

2007 Senate Bill 39

Date of enactment: **March 16, 2007**
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2007 WISCONSIN ACT 5

(Vetoed in Part)

AN ACT *to amend* 20.866 (2) (xm), 49.175 (1) (p) and 49.175 (1) (zh); *to repeal and recreate* 16.529 of the statutes; and *to affect* 2005 Wisconsin Act 25, section 9155 (1w) (b); **relating to:** authorizing the secretary of administration to lapse moneys from appropriation accounts and transfer moneys between funds during the 2006–07 fiscal year, affecting position authorizations for certain state agencies, requiring the secretary of administration to lapse or transfer moneys to the general fund related to unfunded retirement liability debt service, and making appropriations.

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

SECTION 1. 16.529 of the statutes is repealed and recreated to read:

16.529 Lapses and fund transfers relating to unfunded retirement liability debt service. (1) The definitions in s. 20.001 are applicable in this section.

(2) Notwithstanding ss. 20.001 (3) (a) to (c) and 25.40 (3), beginning in the 2007–09 fiscal biennium, during each fiscal biennium the secretary shall lapse to the general fund or transfer to the general fund from each state agency appropriation specified in sub. (3) an amount equal to that portion of the total amount of principal and interest to be paid on obligations issued under s. 16.527 during the fiscal biennium that is allocable to the appropriation, as determined under sub. (3).

(3) The secretary shall determine the amounts of the allocations required under sub. (2) as follows:

(a) The secretary shall first determine the total amount of Wisconsin Retirement System contributions that are to be paid by the state under s. 40.05 during the fiscal biennium.

(b) The secretary shall then determine the percentage of the total amount determined under par. (a) that is allocable to each state agency appropriation from which Wisconsin Retirement System contributions under s. 40.05 are paid. The secretary shall exclude from this determination any appropriation from which a lapse or transfer to pay any principal or interest amount on obligations issued under s. 16.527 would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse or transfer would violate the federal or state constitution.

(c) For each appropriation identified under par. (b), the secretary shall then apply the percentage calculated under par. (b) to the total amount of principal and interest to be paid during the fiscal biennium on obligations issued under s. 16.527. This amount is the portion of the total amount of principal and interest paid on the obligations during that fiscal biennium that is allocable to each appropriation.

SECTION 2. 20.866 (2) (xm) of the statutes is amended to read:

20.866 (2) (xm) *Building commission; refunding tax-supported and self-amortizing general obligation*

* Section 991.11, WISCONSIN STATUTES 2005–06 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

debt. From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance tax-supported or self-amortizing facilities. In addition to the amount that may be contracted under par. (xe), the state may contract public debt in an amount not to exceed \$1,400,000,000 \$1,775,000,000 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred for tax-supported and self-amortizing facilities in proportional amounts to the purposes for which the debt was refinanced. No moneys may be expended under this paragraph unless the true interest costs to the state can be reduced by the expenditure.

SECTION 3. 49.175 (1) (p) of the statutes is amended to read:

49.175 (1) (p) *Direct child care services.* For direct child care services under s. 49.155, \$310,332,100 in fiscal year 2005–06 and ~~\$313,432,100~~ \$343,432,100 in fiscal year 2006–07.

SECTION 4. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000 in each fiscal year 2005–06 and \$25,232,000 in fiscal year 2006–07.

SECTION 5. 2005 Wisconsin Act 25, section 9155 (1w) (b) is amended to read:

[2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, ~~2007~~ 2009, 13.0 FTE attorney positions in all state agencies that are vacant on that date are eliminated. If fewer than 13.0 FTE attorney positions in all state agencies are vacant on June 30, ~~2007~~ 2009, there are eliminated the requisite number of FTE attorney positions, as identified by the secretary of administration, so that a total of 13.0 FTE attorney positions are eliminated.

SECTION 9101. Nonstatutory provisions; Administration.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of administration are increased by 23.25 PR positions on April 1, 2007, to be funded from the appropriation under section 20.505 (5) (ka) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

(2) STATE AGENCY PAYMENTS RELATING TO UNFUNDED LIABILITIES UNDER THE WISCONSIN RETIREMENT SYSTEM.

(a) The definitions in section 20.001 of the statutes are applicable in this subsection.

(b) The secretary of administration shall determine for each state agency the amount that the state agency would have been required to expend under section 40.05

(2) (b) and (4) (b), (bc), and (bw) and subchapter IX of chapter 40 of the statutes during the 2005–07 fiscal biennium had the obligations under section 16.527 of the statutes not been issued, and each appropriation from which the moneys would have been expended. The secretary shall exclude from this determination any appropriation from which a lapse or transfer to pay any principal or interest amount on obligations issued under section 16.527 of the statutes would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse or transfer would violate the federal or state constitution.

(c) From each appropriation identified in paragraph (b), notwithstanding section 20.001 (3) (a) to (c) of the statutes, the secretary shall lapse to the general fund or transfer to the general fund the amount specified in paragraph (b) that would otherwise have been expended from the appropriation.

SECTION 9109. Nonstatutory provisions; Corrections.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of corrections are increased by 20.25 GPR positions on April 1, 2007, to be funded from the appropriation under section 20.410 (1) (a) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

(2) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of corrections are increased by 19.00 PR positions on April 1, 2007, to be funded from the appropriation under section 20.410 (1) (kk) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

(3) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of corrections are increased by 5.00 PR positions on April 1, 2007, to be funded from the appropriation under section 20.410 (3) (hm) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

SECTION 9121. Nonstatutory provisions; Health and Family Services.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of health and family services are increased by 33.00 PR positions on April 1, 2007, to be funded from the appropriation under section 20.435 (2) (gk) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

(2) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of health and family services are increased by 8.00 PR positions on April 1, 2007, to be funded from the appropriation under section 20.435 (2) (kx) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

SECTION 9129. Nonstatutory provisions; Justice.

(1) POSITION AUTHORIZATIONS; DEOXYRIBONUCLEIC ACID ANALYSIS. The authorized FTE positions for the department of justice are increased by 16.00 GPR positions on July 1, 2007, to be funded from the appropriation under section 20.455 (2) (a) of the statutes, for the the performance of deoxyribonucleic acid analysis.

(2) SPECIFICATION OF POSITION AUTHORIZATIONS FOR THE PERFORMANCE OF DEOXYRIBONUCLEIC ACID ANALYSIS. Of the 31.00 GPR positions authorized under subsection (1) and SECTION 9229 (1) of this act, 29 shall be DNA analysts, one shall be a DNA technician, and one shall be a DNA-analysis supervisor.

SECTION 9137. Nonstatutory provisions; Public Instruction.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of public instruction are increased by 10.00 GPR positions on April 1, 2007, to be funded from the appropriation under section 20.255 (1) (b) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

SECTION 9152. Nonstatutory provisions; University of Wisconsin System.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the Board of Regents of the University of Wisconsin System are increased by 146.42 GPR positions on April 1, 2007, to be funded from the appropriation under section 20.285 (1) (a) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

SECTION 9153. Nonstatutory provisions; Veterans Affairs.

(1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department of veterans affairs are increased by 6.00 PR positions on April 1, 2007, to be funded from the appropriation under section 20.485 (1) (gk) of the statutes, for the purpose of enabling continued operation of state-owned power and waste water treatment plants.

SECTION 9201. Fiscal changes; Administration.

(1) Lapse or transfer of any unencumbered moneys in appropriation accounts and funds.

(a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraphs (b) and (c), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of state operations appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$11,132,000 during the 2006–07 fiscal year.

(b) The secretary of administration may not lapse or transfer moneys under paragraph (a) if the lapse or transfer would violate a condition imposed by the federal government on the expenditure of the moneys or if the lapse or transfer would violate the federal or state constitution.

(c) The secretary of administration may not lapse or transfer under paragraph (a) any more than \$130,700 from appropriations to the department of transportation.

SECTION 9203. Fiscal changes; Agriculture, Trade and Consumer Protection.

(1d) AGRICHEMICAL MANAGEMENT FUND TRANSFER. There is transferred from the agrichemical management fund to the general fund \$1,500,000 in fiscal year 2006–07.

SECTION 9209. Fiscal changes; Corrections.

(1) ADULT CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$54,798,300 for fiscal year 2006–07 to carry out the purpose for which the appropriation is made.

(2) CORRECTIONS CONTRACTS AND AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$7,477,000 for fiscal year 2006–07 to carry out the purpose for which the appropriation is made.

SECTION 9221. Fiscal changes; Health and Family Services.

(1) STATE FOSTER CARE AND ADOPTION SERVICES; DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (dd) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is decreased by \$3,065,600 for fiscal year 2006–07.

(2) MEDICAL ASSISTANCE; DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is decreased by \$69,700,600 for fiscal year 2006–07.

(3) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (bv) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is decreased by \$15,700,000 for fiscal year 2006–07.

(4) BADGER CARE HEALTH CARE PROGRAM; INCREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$5,500,000 for fiscal year 2006–07 for the purpose for which the appropriation is made.

SECTION 9225. Fiscal changes; Insurance.

(1) LAPSE TO GENERAL FUND FROM GENERAL PROGRAM OPERATIONS APPROPRIATION. Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date of this subsection, there is lapsed to the general fund \$8,000,000 from the appropriation account to the office of the commissioner of insurance under section 20.145 (1) (g) of the statutes, as affected by the acts of 2005 and 2007.

SECTION 9227. Fiscal changes; Joint Committee on Finance.

(1) GENERAL FUND APPROPRIATION SUPPLEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is decreased by \$19,371,900 for fiscal year 2006–07.

SECTION 9229. Fiscal changes; Justice.

(1) DEOXYRIBONUCLEIC ACID ANALYSIS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$96,600 for fiscal year 2006–07 to increase the authorized FTE positions for the department of justice by 15.00 GPR positions on April 1, 2007, for the performance of deoxyribonucleic acid analysis.

SECTION 9235. Fiscal changes; Natural Resources.

(1) RECYCLING FUND TRANSFER. There is transferred from the recycling fund to the general fund \$1,500,000 in fiscal year 2006–07.

(2) STATE FOREST ACQUISITION DEBT SERVICE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (7) (au) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$10,600,000 for fiscal year 2006–07 to increase funding for the purposes for which the appropriation is made.

SECTION 9236. Fiscal changes; Public Defender Board.

(1) PRIVATE BAR AND INVESTIGATOR REIMBURSEMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the public defender board under section 20.550 (1) (d) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is increased by \$9,700,000 for fiscal year 2006–07 to carry out the purpose for which the appropriation is made.

SECTION 9248. Fiscal changes; Transportation.

(1) LAPSES TO TRANSPORTATION FUND.

(a) Notwithstanding sections 13.101 (6) and 20.001 (3) (c) of the statutes, during the 2006–07 fiscal year, the joint committee on finance may lapse to the transportation fund any amount requested by the department of transportation from the unencumbered balances of the appropriation accounts under section 20.395 of the statutes, other than sum sufficient appropriations.

(b) In submitting a plan to lapse funds as part of its request under paragraph (a), the department of transportation shall identify \$4 million in lapses from its state operations appropriation under section 20.395 (4) (aq) of the statutes, which amount is in addition to any amount to be transferred under section 9201 (1) of this act, and shall make a corresponding reduction of \$4 million in the amount requested for any lapse from the appropriation account under section 20.395 (3) (cq) of the statutes.

(c) If the cochairpersons of the joint committee on finance do not notify the secretary of transportation within 14 working days after the date on which the department of transportation submits the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary shall lapse the amount identified under the plan. If, within 14 working days after the date on which the department submits the plan, the cochairpersons of the joint committee on finance notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary may lapse moneys only as approved, or modified and approved, by the committee.

**Vetoed
In Part**