

Administration and Justice

**ADMINISTRATION --
GENERAL AGENCY PROVISIONS**

1. COUNTY MANAGEMENT ASSISTANCE FOR MENOMINEE COUNTY

Increase the amounts provided for county management assistance grants to Menominee County by \$50,000 PR annually from tribal gaming revenue.

Chg. to JFC	
GPR-REV	-\$100,000
PR	\$100,000

Under current law, \$500,000 PR annually from tribal gaming revenues is appropriated to Menominee County for public safety, public health, public infrastructure, public employee training, and economic development. The Joint Committee on Finance recommended an increase of \$50,000 PR annually from tribal gaming revenues. The Senate recommendation would, therefore, increase the total grant amount to \$600,000 annually. Since non-dedicated tribal gaming revenues are deposited in the general fund, this recommendation would reduce revenue to the general fund by \$50,000 annually.

2. FUNDING FOR THE CLEGHORN COMMUNITY CENTER

Provide one-time funding of \$50,000 in 2007-08 to fund parking lot and road improvements at the Cleghorn Community Center in the Town of Pleasant Prairie in Eau Claire County.

Chg. to JFC	
GPR	\$50,000

**ADMINISTRATION --
TRANSFERS TO THE DEPARTMENT**

1. CONSOLIDATION OF ATTORNEYS AND LEGAL STAFF UNDER DOA

With some exceptions, restore the Governor's recommendation which was deleted by the Joint Committee on Finance to consolidate certain attorneys and legal staff under DOA. Provide a total of \$15,268,200 PR and -44.79 GPR, -15.61

Change to JFC Funding Positions		
GPR	\$0	- 44.79
FED	0	- 15.61
PR	15,268,200	84.50
SEG	0	- 24.10
Total	\$15,268,200	0.00

FED, 84.9 PR, and -24.1 SEG positions in 2008-09 for all state agencies for the transfer of attorneys and legal staff to DOA, effective July 1, 2008. Consolidate state attorneys and legal staff as follows:

Create Division of Legal Services. Create a Division of Legal Services with \$15,268,200 PR and 125.9 PR positions [124.9 classified and 1.0 unclassified] for personnel costs associated with the transfer of certain executive branch state agency attorney and legal staff positions to the agency, effective July 1, 2008. Included in these positions would be 1.0 PR unclassified division administrator position appointed by the Secretary of DOA. Increase by one the number of unclassified division administrators under DOA in the statutory enumeration of unclassified state positions.

Attorneys and Legal Staff Transferred. Transfer all attorney and legal staff positions in executive branch state agencies to the new Division of Legal Services effective July 1, 2008, unless otherwise specified. Define legal staff as those individuals that provide support services for attorneys, as determined by the Secretary of DOA.

Specify that the state agencies subject to this transfer requirement would be any office, commission, department, independent agency, or board in the executive branch, including the Building Commission, but excluding the Board on Aging and Long-Term Care, the Department of Military Affairs, the Department of Public Instruction, the Public Service Commission, the Public Defender Board, the UW System Board of Regents, the University of Wisconsin Hospitals and Clinics Board, the State of Wisconsin Investment Board, the Office of the Governor, the Government Accountability Board, the Department of Justice, and the Employment Relations Commission. The Secretary of DOA would be authorized to identify the positions to be transferred.

Specify that the following attorney and legal staff positions would not be transferred to DOA: (a) employees of district attorneys; (b) one lead attorney at the Office of State Employment Relations (whose duties include negotiation of collective bargaining agreements for labor relations); and (c) one "general counsel" or lead attorney at the Departments of Administration; Agriculture, Trade, and Consumer Protection; Children and Families; Commerce; Corrections; Employee Trust Funds; Financial Institutions; Health and Family Services; Natural Resources; Regulation and Licensing; Revenue; Transportation; Veterans Affairs; and Workforce Development; and at the Office of the Commissioner of Insurance.

Transfer of Hearing Examiners and Administrative Law Judges. Specify that all hearing officers, hearing examiners, and administrative law judges would be transferred to DOA's Division of Hearings and Appeals on July 1, 2008, except for such employees that work for the Department of Workforce Development.

DOA Authorized to Provide Legal Services. Authorize DOA to provide legal services to state agencies. Require DOA to annually assess each state agency for legal services provided to that agency and create a new PR-continuing legal services appropriation for the receipt of moneys paid by state agencies for legal services.

General Counsel Positions. Create 13.0 classified general counsel positions to serve as the only agency legal counsel for the following agencies: (a) Department of Administration; (b) Department of Agriculture, Trade, and Consumer Protection; (c) Department of Children and Families; (d) Department of Commerce; (e) Department of Corrections; (f) Department of Financial Institutions; (g) Department of Health and Family Services; (h) Department of Natural Resources; (i) Department of Regulation and Licensing; (j) Department of Revenue; (k) Department of Transportation; (l) Department of Workforce Development; and (m) Office of the Commissioner of Insurance.

Limitations on Agency Attorney Use. Specify that if any executive branch department or independent agency is authorized or required to retain an attorney, the agency must: (a) use a state employee, unless the agency contracts with DOA's Division of Legal Services or its Division of Hearings and Appeals; or (b) be furnished with legal services from the Department of Justice or DOA's Division of Hearings and Appeals. The Department of Health and Family Services would retain the right to hire non-state attorneys to recover certain medical assistance costs from estates.

Transitional Provisions. Specify that all transferred attorneys and legal staff would have the same rights and status as in the agency in which they originated. Specify that attorneys and legal staff that have obtained permanent status would not have to undergo a probationary period in DOA. Specify that all equipment, supplies, and furniture related to the duties of the transferred employees, as specified by the Secretary of DOA, would be transferred to DOA on July 1, 2008.

The following table summarizes the attorney and legal staff position transfers and other adjustments under this item:

<u>Agency</u>	<u>Current Positions Subject to Transfer</u>	<u>Positions Transferred to DOA</u>	<u>Positions Retained in Agencies</u>		
			<u>Existing Classified Attorney Positions*</u>	<u>New Unclassified General Counsel Positions</u>	<u>Total Legal Staff Before Position Reductions</u>
Administration	4.00	4.00	0.00	1.00	5.00
Agriculture, Trade and Consumer Prot.	7.50	7.50	0.00	1.00	8.50
Children and Families	4.30	4.30	0.00	1.00	5.30
Commerce	3.00	3.00	0.00	1.00	4.00
Corrections	7.80	7.80	0.00	1.00	8.80
Employee Trust Funds	2.00	1.00	1.00	0.00	2.00
Financial Institutions	6.00	6.00	0.00	1.00	7.00
Health and Family Services	19.50	19.50	0.00	1.00	20.50
Insurance	6.00	6.00	0.00	1.00	7.00
Natural Resources	17.50	17.50	0.00	1.00	18.50
Office of State Employment Relations	2.00	1.00	1.00	0.00	2.00
Regulation and Licensing	30.00	30.00	0.00	1.00	30.00
Revenue	16.75	16.75	0.00	1.00	17.75
Transportation	11.00	11.00	0.00	1.00	12.00
Veterans Affairs	3.00	2.00	1.00	0.00	3.00
Workforce Development	<u>1.55</u>	<u>1.55</u>	<u>0.00</u>	<u>1.00</u>	<u>2.55</u>
Total 2007-08 FTE (All Agencies)	141.90	138.90	3.00	13.00	154.90
New DOA Division of Legal Services					
Administrator Position		1.00	0.00	0.00	1.00
Total 2008-09 FTE Reduction (in DOA)		-14.00	0.00	0.00	-14.00
Total 2008-09 FTE (All Agencies)		125.90	3.00	13.00	141.90
All Agencies Net Reduction (Current Positions Compared to 2008-09 FTE)					0.00

*An existing classified attorney would be retained in the indicated agency and designated as the lead attorney for the agency.

**ADMINISTRATION --
INFORMATION TECHNOLOGY**

1. INTEGRATED BUSINESS INFORMATION SYSTEM

	Chg. to JFC
PR	\$17,089,200

Require DOA to implement, operate, maintain, and upgrade an integrated business information system (IBIS) capable of providing information technology services to all executive branch agencies for the following: (a) all financial services (includes accounting, auditing, and payroll); (b) procurement; (c) human resources; and (d) other

administrative duties. Allow DOA to provide these services to any executive branch agency as long as the service can be provided efficiently and economically, as determined by the Department. Allow non-executive branch agencies, authorities, and local units of government to participate in IBIS at their own discretion. Specify that DOA may charge these agencies for IBIS only if they participate. Specify, that DOA may charge an agency, authority, or local unit of government for these services in accordance with the methodology determined by the Department.

Provide \$9,062,900 in 2007-08 and \$10,594,500 in 2008-09 under a newly-created PR-continuing appropriation for the receipt of charges to agencies for IBIS services, for the following: (a) \$647,900 in 2007-08 and \$660,100 in 2008-09 for salaries and fringe benefits; (b) \$493,300 annually for limited-term employees; and (c) \$7,921,700 in 2007-08 and \$9,441,100 in 2008-09 for supplies and services. No positions would be created. Specify that the current printing, mail, communications, and information technology appropriation could not be used for IBIS service assessments. Allow the Department to expend monies in excess of the amounts appropriated under the new appropriation where the depreciated value of equipment purchased is at least equal to the excess expenditures.

Create a PR-continuing appropriation for payments from authorities and local units of government for IBIS system operations. No funding is provided under this appropriation. The Department, however, could expend all moneys received. Modify the current program revenue-supported information technology and communications services; nonstate agencies appropriation to specify that IBIS system charges could not be expended under this appropriation.

Reestimate the amount of funding needed under this appropriation by -\$1,284,100 PR annually related to IBIS costs no longer supported from the procurement services appropriation.

Create two sum sufficient appropriations (one for segregated appropriations and one for program revenue appropriations) that would allow DOA to provide sum-sufficient supplements to state agency appropriations that support IBIS system assessments.

2. DATA CENTER FUNDING AND SERVER CONSOLIDATION REQUIREMENTS

	Chg. to JFC
PR	\$4,810,800

Provide \$2,458,000 in 2007-08 and \$2,352,800 in 2008-09 for space rental costs, maintenance, fuel and utilities, taxes and fiber optics for the new data center in Madison. Specify that \$2,458,000 in 2007-08 would be provided under the Department of Administration's printing, mail processing, communications and information technology for state agencies appropriation and \$2,352,800 in 2008-09 would be provided under the Joint Committee on Finance's PR-supplemental appropriation.

Require the Department to publish on its website the following information for all information technology projects: (a) the total anticipated cost of the project; (b) the total amount

that will be assessed for the project; and (c) the amounts that will be assessed to each agency, if a flat rate will be used; or (d) the rate per service provided, if a flat rate is not used. Prohibit the Department from assessing more than 110% of the lesser of the amounts appropriated for an information technology project or the anticipated cost of the project.

Require the Department to do the following before continuing server consolidation: (a) complete a revised study of consolidation, in consultation with other executive branch agencies; (b) specify that the study would develop a timeline and full-cost estimate of initially consolidating executive branch servers; (c) identify the cost of retaining servers at the agencies; (d) specify that all costs would consider use of the current space used by agencies; and (e) specify that in considering the costs and benefits of server consolidation that the Department consider the costs that could be saved if less space was leased at the current data center or at an alternative location. Require the Department to provide this information to the Joint Committee on Finance and the Joint Committee on Information Policy and Technology (JCIPT) or the Joint Legislative Audit Committee if JCIPT is not an active committee. Allow the Department to request supplemental appropriation authority pending analysis of the information provided under points (a) through (e).

<p>ADMINISTRATION -- OFFICE OF JUSTICE ASSISTANCE</p>
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1. CHILD ADVOCACY CENTERS

	Chg. to JFC
GPR	\$240,000

Provide \$240,000 in 2008-09, under a new GPR annual child advocacy centers appropriation to provide annual grants of \$20,000 to each of the following 12 child advocacy centers for education, training, medical advice, and quality assurance activities: (a) Care House in Rock County; (b) Child Protection Center in Milwaukee County; (c) Safe Harbor in Dane County; (d) Kenosha Child Advocacy Center in Kenosha County; (e) Fox Valley Child Advocacy Center in Winnebago County; (f) Stepping Stones in La Crosse County; (g) CARE Center in Waukesha County; (h) Child Advocacy Center of Northeastern Wisconsin in Marathon County; (i) Chippewa County Child Advocacy Center; (j) a child advocacy center in Brown County; (k) a child advocacy center in Racine County; and (l) a child advocacy center in Walworth County. The intent of child advocacy centers is to provide comprehensive services for child victims and their families by coordinating services from law enforcement and criminal justice agencies, child protective services, victim advocacy agencies, and health care providers. The program would be administered by DOA's Office of Justice Assistance.

2. GRANT FOR WISCONSIN CASA ASSOCIATION

Direct DOA's Office of Justice Assistance to provide a grant of \$150,000 FED annually during 2007-09 only, to the Wisconsin CASA (court-appointed special advocates) Association for the support, assistance, and development of court-appointed special advocate programs. Direct OJA to fund the grants from amounts received under the federal Byrne Justice Assistance Grant Program. In abuse and neglect cases, a court-appointed special advocate may provide information to the court regarding the best interests of a child.

3. GRANT FOR COPS-N-KIDS READING PROGRAM

Direct DOA's Office of Justice Assistance to provide a three-year grant totaling \$112,500 FED, effective January 1, 2008, to the Cops-n-Kids Reading Program in the City of Racine. The Office previously provided a three-year grant totaling \$112,500 FED, funded with federal juvenile justice funding, to support this program which expires on December 31, 2007. Under this provision, the Legislature would direct the Office to provide an additional three-year grant.

4. MOBILE DATA COMPUTERS FOR THE CITY OF FORT ATKINSON

Direct DOA's Office of Justice Assistance to provide a grant of \$61,400 FED in 2007-08, funded with federal criminal justice-related grant funds, to purchase mobile data computers for law enforcement vehicles for the City of Fort Atkinson.

5. EMERGENCY GENERATOR FOR THE TOWN OF SUMNER IN JEFFERSON COUNTY

Direct DOA's Office of Justice Assistance to provide a grant of \$10,000 FED in 2007-08, funded with federal homeland security grant dollars, to purchase an emergency generator for the Town of Sumner in Jefferson County.

<p>CIRCUIT COURTS</p>

1. NEW KENOSHA COUNTY CIRCUIT COURT BRANCH

Create a new circuit court branch for Kenosha County. Provide 1.0 GPR circuit court judge position and 1.0 GPR court reporter position for Kenosha County. The initial election for the new circuit court branch would occur at the spring election of 2009 for a term commencing on August 1, 2009, and ending on July 31, 2015. Since the term would not begin until after the

end of the 2008-09 fiscal year, costs associated with the positions would not occur until the 2009-11 biennium. Based on 2006-07 salary levels, total annual funding needed for the 2.0 positions would be \$230,500 GPR and \$3,900 PR.

CORRECTIONS

1. RENAME PAROLE COMMISSION THE EARNED RELEASE REVIEW COMMISSION AND EXPAND AUTHORITY OF COMMISSION TO MODIFY BIFURCATED SENTENCES

	Chg. to JFC
GPR	- \$464,900

Rename the Parole Commission the Earned Release Review Commission. Provide that the Commission may release to extended supervision a person sentenced to a bifurcated sentence for a Class F (a maximum sentence of 7.5 years in prison and 5 years extended supervision) to a Class I (a maximum sentence of 18 months in prison and 2 years extended supervision) felony after the person has served at least 75% of the prison confinement portion of his or her sentence. Also, provide that the Commission may terminate the person's extended supervision for a Class F to Class I felony after the person has completed 75% of his or her extended supervision. Statutory provisions related to extended supervision for Class A to Class E felonies would remain the same.

As a result, estimated contract bed savings are \$464,900 in 2008-09, assuming that prison populations will be reduced by approximately five offenders a month beginning in September, 2008.

Provide that the Commission may consider any of the following as a ground for petition for sentence reduction: (a) the inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since sentencing; (b) a change in law or procedure effective after the inmate was sentenced that would have resulted in a shorter term of confinement in prison, if the change had been applicable when the inmate was sentenced; (c) the inmate is subject to confinement in another state or the inmate is in the United States illegally and may be deported; or (d) sentence adjustment is otherwise in the interests of justice.

For an inmate in prison, provide that the Commission may adjust a person's bifurcated sentence for a Class F to Class I felony by reducing the confinement term by the amount of time remaining in prison, less up to 30 days, and providing a corresponding increase in the term of extended supervision.

If a sentence adjustment is based on a change in law or procedure, and the total sentence

length of the adjusted sentence is greater than the maximum sentence length that the offender could have received if the change in law or procedure had been applicable when the offender was originally sentenced, the Commission may reduce the length of the term of extended supervision so that the total sentence length does not exceed the updated maximum sentence length.

If a sentence adjustment is based on a change in law or procedure, and the adjusted term of extended supervision is greater than the maximum term of extended supervision that the offender could have received if the change in law or procedure had been applicable when the offender was originally sentenced, the Commission may reduce the length of the term of extended supervision so that the term does not exceed the updated maximum term for extended supervision.

Provide that an inmate sentenced to a bifurcated sentence for a Class F to Class I felony may only submit one petition to the Commission for sentence adjustment for each bifurcated sentence.

The Commission would also assume the current duties of the Parole Commission related to release under the state's former indeterminate sentencing structure.

Under current law, an inmate serving a sentence for a crime other than a Class B felony, may petition the sentencing court to adjust the sentence if: (a) the inmate has served at least 85% of the term of confinement for a Class C to E felony; or (b) the inmate has served at least 75% of the term of confinement for a Class F to I felony. The court may deny the petition or may hold it for further consideration. If the court holds the petition for further consideration, the court must notify the district attorney of the inmate's petition. If the district attorney objects to the adjustment of the sentence within 45 days of receiving the court's notification, the court must deny the petition. Under this modification, sentence modification decisions would be made by the Earned Release Review Commission.

This provision was deleted from the bill as a policy item by the Joint Committee on Finance.

2. PLACEMENTS FOR NINETY-DAY SANCTIONS

Modify current law to provide the following additional locations for confinement as a sanction if a person released to extended supervision signs a statement admitting a violation of a condition of extended supervision: (a) a facility owned or operated by the Department; (b) a Huber facility; or (c) a work camp.

Under current law, if a person released to extended supervision signs a statement admitting a violation of a condition of extended supervision, Corrections may, as a sanction for the violation, confine the person in regional detention facility or, with the approval of the sheriff, in a county jail.

This provision was deleted from the bill as a policy item by the Joint Committee on Finance.

3. TECHNICAL MODIFICATIONS TO GPS TRACKING OF CERTAIN CHILD SEX OFFENDERS

Specify that lifetime global positioning system (GPS) tracking applies to persons for whom a special bulletin notification (SBN) is issued on or after the effective date of the provision. [This modification clarifies the statutory language adopted by the Joint Committee on Finance by deleting the phrase "has received" and substituting "receives." As a result, GPS tracking applies beginning January 1, 2008, to offenders for whom a police chief or sheriff receives (rather than "has received") a SBN.

DISTRICT ATTORNEYS

1. TREMPEALEAU COUNTY DISTRICT ATTORNEY

Provide \$49,300 in 2007-08, and \$49,800 in 2008-09, and 0.4 position annually to convert the elected district attorney in Trempealeau County to full-time status.

	Change to JFC Funding Positions	
GPR	\$99,100	0.40

2. ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS

Provide \$32,400 in 2007-08, and \$97,200 in 2008-09, to provide 2.0 additional assistant district attorney (ADA) positions as follows: (a) 1.0 ADA position to Polk County effective January 1, 2009; (b) 0.5 ADA position to Rock County effective January 1, 2008; and (c) 0.5 ADA position to St. Croix County effective January 1, 2008.

	Change to JFC Funding Positions	
GPR	\$129,600	2.00

LEGISLATURE

1. LEGISLATURE GIFTS AND GRANTS APPROPRIATION

Create a continuing program revenue appropriation under the Legislature for the receipt and expenditures for gifts and grants by either the Senate or Assembly. Under the appropriation, funds could be expended for the purpose for which the donor specified. The intent of the provision is to allow support of the Senate Scholars Program.