in writing, each committee member of the referral. If the chairperson of the committee does not notify the head of the agency that the committee has scheduled a meeting for the purpose of reviewing the rule within 14 working days after the date of the notification, the rule continues in effect. If, however, within 14 working days after the date of the notification, the chairperson of the committee notifies the head of the agency that the committee has scheduled a meeting for the purpose of reviewing the rule, the committee may schedule a meeting to discuss the rule.

Specify that a committee may be convened upon the call of its chairperson to review a rule. A committee may hold a public hearing to review a rule. Specify that the committee review period for each committee extends for 30 days after referral. If the chairperson of a committee takes either of the following actions within the 30-day period, the committee review period for that committee is continued for 30 days from the date on which the first 30-day review period would have expired: (a) requests in writing that the agency meet with the committee to review the rule; or (b) publishes or posts notice that the committee will hold a meeting or hearing to review the rule and immediately sends a copy of the notice to the agency. Specify that if a committee in one house votes to object to and recommend suspension of a rule, the chairperson of the committee must immediately notify the chairperson of the committee to which the rule was referred in the other house. Upon receipt of the notice, the review period for the committee in the other house immediately ceases and no further action on the rule may be taken, but the committee in the other house may proceed to vote to object and recommend suspension of the rule.

If a committee has not concluded its jurisdiction over a rule before the next Legislature convenes, jurisdiction immediately ceases and, within 10 working days after that date, the presiding officer of the appropriate house must refer the rule to the appropriate standing committee. The committee review period that was interrupted by the loss of jurisdiction continues for the committee to which the rule is referred beginning on the date of referral.

Specify that a committee, by a majority vote of a quorum of the committee during the review period, may object to a rule and recommend that the rule be suspended if a change in circumstances since enactment of the law upon which the rule is based makes the rule no longer necessary to accomplish the policy objective of that law.

Specify that when a standing committee objects to a rule and recommends that the rule be suspended, the committee must, within 30 days of the date of the objection, meet and take executive action regarding the introduction, in the committee's house of the Legislature, of a bill to support the objection and suspension of the rule. Further, the committee must introduce the bill within five working days after taking executive action in favor of introduction of the bill unless the bill cannot be introduced during the time period under the joint rules of the Legislature.

5. JOINT COMMITTEE ON STATE MANDATES

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 350 which would create a legislative Joint Committee on State Mandates. The committee would consist of three majority party and two minority party members from each house. At least one member of the majority party of each house who is appointed to the committee would also have to be a member of the Joint Committee on Finance.

Specify that that any bill placing a statutory requirement on a local governmental unit must be referred at once to the Joint Committee on State Mandates and the bill may not be considered further until the committee submits a report or 30 days have lapsed. If the committee's report concludes that the bill has a negative uncompensated fiscal effect on local governmental units, and the mandate is a wholly state-imposed mandate upon local governmental units, specify that the committee must offer an amendment to the bill appropriating funds to offset the cost of the mandate. Define "mandate" to exclude certain provisions and those that have minimal fiscal effect.

Additionally, specify that the Legislature may not enact a bill that imposes future state-imposed mandates unless they receive a hearing before the committee or are funded. If an enacted mandate is not funded, either upon passage or in the future, the mandate may not be enforced until it is funded. Require that a state agency may not promulgate a rule or take an action that imposes a mandate and that a state agency shall not take an action required by law if the action would impose a mandate, unless there is a sufficient amount to fund the mandate. Create a continuing GPR appropriation under DOA for state funding of mandates. Require that affected local governments are reimbursed annually for the approximate costs attributable to state-imposed mandates.

Direct the Legislative Fiscal Bureau, by January 1, 2009, to identify all mandates for the committee, other than ones having a minimal fiscal effect. Require the committee to submit legislation repealing all mandates to each house of the Legislature. Require the committee to

review and evaluate existing mandates. Specify that to carry out its duties, the committee may make investigations and hold hearings.

6. **PRINTING AND DISTRIBUTION OF THE STATUTES**

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Senate Bill 136 which would delete the automatic distribution of the Wisconsin Statutes to each of the officers identified below but provide that any of the officers may still receive a set of any edition of the statutes at state expense by making written application to the Department of Administration.

Currently, each of the following federal and state government officers receives one hardbound set of each edition of the Wisconsin Statutes: each member and member-elect of Congress from this state, each state senator, and each representative to the assembly. Currently, each of the following local government officers receives one softbound set of each edition of the Wisconsin Statutes: each county board chairperson, each county clerk, each city clerk, each town clerk, each village clerk, each sheriff, each county corporation counsel, each register of deeds, each coroner or medical examiner, each county treasurer, each county surveyor, each county human services or social services department director, and each county veterans' service officer. The distribution is paid for by the Legislature.

7. **LEGISLATIVE APPROVAL OF TRIBAL GAMING ESTABLISHMENTS**

Senate: No change to Joint Finance.

Assembly: Include the provisions of 2007 Assembly Bill 205 relating to requiring legislative approval to locate a gaming establishment on certain lands taken into trust for the benefit of Indian tribes. Specify that the Governor may not concur with a decision of the U.S. Secretary of the Interior that an Indian gaming establishment proposed to be located on off-reservation lands would be in the best interest of the Indian tribe and its members and would not be detrimental to the surrounding community, unless the Legislature first concurs in the determination by joint resolution. The provision would first apply to concurrences issued by the Governor on the effective date of the bill.

MILITARY AFFAIRS

1. PRE-APPLICATION FOR TUITION GRANTS

Senate: No change to Joint Finance.

Assembly: Delete the current law requirement that the Department of Military Affairs must require National Guard Tuition Grant participants to provide the following minimum information regarding the student's intent to seek reimbursement: (a) the participant's name; (b) the institution attended; (c) whether the participant is enrolled full-time or part-time; and (d) the estimated amount of tuition reimbursement that will be claimed at the end of the academic term.

MISCELLANEOUS APPROPRIATIONS

1. ONE-TIME GRANTS

Senate: Provide one-time funding of \$50,000 in 2007-08 to fund parking lot and road improvements at the Cleghorn Community Center in the Town of Pleasant Prairie in Eau Claire County.

	Chg. to JFC
GPR	\$50,000

Assembly: Delete \$72,500 in 2007-08 and an annual GPR aids to individuals and organizations appropriation for funding one-time grants administered by the Department of Administration for the following local purchases and projects. The funding would have been for the following purposes: (a) \$15,000 for furnishings and a concrete apron for spectators at the Resch Aquatic Center in Green Bay; (b) \$10,000 for the Town of Pensaukee to purchase furnishings, including historical photographs and frames, conference furniture, desks, and chairs, for the town hall; (c) \$25,000 for the design and construction of a handicapped-accessible playground in Firemen's Park in the City of Sun Prairie; (d) \$12,500 for the purchase of a lap top computer and projector, a portable sound system with four wireless microphones, and translating equipment for 15 individuals to the Southside Organizing Committee in the City of Milwaukee; and (e) \$10,000 to Greater New Birth, Inc. in the City of Milwaukee to assist with the costs of a project to address child safety and violence reduction programming.

	Chg. to JFC
GPR	- \$72,500