

MULTIPLE AGENCIES

Omnibus Motion Relating Primarily to DFI, DSPS, WEDC, WHEDA

Motion:

Move the following provisions:

DELETE MERGERS AND TRANSFERS

Remove the proposed mergers to create the Department of Financial Institutions and Professional Standards (DFIPS) and the Forward Wisconsin Development Authority (FWDA) from the budget bill. Specifically, delete the following provisions described in the Legislative Fiscal Bureau's February, 2015, Summary of Governor's Budget Recommendations associated with the proposed mergers. In addition, make the funding and position changes identified below.

Administration (DOA)

1. Page 38, #13 -- *Transfer Business Certifications to Department of Financial Institutions and Professional Standards.*
2. Page 39, #14 -- *Transfer Office of Business Development and Small Business Regulatory Review Board to Department of Financial Institutions and Professional Standards.*
3. Restore \$197,000 GPR and \$75,900 PR in 2015-16, \$393,800 GPR and \$151,600 PR in 2016-17, and 4.00 GPR positions and 1.00 PR position, annually.

Agriculture, Trade and Consumer Protection (DATCP)

4. Page 62, #16 -- *Transfer Educational Approval Board Consumer Protection Functions.*

Financial Institutions (DFI)

5. Page 155, #2 -- *Transfer All DFI Functions to DFIPS.*
6. Restore \$9,313,500 PR and 123.54 PR positions in 2015-16 and \$18,538,400 PR and 121.54 PR positions in 2016-17.

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Financial Institutions and Professional Standards

7. Page 158, #1 -- *Create Department of Financial Institutions and Professional Standards.*

8. Delete \$32,610,000 PR, \$233,700 FED, 326.40 PR positions, and 1.70 FED positions in 2015-16, and \$65,145,800 PR, \$467,400 FED, 324.40 PR positions, and 1.70 FED positions in 2016-17.

Forward Wisconsin Development Authority

9. Page 160, #1 -- *Create the Forward Wisconsin Development Authority.*

10. Page 166, #4 -- *Remove Joint Committee on Finance Oversight When Creating a Nonprofit Foundation.*

11. Page 168, #7 -- *Nondiscrimination in Authority Programs.*

12. Page 169, #8 -- *Reporting on Business with Minority- or Disabled-Veteran-Owned Firms.*

13. Page 169, #9 -- *Position Opening Notification Program.*

14. Page 170, #10 -- *Biennial Financial Audit.*

15. Page 170, #11 -- *Annual Report to Legislature*

16. Page 170, #12 -- *Delete Reporting Requirement.*

17. Page 171, #13 -- *Assistance to New and Small Businesses.*

18. Delete \$24,874,700 GPR and \$22,776,000 SEG in 2016-17.

Safety and Professional Services (DSPS) -- Program Transfers

19. Page 393, #1 -- *Transfer Functions to DFIPS.*

20. Restore \$24,183,100 PR and \$364,200 FED in 2015-16, \$47,998,900 PR and \$728,000 FED in 2016-17, and 226.42 PR and 5.90 FED positions, annually.

Wisconsin Economic Development Corporation (WEDC)

21. Page 531, #5 -- *Merge WEDC with the Wisconsin Housing and Economic Development Authority (WHEDA).*

22. Restore \$24,874,700 GPR and \$22,776,000 SEG in 2016-17.

Wisconsin Housing and Economic Development Authority

23. Page 533, #1 -- *Forward Wisconsin Development Authority Creation.*

Wisconsin Technical College System

24. Page 539, #10 -- *Eliminate Educational Approval Board (EAB).*
25. Restore \$711,800 PR and 6.50 PR positions, annually.

Required Lapse Amounts

26. Eliminate the required lapse to the general fund of \$8,666,400 in 2015-16 and 2016-17 for DFIPS. Instead, require DFI to lapse \$2,434,400 and DSPS to lapse \$6,232,000 in 2015-16 and 2016-17.

OTHER PROVISIONS -- FINANCIAL INSTITUTIONS (DFI)

27. *Eliminate Long-Term Vacancies (Paper #290).* Adopt Alternative 3, which would delete the Governor's recommendation to eliminate 2.0 long-term vacant positions.

28. *GPR-Earned Reestimate (Paper #291).* Adopt modification to reestimate DFI's year-end lapse at \$70,125,000 in 2015-16 and at \$70,005,300 in 2016-17. As compared to the bill, the reestimate is higher by \$2,800,000 in each year.

OTHER PROVISIONS -- SAFETY AND PROFESSIONAL SERVICES (DSPS)

29. *DSPS Standard Budget Adjustments (Paper #570):* Do not include the administration errata (modification). This would maintain the provision in the budget system to convert 1.0 classified position to unclassified in the Division of Industry Services.

30. *Increase Credentialing Periods, Fee Payments in Installments (Paper #571):* Adopt Alternative A2, B1, and C2 of LFB Paper #571, which would delete all of the provisions in the bill relating to increasing credential periods from two to four years and allowing for the payment of credential fees in installments.

31. *Fire Department Dues Distribution Reestimate (Paper #572).* Adopt the modification, which would provide \$1,190,000 PR in 2015-16 and \$1,570,000 PR in 2016-17 to reestimate the fire dues distribution to local governments as \$17,530,000 in 2015-16 and \$17,910,000 in 2016-17.

32. *Long-Term Vacancies (Paper #575).* Adopt Alternative 2, which would delete \$571,500 PR and \$248,200 FED annually with 9.76 PR positions and 4.20 FED positions to

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eliminate positions in DSPS that have been vacant 12 months or more.

33. *Transfer Veterinary Examining Board to the Department of Agriculture, Trade and Consumer Protection (Paper #576)*: Adopt Alternative 2 of LFB Paper #576, which would adopt the Governor's recommendation to transfer the VEB from DSPS to DATCP, and maintain the current authority of the elder-adult-at-risk agency to refer alleged cases of abuse by veterinary professionals to the regulating department. In addition, modify the bill as follows.

a. Under s. 54.25 (2) (c) 1. d. of the statutes, include "a license, certification, or permit issued under s. 89.06 or 89.072" in the list of credentials for which that a court may declare a person incapable of applying for following a determination of incompetency.

b. Specify that the Department shall determine the fees for each initial license, certification, and permit issued under ss. 89.06 and 89.072, and, if applicable, for renewal of the license, certification, or permit, including late fees, based on the Department's administrative and enforcement costs under this chapter. Require that the Department notify the holder of each such license, certification, or permit of any fee adjustment under this subsection that affects that license, certification, or permit holder.

c. Specify that the veterinary examining board may conduct an investigation to determine whether an applicant for license, certification, or permit issued under s. 89.06 or 89.072 satisfies any of the eligibility requirements specified for the license, certification, or permit, including, subject to ss. 111.321, 111.322, and 111.335, whether the applicant does not have an arrest or conviction record. In conducting an investigation under this subsection, the examining board may require an applicant to provide any information that is necessary for the investigation. Additionally, specify that a person holding a license, certification, or permit issued under s. 89.06 or 89.072 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the examining board within 48 hours after the entry of the judgment of conviction. The examining board shall by rule determine what information and documentation the person holding the credential shall include with the written notice. Specify that the examining board may investigate whether an applicant for or holder of a license, certification, or permit issued under s. 89.06 or 89.072 has been charged with or convicted of a crime.

d. Specify that the Department shall deny an application for an initial license, certification, or permit issued under s. 89.06 or 89.072, or an application for renewal of that license, certification, or permit or revoke a license, certification, or permit issued under s. 89.06 or 89.072, or an application for renewal of that license, certification, or permit or revoke a license to an individual for whom the Department receives a record of a declaration under s. 54.25(2)(c)1.d. stating that the individual is incompetent to apply for or hold that license, certification, or permit.

34. *Transfer Regulation of Tattooing, Body Piercing, and Tanning to the Department of Financial Institutions and Professional Standards (Paper #577)*: Adopt Alternatives 1a and 1b of LFB Paper #577, which would transfer regulatory authority for tattooists, tattoo establishments, body piercers, body piercing establishments, and tanning facilities from the Department of Health Services to DSPS.

35. *Prescription Drug Monitoring Program -- Definitions and Minor Terminology Changes.* Modify provisions relating to the prescription drug monitoring program as follows.

a. Create the following definitions under s. 961.385 (1) of the statutes.

(1) "Administer" means the direct application of a monitored prescription drug, whether by injection, ingestion or any other means, to the body of a patient by any of the following: (a) a practitioner or his or her agent; (b) a patient or research subject at the direction of a practitioner; (c) a pharmacist.

(2) "Agent," unless context otherwise requires, means an authorized person who acts on behalf of or at the direction of a practitioner or pharmacist.

(3) "Board" means the controlled substances board.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a monitored prescription drug from one person to another.

(5) "Dispense" means to deliver a monitored prescription drug pursuant to the lawful prescription order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that deliver.

(6) "Patient" means the person or other animal for whom a monitored prescription drug is prescribed or to whom a monitored prescription drug is dispensed or administered.

(7) "Pharmacist" means a person licensed by the pharmacy examining board under ss. 450.03 or 450.05 or licensed in another state and recognized by this state as a person authorized to engage in the practice of pharmacy in the state in which they are licensed.

(8) "Pharmacy" means any place of practice licensed by the pharmacy examining board under ss. 450.06 or 450.065, Stats.

(9) "Prescription" means a monitored prescription drug prescribed by a practitioner.

(10) "Prescription order" means an order transmitted orally, electronically or in writing by a practitioner for a monitored prescription drug for a particular patient.

(11) "Submit" or "submission" means, unless the context otherwise requires, the transfer of a record documenting the dispensing of a monitored prescription drug to the board.

b. Modify the bill to reflect the following language changes:

(1) Replace "deliver" with "submit" in s. 961.385(2)(a) of the statutes;

(2) Replace "delivery" with "submission" in s. 961.385(2)(d) of the statutes;

(3) Replace "delivery" with "submission" in s. 961.385(2)(e) of the statutes;

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(4) Add "licensing or regulatory" to s. 961.385(2)(f) of the statutes, so that it reads, "Permit the board to refer to the appropriate licensing or regulatory board for discipline for failure, or the appropriate law enforcement agency for investigation and possible prosecution, a pharmacist, pharmacy, or practitioner that fails to comply with rules promulgated under this subsection, including by failure to generate a record that is required by the program";

(5) Replace "delivered" with "submitted" in s. 961.385(2m)(a) of the statutes; and

(6) Replace "delivered" with "submitted" in s. 961.385(2m)(b) of the statutes.

36. *Prescription Drug Monitoring Program -- Protection of Confidentiality for Records.* Specify under s.146.82(1) of the statutes that this subsection does not prohibit records generated and disclosed to the prescription drug monitoring program pursuant to rules promulgated under s. 961.385.

In addition, replace s. 146.82 of the statutes with the following: "Specify the persons to whom a record may be disclosed and the circumstances under which the disclosure may occur. The rule promulgated under this paragraph shall comply with s. 146.82(2), except that the rule shall permit the board to disclose a record generated by the program to a relevant state board and agency, a relevant agency of another state, and an appropriate law enforcement agency, as defined in s. 165.77(1)(b) including under circumstances indicating suspicious or critically dangerous conduct or practices of a pharmacy, pharmacist, practitioner, or patient. The board shall define what constitutes suspicious or critically dangerous conduct or practices for purposes of the rule promulgated under this paragraph."

37. *Credential Renewal Fees for Audiologists and Speech Language Pathologists.* Specify in a nonstatutory provision that the biennial credential renewal fees for speech language pathologists and audiologists shall be \$75 for the 2015-17 biennium.

38. *Automatic Sprinkler Systems in Multifamily Dwellings.* Include the provisions of 2015 LRB 2087/P2, as follows:

a. Repeal section 101.975 (3) of the statutes on the effective date of the biennial budget act. The provision currently authorizes local governments to maintain a preexisting stricter automatic fire sprinkler system ordinance for multifamily dwellings with 20 or less attached dwelling units, if the ordinance was in effect on May 1, 1992.

b. Specify that any contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with a multifamily dwelling local ordinance that does not conform to the state multifamily dwelling code or is contrary to an order of the Department of Safety and Professional Services (DSPS) is void and unenforceable.

39. *Automatic Fire Sprinklers in One- and Two-Family Dwellings.* Prohibit the Department of Safety and Professional Services (DSPS) from promulgating or enforcing a rule that requires that any one- or two-family dwelling contain an automatic fire sprinkler system, as defined in s. 145.01 (2). [The current Wisconsin UDC does not require fire sprinklers in one- or two-family homes.]

40. *Religious Waivers to Certain One- and Two-Family Building Code Provisions.* Include the provisions of 2015 LRB 2209/P3, which would allow members of certain religious sects to request and receive, a temporary waiver from the requirements in the one- and two-family dwelling code (also known as the Uniform Dwelling Code or UDC) to install smoke detectors and carbon monoxide detectors, and from the requirement that dwellings meet certain electrical wiring and plumbing standards. Include the following provisions:

a. Require an applicant for a waiver from the requirement to comply with a dwelling construction standard to submit a signed application form requesting the waiver to the political subdivision that is responsible for issuing building permits for one- and two-family dwellings (dwellings). This would require submittal of an application to the city, village, town, or county delegated by the Department of Safety and Professional Services (DSPS) to administer the one- and two-family dwelling code in the jurisdiction. If DSPS issues building permits for dwellings in a political subdivision, the submittal would be to DSPS.

b. Define "dwelling construction standard" as a requirement imposed under s. 101.645 (3) or s. 101.647 (3) of the statutes (requirements for smoke detectors and carbon monoxide detectors in one- and two-family dwellings) or a requirement imposed under any provision of Chapter 101 (buildings) or Chapter 145 (plumbing and fire protection) or under any ordinance of a political subdivision relating to standards for electrical wiring or plumbing in one- and two-family dwellings.

c. Specify that a person who is issued a waiver from a requirement to comply with a dwelling construction standard is not required to comply with that standard.

d. Require DSPS to prescribe and furnish a waiver application form to each political subdivision that issues building permits for dwellings. Require that the form be written in simple and plain language, and list, in a check-off format, each of the following statements:

(1) The person's religious beliefs and the established tenets or teachings of the religious sect of which the person is a member conflict with one or more dwelling construction standards.

(2) The dwelling for which the waiver is requested will be used solely as a residence for the person or members of the person's household.

(3) The waiver is requested based upon the long-established tenets and teachings of the religious sect of which the person is a member and the religious sect did not establish these tenets and teachings solely to avoid compliance with dwelling construction standards.

(4) The person agrees to modify the dwelling for which the waiver is requested to comply with dwelling construction standards if the person ceases to adhere to the tenets or teachings of the religious sect of which the person is a member and upon which the waiver is requested.

e. Require that the application shall include an attachment containing the address or other identifying information that describes the location of the dwelling and specifying the

dwelling construction standard from which the person seeks a compliance waiver.

f. Require the political subdivision that issues building permits and that receives a completed and signed waiver application form to promptly issue a waiver to the applicant if all of the following apply:

(1) The political subdivision has no reason to believe that the statements provided by the applicant on the waiver application form are untrue.

(2) The political subdivision is satisfied that the waiver will not result in an unreasonable risk of harm to public health or safety.

(3) The waiver specifies those dwelling construction standards with which the applicant is not required to comply.

g. Specify that a political subdivision that finds that an applicant is not entitled to receive a waiver under the provision shall promptly notify DSPS of its finding together with a description of the political subdivision's basis for its finding. Require that, if DSPS agrees with the political subdivision's finding, the Department would be required to deny the waiver and notify the applicant that the waiver is denied. Require that, if DSPS disagrees with the political subdivision's finding, the Department would be required to issue the waiver to the applicant and notify the political subdivision that the Department has issued the waiver. If a political subdivision receives a notice from DSPS that the Department has issued the waiver, the political subdivision would be required to waive the applicant's requirement to comply with the dwelling construction standards specified in the waiver.

h. Specify that a person is entitled to obtain a waiver before, during, or after construction of a one- or two-family dwelling.

i. Prohibit a municipality and DSPS from charging a person a fee to apply for or receive a waiver.

j. Specify that a waiver issued under the provision is invalid if the political subdivision that issued the waiver or DSPS find that any of the following applies:

(1) A statement on the waiver form submitted by the person to whom the waiver was issued is untrue.

(2) The basis upon which the waiver was issued no longer applies.

(3) The dwelling is occupied by a person who does not hold the religious beliefs that form the basis for issuing the waiver.

k. Prohibit DSPS or a political subdivision from taking any enforcement action, or from proceeding with any enforcement action initiated on or before the effective date of the biennial budget act, against a person with respect to a dwelling construction standard if the person has a valid waiver issued under the provision that waives compliance with the

requirement.

L. Specify that a builder, designer, or owner is not required to comply with the requirements of the one- and two-family dwelling code for which a waiver is issued.

OTHER PROVISIONS -- WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

41. *Regional Revolving Loan Fund Grant Program (Paper #300)*. Adopt Alternative 5 to delete the provisions that would have created a regional revolving loan fund grant program and delete \$55,000,000 GPR that would have been provided for the program from the bill.

42. *Exceptions to the Open Records Law (Paper #301)*. Adopt Alternative 3 to delete the provisions that would have created additional exceptions to the state open records law. Restore WEDC's current law provision that provides an exemption from the state open records law for records that pertain to pending grants, loans, or economic development projects that, in the opinion of WEDC, must remain confidential to protect the competitive nature of the project.

43. *Reporting Requirements of Grant and Loan Recipients (Paper #302)*. Adopt Alternative 3 to delete the provisions that would have modified WEDC's reporting requirements for grant and loan recipients. Restore WEDC's current law requirements.

44. Remove the Governor from WEDC's Board of Directors and specify that the Board's chairperson would be a public member elected by a majority vote of the Board.

45. Authorize WEDC's Board to delegate any power or duty to an employee of the Corporation or to a committee established by the Board.

46. Require WEDC's Board of Directors to revise its unassigned balance policy to establish its target unassigned balance on June 30 of each year to be an amount equal to two-twelfths of its estimated annual administrative expenditures for that year. Require WEDC's unassigned balance policy to be consistent with best practices recommended by the Government Finance Officers Association. Require the Board to submit the revised policy to the Joint Committee on Finance (JFC) and the Joint Legislative Audit Committee, no later than October 1, 2015. Reduce funding in WEDC's operations and programs appropriation by \$12,000,000 GPR in 2015-16 to reflect the reduction in the unassigned balance. Place \$11,250,000 GPR of these funds in the JFC supplemental appropriation and require WEDC to make four one-time grants in 2015-16 with the remaining \$750,000, as described below.

47. Provide \$250,000 GPR to WEDC for the purpose of making a grant to the Midwest Energy Research Consortium (M-WERC) to be used to support the growth, training, and research and development of private companies in the energy, power, and control sector headquartered in Wisconsin. Require WEDC to develop policies and procedures to determine if a business is headquartered in Wisconsin and eligible for an award from M-WERC. Prohibit M-WERC from expending any of these grant monies after June 30, 2017, or a later date established by WEDC. In addition, specify that any unspent grant monies must be returned to DOA for

deposit in the state's general fund. Require that M-WERC be subject to the same reporting requirements that apply to other WEDC grant and loan recipients.

48. Provide \$250,000 GPR to WEDC for the purpose of making a grant to Prosperity Southwest Wisconsin for a new revolving loan program in the southwest region of the state to promote regional economic development and entrepreneurial startups.

49. Provide \$150,000 GPR to WEDC for the purpose of making a grant to the Northcentral Technical College to be used to purchase commercial stoves, ovens, and other equipment for its Culinary Arts program and business incubator facilities.

50. Provide \$100,000 GPR to WEDC for the purpose of making a grant to the Marathon County Economic Development Corporation to be used for a revolving loan fund to support minority owned businesses in Marathon County. Specify that a business would be considered to be "minority owned" if at least 30% of the business is owned by a person who is a member of a minority group.

OTHER PROVISIONS -- WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT

No additional items are included for WHEDA.

Note:

The following table shows the fiscal effect of the motion.

	<u>Funding</u>		<u>Positions</u>		
	<u>2015-16</u>	<u>2016-17</u>	<u>2015-16</u>	<u>2016-17</u>	
Delete Transfers and Mergers	\$197,000	\$393,800	4.00	4.00	GPR
Delete Transfers and Mergers	1,674,300	2,254,900	31.06	31.06	PR
Delete Transfers and Mergers	130,500	260,600	4.20	4.20	FED
Delete Revolving Loan Fund Grants	0	-55,000,000	0.00	0.00	GPR
Require WEDC to Spend Balance	-12,000,000	0	0.00	0.00	GPR
WEDC Grant to Prosperity Southwest Wisconsin	250,000	0	0.00	0.00	GPR
WEDC Grant to M-WERC	250,000	0	0.00	0.00	GPR
WEDC Marathon County Economic Development Grant	100,000	0	0.00	0.00	GPR
WEDC Grant to Northwest Technical College	150,000	0	0.00	0.00	GPR
Place WEDC Funding in JFC Appropriation	11,250,000	0	0.00	0.00	GPR
Delete Position Reductions in DFI	0	0	2.00	2.00	PR
Reestimate DFI Year-End Lapse	2,800,000	2,800,000	0.00	0.00	GPR-REV
DSPS Fire Dues Reestimate	1,190,000	1,570,000	0.00	0.00	PR
DSPS Long-Term Vacancies	-571,500	-571,500	-9.76	-9.76	PR
DSPS Long-Term Vacancies	-248,200	-248,200	-4.20	-4.20	FED
Credential Renewal Fees for Audiologists and Speech Language Pathologists	0	-213,400	0.00	0.00	PR-REV
Credential Renewal Fees for Audiologists and Speech-Language Pathologists	0	-21,300	0.00	0.00	GPR-REV
Total	\$197,000	-\$54,606,200	4.00	4.00	GPR
	-117,700	12,400	0.00	0.00	FED
	2,292,800	3,253,400	23.30	23.30	PR
	\$2,800,000	\$2,778,700	0.00	0.00	GPR-REV
	0	-213,400	0.00	0.00	PR-REV

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