

SENATE BILL 39 (LRB -1106)

An Act to amend 20.003 (4) (fr), 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. (FE)

2007

02-14.	S.	Introduced by joint committee on FINANCE , by request of Governor James E. Doyle.	
02-14.	S.	Read first time and referred to joint committee on Finance	92
02-15.	S.	Emergency statement attached by Governor pursuant to s. 16.47 (2) Wisconsin Statutes	97
02-27.	S.	Fiscal estimate received.	
02-28.	S.	Executive action taken.	
03-02.	S.	Report introduction of Senate Substitute Amendment 1 recommended by joint committee on Finance, Ayes 16, Noes 0 (LRB s0033).	
03-02.	S.	Report adoption of Senate Substitute Amendment 1 recommended by joint committee on Finance, Ayes 16, Noes 0.	
03-02.	S.	Report passage as amended recommended by joint committee on Finance, Ayes 16, Noes 0.	
03-02.	S.	Available for scheduling.	
03-07.	S.	Placed on calendar 3-13-2007 by committee on Senate Organization.	
03-13.	S.	Read a second time.	
03-13.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senators Cowles, S. Fitzgerald and Leibham (LRB a0202).	
03-13.	S.	Refused to adopt Senate amendment 1 to Senate substitute amendment 1, Ayes 15, Noes 18.	
03-13.	S.	Senate amendment 2 to Senate substitute amendment 1 offered by Senators Olsen, Cowles, S. Fitzgerald, Kanavas and Leibham (LRB a0185).	
03-13.	S.	Refused to adopt Senate amendment 2 to Senate substitute amendment 1, Ayes 15, Noes 18.	
03-13.	S.	Senate amendment 3 to Senate substitute amendment 1 offered by Senators Darling, Cowles, S. Fitzgerald, Kapanke and Leibham (LRB a0186).	
03-13.	S.	Refused to adopt Senate amendment 3 to Senate substitute amendment 1, Ayes 15, Noes 18.	
03-13.	S.	Senate amendment 4 to Senate substitute amendment 1 offered by Senators Kedzie, Cowles, S. Fitzgerald, Schultz, Kanavas and Leibham (LRB a0187).	
03-13.	S.	Refused to adopt Senate amendment 4 to Senate substitute amendment 1, Ayes 15, Noes 18.	
03-13.	S.	Senate amendment 5 to Senate substitute amendment 1 offered by Senator Cowles (LRB a0204).	
03-13.	S.	Refused to adopt Senate amendment 5 to Senate substitute amendment 1, Ayes 15, Noes 18.	
03-13.	S.	Senate substitute amendment 1 adopted .	
03-13.	S.	Ordered to a third reading.	
03-13.	S.	Rules suspended.	
03-13.	S.	Read a third time and passed , Ayes 24, Noes 9.	
03-13.	S.	Ordered immediately messaged.	
03-13.	A.	Received from Senate	94
03-13.	A.	Read	94
03-13.	A.	Rules suspended and taken up	94
03-13.	A.	Read a second time	94
03-13.	A.	Assembly amendment 1 offered by Representative Nass (LRB a0209)	94
03-13.	A.	Refused to adopt Assembly amendment 1, Ayes 27, Noes 72	94
03-13.	A.	Assembly amendment 2 offered by Representative Nass (LRB a0207)	95
03-13.	A.	Assembly amendment 2 laid on table, Ayes 78, Noes 21	95
03-13.	A.	Assembly amendment 3 offered by Representative Nass (LRB a0206)	95
03-13.	A.	Assembly amendment 3 laid on table, Ayes 85, Noes 14	95
03-13.	A.	Assembly amendment 4 offered by Representative Nass (LRB a0210)	95
03-13.	A.	Assembly amendment 4 laid on table, Ayes 86, Noes 13	95
03-13.	A.	Assembly amendment 5 offered by Representative Albers (LRB a0208)	95
03-13.	A.	Assembly amendment 5 withdrawn and returned to author	95
03-13.	A.	Ordered to a third reading	95
03-13.	A.	Rules suspended	96
03-13.	A.	Read a third time and concurred in , Ayes 85, Noes 14	96
03-13.	A.	Ordered immediately messaged	96
03-14.	S.	Received from Assembly concurred in.	

CD

**2007
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr 5 SubAmdt 07 50033/2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Lapses and transfers between appropriation accounts for Fiscal Year 2006-07, position authorizations for certain state agencies, and lapse or transfer of moneys to the general fund related to unfunded retirement liability debt service.

3-14-07 [Signature]
Date **Enrolling Drafter**

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 39**

March 2, 2007 – Offered by JOINT COMMITTEE ON FINANCE.

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

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

9 **SECTION 1.** 16.529 of the statutes is repealed and recreated to read:
10 **16.529 Lapses and fund transfers relating to unfunded retirement**
11 **liability debt service. (1)** The definitions in s. 20.001 are applicable in this section.

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

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

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

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

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

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

1 20.866 (2) (xm) *Building commission; refunding tax-supported and*
2 *self-amortizing general obligation debt.* From the capital improvement fund, a sum
3 sufficient to refund the whole or any part of any unpaid indebtedness used to finance
4 tax-supported or self-amortizing facilities. In addition to the amount that may be
5 contracted under par. (xe), the state may contract public debt in an amount not to
6 exceed ~~\$1,400,000,000~~ \$1,775,000,000 for this purpose. Such indebtedness shall be
7 construed to include any premium and interest payable with respect thereto. Debt
8 incurred by this paragraph shall be repaid under the appropriations providing for
9 the retirement of public debt incurred for tax-supported and self-amortizing
10 facilities in proportional amounts to the purposes for which the debt was refinanced.
11 No moneys may be expended under this paragraph unless the true interest costs to
12 the state can be reduced by the expenditure.

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

14 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
15 49.155, \$310,332,100 in fiscal year 2005–06 and ~~\$313,432,100~~ \$343,432,100 in fiscal
16 year 2006–07.

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

18 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
19 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
20 account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000 in each
21 fiscal year 2005–06 and \$25,232,000 in fiscal year 2006–07.

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

23 [2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, ~~2007~~ 2009, 13.0 FTE
24 attorney positions in all state agencies that are vacant on that date are eliminated.
25 If fewer than 13.0 FTE attorney positions in all state agencies are vacant on June 30,

1 ~~2007~~ 2009, there are eliminated the requisite number of FTE attorney positions, as
2 identified by the secretary of administration, so that a total of 13.0 FTE attorney
3 positions are eliminated.

4 **SECTION 9101. Nonstatutory provisions; Administration.**

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

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

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

14 (b) The secretary of administration shall determine for each state agency the
15 amount that the state agency would have been required to expend under section
16 40.05 (2) (b) and (4) (b), (bc), and (bw) and subchapter IX of chapter 40 of the statutes
17 during the 2005–07 fiscal biennium had the obligations under section 16.527 of the
18 statutes not been issued, and each appropriation from which the moneys would have
19 been expended. The secretary shall exclude from this determination any
20 appropriation from which a lapse or transfer to pay any principal or interest amount
21 on obligations issued under section 16.527 of the statutes would violate a condition
22 imposed by the federal government on the expenditure of the moneys or if the lapse
23 or transfer would violate the federal or state constitution.

24 (c) From each appropriation identified in paragraph (b), notwithstanding
25 section 20.001 (3) (a) to (c) of the statutes, the secretary shall lapse to the general

1 fund or transfer to the general fund the amount specified in paragraph (b) that would
2 otherwise have been expended from the appropriation.

3 **SECTION 9109. Nonstatutory provisions; Corrections.**

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

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

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

19 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

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

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

6 **SECTION 9129. Nonstatutory provisions; Justice.**

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

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

15 **SECTION 9137. Nonstatutory provisions; Public Instruction.**

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

21 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
22 **System.**

23 (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the Board of
24 Regents of the University of Wisconsin System are increased by 146.42 GPR
25 positions on April 1, 2007, to be funded from the appropriation under section 20.285

1 (1) (a) of the statutes, for the purpose of enabling continued operation of state-owned
2 power and waste water treatment plants.

3 **SECTION 9153. Nonstatutory provisions; Veterans Affairs.**

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

9 **SECTION 9201. Fiscal changes; Administration.**

10 (1) LAPSE OR TRANSFER OF ANY UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
11 AND FUNDS.

12 (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,
13 but subject to paragraphs (b) and (c), the secretary of administration shall lapse to
14 the general fund or transfer to the general fund from the unencumbered balances of
15 state operations appropriations, other than sum sufficient appropriations and
16 appropriations of federal revenues, an amount equal to \$11,132,000 during the
17 2006–07 fiscal year.

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

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

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

1 (1d) AGRICHEMICAL MANAGEMENT FUND TRANSFER. There is transferred from the
2 agricultural management fund to the general fund \$1,500,000 in fiscal year
3 2006–07.

4 **SECTION 9209. Fiscal changes; Corrections.**

5 (1) ADULT CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of
6 the statutes for the appropriation to the department of corrections under section
7 20.410 (1) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar
8 amount is increased by \$54,798,300 for fiscal year 2006–07 to carry out the purpose
9 for which the appropriation is made.

10 (2) CORRECTIONS CONTRACTS AND AGREEMENTS. In the schedule under section
11 20.005 (3) of the statutes for the appropriation to the department of corrections under
12 section 20.410 (1) (ab) of the statutes, as affected by the acts of 2005 and 2007, the
13 dollar amount is increased by \$7,477,000 for fiscal year 2006–07 to carry out the
14 purpose for which the appropriation is made.

15 **SECTION 9221. Fiscal changes; Health and Family Services.**

16 (1) STATE FOSTER CARE AND ADOPTION SERVICES; DECREASE. In the schedule under
17 section 20.005 (3) of the statutes for the appropriation to the department of health
18 and family services under section 20.435 (3) (dd) of the statutes, as affected by the
19 acts of 2005 and 2007, the dollar amount is decreased by \$3,065,600 for fiscal year
20 2006–07.

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

1 (3) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY; DECREASE. In the schedule under
2 section 20.005 (3) of the statutes for the appropriation to the department of health
3 and family services under section 20.435 (4) (bv) of the statutes, as affected by the
4 acts of 2005 and 2007, the dollar amount is decreased by \$15,700,000 for fiscal year
5 2006–07.

6 (4) BADGER CARE HEALTH CARE PROGRAM; INCREASE. In the schedule under section
7 20.005 (3) of the statutes for the appropriation to the department of health and family
8 services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 2005
9 and 2007, the dollar amount is increased by \$5,500,000 for fiscal year 2006–07 for
10 the purpose for which the appropriation is made.

11 **SECTION 9225. Fiscal changes; Insurance.**

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

17 **SECTION 9227. Fiscal changes; Joint Committee on Finance.**

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

22 **SECTION 9229. Fiscal changes; Justice.**

23 (1) DEOXYRIBONUCLEIC ACID ANALYSIS. In the schedule under section 20.005 (3)
24 of the statutes for the appropriation to the department of justice under section 20.455
25 (2) (a) of the statutes, as affected by the acts of 2005 and 2007, the dollar amount is

1 increased by \$96,600 for fiscal year 2006–07 to increase the authorized FTE positions
2 for the department of justice by 15.00 GPR positions on April 1, 2007, for the
3 performance of deoxyribonucleic acid analysis.

4 **SECTION 9235. Fiscal changes; Natural Resources.**

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

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

12 **SECTION 9236. Fiscal changes; Public Defender Board.**

13 (1) PRIVATE BAR AND INVESTIGATOR REIMBURSEMENT. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the public defender board under
15 section 20.550 (1) (d) of the statutes, as affected by the acts of 2005 and 2007, the
16 dollar amount is increased by \$9,700,000 for fiscal year 2006–07 to carry out the
17 purpose for which the appropriation is made.

18 **SECTION 9248. Fiscal changes; Transportation.**

19 (1) LAPSES TO TRANSPORTATION FUND.

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

