

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/29/2014 Received By: **mduchek**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Bong**  
May Contact: Drafter: **mduchek**  
Subject: **Administrative Law** Addl. Drafters:  
**State Finance - miscellaneous** Extra Copies: **GMM**

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

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**Pre Topic:**

DOA:.....Bong, BB0363 -

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**Topic:**

Eliminate GPR funding of Division of Hearings and Appeals

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 1/5/2015			_____			
/P1		kfollett 1/10/2015	rschluet 1/12/2015	_____	mbarman 1/12/2015		State

FE Sent For:

<END>

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/?	mduchek	1/15/15 1/10					

FE Sent For:

<END>

## Duchek, Michael

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**From:** CathleneH <cathleneh@gmail.com>  
**Sent:** Tuesday, December 23, 2014 3:49 PM  
**To:** Champagne, Rick; Duchek, Michael  
**Subject:** Fwd: Statutory Language Drafting Request - BB0363

Sent from my iPhone

Begin forwarded message:

**From:** <[SashaE.Bong@wisconsin.gov](mailto:SashaE.Bong@wisconsin.gov)>  
**Date:** December 23, 2014 at 5:40:06 PM AST  
**To:** <[cathlene.hanaman@legis.wisconsin.gov](mailto:cathlene.hanaman@legis.wisconsin.gov)>  
**Cc:** <[Jennifer.Kraus@wisconsin.gov](mailto:Jennifer.Kraus@wisconsin.gov)>, <[SashaE.Bong@wisconsin.gov](mailto:SashaE.Bong@wisconsin.gov)>, <[Christopher.Connor@wisconsin.gov](mailto:Christopher.Connor@wisconsin.gov)>  
**Subject: Statutory Language Drafting Request - BB0363**

Biennial Budget: 2015-17

DOA Tracking Code: BB0363

Topic: Division of Hearings and Appeals Funding

SBO Team: GGCF

SBO Analyst: Bong, Sasha - DOA  
Phone: (608) 266-5468  
E-mail: [SashaE.Bong@wisconsin.gov](mailto:SashaE.Bong@wisconsin.gov)

Agency Acronym: DOA

Agency Number: 505

Priority: High

Intent:

The intent of this item is to move DHA to all PR-S funding, rather than its current \$2.6 million GPR, \$3.2 million PR-S.

All funding would be consolidated in DHA's existing PR-S appropriation. DOA's agency budget office indicates that the division already has sufficient authority to recover all operating costs through its fees, but please let me know if there are any exceptions.

Unlike other items, DHA is not aware of this proposal at this time, so please contact me with any questions.

Attachments: False

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-1045/P1  
MED:...

1112

bf

DOA:.....Bong, BB0363 – Eliminate GPR funding of Division of Hearings and Appeals

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

Don't Gen

1 - note

general purpose revenue (GPR)

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

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE FINANCE**

provides

program revenue (PR)

Under current law, the Division of Hearings and Appeals (DHA) in DOA is funded through a combination of ~~GPR moneys~~ and certain moneys received from other agencies based on fees charged by DHA for DHA's services. This bill repeals the GPR appropriation to DHA. Under this bill, DHA is funded exclusively through ~~moneys~~ received from the agencies for which DHA conducts services.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

PR 9

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

2 SECTION 1. 20.505 (4) (f) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 2.** 20.505 (4) (kp) of the statutes is amended to read:

2           20.505 (4) (kp) *Hearings and appeals fees.* The amounts in the schedule for the  
3 general program operations of the division of hearings and appeals services to the  
4 department of health services under s. 227.43 (1) (bu), the department of children  
5 and families under s. 227.43 (1) (by), the department of public instruction under s.  
6 227.43 (1) (bd), and to all agencies under s. 227.43 (1m). All moneys received from  
7 the fees charged under s. 227.43 (3) (br), (c), (d), and (e) shall be credited to this  
8 appropriation account.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296a, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226; 2009 a. 11, 28, 302, 318; 2011 a. 29, 32 ss. 406, 421m, 435m to 446m, 716m to 747c, 755, 759 to 766; 2011 a. 166, 260; 2013 a. 20 ss. 215, 216, 379m, 413s to 461; 2013 a. 41, 115, 165, 166, 173.

9           **SECTION 3.** 227.43 (3) (a) of the statutes is amended to read:

10           227.43 (3) (a) The administrator of the division of hearings and appeals may  
11 set the fees to be charged for any services rendered to the department of natural  
12 resources by a hearing examiner under this section. The fee shall cover the total cost  
13 of the services ~~less any costs covered by the appropriation under s. 20.505 (4) (f).~~

**History:** 1977 c. 418; 1981 c. 20 s. 2202 (1) (b); 1983 a. 27; 1985 a. 182 ss. 16 to 18, 29, 31; Stats. 1985 s. 227.43; 1993 a. 16; 1995 a. 370; 1997 a. 3, 27; 1999 a. 9, 31, 185, 186; 2003 a. 118; 2005 a. 465; 2007 a. 20 ss. 2998 to 3001, 9121 (6) (a); 2013 a. 115.

14           **SECTION 4.** 227.43 (3) (b) of the statutes is amended to read:

15           227.43 (3) (b) The administrator of the division of hearings and appeals may  
16 set the fees to be charged for any services rendered to the department of  
17 transportation by a hearing examiner under this section. The fee shall cover the total  
18 cost of the services ~~less any costs covered by the appropriation under s. 20.505 (4) (f).~~

**History:** 1977 c. 418; 1981 c. 20 s. 2202 (1) (b); 1983 a. 27; 1985 a. 182 ss. 16 to 18, 29, 31; Stats. 1985 s. 227.43; 1993 a. 16; 1995 a. 370; 1997 a. 3, 27; 1999 a. 9, 31, 185, 186; 2003 a. 118; 2005 a. 465; 2007 a. 20 ss. 2998 to 3001, 9121 (6) (a); 2013 a. 115.

19           **SECTION 5.** 227.43 (3) (br) of the statutes is amended to read:

20           227.43 (3) (br) The administrator of the division of hearings and appeals may  
21 set the fees to be charged for any services rendered to the department of public

1 instruction by a hearing examiner under this section. The fee shall cover the total  
2 cost of the services ~~less any costs covered by the appropriation under s. 20.505 (4) (f)~~. ✓

**History:** 1977 c. 418; 1981 c. 20 s. 2202 (1) (b); 1983 a. 27; 1985 a. 182 ss. 16 to 18, 29, 31; Stats. 1985 s. 227.43; 1993 a. 16; 1995 a. 370; 1997 a. 3, 27; 1999 a. 9, 31, 185, 186; 2003 a. 118; 2005 a. 465; 2007 a. 20 ss. 2998 to 3001, 9121 (6) (a); 2013 a. 115.

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(END)

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1045/P1dn

MED:.....

5f

Date

Sasha:

This draft does not address the issue of DHA performing services for DOJ without reimbursement under ss. 949.11 and 949.31, stats. Our attempt to address that issue is in LRB-0846/P1. Otherwise, I did not see any instances of DHA being required to perform services without compensation.

Otherwise, please see the changes in the draft, and note that I amended s. 20.505 (4) (kp), which currently only includes the fees under s. s. 227.43 (3) (br), (c), (d), and (e) as being credited to that account (the fees under s. 227.43 (3) (a) and (b) are omitted from the list). I instead directed that *all* fees under s. s. 227.43 (3) be credited to that account, though I wonder if the fees under s. 227.43 (3) (a) and (b) are already being credited to that account as well despite not being listed.

Michael Duchek  
Legislative Attorney  
(608) 266-0130  
michael.duchek@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1045/P1dn  
MED:kjf:rs

January 12, 2015

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State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-1045/P1  
MED:kjf:rs

DOA:.....Bong, BB0363 – Eliminate GPR funding of Division of Hearings and Appeals

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**STATE FINANCE**

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