

BUDGET MODIFICATIONS

14

Motion:

Move to:

Education and Building Program

1. *State Laboratory of Hygiene OWI Testing.* Require the Board of Regents to transfer \$136,400 in 2013-14 and 2014-15 from the UW System's program revenue appropriation balances to the appropriation titled "State Laboratory of Hygiene, drivers." Funding provided through this appropriation is used to support the testing of blood samples for alcohol, controlled substances, and other drugs under the state implied consent laws. In addition, create 2.0 two-year project positions under the State Laboratory of Hygiene beginning in 2013-14.

2. *Center for Investigative Journalism.* Prohibit the Board of Regents from permitting the Center for Investigative Journalism to occupy any facilities owned or leased by the Board of Regents. In addition, prohibit UW employees from doing any work related to the Center for Investigative Journalism as part of their duties as a UW employee.

3. *UW System PR Balances.* Clarify earlier Committee action to specify that the Board of Regents would develop an appropriate methodology to calculate program revenue balances and reserves, expressed both in dollar terms as well as a percentage of total annual expenses, for the UW System as a whole and for individual UW institutions. As under earlier Committee action, the proposed methodology must be submitted to the Joint Audit Committee by September 1, 2013, for its review and approval. In addition, require that the plan submitted by the Board relating to sources of PR funds include the moneys that would be transferred to an appropriation under HEAB for the WHEG-UW program.

4. *Radio Tower Siting.* Clarify earlier Committee action relating to siting of radio towers to include counties, cities, villages, and towns, rather than only cities and towns.

General Government and Justice

5. *Juvenile Placements in Juvenile Detention Facilities.* Modify s. 938.34(3)(f) of the statutes to authorize a juvenile's placement from 180 days to 365 days at a juvenile detention facility, a juvenile portion of a county jail, or a place of non-secure custody designated by the court.

6. *Modifying Statutory Language Relating to Product Liability Law.* Modify current law relating to product liability provisions, as follows:

a. Create a "Legislative Findings and Intent" section which states: "The legislature finds that it is in the public interest to clarify product liability law, generally, and the application of the risk contribution theory of liability first announced by the Wisconsin Supreme Court in *Collins v. Eli Lilly Company*, 116 Wis. 2d 166 (1984), specifically, in order to return tort law to its historical, common law roots. This return both protects the rights of citizens to pursue legitimate and timely claims of injury resulting from defective products, and assures that businesses may conduct activities in this state without fear of being sued for indefinite claims of harm from products which businesses may never have manufactured, distributed, sold, or promoted, or which were made and sold decades ago. The legislature finds that the application of risk contribution to former white lead carbonate manufactures in *Thomas v. Mallet*, 285 Wis. 2d 236 (2005), was an improperly expansive application of risk contribution theory of liability announced in *Collins*, and that application raised substantial questions of deprivation of due process, equal protection, and right to jury trial under the federal and Wisconsin constitutions. The legislature finds that this section protects the right to a remedy found in article I, section 9, of the Wisconsin Constitution, by preserving the narrow and limited application of the risk contribution theory of liability announced in *Collins*."

b. Modify the "Applicability" section to specify that the provision applies to all actions "whenever filed or accrued."

c. Specify that the new sections first apply to actions or special proceedings pending on or commenced after the effective date of the section.

7. *DNA Collection at Arrest.* Provide that biological samples collected from adults and juveniles arrested for a felony could not be analyzed or forwarded to DOJ by the collecting law enforcement agency: (a) unless the arrest was made pursuant to a warrant; (b) until a judicial finding of probable cause that the adult or juvenile committed a felony or what would be a felony if committed by an adult; (c) unless the adult failed to appear at the initial appearance or preliminary examination or waived the preliminary examination; or (d) unless the juvenile failed to appear for juvenile delinquency proceedings. Require the courts to notify relevant collecting law enforcement agencies whenever (b), (c), or (d) occurs in an individual case. Require a collecting law enforcement agency to destroy an individual's biological sample if the sample has not been forwarded to DOJ under the conditions specified above within one year after collection.

8. *Pay Progression for Attorneys.* Delete Motion #344 related to pay progression for assistant district attorneys, assistant state public defenders and assistant state attorney generals. Adopt the provisions related to pay progression as introduced in AB 40. In addition, move to extend pay progression to deputy district attorneys. Provide the following additional amounts for pay progression: (a) \$397,900 GPR in 2013-14, and \$2,383,000 GPR in 2014-15, to the District Attorney function; and (b) \$313,600 GPR in 2013-14, and \$620,500 GPR in 2014-15, to the Office of the State Public Defender.

9. *County Crime Prevention Funding Boards.* Move to amend Motion #421 which would create county crime prevention funding boards and a crime prevention funding board surcharge to provide that: (a) the presiding judge of the circuit court, or his or her designee, be deleted as a member of any county crime prevention funding board; and (b) the crime prevention

funding board surcharge be assessed only after an offender pays the global positioning system tracking surcharge in full.

10. *OpenBook Requirement for Municipalities Revision.* Modify Motion #236 related to local expenditure reporting (OpenBook) to make reporting requirements effective September 1, 2016, rather than July 1, 2015.

11. *Register of Deeds Fees and Statewide Digital Parcel Map Modifications.* Modify Motion #249 associated with required access to land records to specify that all counties must post to the Internet the following property tax assessment data provided to the county by municipalities: (a) the assessed values of land; (b) the assessed values of improvements; (c) the total assessed values; (d) the class of property as specified under s. 70.32(2)(a) and the estimated fair market value; and (e) the total property tax.

12. *Rehired Annuitants: Substitute Motion on Previous Action.* Delete the provisions adopted under Motion #352 and Motion #510. Instead adopt Alternative 2 in LFB Paper #259. In addition, provide that, if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, enters into a contract to provide employee services with a participating employer and he or she is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds, as determined by rule, the participant's annuity must be terminated and no annuity payment may be payable until after the participant no longer provides employee services under the contract. [The provision adopts the Governor's 75-day break-in-service requirement and two-thirds standard, applies the two-thirds standard to contracts, and adopts the ETF process for administering the accounts of rehired annuitants.]

13. *2013-15 Executive Branch Agency Position Reductions.* Require the Secretary of DOA, during the 2013-15 biennium, to delete a total of 450 positions from executive branch agencies. Require the Secretary of DOA to submit a report to the Joint Committee on Finance by January 1, 2015, that identifies the deleted positions by appropriation, by agency.

Health Services, Insurance and Professional Regulation

14. *Bail Bond Agents, Bail Bond Agencies, and Bail Recovery Agents in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties.* Establish credentialing requirements in the Department of Safety and Professional Services (DSPS) for bail bond agents, bail bond agencies, and bail recovery agents, as described below. Allow a licensed bail bond agent or bail bond agency to act as a surety under current law provisions related to bail and other conditions of release. Allow a licensed bail bond agent or a licensed bail bond agency to be compensated at a rate of 10 percent of the amount of the bail bond set.

Specify that a licensed agent or licensed agency may only be compensated to act as a surety for a bail bond in an action brought in Dane, Kenosha, Milwaukee, Racine, or Waukesha Counties. Specify that five years after the effective date of the bill, this limitation on the area where agents or agencies may be compensated no longer applies (effectively implementing this policy statewide).

Require a surety that is a bail bond agent or a bail bond agency to pay a filing fee equal to three percent of the bail bond amount to a court at the time that a bail bond is posted with that court.

Definitions. Define the following terms for these purposes.

- "Bail bond" as a bond executed under Chapter 969 of the statutes.
- "Bail bond agency" as a business that is compensated to act as a surety for a bail bond.
- "Bail bond agent" as an individual who is compensated to act as a surety for a bail bond.
- "Bail recovery agent" as an individual who is compensated to locate, apprehend, transport, or surrender a principal (as defined below).
- "Business" as a sole proprietorship, partnership, limited liability company, joint venture, or corporation.
- "Business representative" as an owner, officer, director, manager, member, partner, or other agent of a business.
- "Certified bail recovery agent" as an individual who is certified as a bail recovery agent.
- "Law enforcement officer" as defined under current law related to the law enforcement standards board.
- "Licensed agency" as a business that is licensed as a bail bond agency under this proposal.
- "Licensed agent" as an individual licensed as a bail bond agent under this proposal.
- "Principal" as a defendant who is released on a bail bond.

Licensure and Certification Requirements. Prohibit an individual from acting as a bail bond agent, or a business from acting as a bail bond agency, without being licensed by DSPS, and the bail bond being underwritten by a surety company authorized to do business in Wisconsin. Prohibit individuals from acting as a bail recovery agent without a certification from DSPS.

Require the Department to grant a license to act as a bail bond agent to an individual who meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, that includes the individual's name and address, a recent photograph of the individual, and any other information required by DSPS by rule; (b) satisfies the education, training, and examination requirements established by DSPS by rule; (c) subject to current law on unlawful discriminatory actions, does not have an arrest or conviction record; (d) pays an initial licensure fee of \$1,000; and (e) satisfies any other requirements established by DSPS by rule.

Require the Department to grant a license to act as a bail bond agency to a business that meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, which must include the business' name and address, the name and addresses of the business representatives of the business and any bail bond agents who are employed by the business, and any

other information required by DSPS by rule; (b) has at least one business representative that is a licensed bail bond agent; (c) pays the initial credential fee of \$1,000; and (d) satisfies any other requirement established by DSPS by rule.

Require the Department to grant a certification to act as a bail recovery agent to an individual who meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, that includes the individual's name and address, a recent photograph of the individual, and any other information required by DSPS by rule; (b) is a licensed private detective under current law; (c) satisfies the education, training, and examination requirements established by DSPS by rule; (d) subject to current law on unlawful discriminatory actions, does not have an arrest or conviction record; and (e) satisfies any other requirements established by DSPS by rule.

Require a renewal application to be submitted on a form prescribed by DSPS and including any information required by DSPS by rule by the following dates: (a) by December 1 of each odd-numbered year for renewal of licenses for bail bond agents and bail bond agencies; and (b) renewal of certifications for bail recovery agents by September 1 of each even-numbered year. Set the license renewal fee for bail bond agents and bail bond agencies at \$1,000.

Create a sum certain, annual PR appropriation in DSPS for the administration of bail bond agent licenses, bail bond agency licenses, and bail bond recovery certifications. Credit all fees received under the provisions of this motion to this provision. Provide no expenditure authority for DSPS in this appropriation in the 2013-15 biennium.

Allow DSPS to conduct a criminal background check on applicants for a credential as a bail bond agent or a bail recovery agent.

Register. Require DSPS to compile and keep current a register of the names and addresses of all licensed agents, licensed agencies, and certified bail recovery agents. Require DSPS to make that register available for public inspection during regular state office hours, and allow DSPS to make the register available on the DSPS website.

Require DSPS to annually provide a complete copy of the register to clerk of circuit court in each county. Require DSPS to promptly notify the clerk of circuit court in each county concerning any disciplinary action taken against a licensed agent, licensed agency, or certified bail recovery agents.

Required Bond or Liability Requirement. Require each licensed agency to file with DSPS a bond or liability policy approved by the Department, in an amount determined by DSPS by rule that covers all licensed agents of the agency. Require each licensed agent who is not included under such a bond or liability policy to file with DSPS a bond or liability policy approved by the Department, in an amount determined by DSPS by rule.

Restrictions on Business Referrals. Prohibit a licensed agent, licensed agency, or certified bail recovery agent (and no agent or employee of a licensed agent, licensed agency, or certified bail recovery agent) from, in the course of its business, suggesting in any manner that a principal or a prospective principal contact or engage the services of any attorney or law firm. Prohibit any law

enforcement officer or other employee of the state or of a city, town or county from suggesting in any manner that a defendant contact or engage the services of any bail bond agent or bail bond agency.

Advisory Committee. Require DSPS to establish and appoint members to an advisory committee to advise the Department on matters relating to the regulation of bail bond agents, bail bond agencies, and bail recovery agents. Specify that the seven members of the committee would consist of the following: (a) one private criminal defense attorney licensed to practice law in Wisconsin; (b) one current or former law enforcement officer; (c) one current or former judge for the circuit court in any county; (d) one member of the public who is a Wisconsin resident and is not a current or former law enforcement officer; (e) one member of the state Legislature, to be appointed by the Governor with the advice and consent of the Senate; and (f) two representatives of the bail bond industry in Wisconsin. Specify that the committee members be appointed to three-year terms, and that no member may serve more than two consecutive terms.

Disciplinary Proceedings and Actions. Authorize DSPS to conduct investigations and hearings to determine whether a violation of any of the following has occurred: (a) the new DSPS provisions described in this motion; (b) any administrative rules related to these provisions; or (c) any other law of this state, a law of another state, or a federal law substantially related to the activity or a bail bond agent, bail bond agency, or bail recovery agent. Allow DSPS to reprimand a licensed agent, licensed agency, or certified bail recovery agent, or deny, limit, suspend, or revoke a license or certification if the Department finds that an applicant for licensure or certification, a licensed agent, licensed agency, or certified bail recovery agent has done any of the following: (a) made a material misstatement in an application for a license or license renewal or a certification or certification renewal; (b) advertised in a false or misleading manner; (c) obtained or attempted to obtain compensation through fraud or deceit; (d) violated the new DSPS provisions described in this motion, any administrative rules related to these provisions; or any other law of this state, a law of another state, or a federal law substantially related to the activity or a bail bond agent, bail bond agency, or bail recovery agent; or (e) engaged in unprofessional conduct. In addition to, or instead of, a reprimand or other action, allow DSPS to establish by rule other penalties for violations, including a forfeiture not to exceed \$5,000 for each violation.

Rules. Require DSPS to promulgate rules necessary to administer these new provisions, including rules that do all of the following: (a) establish photographic identification requirements for licensed agents and certified bail recovery agents; (b) establish rules of conduct that prohibit the use or display of badges, shields, or any other similar images or items normally associated with law enforcement officers, require contact with appropriate local law enforcement officers or other officials before an attempt is made to apprehend a principal, and establish other requirements concerning the location, apprehension, transportation, and surrender of principals; (c) establish procedures for the temporary certification in this state of bail recovery agents from other states (with DSPS being able to enter into reciprocal agreements with other states concerning the activities of bail bond agencies, and bail recovery agents in the respective states; and (d) establish education, training, examination, and other requirements for the initial licensure of bail bond agents, and the initial certification of bail recovery agents, and establish such requirements for the renewal of those licenses and certifications. When promulgating these rules, require DSPS to consult federal law and

the laws of other states concerning the licensure requirements that exist under those laws for bail bond agents, bail bond agencies, and bail recovery agents, and require DSPS to attempt to make the requirements it established by rule consistent with those laws.

Agents and Agencies are Not Insurance Intermediaries. Specify that a bail bond agent or a bail bond agency is not an "intermediary" for the purposes of regulation of insurance intermediaries by the Office of the Commissioner of Insurance.

Pretrial Release and County Reports. Require the Director of State Courts to create and make available to the clerks of court in Dane, Kenosha, Milwaukee, Racine, and Waukesha Counties forms for reporting the information described below, and prescribe a schedule for the clerks of court to return the completed forms. Require the Director of State Courts to require, at a minimum, annual reports from the clerks of those counties.

Require the clerks of court in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties (using the forms provided by, and according to the schedule prescribed by, the Director of State Courts) to provide the following information to the Director of State Courts: (a) the number of people charged in the county with a misdemeanor who were released without bail; (b) the number of people in the county charged with a misdemeanor who were released with the execution of an appearance bond, and the amount of the appearance bond required, and for each person so released who used a surety, whether the surety is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (c) the number of people charged with felonies who were released without bail; (d) the number of people in the county charged with a felony who were released with the execution of an appearance bond, the amount of the appearance bond required, and for each person so released who used a surety, whether the surety is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (e) the number of court orders entered for forfeiture of bail due to noncompliance with the conditions of the bond, and for each order, whether the person used a surety who is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (f) the amount of bail forfeited and subsequently collected, and a description of how the collected amounts were allocated by the clerk of courts and the county treasurer; (g) the amounts of bail collected and not collected; (h) the disposition of the case against every person subject to an order counted under (e), including a statement as to whether, when, and by whom the person was located after he or she failed to make a required court appearance; and (i) a statement of the time and costs expended by the county to locate a person subject to an order counted under (e).

Report by Director of State Courts. Require the Director of State Courts to, no later than four years and four months after the effective date of the bill, to submit to the chief clerk of each house of the Legislature, for distribution to the Legislature under current law procedures, a report summarizing the reports prepared by the clerks of courts in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties.

Emergency Rules. Allow DSPS to promulgate emergency rules to implement these provisions for the period before any permanent rules go into effect, but not to exceed the period of time authorized for emergency rules under current law. Specify that DSPS is not required to provide

evidence that promulgating such a rule is necessary for the preservation of public peace, health, safety, or welfare, and is not required to provide a finding of emergency for these rules.

Specify that these provisions would take effect on the first day of the seventh month beginning after publication of the bill.

15. *Speech Language Pathologist and Audiologist Credential Fees.* Establish in statute the biennial credential renewal fees for speech language pathologists and audiologists at \$75. Reduce estimates of program revenues to DSPS by \$186,300 in 2014-15 and GPR-earned estimates by \$20,700 in 2014-15.

16. *Veterans Affairs -- Grants to Federally-Recognized Veterans Service Organizations.* Permit, rather than require, the Department of Veterans Affairs to award grants to federally-recognized veterans service organizations, based on the revised funding formula in the bill. Under the bill, DVA would be required to award grants to federally-recognized veterans service organizations by creating two categories of grantees: (a) those with paid salary and travel expenses of up to \$119,999 in the previous year, which would receive grants equaling 50% of the amounts paid; and (b) those with salary and expenses of \$120,000 or more in the previous year, which would receive a grant of \$70,000. Currently, the four organizations that qualify for grants are the American Legion, Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars.

This item would provide DVA discretion in awarding grants, and the amount of each grant, to these qualifying organizations.

Natural Resources and Commerce

17. *Eliminate Contractor Registration Program.* Eliminate the contractor registration program under s. 101.147 of the statutes. In addition, prohibit the Department of Safety and Professional Services (DSPS) from promulgating or enforcing any rule that requires a person who is engaged, or who offers to engage in a construction business, to hold a registration issued by DSPS, unless the rule relates to a registration specifically authorized by Chapters 101 and 145 of the statutes. This would result in a reduction of program revenues from the \$115 four-year contractor registration and application fees collected by DSPS of approximately \$200,000 in 2013-14 and \$285,000 in 2014-15. (The fees are deposited in a program revenue appropriation for administration of building code, plan review, and inspection activities related to construction such as commercial buildings, multi-family dwellings, one- and two-family dwellings, plumbing, private sewage systems, electrical and heating systems, boilers, elevators, electrical wiring, fire safety codes, and amusement rides.)

18. *Establishing Lake Michigan Shoreline in the City of Milwaukee.* Specify that the shoreline of Lake Michigan in the City of Milwaukee is fixed and established to extend from approximately Lafayette Place on the north to the present north harbor entrance on the south, as specified in the agreement between the City of Milwaukee and the Chicago and Northwestern Railway Company, and in conformance with the conveyance to the City of Milwaukee recorded with the Office of the Register of Deeds of Milwaukee County on April 23, 1913, in volume 662,

pages 326 to 330, as document number 762955. Provide this shoreline constitutes the division between the lake bed of Lake Michigan and land that is not part of the lake bed of Lake Michigan.

Further, specify any of the restrictions, conditions, reverters or limitations imposed on the use of land or conveyance of land under the following legislative acts [generally relating to lakebed conveyances], or any other legislative act granting a portion of lake bed to the City of Milwaukee, do not apply to land located west of the shoreline described: (a) Chapter 358, Laws of 1909; (b) Chapter 389, Laws of 1915; (c) Chapter 284, Laws of 1923; (d) Chapter 150, laws of 1929; (e) Chapter 151, Laws of 1929; (f) Chapter 516, Laws of 1929; (g) Chapter 381, Laws of 1931; (h) Chapter 76, Laws of 1973; and (i) 1985 Act 327.

Provide that in the event the boundary for the shoreline as described above may contain any portion of the lake bed of Lake Michigan, the State of Wisconsin declares the cession of such lake bed by the City of Milwaukee to a private party under the 1913 agreement, in exchange for the conveyance to the City of Milwaukee of land and riparian rights, was essential to the fostering of the public purposes for which the lake bed was granted to the City of Milwaukee, as recited and affirmed by the Wisconsin Supreme Court in *City of Milwaukee v. State of Wisconsin*, 193 Wis. 423 (1927), including such public purposes as: park and boulevard, breakwaters, bulkheads, piers, wharves, warehouses, transfer sheds, railway tracks, airports and other harbor facilities, together with such other uses not inconsistent with the improvement of navigation and fisheries in Lake Michigan, and the navigable waters tributary thereto, as the City of Milwaukee may deem expedient. Provide the declaration of shoreline as described above is made in lieu of, but has the same effect as, a final judgment entered by a court under Chapter 841 of the statutes regarding a declaration of an interest in real property.

Further, specify the Department of Natural Resources is not required to prepare an analysis of this legislation under s. 13.097 of the statutes for legislative proposals conveying an area of a lake bed.

19. *Brownfields Site Assessment Grant Program.* Reverse prior Committee action [Motion 112] that transferred \$1,000,000 environmental fund SEG and the authority to administer the brownfield site assessment grant program from WEDC to DNR (the program and funding would remain at WEDC).

20. *Sporting Heritage Grant.* Modify prior Committee action [Motion 527] to provide funding for a \$500,000 grant in the 2013-15 biennium as follows: (a) provide \$200,000 GPR in 2013-14 and allocate \$300,000 in 2014-15 from federal Pittman-Robertson funds (including the required state match to the federal funds).

21. *Aircraft Company Job Creation and Retention Grants.* Provide \$2,000,000 economic development fund SEG in 2013-14 and 2014-15 in the Joint Committee on Finance's Supplemental SEG appropriation for an aircraft maintenance and repair company grant program to be administered by the Wisconsin Economic Development Corporation (WEDC). Require that the program be used to provide grants to companies included in the 2007 North American Industry Classification System (NAICS) as aerospace product and parts manufacturing or support activities for air transportation companies that create or retain jobs in the state. Require WEDC to submit, to

Joint Finance, a plan and policies for awarding grants that ensure grant recipients are retaining and/or creating jobs. Require the Committee to approve the plan and policies, before releasing the funds to WEDC. Require grant contracts to include requirements that grant recipients provide the Corporation with documentation and other financial statements of grant expenditures, and with quarterly reports with information related to job creation and retention as determined by the Corporation. Require that contracts include penalties for noncompliance. Require WEDC to report to the Committee by January 1, 2015, on the amount of grants awarded and jobs created or retained as a result of the grant program.

22. *WEDC Procurement.* Modify a prior action of the Committee [Motion 154, item "g."] to delete the requirement that the Wisconsin Economic Development Corporation (WEDC) be subject to state agency procurement requirements. Instead, require the WEDC Board to adopt procurement policies and procedures that specify all of the following: (a) when the Corporation is required to publicly solicit proposals from multiple vendors of goods or services; (b) how WEDC is to evaluate proposals from multiple vendors; (c) how the Corporation is to assess any potential conflicts of interest a vendor may have if the vendor sells goods or services to WEDC.

Tax Policy, Children and Families, and Workforce Development

23. *Boys and Girls Clubs.* Provide \$125,000 in federal temporary assistance for needy families (TANF) funding in 2013-14 on a one-time basis for the Green Bay Boys and Girls Clubs for the BE GREAT: Graduate program. Require the program to spend the TANF monies on TANF-eligible activities, and require the program to provide \$125,000 in matching funds in order to receive the TANF funding.

24. *Payday Lenders and Licensed Lenders.* Specify that, with respect to an installment loan made by a payday lender or a licensed lender, provided the installment loan is not secured by a motor vehicle, default (under laws governing creditors' remedies under the Wisconsin Consumer Act) would mean to have outstanding an amount of one full payment or more which has remained unpaid for more than ten days after its scheduled or deferred due date. Specify that the outstanding amount would not include any delinquency or deferral charges and would be computed by applying each payment first to the installment most delinquent and then to subsequent installments in the order they come due.

25. *Federal Audit Reports Enforcement Activities.* Specify that the provisions that provide exceptions from reliance on past audits in current audit determinations be modified to specify that the exceptions apply to audit determinations, that the exception for not providing information applies specifically to information regarding the tax issue in the prior audit determination, and the exception for settling the issue through a written agreement apply specifically to a tax issue settled in the prior audit determination.

26. *Unemployment Insurance.* Provide \$89,100 GPR in 2013-14 to pay for the Department of Workforce Development's information technology upgrades and administrative costs associated with changes to unemployment insurance law under the bill.

27. *Video Service Disconnections.* Repeal the current law provision that prohibits

multichannel video providers from disconnecting a subscriber's video programming service, or a portion of that service, for failure to pay a bill until the unpaid bill is at least 45 days past due.

28. *Oil Pipeline Terminal Tax Distribution Hold Harmless.* Modify the oil pipeline terminal tax distribution to guarantee a minimum payment to municipalities where terminal property is located if the municipality received a payment in 2011. Set the minimum payment equal to the amount received by the municipality in 2011, except as follows. Set the minimum payment for an eligible municipality equal to 50% of the total ad valorem taxes paid to the state by the pipeline company with terminal property in the municipality if the total ad valorem tax paid to the state by that pipeline company is less than 200% of the 2011 state payment to the municipality attributable to that pipeline company. Extend these provisions to terminal tax distributions beginning in 2013.

29. *Individual Income Tax Deduction for Private School Tuition.* Create an individual income tax deduction for tuition paid by a claimant to a private school, as defined under current law, beginning in tax year 2014. Limit the deduction to tuition expenses of up to \$4,000 per year per pupil enrolled in kindergarten through grade eight and \$10,000 per year per pupil enrolled in grades nine through twelve. Define claimant as an individual who claims a pupil as a dependent for federal income tax purposes on his or her tax return; define pupil as an individual who is enrolled in kindergarten or grades one to twelve and who is a dependent of the claimant for federal income tax purposes; and define tuition as any amount paid by a claimant, in the year to which the claim relates, for a pupil's tuition to attend a private school, as defined under current law, that meets all the criteria for a private school, as enumerated under current law. Decrease estimated individual income tax collections by \$30,000,000 (GPR-Tax) in 2014-15.

30. *Utility Relocation Costs.* Modify Motion #115, Utility Relocation Costs to Accommodate Urban Rail Transit Systems, to amend the current law definition of "urban rail transit systems" by specifying that the system provides transportation by rail in a municipality and that the system begins service on or after the general effective date of the bill. Specify that the provisions identifying certain municipal regulations as unreasonable do not apply to a current law provision that prohibits utility lines or systems from obstructing or incommoding the public use of any highway, bridge, stream, or body of water.

Transportation and Property Tax Relief

31. *Mass Transit Operating Assistance.* Reduce funding by \$1,064,900 SEG in 2013-14 and \$3,194,300 GPR in 2014-15 to provide a 4% increase in mass transit aids beginning in calendar year 2015, rather than in calendar year 2014. Delete the Governor's recommendation to convert the mass transit operating assistance program funding from the transportation fund to the general fund and instead transfer \$107,543,200 in general fund revenues, on a one-time basis, to the transportation fund in the 2013-15 biennium to provide the funding needed to pay the \$107,543,200 in 2014-15 transit aid from the transportation fund. Delete \$107,543,200 GPR and provide \$107,543,200 SEG in 2014-15 to reflect the restoration of mass transit funding to the transportation fund.

32. *General Transportation Aids -- Municipalities.* Provide \$4,778,100 SEG in 2014-15, establish the municipal calendar year distribution amount at \$321,260,500 for 2015 and

thereafter, and establish the per mile aid rate at \$2,202 for 2015 and thereafter, to provide a 4% increase in the distribution and mileage rate beginning in calendar year 2015, rather than a 2.4% increase in the mileage aid rate and no increase for share-of-costs aid recipients (primarily cities and villages).

33. *General Transportation Aids -- Counties.* Provide \$378,500 SEG in 2014-15 and establish the county calendar year distribution amount at \$98,400,200 for 2015 and thereafter, to provide a 4% increase in the distribution beginning in calendar year 2015, rather than a 2.4% increase.

34. *Transfer from the General Fund.* Increase the transfer from the general fund to the transportation fund in 2013-14 by \$4,100,000, from \$21,650,000 to \$25,750,000.

35. *Off-Premises Advertising Signs.* Modify the Committee's earlier action under Motion #125 to clarify that the terms "real property" and "real estate," in addition to not including any permit or license required for an off-premises advertising sign, do not include any value associated with such a permit or license.

36. *Property Tax Exemption for Student Housing Facilities.* Modify the Committee's earlier action under Motion #132 to delete the extension of the deadline to September 30, 2014, for student housing facilities located in a municipally designated landmark. Under this modification, the property tax exemption would only apply to qualifying facilities that are in existence on the general effective date of the bill.

37. *Bicycle and Pedestrian Facilities Funding.* Provide \$1,000,000 SEG annually in the transportation alternatives program and specify that this funding may only be used for grants involving bicycle and pedestrian facilities.

[Change to Bill: -\$106,733,400 GPR, \$125,000 FED, \$117,634,900 SEG, -\$20,700 GPR-Earned, -\$30,000,000 GPR-Tax, \$111,643,200 GPR-Transfer, -\$671,300 PR-REV, \$111,643,200 SEG-REV and -448.0 positions]