

or a supplementary mental examination, or both. Under this bill, the court may order only a predisposition investigation.

***** ANALYSIS FROM -0884/3 *****

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, any person who receives four or fewer children or, under certain circumstances, more than four children to provide care and maintenance for those children must obtain a license to operate a foster home and any person who receives four or fewer children to provide care and maintenance and structured, professional treatment for those children must obtain a license to operate a treatment foster home. A foster parent is reimbursed for basic maintenance according to age-related rates specified in the statutes and may receive supplemental payments for special needs, exceptional circumstances, and initial clothing allowances according to rates promulgated by DCF by rule. In addition, a treatment foster parent receives supplemental payments for providing treatment foster care. A relative who provides care and maintenance for a child is not required to obtain a foster home or treatment foster home license, but may, if he or she meets certain conditions, receive kinship care payments of \$215 per month or, if he or she has been appointed guardian of the child, long-term kinship care payments in that amount.

This bill eliminates kinship care and long-term kinship care payments and treatment foster homes as a separate licensing category effective on January 1, 2010. Instead, the bill requires DCF to promulgate rules regulating foster care as follows:

1. Rules providing levels of care that a foster home is licensed to provide. Those levels of care must be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that DCF may promulgate by rule.

2. Rules establishing a standardized assessment tool to assess the needs of a child placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

3. Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates are in addition to the basic maintenance rates for foster care and must include rates for

supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home.

4. Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

A person who is licensed to operate a treatment foster home on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at the appropriate rate determined under the rules promulgated by DCF under the bill. A person who is receiving kinship or long-term kinship care payments, on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at that appropriate rate if the person passes the criminal history and child abuse background investigation required of foster parents.

*** ANALYSIS FROM -0883/2 ***

~~HEALTH AND HUMAN SERVICES~~

stays
for now

CHILDREN

Under current law, a residential care center for children and youth (residential care center) and a group home must establish a per client rate for its services and must submit to DCF that rate and any change in that rate before a charge is made to any purchaser of those services.

This bill requires DCF to establish the per client rate that a residential care center or a group home may charge for its services, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services, for services provided beginning on January 1, 2011. The bill also freezes for 2010 at the 2009 level the per client rate that a residential care center or a group home may charge for its services and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services. The bill defines "administrative rate" as the difference between the rate charged by a child welfare agency to a purchaser of treatment foster care services and the rate paid by the child welfare agency to a treatment foster parent for the care and maintenance of a child.

Under the bill, by October 1 annually, a residential care center or a group home must submit to DCF the per client rate that it proposes to charge for services provided in the next year and a child welfare agency must submit to DCF the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. DCF must then review the proposed rate and audit the residential care center, group home, or child welfare agency to determine whether the proposed rate is appropriate to the level of services to be provided; the qualifications of the residential care center, group home, or child

welfare agency to provide those services; and the reasonable and necessary costs of providing those services.

In reviewing a proposed rate, DCF must consider certain factors, including: 1) changes in the consumer price index; 2) changes in allowable costs based on current actual cost data or documented projections of costs; 3) changes in program utilization that affect the per client rate or per client administrative rate; 4) changes in DCF's expectations relating to service delivery; 5) changes in service delivery proposed by the residential care center, group home, or child welfare agency and agreed to by DCF; 6) the loss of any source of revenue that had been used to pay expenses; 7) changes in any state or federal laws, rules, or regulations that result in any change in the cost of providing services, including any changes in the minimum wage; 8) competitive factors; 9) the availability of funding to pay for the services to be provided under the proposed rate; and 10) any other factor relevant to the setting of a rate that DCF may determine by rule promulgated under the bill.

If DCF determines that a proposed rate is appropriate, DCF must approve the proposed rate. If DCF does not approve a proposed rate, DCF must negotiate with the residential care center, group home, or child welfare agency to determine an agreed to rate. If after negotiations a rate is not agreed to, the parties must engage in mediation to arrive at an agreed to rate. If after mediation a rate is not agreed to,

the residential care center, group home, or child welfare agency may not provide the service for which the rate was proposed.

***** ANALYSIS FROM -1415/1 *****

HEALTH AND HUMAN SERVICES

CHILDREN

← stays for now

Under current DCF rules, a treatment foster parent, that is, a person who provides care and maintenance and structured, professional treatment for a child, is required to receive initial training before placement of the first child in his or her home and ongoing training in the specific needs of the treatment foster parent after licensing. Additionally, a foster parent, that is, a person who provides care and maintenance, but not structured, professional treatment, for a child, or a treatment foster parent caring for a child with special needs may voluntarily participate in a foster care education program approved by DCF. This bill requires all foster parents and treatment foster parents to successfully complete training in the care and support needs of children who are placed in foster care or treatment foster care that has been approved by DCF. The bill requires DCF to promulgate rules prescribing the training that is required under the bill and to monitor compliance with the training requirement according to those rules.

***** ANALYSIS FROM -1338/2 *****

HEALTH AND HUMAN SERVICES

CHILDREN

stays

Current law specifies age-related basic maintenance rates that are paid by the state or a county to a foster parent for the care and maintenance of a child. Currently, those rates are \$349 for a child under five years of age, \$381 for a child 5 to 11 years of age, \$433 for a child 12 to 14 years of age, and \$452 for a child 15 years of age or over. This bill increases those rates by 5 percent beginning on January 1, 2010, and by an additional 5 percent beginning on January 1, 2011, so that beginning on January 1, 2010, those rates are \$366 for a child under five years of age, \$400 for a child 5 to 11 years of age, \$455 for a child 12 to 14 years of age, and \$475 for a child 15 years of age or over, and beginning on January 1, 2011, those rates are \$384 for a child under five years of age, \$420 for a child 5 to 11 years of age, \$478 for a child 12 to 14 years of age, and \$499 for a child 15 years of age or over.

***** ANALYSIS FROM -1270/1 *****

HEALTH AND HUMAN SERVICES

CHILDREN

stays

Under current law, immediately after receiving a report of suspected or threatened child abuse or neglect, a county department of human services or social services (county department) must evaluate the report to determine whether a caregiver of the child is suspected of the abuse or neglect. If a caregiver is suspected of the abuse or neglect, the county department must initiate a diligent investigation

to determine whether the child is in need of protection or services. If a person who is not a caregiver is suspected of the abuse or neglect, the county department may initiate such an investigation. If the report is of suspected or threatened child sexual abuse, the county department must refer the report to the sheriff or police department. Within 60 days after receiving a report that it investigates, a county department must determine by a preponderance of the evidence whether abuse or neglect has occurred or is likely to occur. If a county department determines that a specific person has abused or neglected a child, that person may appeal that determination under procedures promulgated by DCF by rule.

This bill requires DCF to establish a pilot program under which a county department may employ alternative responses to a report of suspected or threatened child abuse or neglect. Under the pilot program, immediately after receiving such a report, a county department must, based on an evaluation of the report, respond as follows:

1. If the county department determines that there is reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation of the report is otherwise necessary to ensure the safety of the child and his or her family, the county department must investigate the report as provided under current law. The bill defines "substantial abuse or neglect" as abuse or neglect or threatened

abuse or neglect that under guidelines developed by DCF under the bill constitutes severe abuse or neglect or a threat of severe abuse or neglect and a significant threat to the safety of a child and his or her family.

2. If the county department determines that there is reason to suspect that abuse or neglect, other than substantial abuse or neglect, has occurred or is likely to occur, but that under the guidelines developed by DCF there is no immediate threat to the safety of the child and his or her family and intervention by the court assigned to exercise jurisdiction under the Children's Code is not necessary, the county department must conduct a comprehensive assessment of the safety of the child and his or her family, the risk of subsequent abuse or neglect, and the strengths and needs of the child's family to determine whether services are needed to address those issues. Based on the assessment, the county department must offer to provide appropriate services to the child's family on a voluntary basis or refer the child's family to a service provider in the community for the provision of those services. If the county department employs the assessment response, the county department is not required as under current law to refer the report to the sheriff or police department or determine by a preponderance of the evidence that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child.

3. If the county department determines that there is no reason to suspect that abuse or neglect has occurred or is likely to occur, the county department must refer the child's family to a service provider in the community for the provision of appropriate services on a voluntary basis. If the county department employs the community services response, the county department is not required to conduct an assessment under the bill and is not required as under current law to refer the report to the sheriff or police department or determine by a preponderance of the evidence that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child.

***** ANALYSIS FROM -1579/3 *****

HEALTH AND HUMAN SERVICES

CHILDREN *stays*

Under current law, DCF administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the

reservations of all of the Indian tribes to which grants are awarded. Currently, a county or Indian tribe may use a grant to make payments totalling not more than \$1,000 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a family participating in the program.

This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.
2. Requires DCF to determine the amount of a grant in excess of the statutory minimum based on need, as determined by a formula that DCF is required under the bill to promulgate by rule, and requires that formula to determine need based on the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.
3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12

months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the appropriate expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for participation in the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women in the county or reservation of the Indian tribe who are eligible for MA and commence those services during the prenatal period.

c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe, which amount shall be determined by negotiations between DCF and the county or Indian tribe.

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes in the county or reservation of the Indian tribe.

***** ANALYSIS FROM -1655/1 *****

HEALTH AND HUMAN SERVICES

CHILDREN

stays

Under current law, DCF may license a person to operate a day care center, and a licensed day care center may receive reimbursement under the Wisconsin Works (W-2) program for child care provided for a person who is eligible for a child care subsidy under that program. This bill requires DCF to provide a child care quality rating system for licensed day care centers that receive reimbursement under the W-2 program or that volunteer for rating under the system. The rating information must be made available, including on DCF's Internet site, to parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a day care center that is rated under the system.

***** ANALYSIS FROM -1389/1 *****

K.S. stays
CHILDREN

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county department of human services or social services before the child care provider may receive reimbursement for child care services provided to a family that is eligible for a child care subsidy under the Wisconsin Works (W-2) program. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit for purposes of reimbursement under the W-2 program.

***** ANALYSIS FROM -1513/1 *****

HEALTH AND HUMAN SERVICES
CHILDREN *stays*

Under current law, a day care center that provides care and supervision for nine or more children must pay a biennial license fee of \$30.25, plus \$10.33 per child based on licensed capacity. This bill raises the per child portion of that license fee to \$16.94.

***** ANALYSIS FROM -0238/3 *****

HEALTH AND HUMAN SERVICES
CHILDREN *stays*

Under current law, when a person applies for or receives kinship care or long-term kinship care payments for the care of a child, any right of the child or of the child's parent to support or maintenance from any other person, including any right to unpaid amounts accrued at the time of application for those payments or that



requires DOC to assess each inmate who volunteers to participate in the program to determine if he or she has a substance abuse problem that requires an intensive level of treatment, a substance abuse problem that does not require intensive treatment and is not directly related to the inmate's criminal behavior, or another treatment need that is not related to substance abuse and that is directly related to the inmate's criminal behavior. The bill requires DOC to provide appropriate treatment and education, based on its assessment of a participant's treatment needs, to each participant in the Challenge Incarceration Program.

***** ANALYSIS FROM -1648/P5 *****

This bill increases a DOC appropriation for general program operations by \$21,000,000 for fiscal year 2008-09.

***** ANALYSIS FROM -0357/3 *****

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC ^{must} ~~is required to~~ allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$268 for care in a juvenile correctional facility or a treatment facility, \$296 for care in a residential care center for children and youth, \$170 for care in a group home, \$74 for

care in a foster home, \$145 for care in a treatment foster home, \$101 for corrective sanctions services, and \$37 for aftercare services. This bill changes those assessments for fiscal year 2009-10 to \$270 for care in a juvenile correctional facility or a treatment facility, \$294 for care in a residential care center for children and youth, \$190 for care in a group home, \$72 for care in a foster home, \$126 for care in a treatment foster home, \$101 for corrective sanctions services, and \$40 for aftercare services; and for fiscal year 2010-11 to \$275 for care in a juvenile correctional facility or a treatment facility, \$309 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$132 for care in a treatment foster home, ~~\$103 for corrective sanctions services~~, and \$41 for aftercare services.

by law. This bill increases most of those assessments

***** ANALYSIS FROM -1494/2 *****

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

***** ANALYSIS FROM -1308/1 *****

Under current law, no person who is qualified and able to serve as a juror may be excluded from that service on the basis of marital status. This bill prohibits exclusion from jury service on the basis of domestic partnership status. *based on*

OTHER COURTS AND PROCEDURE

This bill defines a “surviving domestic partner” as a person who was the domestic partner, as defined in this bill, of the decedent at the time of the decedent’s death.

This bill provides the following rights for the surviving domestic partner of a decedent are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent’s estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate under a governing instrument or under intestacy.

3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to what the share would be if the decedent died intestate, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, limited by court-ordered charge against interest or principal from the estate to which the surviving domestic partner is entitled and against amounts owed for assuming the decedent's full interest in a home.

5. A surviving domestic partner may select from the estate certain personal items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

and witness assistance surcharge. The surcharge is \$85 for each felony charge and \$60 for each misdemeanor charge; current law splits the surcharge into two parts. For each felony surcharge, \$65 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims. For each misdemeanor surcharge, \$40 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims.

This bill increases the crime victim and witness assistance surcharge to \$90 for each felony charge and \$65 for each misdemeanor charge. Under the bill, \$20 of each surcharge is used to provide grants to organizations that provide services for sexual assault victims and \$5 is added to the amount currently used to provide compensation for crime victims.

CRIMES

Current law prohibits a person from claiming, as a defense in a criminal case, that he or she was coerced to do the criminal act by his or her spouse. Under this bill, no person may claim coercion by his or her registered domestic partner as a defense in a criminal case.

Under current law, no one may harbor a felon from law enforcement, except that a person who is the spouse or other family member of the felon may not be prosecuted for harboring him or her. Under the bill, no one who is the registered domestic partner of a felon may be prosecuted for harboring him or her.

Under current law, an enhanced penalty is imposed on a person who commits certain criminal acts against a family member, including a spouse, of a victim, judge, or witness in a case against the person or against a family member, including a spouse, of a revenue employee, or of an employee of the departments of commerce or workforce development. This bill imposes the same enhanced penalty on a person who does or threatens to do any of the following: 1) stalk, commit battery against, intimidate, or damage the property of, a registered domestic partner of a victim or

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witness to a crime; or 2) commit battery against or damage the property of a registered domestic partner of a judge or an employee of the Department of Revenue, the Department of Workforce Development, or the Department of Commerce.

Under current law, a person who commits certain acts against a person who is a spouse, former spouse, other parent of the person's child, or with whom the person formerly lived is guilty of committing domestic violence. Current law provides assistance to victims of domestic violence and imposes enhanced penalties and restrictions on a person who commits an act of domestic violence against his or her spouse or former spouse. Current law also allows for a person who commits certain acts of domestic violence to enter into a deferred prosecution for the acts if the person complies with conditions imposed under the deferred prosecution agreement. This bill expands the definition of a victim of domestic violence to include a registered domestic partner or a former registered domestic partner.

Current law provides certain rights to victims of crime and their family members, including spouses, before, during, and after the criminal prosecution of the person who committed the crime against the victim. These rights include the right to cooperation by law enforcement agencies, to attend court hearings involving the person who committed the crime against the victim, to be kept informed of developments in the case, including plea bargain offers, and to read an impact statement at the sentencing hearing of the person who committed the crime. This bill affords all of the rights conferred on the spouses of victims to the registered domestic partners of victims.

Current law requires that a victim of a crime or his or her family members be notified when a person who committed a crime against the victim is released from prison or a mental institution, applies or qualifies for release to probation or extended supervision from prison or a mental institution, applies for a pardon, or escapes from a prison. This bill includes a domestic partner as a member of a victim's family who is entitled to the same notice given to family members under current law.

Current law also allows DOJ to grant compensation to the spouse of a person who is killed or injured while trying to prevent a crime, trying to detain a criminal, or trying to assist a crime victim or a law enforcement officer. This bill allows a domestic partner to receive the same compensation that a spouse receives under current law.

***** ANALYSIS FROM -1862/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to use a portion of the federal funds received by the state pursuant to the American Recovery and Reinvestment Act of 2009, as determined by the secretary of administration, to make state aid payments to schools in June 2009

is located in this state, has no more than 100 employees, and has no more than \$10,000,000 in gross annual income. Also, current law prohibits using a grant to pay more than 80 percent of the cost of training the spouse or child of the business owner, or to pay wages or compensate for lost revenue in connection with providing the training. In addition, current law prohibits the WTCS Board from awarding more than \$1,000,000 in grants in a fiscal year.

This bill eliminates all of the prohibitions described above. In addition, the bill eliminates the requirement that district boards submit reports to the WTCS Board on how grants are used.

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currently, under certain circumstances, the UW System

*** ANALYSIS FROM -0295/3 ***

Current law requires the Board of Regents and each technical college district

board to grant full remission of academic fees for 128 credits or eight

semesters, whichever is longer, to certain veterans who are residents of this state for

veterans benefits purposes and to the spouse, unmarried surviving spouse, or

child of a veteran who was a resident of this state at the time of entry

into service and who either: 1) while a resident of this state, died on active duty, died

as the result of a service-connected disability, or died in the line of duty while on

active or inactive duty for training purposes, or 2) incurred at least a 30 percent

service-connected disability rating. In the case of a veteran enrolled in the UW

System, "academic fees" includes nonresident tuition.

an eligible veteran is one who

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academic fees for 128 credits or eight

certain veterans who are residents of this state for

an eligible veteran or

to the spouse, unmarried surviving spouse, or

of a veteran who was a resident of this state at the time of entry

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died in the line of duty while on

or 2) incurred at least a 30 percent

In the case of a veteran enrolled in the UW

"academic fees" includes nonresident tuition.

requires

This bill directs the Board of Regents and a district board granting a remission of academic fees to require a veteran or dependent of a veteran to apply to the payment of those academic fees all educational assistance to which that person is entitled under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (P.L. 110-252), commonly referred to as the "New GI Bill" which provides educational assistance for members of the U.S. armed forces who serve after September 11, 2001. This requirement applies notwithstanding the fact that the veteran or dependent may be entitled to educational assistance under the federal Montgomery GI Bill Act of 1984 or the federal Survivors' and Dependents' Educational Assistance Program (collectively referred to as the "Old GI Bill") as well as under the New GI Bill. For a veteran or dependent who is entitled to educational assistance under both the Old GI Bill and the New GI Bill, if the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the Old GI Bill is greater than the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the New GI Bill, the Higher Educational Aids Board *(HEAB)* must reimburse the veteran or dependent for the difference in those amounts of educational assistance.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, HEAB awards ^{various grants to resident students for} ~~higher education, including~~ ^{higher education, including} ~~beginning in the 2011-12 academic year,~~ ^{beginning in the 2011-12 academic year,} Wisconsin covenant scholar grants to ^{resident students who are} ~~resident students who are~~ ^{enrolled at least half time} ~~and~~ ^{registered as freshmen, sophomores, juniors, or seniors in} ~~public or private~~ ^{at nonprofit} ~~nonprofit, accredited~~ ^{at} institutions of higher education or ~~in~~ ⁱⁿ tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program. This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA (office) in order to be eligible for a Wisconsin covenant scholar grant. This bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include ^{rules establishing} ~~eligibility~~ criteria for designation as a Wisconsin covenant scholar. In addition, the bill requires DPI, ^{to} ~~the extent permitted under the federal Family Educational Rights and Privacy Act,~~ to provide pupil information to the office as necessary for the office to fulfill its role in the administration of the grant program.

***** ANALYSIS FROM -0294/1 *****

Under current law, Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled

colleges in this state. Currently, a WHEG grant may not exceed \$3,000 for an academic year. This bill permits HEAB to establish the maximum amount of a WHEG grant, but prohibits HEAB from increasing that maximum amount unless HEAB determines that as many students will be awarded WHEG grants in the current academic year as in the previous academic year.

***** ANALYSIS FROM -1293/3 *****

HIGHER EDUCATION

Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. This bill

also funds those grants in fiscal year 2009-10 in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities.

***** ANALYSIS FROM -1687/2 *****

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Current law requires the Higher Educational Aids Board (HEAB) to contract with a private nonprofit institution of higher education in this state that operates an accredited dental school (Marquette University Dental School) for the provision of dental education services for residents of this state who are enrolled as full-time students in the pursuit of a doctor of dental surgery (D.D.S.) degree. Currently,

HEAB must ^{disburse} distribute \$8,753 in each fiscal year to the Marquette University Dental School for each resident student who is enrolled full-time in the pursuit of a D.D.S.

Under current law,

Wisconsin

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degree, and the number of resident students who may be funded by HEAB is capped at 160.

doctor of dental surgery (D.D.S.) student at the Marquette University Dental School. Current law caps

Wisconsin (S) SD

This bill, beginning in fiscal year 2010-11, eliminates the dental education contract and instead creates a loan program, to be administered by HEAB, to defray the cost of tuition, fees, and expenses for resident students who are enrolled full-time in a program leading to a D.D.S. degree at the Marquette University Dental School. The maximum amount of a loan for a resident, full-time student during a fiscal year is \$8,753, and the maximum number of resident students who may receive a loan is 160 in each fiscal year. Under the bill, a loan recipient must agree that after he or she has completed his or her program of study, 20 percent of the loan recipient's patient encounters as a dentist will be with residents of this state who are recipients of Medical Assistance. That patient encounter obligation continues for the same number of years that the loan recipient received a loan. The bill requires HEAB to forgive the principal and interest of one fiscal year's loan after each full year that the recipient fulfills that patient encounter obligation.

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for the same number of years that he or she received a loan,

his or her

Wisconsin

*** ANALYSIS FROM -1840/1 ***

Current law requires the Higher Educational Aids Board (HEAB) to establish plans to be administered by HEAB for participation by this state under any federal acts relating to higher education. This bill requires HEAB to obtain the approval of

DOA before HEAB may expend any discretionary federal economic stimulus funds for any higher education capital or modernization project.

***** ANALYSIS FROM -0669/1 *****

Under current law, certain educational agencies, such as school districts, private schools, technical college districts, private colleges, and public library systems, may participate in the Educational Telecommunications Access Program

under which DOA provides ~~or contracts for the provision of~~ Internet access to the educational agencies. Currently, an educational agency that is provided with a data

line for Internet access under the program may not provide access to the data line to any business entity ~~that is operated for profit~~.

This bill permits an educational agency to provide access to a data line provided under the program to a business entity if: 1) the business entity is broadcasting an event sponsored by the educational agency, 2) the business entity has the permission of the educational agency to record and broadcast the event; and 3) the business entity reimburses DOA for its proportionate share of the cost of the data line used to broadcast the event.

***** ANALYSIS FROM -0778/1 *****

EMINENT DOMAIN

Currently, whenever an entity with the power of condemnation seeks to acquire property by condemnation, it must provide the property owner with an appraisal of the property and pay for the owner to acquire his or her own appraisal. This bill provides that, if the property is being acquired for sewers or transportation facilities,

in the county in which the project is located, as determined by DWD, and may not be required or permitted to work a greater number of hours per day and per week than the prevailing hours of labor, that is, no more than ten hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of ^{those} the prevailing hours of labor. Currently, the prevailing wage law does not apply to a multiple-trade public works project whose estimated cost of completion is less than \$234,000 or to a single-trade public works project whose estimated cost of completion is less than \$48,000. DWD adjusts those amounts annually based on changes in construction costs.

This bill requires all laborers, workers, mechanics, and truck drivers working employed on on the site of a publicly funded private construction project to be paid not less than the prevailing wage rate and to be paid overtime pay for all hours worked in excess of the prevailing hours of labor. The bill defines a "publicly funded private construction project" as a construction project, other than a project of public works, that receives financial assistance from a local governmental unit and "financial assistance" ~~as any grant, cooperative agreement, loan, contract, or any other arrangement by which a local governmental unit provides or otherwise makes available assistance in any of the following forms:~~

Funding

any grant, cooperative agreement, loan, contract or any other

2. A transfer or lease of real or personal property of the local governmental unit or of any interest in or permission to use that property for less than fair market value or for reduced consideration.

3. Proceeds from a subsequent transfer or lease of real or personal property transferred or leased from the local governmental unit, if the local governmental unit's share of the fair market value of the property is not returned to the local governmental unit.

4. A redevelopment contract, economic development agreement, industrial development revenue agreement, contract for the development or redevelopment of a tax incremental district or a blighted area, or assistance provided to develop, redevelopment, maintain, operate, or promote a business improvement district.

This bill sets the threshold for applicability of the prevailing wage law at an estimated cost of project completion of \$2,000, regardless of whether the project is a single-trade project or a multiple-trade project, and eliminates the authority of DWD to adjust that threshold.
The also

Current law requires each contractor, subcontractor, and agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by

each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to submit, on a weekly basis, a certified record of that information for the preceding week to the local governmental unit, state agency, or private owner or developer authorizing the work.

Under
 Current law, ~~requires~~ DWD *must, on* if requested by any person *to* inspect the payroll records of any contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to ensure compliance with that law. If the

contractor, subcontractor, or agent is found to be in compliance with that law and if the person making the request is a person performing work that is subject to that law, DWD must charge the person the actual cost of the inspection. If the contractor, subcontractor, or agent is found to be in compliance with that law and if the person making the request is not a person performing work that is subject to that law, DWD

must charge the person \$250 or the actual cost of the inspection, whichever is greater.

request for
 This bill requires DWD to charge a person making a request *or* for the inspection of those payroll records only if DWD finds that the contractor, subcontractor, or agent is in compliance with that law and that the request is frivolous. In order to find that a request is frivolous, DWD must find that the person making the request made the

only if
 request *was made* in bad faith, solely for the purpose of harassing or maliciously injuring the

the

When DWD receives a complaint alleging discrimination

if the requester

contractor, subcontractor, or agent, or that the person making the request knew, or should have known, that there was no reasonable basis for believing that a violation of the prevailing wage law had been committed.

*** ANALYSIS FROM -1800/1 ***

Under current law, a person who believes that he or she has been discriminated

against in employment, housing, or the full and equal enjoyment of a public place of

accommodation; that his or her employer has violated the family and medical leave

law, that he or she has been retaliated against for disclosing information

demonstrating mismanagement or abuse of authority in state or local government

(commonly referred to as "the whistleblower law"), or that he or she has been

discriminated against for exercising any right relating to public employee

occupational safety and health may file a complaint (complaint) with DWD, and

DWD must investigate the complaint to determine whether there is probable cause

to believe that a violation occurred (probable cause). Under current DWD rules, if

DWD determines that there is no probable cause, DWD must dismiss the complaint

and the complainant may request a hearing on the issue of probable cause before an

administrative law judge.

This bill eliminates the right of a complainant whose complaint is dismissed for

lack of probable cause to request a hearing on the issue of probable cause before an

administrative law judge. Under the bill, if DWD determines that there is no

a complaint alleging a violation of

a complaint alleging retaliation

or a complaint alleging discrimination

if finds

a hearing examiner

to

probable cause and dismisses a complaint, the order of dismissal is the final decision

of DWD, which may be appealed to the circuit court.

and instead provides that the finding of no probable cause

***** ANALYSIS FROM -1307/1 *****

Under current law, for property tax purposes, agricultural land is land that is devoted primarily to agricultural use, as defined by the Department of Revenue by rule. Under this bill, agricultural land does not include land that is platted and zoned for residential, commercial, or industrial use.

***** ANALYSIS FROM -1629/1 *****

Under current law, DOJ is required to defend claims against the work injury supplemental benefit (WISB) fund, which is a fund that is used to pay supplemental worker's compensation to employees with permanent total disability, additional death benefits to the children of a deceased employee, additional worker's compensation to an employee with permanent partial disability who incurs further permanent disability, and worker's compensation when

there is no adequate remedy for

an otherwise meritorious claim for occupational disease is barred by the statute of limitations, when the status

or existence of the employer or insurer cannot be determined, or when there is

otherwise no adequate remedy. DOJ is also required to prosecute claims for payment

into the WISB fund against an employer when an injury results in death or in the

loss or total impairment of a hand, arm, foot, leg, or eye or when a minor is injured

a limb or eye

while working without a work permit or in prohibited employment. This bill permits

*INS.
1308E
Smm*

OTHER ENVIRONMENT

Current law imposes several fees that are based on the weight of solid waste disposed of at a landfill or other waste disposal facility. This type of fee is often called a tipping fee. Currently, the environmental repair tipping fee is \$1.60 per ton of solid waste, other than mining waste and certain kinds of high-volume industrial waste. The environmental repair tipping fee is deposited into the environmental fund. This bill increases the environmental repair tipping fee to \$5 per ton.

In addition, this bill changes the funding source for making the principal and interest payments on bonds issued by this state for certain water pollution abatement purposes from the general fund to the environmental fund.

Currently, the recycling tipping fee is \$4 per ton of solid waste disposed of, other than certain kinds of high-volume industrial waste. The recycling tipping fee is deposited into the recycling and renewable energy fund. This bill increases the recycling tipping fee to \$5 per ton.

***** ANALYSIS FROM -0282/1 *****

Current law requires a person to pay DOT an environmental impact fee of \$9 upon registering a new motor vehicle, other than a neighborhood electric vehicle, or upon applying for a new certificate of title following the transfer of a vehicle. The environmental impact fee is deposited in the environmental fund. The fee expires on December 31, 2009. This bill eliminates the expiration date for the environmental impact fee.

***** ANALYSIS FROM -1537/3 *****

Double Source