

MULTIPLE AGENCIES

Omnibus Motion Relating to Building Commission, Building Program,
Administration -- Transfers, Tourism -- Office of Marketing, Workforce Development --
Worker's Compensation, and Workforce Development -- Unemployment Insurance

Motion:

Move the following provisions:

BUILDING COMMISSION

1. *GPR Debt Service Reestimate [Paper #175]*. Accept modification to GPR debt service to decrease the net amount of GPR debt service required in the 2015-17 biennium by \$12,165,000 in 2015-16 and \$10,519,100 in 2016-17 to reflect the projected lapses from GPR debt service appropriations in the biennium. Net GPR debt service, after these GPR-Lapse amounts, would total \$619,796,100 in 2015-16 and \$590,400,500 in 2016-17.

2. *Short-Term Debt Restructuring [Paper #176]*. Adopt Alternative A1 as modified to require that DOA establish a planned amortization schedule for the repayment of principal repayment on the state's short-term, general obligation commercial paper programs, so that a uniform portion of the principal amount of such obligations is planned to be retired annually. Define short-term commercial paper program as a short-term debt obligation issued in lieu of long-term state general obligation debt.

3. *Contracting Requirements*. Clarify the authority of the Building Commission by statutorily separating the two existing types of alternatives to state construction under s. 13.48(19) of the statutes. Delete a reference to authorizing lease or lease purchase from the first section of this provision of current law governing waiver of state contracting requirements, if approved by the Commission. The second section of current law would govern the lease or lease purchase of facilities enumerated in the state building program in lieu of state construction, and would delete a reference to existing facilities from current law. Modify current law governing single prime contracts under s. 16.855(13) of the statutes so that it would not apply to the second section relating to lease or lease purchase in lieu of construction. Specify that these changes would first apply to a waiver or an authorization occurring on the effective date of the bill.

4. *Local Zoning Exemption*. Exempt from compliance with municipal zoning ordinances the structure or facility that is to be constructed for the benefit, or use, of the state that was first enumerated under the 2007-09 building program and last modified under the 2013-15 building program as the State Transportation Building Replacement -- Madison.

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BUILDING PROGRAM

5. *Building Program Modifications.* Adopt the back sheet of the Building Program and modify the Building Program amendment as follows:

a. Non-State Projects in 2015-17 State Building Program [Paper #180]. Adopt Alternative B1 and C1 to approve the proposed \$11,626,800 Wisconsin Agricultural Education Center, Inc., project to be funded with \$5,000,000 GPR-supported bonding and \$6,626,800 in gifts grants and other receipts and to approve the proposed \$26,500,000 Carroll University Science Laboratory Facility project to be funded with \$3,000,000 in GPR-supported bonding and \$23,500,000 in gifts, grants, and other receipts. The bonding for these projects is included in the total for the Building Program.

b. *Eau Claire Confluence Center Project*

(1) Provide \$15,000,000 in GPR-supported bonding and enumerate a Confluence Arts Center in Eau Claire under the 2015-17 state building program and provide \$1,075,700 GPR in 2016-17 for debt service associated with the project;

(2) Create a Building Commission bonding authorization and debt service appropriation to repay the bonds;

(3) Specify a legislative finding that the project has a statewide significance and indicates the facility is to be constructed outside DOA's supervision; and

(4) Specify that the Building Commission provide the state funds in the form of a grant, but could not do so until the following conditions are met: (a) the Commission determines that the organization to receive the grant has raised non-state funds equal to the amount of the grant; and (b) the state would retain an ownership interest in the facility equal to the amount of its grant.

c. *UW-Madison Chemistry Building.* Provide \$86,208,000 of GPR-supported bonding and \$21,552,000 of gifts, grants, or other funds, and enumerate the UW-Madison Chemistry Building Addition and Renovation project with a total budget of \$107,760,000.

ADMINISTRATION -- TRANSFERS

6. *Provider of All Information Technology Services for Certain Agencies [Paper #110] and Shared Agency Services Pilot Program [Paper #111].* Direct DOA to develop a plan, in consultation with identified agencies, for assuming responsibility for services relating to human resources, payroll, finance, budgeting, procurement, and information technology (IT), for one or more of the following agencies: Board of Commissioners of Public Lands; Board on Aging and Long-Term Care; Board for People with Developmental Disabilities; Educational Communications Board; Department of Financial Institutions; Government Accountability Board; Higher Educational Aids Board; State Historical Society; Public Service Commission; Department of Safety and Professional Services; Office of the Secretary of State; State Fair Park Board; Technical

College System Board; Department of Tourism; Office of the Governor; Office of the Lieutenant Governor; and Office of the State Treasurer. Specify that the Secretary of DOA submit to the Joint Committee on Finance the plan for approval under s. 13.10 of the statutes no later than March 1, 2016, for implementation beginning July 1, 2016. Require DOA to include in the plan which services would be provided to each agency, which positions would be deleted or transferred, and the number and type of positions and associated funding that would be provided to DOA. Adopt Alternative A2 of Paper #110 and Alternatives A3 and A4 of Paper #111 which would: (a) delete the provisions under Paper #110 and Paper #111; (b) allow DOA to reorganize internally July 1, 2015, in association with the transfer of the Office of State Employment Relations to DOA's new Division of Personnel Management; and (c) reduce funding and position authority of \$476,800 GPR and 5.37 GPR positions annually under DOA associated with positions that would be vacated under the reorganization. In total, the motion would provide funding and position adjustments to the bill of -\$476,800 GPR, -\$7,573,000 PR, 27.3 GPR positions, 7.5 FED positions, -17.89 PR positions, and 1.67 SEG positions annually.

7. *Transfer of State Energy Office and Relocation Assistance Program to Public Service Commission [Paper #112].* Adopt Alternative 2 which would modify the provision to maintain the relocation assistance program at DOA and would provide funding and position adjustments to the bill of \$88,000 GPR, -\$88,000 PR, 1.0 GPR position, and -1.0 PR position annually.

8. *Transfer Vacant Positions for Information Technology Procurement [Paper #113].* Adopt Alternative 2 which would delete the provision and would provide funding and position adjustments to the bill of -\$160,700 PR, \$98,700 SEG, -1.0 PR position, and 1.0 SEG position annually.

9. *Office of Government Continuity [Paper #114].* Adopt Alternative 3 which would delete the provision and would provide funding and position adjustments to the bill of -\$314,000 PR in 2015-16, -\$362,500 PR in 2016-17, and -1.0 PR position and 1.0 FED position annually.

10. *State Agency Lease and Renewal Requirements.* Require DOA, before signing or renewing any lease for space, to solicit lease options in counties other than Dane or Milwaukee Counties. Require DOA to prepare a cost benefit analysis for each lease or renewal regarding whether savings to the state would accrue from moving the agency, department, division, bureau or office to a new location outside of Dane or Milwaukee Counties. Specify that the cost benefit analysis be provided to the involved agency head and the Joint Committee on Finance.

11. *Energy Savings Performance Contracting.* Modify current law provisions related to energy savings performance contracting as follows: (a) include conserving water resources and improving metering accuracy in the definition of energy conservation measure; (b) define operational savings as savings from costs eliminated or avoided as a result of installing equipment or providing services; (c) specify that a performance contract is for the implementation of energy conservation and improvement measures in general (state law currently enumerates 11 such measures, and this motion would create three additional measures), rather than for the implementation of "one or more" of these measures; (d) exclude local governmental units from the definition of qualified provider; (e) include the realization of operational savings and the

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conservation of water resources in the list of activities that can be the subject of a performance contract; (f) specify that a performance contract with a qualified provider may not allow a local governmental unit to increase the square footage of a facility unless the increase is necessary to make mechanical, electrical, or plumbing improvements in order to achieve reductions in energy consumption or to conserve water resources; (g) include the improvement of energy or water metering accuracy as an alternative guarantee in the report that qualified providers must supply to local governmental units before a performance contract is finalized; (h) include the benefits obtained by improving the accuracy of metering in the cost/benefit findings that permit a local governmental unit to enter into a performance contract; (i) specify that local governments may enter into performance contracts only with qualified providers and only if the qualified provider agrees to sign the performance contract and to sign all contracts with subcontractors, including subcontractors who provide billing services under the performance contract; (j) require the public notice of the meeting at which the local governmental unit intends to award a performance contract to include an explanation of how the measures that are the subject of the contract will generate operational savings sufficient to pay for the costs of the measures; (k) require all payments to qualified providers to be made no later than the date on which the contract expires and repeal the provision requiring payments to be made over time as energy savings are achieved; (L) clarify that energy savings must be guaranteed by the qualified provider by prohibiting energy savings from being guaranteed by a third party; (m) require every performance contract to assume an annual increase of three percent in the cost of relevant utility services incurred by the local governmental unit unless otherwise agreed; (n) require the amount covered by the qualified provider's performance bond to include payments for work performed by other persons that is necessary to achieve the required guaranteed energy or operational savings; (o) replace lifesafety systems with life safety improvements or systems required to comply with the federal Americans with Disabilities Act under the list of energy conservation measures covered by performance contracting; (p) include replacement or improvement of energy or water metering systems under the list of energy conservation measures covered by performance contracting; (q) include measures to improve indoor or outdoor water conservation, including measures related to water recycling and reuse, and systems or equipment that implement those measures, under the list of energy conservation measures covered by performance contracting; and (r) include measures to improve indoor air quality to meet applicable state and local building code requirements under the list of energy conservation measures covered by performance contracting.

TOURISM -- OFFICE OF MARKETING

12. *Office of Marketing [Paper #627]*: Adopt Alternatives A2a and C2e, to: (a) modify the Governor's recommendation to delete 29.8 positions by also deleting all funding associated with the positions [\$406,300 GPR annually, \$447,000 FED annually, \$117,700 PR annually and \$855,000 SEG annually]; and (b) modify the Governor's recommendation for Tourism Office of Marketing positions by deleting 4.0 PR positions with \$389,400 in 2015-16 and \$368,500 in 2016-17 [Tourism would be provided 4.0 PR positions with \$345,300 in 2015-16 and \$324,500 beginning in 2016-17].

13. *Frank Lloyd Wright Heritage Trail*. Require the Department of Transportation to create a Frank Lloyd Wright Heritage Trail, consisting of the following:

- Commencing in Kenosha County, where Interstate 94 enters Wisconsin, and proceeding to Dane County;

- In Dane County, proceeding on I-94; exiting to and proceeding on State Trunk Highway 30; exiting to U.S. Highway 151, and proceeding on USH 151 south to USH 14; and exiting on USH 14 west and proceeding to Iowa County;

- In Iowa County, proceeding on USH 14 west to Sauk County; and

- In Sauk County, proceeding on USH 14 west, and ending at the junction with STH 23 in the Village of Spring Green.

In addition, require Transportation to erect and maintain all of the following markers along the route specified:

- At each end of the route, markers to clearly identify to motorists the designation of the route as the Frank Lloyd Wright Heritage Trail;

- In Racine County, at the interchange of I-94 and STH 11, a marker to identify to motorists the location of the Frank Lloyd Wright Research Tower at the headquarters of S.C. Johnson and Son, Inc.;

- In Racine County, at the interchange of I-94 and County Trunk Highway K, a marker to identify to motorists the location of Wingspread in the Village of Wind Point;

- In Dane County, on USH 151, a marker to identify to motorists the location of Monona Terrace in the City of Madison and the First Unitarian Society Meeting House in the Village of Shorewood Hills; and

- On USH 14, in each of Sauk and Iowa Counties, markers to identify to motorists the location of Taliesin in the Town of Wyoming.

Specify Transportation may erect and maintain additional markers along the heritage trail route to identify to motorists the location of buildings designed or constructed by Frank Lloyd Wright that are open to the public and that are within 15 miles of the route.

Further, require Tourism is to expend, from its GPR or tribal gaming PR tourism marketing appropriations, \$500,000 during the 2015-17 biennium only to promote, advertise and publicize buildings designed or constructed by Frank Lloyd Wright that are open to the public.

WORKFORCE DEVELOPMENT -- WORKER'S COMPENSATION

14. *Transfer of Worker's Compensation Division Functions from OCI and DHA [Paper #735].* Move to delete the transfer of workers compensation administrative functions from DWD to OCI (administrative functions and some limited adjudicatory functions, as amended by the administration's erratum, would remain at DWD). Further, provide \$1,622,300 SEG in 2015-16 and \$3,244,700 SEG in 2016-17 to reflect the administration's intent that the transfers be revenue

neutral.

Approve the transfer of most adjudicatory functions, as amended by the administration's erratum, from DWD to DHA. Specify that a minimum of 18 administrative law judges would be transferred to DHA to hear worker's compensation cases. Further, specify that each of the 18 worker's compensation ALJs allocate a minimum of 80% of their time on workers compensation issues. Specify that six workers compensation ALJs and two legal support staff remain at DWD to mediate disputes as provided under the bill, as corrected.

Further, adopt Alternative 2 to delete \$144,500 SEG and \$36,000 PR annually associated with 5.0 vacant position deletions.

15. *Changes to Supplemental Benefit Reimbursements and Payments from the Uninsured Employers Fund [Paper #736]*. Adopt Alternative 1 which would approve the Governor's recommendation.

WORKFORCE DEVELOPMENT -- UNEMPLOYMENT INSURANCE

16. *Increase Penalties for UI Fraud [Paper #741]*. Adopt Alternative A1 to approve the Governor's recommendation, as corrected, to increase the surcharge to 40% beginning on October 4, 2015, or the Sunday after publication, whichever is later. Specify that the current 15% surcharge would be deposited to the state's UI trust fund and the additional 25% surcharge would be deposited to the state's program integrity fund. Further, adopt Alternative B2 to delete the changes to criminal penalties. [Under this Alternative, the penalty modifications could be considered by the UIAC for possible inclusion in the Council's regular 2015-16 legislative session bill, which may also include a provision modifying the definition of "concealment."]

17. *Suitable Work Definition [Paper #742]*. Adopt Alternative 1 to approve the Governor's recommendation, as amended to more clearly define that the tiered levels of suitable work to be established by DWD would come after the initial six-week canvassing period.

18. *Labor and Industry Review Commission (LIRC)*. Transfer the limited administrative attachment for LIRC from the Department of Workforce Development (DWD) to the Department of Administration (DOA). Further, transfer LIRC's appropriations to be budgeted separately under Chapter 20 of the appropriation schedule. Reduce LIRC federal unemployment administration funding by \$434,900 FED annually and, to the extent allowable under federal unemployment insurance (UI) law, provide these funds for UI program integrity purposes. DWD's UI administration appropriation would be increased by \$434,900 annually to reflect this provision. [Under the motion, LIRC would be attached to DOA under s. 15.03 for limited administrative purposes, but would have its own appropriation schedule (currently LIRC is budgeted as a program under DWD). The provision that the Department (currently DWD, DOA under the motion) submit LIRC's budget to the Governor without change would remain.] Additionally, convert 1.0 position from classified to unclassified, and specify the Governor appoint the LIRC general counsel position.

Note:

The following table shows the fiscal effect of the motion.

	Funding		Positions			
	2015-16	2016-17	2015-16	2016-17		
Building Commission						
1	GPR Debt Service Reestimate	\$12,165,000	\$10,519,100			GPR-Lapse
Building Program						
4	Building Program--Net Bonding Change	-14,100				BR
b.	Eau Claire Confluence Center Project	15,000,000				BR
b.	Eau Claire Confluence Center Project		1,075,700			GPR
c.	UW-Madison Chemistry Building	86,208,000				BR
Administration -- Transfers						
6	Provider of All Information Technology Services for Certain Agencies and Shared Agency Services Pilot Program	-476,800	-476,800	27.30 7.50 -17.89	27.30 7.50 -17.89	GPR FED PR
		-7,573,000	-7,573,000	1.67	1.67	SEG
7	Transfer of State Energy Office and Relocation Assistance Program to PSC	88,000	88,000	1.00	1.00	GPR
		-88,000	-88,000	-1.00	-1.00	PR
8	Transfer Vacant Positions for Information Technology Procurement	-160,700	-160,700	-1.00	-1.00	PR
		98,700	98,700	1.00	1.00	SEG
9	Office of Government Continuity	-314,000	-362,500	-1.00	-1.00	PR
				1.00	1.00	FED
Tourism -- Office of Marketing						
12	Office of Marketing	-406,300	-406,300			GPR
		-447,000	-447,000			FED
		-507,100	-486,200	-4.00	-4.00	PR
		-855,000	-855,000			SEG
Workforce Development -- Worker's Compensation						
14	Transfer of Worker's Compensation Division Functions from OCI and DHA	-144,500	-144,500			SEG
		-36,000	-36,000			PR
		1,622,300	3,244,700			SEG
Totals:						
		-\$795,100	\$280,600	28.30	28.30	GPR
		-447,000	-447,000	8.50	8.50	FED
		-8,678,800	-8,706,400	-24.89	-24.89	PR
		<u>721,500</u>	<u>2,343,900</u>	<u>2.67</u>	<u>2.67</u>	SEG
		-\$9,199,400	-\$6,528,900	14.58	14.58	Total
		\$12,165,000	\$10,519,100			GPR-Lapse
		\$101,193,900	\$0			BR

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