

LC Staff Brief

Funding of State Criminal Justice Functions



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Funding of State Criminal Justice Functions

Introduction

This Staff Brief sets forth the 2009-11 appropriations for district attorneys, the State Public Defender Board, and the court system selected appropriations for the Department of Justice (DOJ), and appropriations for the Office of Justice Assistance (OJA) in the Department of Administration (DOA). This staff brief only covers state funding for these purposes. The criminal justice system is also funded by local governments that are responsible for functions such as maintaining jails, law enforcement, and staff of DA offices.

The total state budget for the 2009-11 biennium is \$65,773,284,400. Of this total, 42.1% is general purpose revenue (GPR); 27.7% is federal revenue (F); 13.2% is program revenue (PR); 11.6% is segregated revenue (SEG); and 5.4% is bond revenue. See **Appendix 1** for a description of these revenue sources.

In 2009-11, judicial and legal services constitute 1.8% of appropriated GPR. For comparison, correctional services constitute 7.2% of appropriated GPR. In 2009-11, \$2,252,212,400 GPR is appropriated to the Department of Corrections; \$64,471,600 GPR is appropriated for district attorneys; \$153,988,500 (GPR) is appropriated to the State Public Defender Board; \$241,468,100 GPR is appropriated for the court system; \$81,344,100 GPR is appropriated to DOJ; and \$2,244,900 GPR is appropriated to OJA.

The Staff Brief is divided into the following parts:

- **Part I** sets forth the 2009-11 appropriations for district attorneys.
- **Part II** sets forth the 2009-11 appropriations for the State Public Defender Board.
- **Part III** sets forth the 2009-11 appropriations for the court system.
- **Part IV** sets forth selected 2009-11 appropriations.
- **Part V** sets forth the 2009-11 appropriations for OJA.
- **Appendix 1** provides background information and explanations of appropriation purposes, types, and sources.

This Staff Brief was prepared by Anne Sappenfield, Senior Staff Attorney, Legislative Council, staff for the Joint Legislative Council's Special Committee on Criminal Justice Funding and Strategies. The Web site for that committee is <http://www.legis.state.wi.us/lc>.

PART I

DISTRICT ATTORNEYS

There are currently 71 district attorneys (DAs) in Wisconsin. DA offices are primarily responsible for prosecuting criminal and juvenile delinquency offenses at the trial level. Each county is a prosecutorial unit except that Shawano and Menominee Counties together form one prosecutorial unit and jointly elect one DA. Under current law, DAs are part-time positions in Buffalo (0.5), Florence (0.5), and Pepin (0.8) Counties. The remaining DAs are full time. Most DA offices also employ assistant district attorneys (ADAs), and counties with a population over 100,000 may have deputy DA positions.

Prior to January 1, 1990, DAs, deputy DAs, and ADAs were county employees, and each county determined the level of staffing for each DA's office. Currently, these attorneys are state employees. 2009 Wisconsin Act 28 (the Biennial Budget Act) authorized 422.65 positions for DAs. 380.9 of these positions are GPR funded. [Legislative Fiscal Bureau, *Prosecutorial Staffing (District Attorneys)*, Paper #310, May 19, 2009.]

For 2009-11, the following amounts are appropriated for district attorneys:

<i>Purpose</i>	<i>Source</i>	<i>Type</i>	<i>FY10</i>	<i>FY11</i>
Salary and fringe benefits	GPR	Annual	32,935,800	32,935,800
Gifts and grants	PR	Continuing	1,923,800	1,923,800
Other employees	PR	Annual	317,400	327,100
Interagency and intra-agency assistance	PR-S*	Continuing	0	0
Deoxyribonucleic acid (DNA) evidence activities	PR-S	Annual	132,000	132,000
Salaries and fringe benefits; public benefits	SEG	Annual	9,139,700	9,139,700
<i>Total Funding</i>			<i>44,448,700</i>	<i>44,458,400</i>
<i>Total GPR</i>			<i>32,935,800</i>	<i>32,935,800</i>
<i>Total PR-S</i>			<i>132,000</i>	<i>132,000</i>
<i>Total PR-Other</i>			<i>2,241,200</i>	<i>2,250,900</i>
<i>Total SEG</i>			<i>9,139,700</i>	<i>9,139,700</i>

Salaries and fringe benefits: The amounts in the schedule for salaries and fringe benefits of DAs and state employees of the Office of the District Attorney and for payments for special prosecutors. [s. 20.475 (1) (d), Stats.]

Gifts and grants: All moneys received as gifts, grants, or bequests to carry out the purposes for which received. [s. 20.475 (1) (h), Stats.]

Other employees: The amounts in the schedule to reimburse Milwaukee County for the costs of clerks necessary for the prosecution of violent crime cases, clerks providing clerical services to prosecutors handling cases involving felony drug offenses, and clerks providing clerical services to prosecutors handling cases involving the unlawful possession or use of firearms. [s. 20.475 (1) (i), Stats.]

* Program revenue service.

This appropriation is pursuant to s. 978.13, Stats., under which the state assumes financial responsibility for all of the following in counties having a population of 500,000 or more (currently, only Milwaukee County):

- The salary and fringe benefit costs of two clerk positions providing clerical services to the prosecutors in the DA's office handling felony drug violations.
- The salary and fringe benefit costs of clerk positions in the DA's office necessary for the prosecution of violent crime cases primarily involving the use of a dangerous weapon, if a felony is committed while armed and felony violations of intentional or reckless homicide, sexual assault, carjacking, and armed robbery.
- The salary and fringe benefit costs of two clerk positions providing clerical services to the prosecutors in the DA's office handling cases involving the unlawful possession or use of firearms.

This appropriation is funded by the special prosecution clerks surcharge of \$3.50. The surcharge is charged in addition to fees charged to file a civil action or in a forfeiture action in Milwaukee County. [s. 814.86 (1m), Stats.]

Interagency and intra-agency assistance: All moneys received from any state agency for the administration of the programs or projects for which received. [s. 20.475 (1) (k), Stats.]

DNA evidence activities: The amounts in the schedule for DNA evidence activities. These moneys are transferred from DOJ. [s. 20.475 (1) (km), Stats.]

Salaries and fringe benefits; public benefits: From the utility public benefits fund, the amounts in the schedule for salaries and fringe benefits of district attorneys and state employees of the Office of the District Attorney and for payments for special prosecutors. The utility public benefits fund is comprised of low-income assistance fees collected by each electric utility, other than a municipal electric utility. [s. 20.475 (1) (s), Stats.]

PART II

STATE PUBLIC DEFENDER

The Office of the State Public Defender is charged with providing legal representation to indigent clients in criminal and certain civil cases. The Public Defender Board appoints the State Public Defender to supervise the operation, activities, policies, and procedures of the Office of the State Public Defender. The Office of the State Public Defender has approximately 535 employees in 38 field offices. Approximately 1,200 private bar attorneys provide services to the office in cases in which the Office of the State Public Defender has a conflict and in overflow cases. For more information, see www.wisspd.org.

For 2009-11, the following amounts are appropriated for the Office of the State Public Defender:

<i>Purpose</i>	<i>Source</i>	<i>Type</i>	<i>FY10</i>	<i>FY11</i>
Program administration	GPR	Annual	2,595,800	2,771,000
Appellate representation	GPR	Annual	4,971,200	4,971,900
Trial representation	GPR	Annual	46,616,100	46,625,200
Private bar and investigator reimbursement	GPR	Biennial	21,137,100	20,368,900
Private bar and investigator payments; administration costs	GPR	Annual	712,400	712,400
Transcripts, discovery and interpreters	GPR	Annual	1,325,700	1,325,700
Payments from clients; administrative costs	PR	Annual	266,900	267,300
Conferences and training	PR-S	Annual	140,900	140,900
Private bar and investigator reimbursement; payments for legal representation	PR	Continuing	1,014,500	1,014,500
Total Funding			78,780,600	78,197,800
Total GPR			77,358,300	76,775,100
Total PR-S			140,900	140,900
Total PR-Other			1,281,400	1,281,800

Program administration: The amounts in the schedule for program administration costs of the Office of the State Public Defender, excluding administrative costs for private bar and investigator payments and payments from clients, described below. [s. 20.550 (1) (a), Stats.]

Appellate representation: The amounts in the schedule for the costs of appellate representation provided by the Office of the State Public Defender. [s. 20.550 (1) (b), Stats.]

Trial representation: The amounts in the schedule for the costs of trial representation provided by the Office of the State Public Defender. [s. 20.550 (1) (c), Stats.]

Private bar and investigator reimbursement: Biennially, the amounts in the schedule for the reimbursement of private attorneys appointed to act as counsel for a child or an indigent person and reimbursement for contracting for services of private investigators. [s. 20.550 (1) (d), Stats.]

Private bar and investigator payments; administration costs: The amounts in the schedule for the administrative costs of appointing private attorneys to act as counsel for children and indigent persons and of contracting for the services of private investigators. [s. 20.550 (1) (e), Stats.]

Transcripts, discovery and interpreters: The amounts in the schedule for the costs of interpreters and discovery materials and for the compensation of court reporters or clerks of circuit court for preliminary examination, trial, and appeal transcripts, and payment of related costs (i.e., costs of preparing, handling, duplicating, and mailing the documents). [s. 20.550 (1) (f), Stats.]

Payments from clients; administrative costs: The amounts in the schedule for the costs of determining, collecting, and processing the payments received from persons as payment for legal representation. [s. 20.550 (1) (fb), Stats.]

Conferences and training: The amounts in the schedule to sponsor conferences and training. Funding is provided from the penalty surcharge. [s. 20.550 (1) (kj), Stats.]

Private bar and investigator reimbursement; payments for legal representation: All moneys received, after first deducting the amounts appropriated for the administration costs of private bar and investigator reimbursement, from persons as payment for legal representation must be used for the reimbursement of private attorneys appointed to act as counsel for children and indigent persons and for reimbursement for contracting for services of private investigators. [s. 20.550 (1) (L), Stats.]

PART III

COURT SYSTEM

In Wisconsin, the Supreme Court is the highest court and is comprised of seven justices. The Supreme Court has administrative and regulatory authority of all Wisconsin courts and the practice of law in Wisconsin. The Court of Appeals is the intermediate appellate court and is comprised of 16 judges from four districts. The circuit courts are the state's trial courts. Currently, there are 249 circuit judges in Wisconsin. Circuit courts are funded with a combination of state and county money. State funding pays the salaries of judges, official court reporters, and reserve judges. In addition, the state pays for travel and training for judges. Counties are responsible for the operating costs of the circuit court unless statutes provide otherwise.

There are also municipal courts in Wisconsin. As of May, 2008, there were 252 municipal courts and 254 municipal judges in Wisconsin. For more information, see www.wicourts.gov.

Circuit Courts

For 2009-11, the following amounts are appropriated for the circuit courts:

Purpose	Source	Type	FY10	FY11
Circuit courts	GPR	Sum sufficient	70,626,000	71,113,200
Court interpreter fees	GPR	Annual	1,284,900	1,433,500
Circuit court support payments	GPR	Biennial	18,552,200	18,552,200
Guardian ad litem costs	GPR	Annual	4,691,100	4,691,100
Total Funding (GPR)			95,154,200	95,790,000

Court operations: A sum sufficient for salaries and expenses of the judges, reporters, and assistant reporters of the circuit courts. [s. 20.625 (1) (a), Stats.]

Court interpreter fees: The amounts in the schedule to reimburse counties for the actual expenses paid for interpreters required by circuit courts to assist persons with limited English proficiency. In addition, under 2009 Wisconsin Act 28 (the Biennial Budget Act), the Director of State Courts may create a two-year pilot program under which the Director of State Courts may establish a schedule of payments and make payments for the circuit courts in the seventh judicial administrative district (Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pierce, Richland, Trempeleau, and Vernon Counties). [s. 20.625 (1) (c), Stats.]

Circuit court support payments: Biennially, the amounts in the schedule to make a payment to each county to defray guardian ad litem costs. This appropriation is funded by the court support services surcharge. [s. 20.625 (1) (d), Stats.]

Guardian ad litem costs: The amounts in the schedule to pay the counties for guardian ad litem costs. [s. 20.625 (1) (e), Stats.]

Court of Appeals

For 2009-11, the following amounts are appropriated for the court of appeals:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Sum sufficient	10,162,000	10,162,000
Total Funding (GPR)			10,162,000	10,162,000

General program operations: A sum sufficient to carry the court of appeals' functions into effect. [s. 20.660 (1) (a), Stats.]

Judicial Commission

The Judicial Commission is responsible for investigating and prosecuting allegations of misconduct or disability of Wisconsin judges and court commissioners. [s. 757.85, Stats.]

For 2009-11, the following amounts are appropriated for the Judicial Commission:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	227,800	227,800
Contractual agreements	GPR	Biennial	18,000	18,000
Total Funding (GPR)			245,800	245,800

General program operations: The amounts in the schedule for the general program operations of the Judicial Commission. [s. 20.665 (1) (a), Stats.]

Contractual agreements: Biennially, the amounts in the schedule for payments relating to contractual agreements for investigations or prosecutions or both. [s. 20.665 (1) (cm), Stats.]

Judicial Council

The Judicial Council studies and makes recommendations relating to court pleading, practice, and procedure, and organization, jurisdiction, and methods of administration and operation of Wisconsin courts. [s. 758.13, Stats.]

For 2009-11, the following amounts are appropriated for the Judicial Council:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	127,600	127,600

General program operations: The amounts in the schedule for the Judicial Council. [s. 20.670 (1) (a), Stats.]

Supreme Court

Supreme Court Proceedings

For 2009-11, the following amounts are appropriated for Supreme Court proceedings:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Sum sufficient	5,033,500	5,033,500

General program operations: A sum sufficient to carry into effect the functions of the Supreme Court. [s. 20.680 (1) (a), Stats.]

Director of State Courts

For 2009-11, the following amounts are appropriated for the Director of State Courts:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	7,621,800	7,621,800
Gifts and grants	PR	Continuing	56,500	42,300
Court commissioner training	PR	Continuing	62,800	62,800
Court interpreter training and certifications	PR	Continuing	45,100	45,100
Materials and services	PR	Continuing	60,300	60,300
Municipal judge training	PR	Continuing	153,100	153,100
Court information systems	PR	Continuing	9,850,700	9,850,700
Central services	PR-S	Annual	228,600	228,600
Federal aid	PR-F	Continuing	929,600	924,000
Mediation fund	SEG	Continuing	768,100	768,100
Total Funding			31,280,200	31,260,400
Total GPR			14,842,100	14,842,100
Total PR-F			929,600	924,000
Total PR-S			228,600	228,600
Total PR-Other			14,511,800	14,497,600
Total SEG			768,100	768,100

General program operations: The amounts in the schedule to carry into effect the functions of the Director of State Courts. [s. 20.680 (2) (a), Stats.]

Gifts and grants: All moneys received from gifts, grants, bequests, and devises, to carry out the purposes for which made and received. [s. 20.680 (2) (g), Stats.]

Court commissioner training: All moneys received from fees for court commissioner training programs for those purposes. [s. 20.680 (2) (ga), Stats.]

Court interpreter training and certification: All moneys received from fees for court interpreter training and certification. [s. 20.680 (2) (gc), Stats.]

Materials and services: All moneys received from providing services and selling documents (i.e., uniform court forms, computer generated special reports of court information data, photocopies, and pamphlets) to provide services and sell documents related to uniform forms, special reports, photocopies, and pamphlets. [s. 20.680 (2) (h), Stats.]

Municipal judge training: All moneys received from municipalities for municipal judge training programs to be used for municipal judge training. [s. 20.680 (2) (i), Stats.]

Court information systems: All moneys received from fees for electronic filing of court documents under the circuit court automated information systems (CCAP) [s. 758.19 (4m), Stats.], all moneys received from fees for commencing a civil action (\$15 of a \$75 fee), fees for commencing a

garnishment action (\$5 of a \$20 fee), and fees in forfeiture actions (\$5 of a \$25 fee) [ss. 814.61, 814.62, and 814.63, Stats.] that are required to be credited to this appropriation account, and \$6 of each \$21.50 received from the justice information system surcharge for the operation of CCAP. [s. 20.680 (2) (j), Stats.]

Central services: The amounts in the schedule for administrative and support services for programs operated by the Director of State Courts. [s. 20.680 (2) (kc), Stats.]

Federal aid: All moneys received as federal aid as authorized by the Governor. [s. 20.680 (2) (m), Stats.]

Mediation fund: From the mediation fund, all moneys in the fund to be used for administrative expenses of the mediation system that consists of panels that assist in the resolution of disputes, regarding medical malpractice, between patients, their representatives, spouses, parents, or children, and health care providers under subch. VI of ch. 655, Stats. [s. 20.680 (2) (qm), Stats.]

Bar Examiners and Responsibility

For 2009-11, the following amounts are appropriated for bar examiners and responsibility:

Purpose	Source	Type	FY10	FY11
Board of Bar Examiners	PR	Continuing	748,900	748,900
Office of Lawyer Regulation	PR	Continuing	2,776,400	2,776,400
Total Funding (PR)			3,525,300	3,525,300

Board of Bar Examiners: All moneys received from the State Bar of Wisconsin, attorney licensing exam fees, and attorney licensing fees for the operational expenses of the Board of Bar Examiners. [s. 20.680 (3) (g), Stats.]

Office of Lawyer Regulation: All moneys received from the State Bar of Wisconsin and any other revenue derived from the activities of the Office of Lawyer Regulation for the operational expenses of and the expenses of disciplinary investigations and actions by the Office of Lawyer Regulation. [s. 20.680 (3) (h), Stats.]

Law Library

For 2009-11, the following amounts are appropriated for the law library:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	2,186,800	2,186,800
Library collections and services	PR	Continuing	135,900	135,900
Gifts and grants	PR	Continuing	622,100	622,100
Total Funding			2,944,800	2,944,800
Total GPR			2,186,800	2,186,800
Total PR			558,000	558,000

General program operations: The amounts in the schedule for general program operations. [s. 20.680 (4) (a), Stats.]

Library collections and services: All moneys received by the State Law Library as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disk or electronic storage, computer services, sales of books, and other services provided in carrying out the

functions of the library to provide photocopying and microfilm copying of documents, generation of copies of documents from optical disk or electronic storage, publication of books, computer services, and other services. [s. 20.680 (4) (g), Stats.]

Gifts and grants: All moneys received from gifts, grants, donations, bequests, and devises to carry out the purposes for which made and received. [s. 20.680 (4) (h), Stats.]

PART IV

SELECTED DEPARTMENT OF JUSTICE APPROPRIATIONS

The DOJ carries out many functions related to criminal justice. The DOJ's Division of Legal Services includes the Civil Litigation and Employment Unit; Criminal Appeals Unit; Criminal Litigation, Antitrust, Consumer Protection, and Public Integrity Unit; Environmental Protection Unit; Medicaid Fraud Control and Elder Abuse Unit; and State Programs, Administration and Revenue Unit. The Division of Criminal Investigation conducts investigations, including investigations of crimes that are statewide in nature and special investigations. DOJ's Division of Law Enforcement Services is responsible for the Crime Information Bureau, the Transaction Information for the Management of Enforcement (TIME) System, the State Crime Laboratory System, and the Law Enforcement Training and Standards Bureau. Also, related to the criminal justice system, DOJ has the Office of Crime Victim Services which helps victims exercise their rights and access services and provides financial assistance to victims of crime. For more information see www.doj.state.wi.us.

This Part sets forth DOJ appropriations that DOJ has identified as most directly related to the criminal justice system and appropriations that share a funding source with a DOJ appropriation most directly related to the criminal justice system. Therefore, some of these appropriations, especially the appropriations for legal services, also include funding for functions that do not directly relate to the criminal justice system.

For 2009-11, DOJ is appropriated the following for legal services:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	13,319,400	13,319,400
Legal expenses	GPR	Biennial	818,400	818,400
Environment litigation project	PR-S	Continuing	575,500	575,500
Interagency and intra-agency assistance	PR-S	Annual	980,900	980,900
Federal aid	PR-F	Continuing	1,084,600	1,084,600
Total Funding			16,778,800	16,778,800
Total GPR			14,137,800	14,137,800
Total PR-S			1,556,400	1,556,400
Total PR-F			1,556,400	1,084,600

General program operations: The amounts in the schedule for general program operations, including an assistant attorney general in charge of antitrust investigations and prosecutions. [s. 20.455 (1) (a), Stats.]

Legal expenses: Biennially, the amounts in the schedule for the payment of expenses, except staff salaries and fringe benefits, incurred by DOJ in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees, or any other expense actually necessary in the prosecution or defense of those cases, for the payment of expenses incurred where DOJ is not involved, and where the statutes provide that those expenses must be paid from this appropriation, unless the cost or expenses are charged to some other appropriation. [s. 20.455 (1) (d), Stats.]

Environment litigation project: All moneys received from the Department of Natural Resources for materials or services provided by DOJ regarding a project involving the use of environmental litigation to protect air, land, and water resources to be used to pay for the costs and expenses associated with those materials and services. [s. 20.455 (1) (k), Stats.]

Interagency and intra-agency assistance: The amounts in the schedule to provide legal services to state agencies. All moneys received by DOJ or any other state agency for legal services are credited to this appropriation. [s. 20.455 (1) (km), Stats.]

Federal aid: All moneys received as federal aid as authorized by the Governor for Medical Assistance fraud services. [s. 20.455 (1) (m), Stats.]

For 2009-11, DOJ is appropriated the following for law enforcement services:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	16,509,700	17,012,300
Gaming law enforcement; racing revenues	PR	Annual	155,100	155,100
Gaming law enforcement; Indian gaming	PR	Annual	138,900	138,900
Criminal history searches; fingerprint identification	PR	Continuing	5,940,600	5,251,600
Handgun purchaser record check	PR	Continuing	450,000	450,000
Transaction information for management of enforcement (TIME) system terminal charge	PR	Annual	2,671,900	2,671,900
Law enforcement training fund, local assistance	PR	Annual	4,849,800	4,849,800
Law enforcement training fund, state operations	PR	Annual	3,466,800	3,466,800
Crime laboratory equipment and supplies	PR	Annual	342,300	342,300
Interagency and intra-agency assistance	PR-S	Continuing	1,239,600	1,202,200
TIME system	PR-S	Annual	852,000	852,000
Drug law enforcement, crime	PR-S	Annual	8,097,300	8,097,300

Purpose	Source	Type	FY10	FY11
laboratories, and genetic evidence activities				
Drug enforcement intelligence operations	PR-S	Annual	1,649,600	1,649,600
Drug crimes enforcement; local grants	PR-S	Annual	797,700	797,700
County law enforcement services	PR-S	Annual	544,500	544,500
Crime laboratories; deoxyribonucleic acid (DNA) analysis	PR	Continuing	728,500	728,500
Federal aid, state operations	PR-F	Continuing	2,132,700	2,132,700
Gaming law enforcement; lottery revenues	SEG	Annual	364,000	364,000
Total Funding			50,931,000	50,707,200
Total GPR			16,509,700	17,012,300
Total PR			18,743,900	18,054,900
Total PR-S			13,180,700	13,143,300
Total PR-F			2,132,700	2,132,700
Total SEG			364,000	364,000

General program operations: The amounts in the schedule for general program operations, including operation of the state crime laboratories, performing criminal investigations, providing law enforcement services, and providing independent criminal laboratory services for defendants in a felony case upon authorization by the presiding judge. [s. 20.455 (2) (a), Stats.]

Gaming law enforcement; racing revenues: From all moneys received from wagers for simulcast greyhound and horse races payable to the state, a portion of unclaimed prizes, forfeitures for racing license violations, fees for testing horses, fees for snowmobile racing licenses, and fees for supervision of racing, the amounts in the schedule for the performance of DOJ's gaming law enforcement responsibilities. [s. 20.455 (2) (g), Stats.]

Gaming law enforcement; Indian gaming: From the moneys received from Indian gaming receipts payable to the state, the amounts in the schedule for investigative services for Indian gaming. [s. 20.455 (2) (gc), Stats.]

Criminal history searches; fingerprint identification: All moneys received as fee payments for criminal history record checks and fingerprint card record checks for purposes unrelated to criminal justice for the provision of criminal history searches and an automated fingerprint identification system. [s. 20.455 (2) (gm), Stats.]

Handgun purchaser record check: All moneys received as a fee from firearms dealers for handgun purchase background checks. [s. 20.455 (2) (gr), Stats.]

TIME Terminal charge: The amounts in the schedule for the TIME system. All moneys collected from law enforcement agencies for rentals, terminal fees, and related charges associated with the TIME system are credited to this appropriation. [s. 20.455 (2) (h), Stats.]

TIME system: The amounts in the schedule for payments for a lease with the option to purchase regarding computers for the TIME system. This funding is provided from the penalty surcharge. [s. 20.455 (2) (kc), Stats.]

Drug crimes enforcement; local grants: The amounts in the schedule for grants to local multi-jurisdictional groups to enforce prohibitions related to controlled substances. This funding is provided from the penalty surcharge. [s. 20.455 (2) (kp), Stats.]

Drug enforcement intelligence operations: The amounts in the schedule for all drug enforcement tactical and strategic intelligence units. This funding is provided from the penalty surcharge. [s. 20.455 (2) (ke), Stats.]

Drug law enforcement, crime laboratories, and genetic evidence activities: The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance, activities of the state and regional crime laboratories, and for transferring funding to the DAs for DNA evidence activities. [s. 20.455 (2) (kd), Stats.]

Crime laboratories; DNA analysis: All moneys received from crime laboratories and drug law enforcement surcharge and the DNA surcharge to provide DNA analysis, to administer the DNA data bank, to pay for the costs of mailing and materials for the submission of biological specimens by the Department of Corrections and the Department of Health Services and by county sheriffs, and to transfer \$8,097,300 in each fiscal year to the appropriation under s. 20.455 (2) (kd), drug law enforcement, crime laboratories, and genetic evidence activities, described above. [s. 20.455 (2) (Lm), Stats.]

Federal aid, state operations: All moneys received as federal aid as authorized by the Governor. [s. 20.455 (2) (m), Stats.]

Gaming law enforcement; lottery revenues: From the lottery fund, the amounts in the schedule for the performance of DOJ's gaming law enforcement responsibilities. [s. 20.455 (2) (r), Stats.]

For 2009-11, DOJ is appropriated the following for administrative services:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	5,126,800	5,126,800
Total Funding (GPR)			5,126,800	5,126,800

General program operations: The amounts in the schedule for DOJ's general administration.

For 2009-11, DOJ is appropriated the following for victims and witnesses services:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	1,046,300	1,046,300
Awards for victims of crimes	GPR	Annual	1,245,400	1,245,400
Reimbursement for victim and witness	GPR	Annual	1,408,000	1,408,000

Purpose	Source	Type	FY10	FY11
services				
Reimbursement for forensic examinations	GPR	Sum sufficient	50,000	50,000
Crime victim and witness assistance surcharge, general services	PR	Annual	3,919,400	4,512,500
Crime victim and witness surcharge, sexual assault victim services	PR	Continuing	1,980,000	1,980,000
Crime victim compensation services	PR	Annual	51,600	51,600
Reimbursement to counties for victim-witness services	PR-S	Annual	832,100	832,100
Federal aid; victim compensation	PR-F	Continuing	823,900	823,900
Total Funding			11,356,700	11,949,800
Total GPR			3,749,700	3,749,700
Total PR			5,951,000	6,544,100
Total PR-S			832,100	832,100
Total PR-F			823,900	823,900

General program operations: The amounts in the schedule for general program operations under current law relating to crime victim compensation and the rights of victims and witnesses of crime. [s. 20.455 (5) (a), Stats.]

Awards for victims of crimes: The amounts in the schedule of the payment of compensation and funeral and burial expenses awards to victims of crimes. [s. 20.455 (5) (b), Stats.]

Reimbursement for victim and witness services: The amounts in the schedule to provide reimbursement to counties for providing services to victims and witnesses. [s. 20.455 (5) (c), Stats.]

Reimbursement for forensic examinations: A sum sufficient to reimburse health care providers for the costs of gathering evidence relating to a sex offense. [s. 20.455 (5) (d), Stats.]

Crime victim and witness assistance surcharge, general services: The amounts in the schedule to fund county victim and witness assistance programs and crime victim compensation awards. \$40 of each crime victim and witness surcharge assessed for a misdemeanor (part A of the surcharge), \$65 of each crime victim and witness surcharge assessed for a felony (part A of the surcharge); 26% of all moneys received from the remaining portion of each crime victim and witness surcharge assessed (part B of the surcharge), which is \$27; all moneys received from any crime victim and witness surcharge assessed in a civil proceeding; and all moneys received from any delinquency victim and witness assistance surcharge must be credited to this appropriation account. DOJ must

transfer from this appropriation \$796,600 in FY 10 and \$993,000 in FY 11 for the payment of compensation and funeral and burial expenses awards to victims of crimes. [s. 20.455 (5) (g), Stats.]

Crime victim and witness surcharge, sexual assault victim services: 74% of all moneys received from any crime victim and witness assistance surcharge that is allocated to part B (\$27 for a misdemeanor or felony) to provide grants to organizations for sexual assault victim services. [s. 20.455 (5) (gc), Stats.]

Crime victim compensation services: The amounts in the schedule to provide crime victim compensation services. Unencumbered moneys collected from the driver improvement surcharge may be transferred to this appropriation account by the Secretary of Administration. [s. 20.455 (5) (h), Stats.]

Reimbursement to counties for victim-witness services: The amounts in the schedule for the purpose of reimbursing counties for costs incurred in providing services to victims and witnesses of crime. This funding is provided from the penalty surcharge. [s. 20.455 (5) (kp), Stats.]

Federal aid; victim compensation: All moneys received from the federal government for crime victim compensation, as authorized by the Governor, to carry out the purposes for which made and received. [s. 20.455 (5) (m), Stats.]

PART V

OFFICE OF JUSTICE ASSISTANCE

The Office of Justice Assistance in DOA is the state administering agency for federal justice and homeland security grant funds. The office develops statewide strategies, determines funding priorities, and advises the Governor on public safety and domestic preparedness policy. For more information, see www.oja.wi.gov.

For 2009-11, the Office of Justice Assistance is appropriated the following:

Purpose	Source	Type	FY10	FY11
General program operations	GPR	Annual	262,300	262,300
Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments	GPR	Annual	0	0
Restorative justice	GPR	Annual	50,000	0
Law enforcement supplemental grants	GPR	Annual	1,361,000	1,361,000
Youth diversion	GPR	Annual	356,700	356,700
Child advocacy centers	GPR	Annual	264,900	264,900
Grants for victims of sexual assault; child pornography surcharge	PR	Continuing	0	0
Gifts and grants	PR	Continuing	0	0
Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information surcharge	PR	Annual	705,000	705,000
Law enforcement programs and youth diversion--administration	PR-S	Annual	191,000	191,000
American Indian reintegration program	PR-S	Annual	0	50,000
Youth diversion program	PR-S	Annual	747,100	747,100
Interagency and intra-agency aids	PR-S	Continuing	281,600	281,600
Data gathering and analysis	PR	Annual	0	0
Traffic stop collection; state	PR	Annual	50,600	757,000
Traffic stop collection; local	PR	Annual	0	0
Grants for substance abuse treatment programs for criminal offenders	PR	Continuing	7,500	7,500
Federal aid, justice assistance, state operations	PR-F	Continuing	4,732,300	3,131,400
Federal aid, criminal justice	PR-F	Continuing	15,140,000	0

Purpose	Source	Type	FY10	FY11
Federal aid, local assistance, and aids	PR-F	Continuing	21,198,800	18,904,900
Total Funding			45,348,800	27,020,400
Total GPR			2,294,900	2,244,900
Total PR			763,100	1,469,500
Total PR-S			1,219,700	1,269,700
Total PR-F			41,071,100	22,036,300

General program operations: The amounts in the schedule for general program operations. [s. 20.505 (6) (a), Stats.]

Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments: The amounts in the schedule to make grants to counties and to enter into contracts for evaluating the effectiveness of the grants. [s. 20.505 (2) (b), Stats.]

Restorative justice: The amounts in the schedule to award \$50,000 to Restorative Justice Programs, Inc., in the first year of the biennium for restorative justice programs. This section was repealed on July 1, 2010. [s. 20.505 (6) (br), Stats.]

Law enforcement supplemental grants: The amounts in the schedule to provide grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. [s. 20.505 (6) (c), Stats.]

Youth diversion: The amounts in the schedule for youth diversion services.

Child advocacy centers: The amounts in the schedule for grants to child advocacy centers for education, training, medical advice, and quality assurance activities. [s. 20.505 (6) (f), Stats.]

Grants for victims of sexual assault; child pornography surcharge: All moneys received as part C (20%) of any child pornography surcharge for grants to nonprofit organizations that provide services to victims of sexual assault. [s. 20.505 (6) (gj), Stats.]

Gifts and grants: All moneys received from gifts and grants to carry out the purposes for which made and received. [s. 20.505 (6) (i), Stats.]

Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information surcharge: The amounts in the schedule for making grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. Of each \$21.50 of the justice information system surcharge received, \$1.50 must be credited to this appropriation account. [s. 20.505 (6) (j), Stats.]

Law enforcement programs and youth diversion—administration: The amounts in the schedule for administering grants for law enforcement assistance and for administering the youth diversion program. This funding is provided from the penalty surcharge. [s. 20.505 (6) (k), Stats.]

American Indian reintegration program: The amounts in the schedule to establish and operate a program to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their American Indian tribal communities. This funding is transferred from Indian gaming receipts. [s. 20.505 (6) (kf), Stats.]

Youth diversion program: The amounts in the schedule for youth diversion services. This funding is provided from the penalty surcharge. [s. 20.505 (6) (kj), Stats.]

Interagency and intra-agency aids: All moneys received from state agencies and all for aids to individuals and organizations. [s. 20.505 (6) (km), Stats.]

Data gathering and analysis: The amounts in the schedule for gathering and analyzing statistics on the justice system, including racial disparity, uniform crime reporting, and incident-based reporting. Of each \$21.50 of the justice information system surcharge received, \$1.50 must be credited to this appropriation account, and the amounts in the schedule for traffic stop data collection—state and local—must be transferred to those appropriation accounts. [s. 20.505 (6) (kp), Stats.]

Traffic stop data collection; state: The amounts in the schedule to fund state information technology and administrative costs associated with traffic stop data collection. [s. 20.505 (6) (kq), Stats.]

Traffic stop data collection; local: The amounts in the schedule to fund local information technology and administrative costs associated with traffic stop data collection. [s. 20.505 (6) (kr), Stats.]

Grants for substance abuse treatment programs for criminal offenders: All moneys in excess of \$850,000 and up to \$1,275,000 plus one-third of moneys in excess of \$1,275,000 collected in each fiscal year from the drug abuse program improvement surcharge and moneys collected from drug offender diversion surcharges for the purpose of making grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs and to enter into one or more contracts with another person for the purpose of evaluating the grant program. [s. 20.505 (6) (ku), Stats.]

Federal aid, justice assistance, state operations: All moneys received from the federal government for state agency operations for justice assistance to carry out the purpose for which received. [s. 20.505 (6) (m), Stats.]

Federal aid, criminal justice: All moneys received from the federal government pursuant to ARRA for criminal justice programs to carry out the purpose for which received. [s. 20.505 (6) (n), Stats.]

Federal aid, local assistance and aids: All moneys received from the federal government for project grants to improve the administration of criminal justice. [s. 20.505 (6) (p), Stats.]

BACKGROUND ON STATE APPROPRIATIONS

This Appendix was prepared by Bob Lang, Director, Legislative Fiscal Bureau.

Appropriations

The state constitution provides that no money may be paid out of the treasury except pursuant to an appropriation by the Legislature (Article VIII, Section 2). In Wisconsin, since the 1960s, all appropriations are codified into a schedule of appropriations. This schedule is referred to as the "Chapter 20 schedule" because the listing of total appropriations is biennially published as a part of Chapter 20 of the statutes.

Appropriations Schedule. The schedule of appropriations is organized in the following manner. First, state agencies and programs are organized into one of the following broad functional areas: Commerce, Education, Environmental Resources, Human Relations and Resources, General Executive Functions, Judicial, Legislative, or General Appropriations. Then, within a functional area, the agencies are generally listed alphabetically. Further, for the larger agencies, appropriations will be organized into the various program areas encompassing the agency's programmatic responsibilities. Next, appropriations are organized by fund source, starting with general purpose revenue funding, then program revenue funding and then segregated revenue funding (see the revenues section below for definitions of revenue types).

Appropriation Scope. Wisconsin has, in general, a program budget appropriations structure. In its purest application, this would mean that every appropriation would be very broad in nature and could be used in a variety of ways to accomplish the legislatively-directed program purpose. The current state appropriations schedule reflects a mixture of appropriation types. The broadest type would be those for the general program operations of a department or division. The next type might be represented by appropriations for such general programmatic efforts as state foster care and adoption services or domestic abuse grants. The narrowest type might be represented by appropriations for such specific activities as searches for birth parents and adoption record information or the conduct of compulsive gambling awareness campaigns.

Appropriations in Wisconsin, even if narrow in scope, generally do not become so narrow as to be line-item in nature, such as, for example, providing separate appropriation lines for: (1) salaries; (2) fringe benefits; (3) supplies and services; and (4) the acquisition of permanent property items. The broadest appropriations are typically referred to as lump sum appropriations. Lump sum appropriations are described further below.

Lump Sum Appropriations. The budget act provides many appropriations on a lump sum basis. A lump sum appropriation is usually denoted in the appropriations schedule as being for "general program operations." For example, the general program operations appropriation for the Department of Regulation and Licensing is a lump sum, program revenue funded appropriation for the Department's single identified budget program of "professional regulation." This single figure (approximately \$11.0 million in 2008-09) represents the total dollar amount (except for funds provided in separate appropriations for the cost of examinations and background checks given to license applicants) for all of the activities undertaken by the Department in connection with the licensing of 128 different occupational entities. Departmental costs that are funded from this single appropriation include: (1) salaries and fringe benefits for 108 staff located in the four divisions (Divisions of Enforcement, Professional Credentialing, Board Services, and Management Services) plus the Office of the Secretary; (2) support costs for such staff including travel, space rental and telephones; (3) the costs of forms, publications and licenses that must be provided to license applicants and holders; (4) the per diem and

travel costs for members of 26 separate examining boards and affiliated credentialing boards; and (5) investigation and other legal costs associated with the enforcement activities of the agency.

While considerable supporting documentation and appropriation detail is prepared and available regarding the approved spending level for any program, the amount printed in the statutes is a lump sum amount. Further, an agency is allowed considerable flexibility, within the requirements of other general expenditure control policies, in the expenditure of that lump sum amount.

The schedule of appropriations identifies each appropriation in terms of two different characterizations: by purpose category and by type of appropriation. These are described in the following two sections.

Appropriation Purpose

A broad characterization of the purpose of any appropriation has been developed to indicate whether the appropriation is for local assistance, aids to individuals and organizations, or state operations. These "purpose" categories are defined as follows:

Local Assistance. These are appropriations for payments to be made directly to, or on behalf of, local governmental units in Wisconsin to help pay costs which would otherwise be borne entirely by the local governments. For example, the appropriation for general equalization aids (to school districts) is classified in this category.

Aids to Individuals and Organizations. These are appropriations to allow payments to be made directly to, or on behalf of, an individual or private organization. For example, an appropriation for educational grants given directly to students would be classified in this category.

State Operations. These are appropriations to allow expenditures by state agencies for the costs of the general operations of the agency, including program administration and operation of any associated institutions or facilities. Expenditures in these cases would typically be for such items as state employee salaries and fringe benefits, supplies and contractual services, space rental, and permanent property acquisitions. For example, the appropriation for general program operations of the University of Wisconsin system provides funds for campus administrative activities as well as the instructional faculty and facilities operations.

Appropriation Type

There are four types of appropriations listed in the Chapter 20 schedule: annual, biennial, continuing, and sum sufficient. Under the category of "type" in the schedule, these are indicated respectively as A, B, C, and S. Definitions of these four types of appropriations are provided below.

Annual Appropriation (A). Under an annual appropriation, an agency may expend only up to the amount indicated in the Chapter 20 schedule for the purposes indicated. Further, such expenditures may be made only within the indicated fiscal year. Any unused funds remaining in the appropriation at the end of the fiscal year lapse (revert) back to the fund or account balance from which they were appropriated.

Biennial Appropriation (B). Under a biennial appropriation, an agency may expend up to the total amount indicated in the Chapter 20 schedule at any point during the two-year fiscal period. Although the Chapter 20 schedule contains an identification of an estimated expenditure level for each year of the biennial fiscal period, these figures are not controlling by year and expenditures are limited only by the total amount appropriated for the biennium. Any unused funds remaining in the appropriation at the end of the biennium lapse back to the fund or account balance from which they were appropriated.

Continuing Appropriation (C). Under a continuing appropriation, an agency may expend the amounts that have been made available by the Legislature at any time until the funds are exhausted or the appropriation is repealed. The actual operation of a continuing appropriation varies, however, depending upon the revenue source for the appropriation.

For a continuing appropriation funded from general purpose or segregated fund revenues, the Legislature dictates the amount that is available for expenditure by the agency. However, that amount is continuously available to the agency for expenditure and does not lapse unless the appropriation is repealed. In contrast, for a continuing appropriation funded from program revenues, the Legislature will include in the appropriations schedule an estimate of the amount of funds to be expended in a given fiscal year from the continuing appropriation. However, those amounts are not controlling and an agency may, subject to any other specific limitations (such as personnel authorizations) expend such amounts as are necessary for the particular program or activity as long as there are sufficient revenues in the account to cover the expenditures.

Sum Sufficient Appropriation (S). Under a sum sufficient appropriation, an agency may expend any amount necessary for the program subject only to any other specific program restrictions. For example, a program may be established to make payments to all individuals who meet certain eligibility requirements, but the Legislature may provide that only a specified sum of money may be paid to each eligible person. In this case, the agency would be obligated to make a payment to as many eligible persons as applied, but would be limited in the amount that could be paid to each individual. While an estimate of the amount that will be expended by the agency in each fiscal year is included in the appropriations schedule, these amounts are not controlling. An agency may spend more or less than the amount indicated. It is expected that the fund from which the sum sufficient appropriation is financed will have sufficient revenues to cover the amounts expended.

Revenues (The Source of Funding for Appropriations)

Appropriations, by definition, are established to allow for the expenditure of monies that have been collected by the state. In the Chapter 20 appropriations schedule, under a column indicator denominated "source," the source of the type of revenues which support that appropriation is identified. These revenue source types are described below.

General Purpose Revenue (GPR). This revenue source represents general revenues collected by the state and available for appropriation by the Legislature for any purpose. General purpose revenues represent monies collected from state taxpayers, primarily through state sales taxes and individual and corporate income taxes. Other sources include excise taxes (liquor and tobacco), utility taxes, insurance taxes, and estate taxes. In addition, revenues which are required by statute to be collected by certain agencies but which are paid into the general fund (termed "departmental revenues" or "general purpose revenue-earned") are also a source of general purpose revenue. Once collected, all of these various sources of revenue are deposited into the state's general account (the general fund) and lose their identity as to original source.

Program Revenue (PR). This revenue source represents monies which are credited to a specific appropriation account to finance an agency or a particular program or activity within an individual agency. Generally, these are revenues collected for such things as user charges imposed as license or inspection fees, tuition, receipts from product sales, or for reimbursement for the costs of services provided by the collecting agency to another state agency, a non-state organization, or individuals.

Program Revenue - Service (PR-S). This revenue source is similar to program revenue in that it is credited to a specific appropriation to finance an agency or program within an agency. However, in this case, the revenues come not from fees charged to entities or individuals outside of state government, but rather are transferred amounts from one state agency (from any of its revenue sources) to a program revenue-service appropriation in another agency. These moneys are shown as expenditures

in the appropriation of the state agency from which the moneys are transferred and as program revenue-service funds in the appropriation of the agency to which the moneys are transferred.

Program revenue-service appropriations may also exist in an agency where a central service division or unit within the agency charges the other divisions of that agency for the services it provides to those entities. An example would be where a central mailing unit in an agency assesses other units in the agency for their respective share of the mailing unit's overall operating costs. The revenues to the mailing unit from these assessments would be paid from other appropriation sources within the agency and deposited as revenues in the PR-S appropriation used to finance the operations of the mailing unit.

Segregated Revenue (SEG). This revenue source represents monies which, by law, are credited to a specific fund other than the general fund. Revenues from the distinct (segregated) fund may be used only for the statutorily-defined purposes of the fund. For example, motor fuel taxes are revenues which are placed in the segregated, transportation fund and are designated for transportation-related purposes.

Segregated Revenue - Service (SEG-S). This revenue source is similar to segregated revenue in that it is credited to a specific fund to finance an agency or programs within an agency. Although the revenues are deposited in the designated segregated fund, there is a separate account within that fund to which those service revenues are credited and from which the segregated revenue-service appropriation makes the authorized expenditures. Within the overall segregated fund then, the revenues received and expenditures made with respect to this segregated revenue-service appropriation are tracked as a distinct account within the over-all fund balance. There are relatively few SEG-S appropriations currently and the majority of those that do exist are in the Department of Transportation.

Segregated Revenue - Local (SEG-L). This is a revenue source which is received from a local unit of government or other source for transportation purposes and is deposited in the transportation fund. Appropriations under this designation are financed from these revenues.

Federal Revenue (FED). This revenue source represents monies received by a state agency from the federal government for a specified purpose. Federal revenues do not have a distinct separate type but rather are listed as a subset of either a program revenue account or a segregated fund, depending on where the federal revenues are deposited. For Chapter 20 purposes, these appropriations are, therefore, actually shown either as program revenue-federal or segregated revenue-federal appropriations.

Program Revenue-Federal (PR-F). This revenue source represents monies which are received by a state agency from a federal agency for specific program activities and which are deposited in a separate program revenue account of that agency created for the receipt and expenditure of such federal funds. In some cases, funds from several different federal grants may be credited to a single, general program revenue-federal account. In other cases, there may be a distinct appropriation set up exclusively for the receipt and expenditure of federal funds from a single grant source (such as funds received under a federal block grant).

Segregated Revenue-Federal (SEG-F). This revenue source represents monies which are received by a state agency from a federal agency for specific program activities and which are deposited into a segregated fund operated by that agency. In some cases, funds from several different federal grants may be credited to a single, segregated revenue-federal account while in other cases there may be a distinct appropriation set up exclusively for the receipt and expenditure of federal funds from a single grant source.

Bond Revenue (BR). This revenue source represents monies which are received by the state from the issuance of bonds (contracting of public debt) and deposited in the capital improvement fund for expenditure by various state agencies for specified purposes. The majority of state bond revenues are used for state building, highway, and land acquisition projects. However, bond revenues are also used to finance some other state activities such as certain Department of Natural Resources environmental protection programs and the Department of Veterans Affairs home mortgage loan program.