WISCONSIN
COUNTIES
ASSOCIATION

FINAL 2015-17 STATE BIENNIAL BUDGET SUMMARY

Governor Scott Walker signed the 2015-17 State Biennial Budget (2015 Wisconsin Act 55) on July 12, 2015. The following is a comprehensive summary of budget items impacting counties.

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TRANSPORTATION AND PUBLIC WORKS

Transportation Funding: The budget includes a total of $6.3 billion invested for transportation.

Transfers to the Transportation Fund: The budget transfers a one-time payment of $21 million from the Petroleum Inspection Fund to the Transportation Fund in both fiscal years 2015-16 and 2016-17.

General Transportation Aids: The budget maintains current state funding commitments to counties by retaining statutory funding levels for General Transportation Aids based on funding in the second year of the previous biennium. The previous biennial budget (2013 Wisconsin Act 20) allocated a 4% increase to the program in the second year of the budget (CY 2015). The budget retains the 2015 funding level for calendar years 2016 and 2017.

Routine Maintenance Agreements: The budget maintains current funding for routine maintenance agreements between the state and counties.

Transit Funding: The budget funds Mass Transit Operating Aids at current levels. The previous biennial budget (2013 Wisconsin Act 20) allocated a 4% increase to the program in the second year of the budget. This funding was allocated as follows:

A. Tier A-1 Milwaukee: $1,851,700
B. Tier A-2 Madison: $486,600
C. Tier B Systems: $706,300
D. Tier C Systems: $149,700

The allocation approved in the budget remains the same in both years of the current biennium and thereafter.

State Highway Rehabilitation Funding: The budget provides $1.51 billion for the State Highway Rehabilitation Program. The funding for this program is reduced by $103 million in the biennium.

Dam Projects: The budget provides $4 million for dam repair, reconstruction and removal projects.

Elderly and Disabled Specialized Transportation Aids for Counties: The budget renames the program, "Seniors and Individuals with Disabilities Specialized Transportation Aids Appropriation." Funding is increased for the program by $438,000, a 1% increase in funding in each year of the biennium.

Freight Rail Preservation Program: The budget provides $30 million in general obligation bond authorization for the freight rail preservation program. This is a $22 million reduction compared to the 2013-15-budget.

Car-Killed Deer: The budget maintains the annual allocation of $350,700 for the DNR to contract for the removal of car-killed deer. However, the budget stipulates that state dollars may only be used to provide for car-killed deer pickup on the state system. Local jurisdictions are now responsible for car-killed deer pickup on their systems.

Bicycle and Pedestrian Facilities: The budget replaces current law with a provision specifying that WisDOT is required to give due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects funded in part or in whole with state or federal funds with the following exceptions:

a. Bicyclists or pedestrians are prohibited by law from using the highway that is the subject of the project.
b. The project is funded in whole or in part from state funds, unless the governing body of each municipality in which a portion of the project will occur has adopted a resolution authorizing the Department to establish the bikeway or pedestrian way.
c. If the federal government provides written notice to the Department that establishment of such facilities as part of a project is a condition for the use of federal funds for that project.

Trans 75 Repeal: The budget eliminates Trans 75, the chapter of administrative code relating to the inclusion and exclusion of bikeways and pedestrian walkways in highway projects.

Transportation Alternatives Program: The budget repeals state funding for the Transportation Alternatives Program resulting in savings of $1 million annually. Under current law, state funding for this program can only be used for bicycle and pedestrian projects. Base level federal funding of $7,049,300 annually remains in the program. Further, because no state funding is used to meet the required match, no change to the percent of project costs paid by local governments is anticipated.

Transportation Fund Solvency Study: The budget provides $1 million for WisDOT to study methods of improving the transportation fund's solvency.

Community Sensitive Design: The budget prohibits WisDOT from funding Community Sensitive Design on highway projects, resulting in $7 million in savings. This provision prohibits state dollars from being spent on highway improvement projects that WisDOT determines are primarily related to the aesthetic preferences of communities adjacent to the project. This provision is applicable to contracts entered into after July 12, 2015.

Advertising Revenues: The budget allows WisDOT to collect advertising revenues at state-owned rail stations.

Motor Fuel Tax to Bond Program: The budget pledges the motor fuel tax to the Transportation Revenue Bond Program, which will increase the debt service coverage in the program.

State-Owned Lift Bridges: The budget provides an additional $330,000 to counties for operating and maintaining state bridges. There are currently 14 lift bridges operated in five counties; the state is responsible for operational costs.

Culvert Permitting: The budget adds statutory language that the construction or replacement of a culvert, as well as the maintenance thereof, is exempt from waterway permitting requirements if the culvert is replacing an existing culvert and is placed substantially in the same location as the culvert being replaced. Further, if the DNR requires a person who replaces a culvert to seek a permit for a culvert that would otherwise be exempt or if the DNR requires conditions under a new permit that are different than conditions for the existing permit, the DNR is required to reimburse the person for the "reasonable costs" associated with meeting the DNR requirements.

AGRICULTURE, ENVIRONMENT AND LAND USE

Private On-Site Wastewater Treatment Systems: The budget provides $1,645,000 in 2015-16 and $840,000 in 2016-17 for grants to low income homeowners for partial reimbursement for the replacement or rehabilitation of a private on-site wastewater treatment system (POWTS).

Mapping: The budget provides increased funding to the Bureau of Parks and Recreation and the Division of Forestry for improved geographical information system activities and global positioning system activities to more accurately identify property boundaries. A total of $100,000 is provided in each year of the biennium.

County Forest Administrative Grant: The budget removes funding for County Forest Administrative Grants. The County Forest Administrative Grant has provided funding to counties who employ a 4-year degreed professional forester in the position of county forest administrator or assistant county forest administrator. In 2007, the DNR was given statutory authorization to fund up to 50% of the cost of a county's annual dues to a nonprofit organization that provides leadership and counsel to a county's forest administrator and to serve as a liaison to the Department of Natural Resources.

Shoreland Zoning Policy Changes: The budget makes several policy changes limiting the scope of county shoreland zoning ordinances:

- Counties may not enact ordinances that require or prohibit the installation of outdoor lighting.
- Counties may not enact ordinances requiring approval, impose a fee or mitigation requirement, or otherwise prohibit or regulate the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming structure, if the activity does not expand the footprint of the nonconforming structure.
- A county ordinance may not require any approval for, impose any fee or mitigation requirement or otherwise prohibit or regulate, the vertical expansion

of a nonconforming structure unless the vertical expansion would extend for more than 35 feet above grade level.

- A county ordinance may not require any inspection or upgrade of a structure before the sale or transfer of the structure.
- A county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated as an administrative rule by the DNR.
- A county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land, nor expand an existing vegetative buffer zone.

Municipal and County Recycling Grants: The budget cuts $4 million in funding from the program in FY 2015-16 and maintains current funding levels for the program in FY 2016-17. Funding for the program declines from $19 million to $15 million in FY 2015-16 and is restored to $19 million in FY 2016-17.

Car-Killed Deer: The budget maintains the annual payment of $350,700 made by the DNR to contract for the removal of car-killed deer. However, the budget stipulates that state dollars may only be used to provide for car-killed deer pickup on the state system. Going forward, each local jurisdiction will be responsible for car-killed deer pickup on their system.

Soil and Water Resource Management Bond Authority and Cost Share Grants: The budget provides $7 million in SEG-supported general obligation bonds for grants to counties for implementation of land and water resource management plans, including cost-share grants to landowners. The bonding amount is consistent with budgeted amounts for the program in the previous biennium.

Ballast Water Fees: The budget eliminates ballast water fees effective December 31, 2015.

Forestry Reform: The budget eliminates approval of cutting notices submitted to the DNR by cooperating foresters, on behalf of owners of Managed Forest Law land, for mandatory cutting practices included in the approved forest management plan. The budget proposal also directs the Division of Forestry to allow cooperating foresters to complete the natural heritage review inventory process required before timber sales. Finally, the budget directs the DNR to develop a plan to move the headquarters of the Division of Forestry from Madison to a location in northern Wisconsin as a budget request for the 2017-19 biennial budget.

Managed Forest Law Closed Acreage Fees: The budget requires the DNR to provide $1,000,000 in fiscal year 2015-16 and $1,000,000 in fiscal year 2016-17 in one-time funding from the forestry account to municipalities based on the acres of managed forest law land designated as closed. These revenues are to be distributed at a rate of 80% to the applicable municipality and 20% to the applicable county.

Culvert Permitting: The budget adds statutory language that specifies that the construction or replacement of a culvert, as well as the maintenance thereof, is exempt from waterway permitting requirements if the culvert is replacing an existing culvert and is placed in substantially the same location as the culvert being replaced. Further, if the DNR requires a person who replaces a culvert to seek a permit for a culvert that would otherwise be exempt or if the DNR requires conditions under a new permit that are different than conditions for the existing permit, DNR is required to reimburse the person for the "reasonable costs" associated with meeting the DNR requirements.

County Land Conservation Staffing and Cost Sharing Grants: The budget included an additional $675,000 annually for the program. The program will be funded at $8.1 million annually.

HEALTH AND HUMAN SERVICES

Drug Testing: The Governor's budget proposes drug testing, screening, and treatment opportunities for individuals receiving unemployment insurance benefits from the Department of Workforce Development, or public assistance benefits in certain work-based programs at the Department of Children and Families DCF) and the Department of Health Services (DHS). The budget requests waivers from the federal government (Department of Health and Human Services and U.S. Department of Agriculture) to test able-bodied adults without dependents on Medicaid and FoodShare for illegal drugs.

Department of Children and Families:

The budget bill requires every individual who applies to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program, for W-2 services and benefits for noncustodial parents, or who applies for or is ordered by a court to register for a work experience or job training program (Children First) to complete a questionnaire that screens for the abuse of a controlled substance. If, based on the answers to the questionnaire, the Department of Children and Families determines that there is reasonable suspicion that an individual is abusing a controlled substance, the individual must undergo a test for the use of a controlled substance. If the individual refuses to submit to a test, the individual would not be eligible until the individual complies with the requirement to undergo a test for the use of a controlled substance. If the test is positive and the individual does not have a valid prescription for the drug, the individual must participate in substance abuse treatment to remain eligible for the program. If, at the end of the treatment, the individual tests negative or has a valid prescription, the individual will have satisfactorily completed the substance abuse screening and testing and treatment requirements for the program.

While undergoing treatment, the individual would have to submit to random testing for the use of a controlled substance, and the test results would have to be negative, or positive with evidence of a valid prescription, in order for the individual to remain eligible. If any test results are positive and the individual does not have a valid prescription, the individual could restart treatment one time and remain eligible so long as all subsequent test results are negative or positive with a valid prescription.

These provisions would not apply to participants in W-2 community service jobs or transitional placements.

The budget creates an annual appropriation and provides $250,000 in FY 16 and FY 17 to DCF for drug screening, testing, and treatment costs. The budget requires DCF to pay for all costs of substance abuse treatment not otherwise covered by medical assistance, private insurance, or another type of coverage. The budget specifies that if treatment costs exceed the monies available under the appropriation, then DCF must request the JCF to take action under s. 13.101 of the statutes, and that the requirement of an emergency does not apply to such a request.

The budget authorizes DCF to promulgate emergency rules to implement drug screening, testing, and treatment without making a finding of emergency. The budget requires DCF to submit a statement of scope of proposed emergency rules within 120 days of the budget's effective date. The budget specifies that the drug screening, testing, and treatment provisions first apply to applicants for work experience programs on the effective date of the rules promulgated by DCF.

Department of Health Services:

FSET Drug Testing: **The Governor partially vetoed this provision.** The budget requires DHS to promulgate rules to develop and implement a drug screening, testing, and treatment policy for FSET participants who are able-bodied adults without dependent children and subject to the FoodShare work requirements. The budget specifies that the program include at least the following elements:

- ~~a.~~ Only participants for whom there is ~~reasonable suspicion~~ of use of a controlled substance without a valid prescription may be subject to testing. ~~The policy must include mechanisms for the determination of a reasonable suspicion to require submission to a drug test.~~
- b. If a participant tests negative, or tests positive for the use of a controlled substance but presents evidence satisfactory to DHS that the individual possesses a valid prescription for each controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse testing requirements.
- c. If a participant tests positive for use of a controlled substance for which he or she does not have a valid prescription, then the individual must participate in ~~state-sponsored~~ substance abuse treatment to remain eligible for FSET.
- d. While participating in ~~state-sponsored~~ treatment, an individual who has tested positive for the use of a controlled substance without a valid prescription for the controlled substance must submit to random testing for the use of a controlled substance, and the test results must be negative, or positive with evidence of a valid prescription, in order for the individual to remain eligible for FSET.

e. If a test result of an FSET participant enrolled in ~~state-sponsored~~ treatment is positive and the individual does not have a valid prescription for the controlled substance for which the individual tests positive, the individual may begin treatment again one time and will remain eligible for FSET.
f. If an individual completes treatment and tests negative for use of a controlled substance, or tests positive for the use of a controlled substance but presents evidence satisfactory to DHS that the individual possesses a valid prescription for each controlled substance for which the individual tests positive, the individual will have satisfactorily completed the substance abuse screening and testing requirements.

The budget creates a biennial GPR appropriation that authorizes DHS to expend the amounts in the schedule to pay substance abuse treatment costs. No funding is provided in the 2015-17 biennium for this purpose. The budget requires DHS to address in its 2017-19 biennial budget request any future fiscal impact resulting from this provision.

The budget specifies that all FoodShare recipients are considered "welfare recipients" for the purposes of 21 USC 862b. This provision in federal law provides that notwithstanding any other provision of law, states shall not be prohibited by the federal government from testing welfare recipients for use of controlled substances, nor for sanctioning welfare recipients who test positive for use of controlled substances.

Elderly and Disabled Transportation Aids: The budget increases funding by $438,000 ($145,400 in FY 16 and $292,200 in FY 17) for elderly and disabled aids to local governments and nonprofit organizations. The budget provides a 1% increase annually based on the combined SEG funding for county assistance and capital aids, but would provide the total increase in the appropriation for county assistance. Total state funding for county assistance would equal $13,768,800 in FY 16 and $13,915,600 in FY 17.

The budget also renames the elderly and disabled capital assistance program the seniors and individuals with disabilities specialized transportation aids appropriation and makes several program modifications.

Department of Children and Families

Transitional Jobs Program: The budget proposes a $3 million increase over the biennium ($1 million in FY 16 and $2 million in FY 17) for expansion of the transitional jobs program.

Under current law, in conducting the Transitional Jobs program DCF must give priority to areas with relatively high rates of unemployment and childhood poverty. The budget expands the Transitional Jobs program to other areas with special needs that DCF determines should be given priority.

Wisconsin Works: The budget reduces the lifetime Wisconsin Works time limit from 60 months to 48 months.

- DCF will be given discretion to determine exact transition times for those already in the program and near the 48-month time limit.
- The budget allows a W-2 agency to extend the time limits if it determines that the individual is experiencing hardship or that the individual's family includes an individual who has been battered or subjected to extreme cruelty.

The budget makes other changes to the W-2 program relating to notice and opportunity to rectify before sanctions are imposed, as well as modifications to behaviors that constitute refusal to participate.

W-2 Community Steering Committees: The budget modifies provisions regarding W-2 community steering committees.

- Under the budget, a W-2 agency is required to establish *one or more* community steering committees within 60 days after the contract is signed. W-2 agencies would be authorized to appoint as many committees as necessary to allow the required representation on each committee without exceeding the maximum number of committee members.
- Currently, the W-2 agency must recommend the members of the committee to the chief executive officer (CEO) of each county served by the agency, and the county CEO must appoint the members of the committee. For multi-county agencies, the number of members that each CEO appoints to the committee must be in proportion to the population of that officer's county relative to the population of each other county served by the W-2 agency, except that the CEO of a county that is served by a non-county W-2 agency must appoint the director of the county department of human/social services, or his or her designee, and one other representative of the county department. The committee must consist of at least 12 members, but not more than 15 members. The budget repeals all of these provisions. Instead, the budget specifies that the total number of committee members could not exceed 20. In addition, each county that the W-2 agency serves would have to be represented on a committee by a member who is a representative of a county department responsible for economic development, of a city department responsible for economic development of a city that is in that county, or of the business community in that county. The W-2 agency would have to appoint at least one representative of business interests as a committee member.
- The budget also makes modifications to the duties of the community steering committees.

Emergency Assistance: The budget modifies current law to require DCF to recover overpayments of emergency assistance. In the case of an error in payment, the budget requires DCF to recover the overpayment from the W-2 agency. DCF would be able to recover by offsetting the agency's contract. The budget requires county departments and W-2 agencies to notify DCF if they determine that DCF may recover an overpayment.

In the case of an overpayment resulting from a misrepresentation by the participant with respect to his or her eligibility, recovery would be made from the participant by any legal means, including state income tax intercept or levy against property. DCF would be required to provide notice of the overpayment and an opportunity for administrative review.

Domestic Abuse: The budget increases funding for domestic abuse grants by $5 million in FY 17 to enhance services to victims of domestic abuse and their families. The additional funding would be used to help maintain, strengthen and expand core services to serve domestic violence victims and their children. Total funding would be $9,557,600 in FY 16 and $14,557,600 in FY 17.

Child Sex-Trafficking Victims: The budget provides $2 million in FY 17 to the Department of Children and Families to purchase or provide treatment services for children who are victims of sex trafficking. The budget requires DCF to ensure that treatment and services are available to children in all geographic areas of the state, including both urban and rural communities.

Fostering Futures: The budget provides $360,300 in FY 17 to fund the Fostering Futures: Connections Count grant program, which supports community connectors, who are trusted neighbors or community leaders, to interact with vulnerable families with children up to age five and connect the families with formal and informal community support services. Additional funding is also provided for 1.0 FED administrative staff position.

Out-of-Home Care to Age 21: The budget provides additional funding for the ongoing implementation of 2013 Wisconsin Act 334, which extends eligibility for out-of-home care support from age 18 to age 21 for young adults who have individualized education programs and who are enrolled in school. The budget provision does not include funding for additional case management services.

- $1,066,400 in FY 16
- $1,250,900 in FY 17

The budget requires DCF to promulgate rules governing the provision of subsidized guardianship payments, kinship care payments, and adoption assistance to any child 18 years of age or older.

The budget clarifies that the current-law process for extending out-of-home care also applies to persons in shelter care placements on the date the juvenile court's order expires.

Adoption Assistance and Subsidized Guardianship: The budget permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent, an individualized education program (IEP) is in effect for the child, and the subsidized guardianship or adoption assistance agreement for the child became effective after the child attained 16 years of age.

The budget clarifies and codifies current law and administrative rules such that subsidized guardianship payments may be made and adoption assistance may be provided after age 18 for youth: (a) under the age of 19 who are full-time students at a secondary school, or its vocational or technical equivalent, and are reasonably expected to complete school prior to the age of 19; and (b) under 21 years of age who are full-time students, have a mental or physical disability that warrants the continuation of payments, are not eligible for social security disability insurance or supplemental security income payments, and otherwise lack adequate resources to continue in secondary school or its vocational or technical equivalent. The budget makes clear that full-time students qualify for the above extensions at the vocational or technical equivalent of high school.

Kinship Care: Under current law, monthly kinship care payments may be made to a relative of a child who is providing care for the child if certain additional conditions have been met. Kinship care payments generally end when the child attains 18 years of age, except that those payments may be made until a child attains 21 years of age if the child is a full-time student and an IEP is in effect for the child.

The budget requires, as an additional condition for eligibility for kinship care payments under that exception, that the child be placed in the home of the kinship care relative under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code or under a voluntary transition-to-independent-living agreement.

Voluntary Transition-to-Independent-Living: The budget, with respect to voluntary transition-to-independent-living agreements: 1) requires the agency executing the transition-to-independent-living agreement to petition the juvenile court for a hearing (and provide notice to the child and guardian); 2) requires the juvenile court, by no later than 180 days after the date of the agreement, to determine whether placement of the child in out-of-home care under the agreement is in the best interests of the child; 3) provides that if DCF, DOC, or a county enters into such an agreement with a child, the agreement must specifically state that DCF, DOC, or the county has placement and care responsibility for the child and has primary responsibility for providing services to the child; and 4) grants to any person who is aggrieved by an agency's failure to enter into such an agreement or termination of such an agreement the right to a contested case hearing under the state administrative procedures laws.

Under current law, during the 90 days immediately preceding the termination of the juvenile court order placing the child in out-of-home care, the agency primarily responsible for providing services to the youth must provide assistance and support in developing a plan for the youth's transition from out-of-home care to independent living. The budget would require the agency to also provide such services during the 90 days immediately preceding the termination of a voluntary transition-to-independent-living agreement.

The budget requires that: (a) the agency must petition the juvenile court for a best interest hearing within 150 days of executing a voluntary transition-to-independent living agreement; (b) any determination by the court that the best interest hearing must be on a case-by-case basis based on circumstances specific to the child and must document or reference the specific information on which the findings are based; (c) the agency must provide the specific information regarding why the placement is in the child's best interest; (d) the court must make the determination no later than 180 days into the voluntary placement; and (e) no continuance may be granted for a best interest hearing if the continuance would extend the hearing beyond 180 days of the child's voluntary placement. These changes would apply to both Chapter 48 and Chapter 938.

Permanency Plans and Review: The budget requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement. The budget also modifies the allowable goals of permanency plans. The goal of "transition to independent living if the child has attained 18 years of age" is repealed. Instead, the goal of "some other planned permanent living arrangement that includes an appropriate, enduring relationship with an adult, including sustaining care or long-term foster care" is amended to remove long-term foster care and substitute the goal of transitioning to independence (at any age).

Under current law, if the youth is subject to an order which would terminate as a result of the youth attaining a high school diploma or reaching the age of 21, then the court (or panel) must review the appropriateness of the transition-to-independent-living plan, the extent of compliance with that plan, and the progress toward making the transition to independent living. The budget requires review when the youth is the subject of a transition-to-independent-living agreement.

Under current law, if the youth has been outside the home for 15 or more months out of the most recent 22 months, then the court (or panel) must also review the appropriateness of the permanency plan and the circumstances preventing the achievement of its goals. The budget includes into such reviews the goal of transitioning to independent living and the circumstances which are preventing such transition.

Community-Based Residential Facility (CBRF): The budget provides that a facility licensed by DCF as a group home or residential care center would not have to be licensed through DHS as a CBRF in order to provide care pursuant to s. 48.366 or 938.366 of the statutes (extension of out-of-home for youth with an IEP). The budget also clarifies that venue for a permanency hearing and review must be in the county in which the most recent dispositional order was issued.

Child Support: The budget: (1) exempts filing fees in voluntary paternity acknowledgement cases, (2) expands state tax intercept authority to cases not receiving county child support services, (3) requires Wisconsin banks to directly honor other states' child support enforcement liens, and (4) includes state income continuation benefits and duty disability as benefits that may be assigned for child support purposes.

Under current law, if a person has been ordered to pay child or family support or maintenance, a portion of the person's income may be assigned, or set aside by the person's employer, to satisfy his or her support obligations. Under the budget, state income continuation insurance benefits and, if the person's occupation is law enforcement or fire fighting, duty disability benefits may be assigned.

The budget bill also eliminates the usual filing fee ($194.50) for an action brought by the state or its delegate or commenced on behalf of the child by a guardian ad litem to determine child support and legal custody and physical placement of a child for whom paternity has been established by his or her parents' voluntary acknowledgement of paternity.

The budget provides that DCF must, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that are owed by all other persons not already subject to the certifications.

Also under the budget, in addition to sending child support to another state to enforce the other state's lien in response to a request sent by DCF, a financial institution is required to honor a notice of levy or request to enforce a lien in favor of another state that it receives directly from the other state.

Termination of Child Support and Spousal Maintenance Services: The budget authorizes DCF to terminate child support and spousal maintenance services to an individual if there is no longer a current child support or maintenance order and the arrearage is either less than $500 or unenforceable. The budget changes statutory language to provide that support or maintenance arrearages may be considered unenforceable if: (a) no support or maintenance payments have been collected for at least three years; and (b) all administrative and legal remedies for collection of arrearages have been attempted or are determined to be ineffective because the payer is unable to pay, the payer has no known income or assets, and there is no reasonable prospect that the payer will be able to pay in the foreseeable future.

The budget provides that DCF must notify the recipient of such services, or the initiating state in the case of an interstate case, of DCF's intent to terminate services in writing 60 calendar days prior to the termination of enforcement services. The budget requires that services may not be terminated if the recipient of services, or the initiating state, supplies information in response to the notice which could lead to the enforcement of a support or maintenance order.

The budget provides that the former recipient of services may request at a later date that the services continue if there is a change in circumstances which could lead to the enforcement of an order by completing a new application for services and paying any applicable application fee.

Wisconsin Shares: The budget increases funding to pay the full costs of an increase in Wisconsin Shares rates to child care providers that went into effect on November 9, 2014.

The budget also implements the child care parent-pay project (EBT parent pay initiative) to have parents receive an electronic benefits card to pay providers directly beginning in FY 17.

Under current law, in all areas of the state except Milwaukee County, DCF must enter into a contract with a county department or agency to make an initial determination about whether individuals who are in a particular geographic region or who are members of a particular Indian tribal unit are eligible for the child care subsidies under Wisconsin Shares. Also under current law, the same county department or agency must administer Wisconsin Shares for that geographic region or Indian tribal unit. Current law requires DCF, to the extent practicable and with certain restrictions, to allocate funds for the administration of Wisconsin Shares in a geographic region or Indian tribal unit in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide child care subsidy authorizations and eligibility redeterminations in the 12-month period prior to the start of the contract period.

Under the budget, DCF has the option to make child care subsidy eligibility determinations, to contract with a county department or agency to make these determinations, or to contract with a county department or agency to share in making these determinations. If DCF contracts with a county department or agency for the eligibility determination function, the budget requires DCF to allocate funds for this function under the contract. These changes would first apply to contracts made between DCF and county departments or agencies beginning on October 1, 2015.

The budget bill also allows DCF to allocate funds for a county department's or agency's administration of Wisconsin Shares in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all funding allocated for eligibility determination functions. Alternatively, the budget allows DCF to elect to allocate these funds in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all children for whom a child care subsidy was issued in the most recent 12-month period for which applicable statistics are available prior to the start of the contract period. Specifically, the budget allows DCF to take into consideration trends in applications, a county department's or agency's past eligibility determination expenditures, the respective portions of the eligibility determination function to be performed by DCF and the county department or agency, and any other factor DCF determines. These changes would first apply to contracts made between DCF and county departments or agencies beginning on October 1, 2015.

Child Care Licensure: Under current law, DCF, a county, or an agency contracted with to certify child care providers must require any person applying for issuance, continuation, or renewal of a child care provider license, certificate, or contract to complete a background information form. The budget exempts these persons from completing such a form when applying to continue or renew a license, certification, or contract.

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by DCF, except that a regulated child care provider must require the form to be completed every year. The budget exempts child care providers from the four-year requirement and instead obligates them to require any new caregiver or nonclient resident to complete the form.

Uniform Appeals Process: The budget provides additional funding ($87,700 annually) for the ongoing implementation of a uniform appeals process for child protective services cases, which began January 1, 2015.

Public Assistance Program Fraud and Error Reduction: The budget provides $605,500 annually in the Department of Children and Families budget to reimburse counties for program integrity and W-2 and child care fraud investigations.

Children and Families Allocation: The budget sets the Children and Families Allocation at $68,264,800 in FY 16 and $68,327,900 in FY 17.

Surplus Retention Limitations for Providers of Rate-Based Services and Rate-Regulated Services: Note: The Governor vetoed this provision in its entirety. ~~The budget modifies statutory contracting requirements for rate-based services and rate-regulated services. The budget specifies that these changes would take effect on January 1, 2016, and would first apply to contracts commencing performance on that date.~~

~~The budget specifies that a "rate-regulated service" means a rate-based service that is reimbursed through a rate established under s. 49.343 (rate regulation of residential care centers, group homes, and child welfare agencies by DCF).~~

~~The budget repeals the 10% cumulative retention limit and prevents purchasers (counties, DCF, DHF, and DOC) from negotiating contracts which set an annual retention limit smaller than 5%.~~

~~In calculating the retained amount for nonprofits and in calculating profits for proprietary agencies, the budget permits agencies to: (a) offset surpluses and losses across all rate-regulated services; (b) offset surpluses in rate-regulated contracts generated by affiliated providers against deficits generated by affiliated providers (but not below zero); and (c) offset surpluses and deficits in both rate-based and rate-regulated contracts from a preexisting provider in the event of a merger, sale, or other transfer. If the surplus retained by a nonprofit provider for a rate-based service under all contract periods ending in the calendar year exceeds 5% of the total revenues under such contracts as of December 31, then the provider would have to provide written notice of the amount of the excess to all purchasers under those contracts. The provider would have to return a purchaser's proportional share of the overall excess if that purchaser provides a written request no later than six months after the date the purchaser receives the written notice of the excess.~~

~~The budget also specifies that the retained surplus may be used for any allowable purpose under federal law in the sole discretion of the provider. Purchasers would not be entitled to restrict the use of the funds for such purposes. The budget also specifies that there would be no guarantee of a surplus under a contract for rate-based or rate-regulated services.~~

Volunteer Host Families: The Governor partially vetoed this provision. The budget requires DCF to establish a plan to engage and utilize non-profit volunteer programs to provide temporary host families for children whose parent or legal guardian has legally and voluntarily agreed to participate in such a program as an alternative to foster care. ~~The budget requires DCF to submit a report on the plan to the JCF on or before November 1, 2015.~~

Post Adoption Resource Centers: The budget increases funding to DCF by $225,000 GPR in FY 17 to support grants to post adoption resource centers.

Department of Health Services

Food Safety and Recreational Licensing Activities: The Governor partially vetoed this provision. The budget consolidates all food safety, recreational facility, lodging and food protection activities into the Department of Agriculture, Trade and Consumer Protection.

- Transfers from DHS include: licensing and inspection of all restaurants, vending machines, food commissaries, licensed campgrounds, recreational camps, swimming pools, hotels, and rooming houses.

~~The budget creates a food safety advisory council in DATCP, effective July 1, 2016.~~

~~The budget prohibits DHS or any local health department designated as an agent of the Department, from the effective date of the bill through July 1, 2016, from modifying any fee established for the regulation of restaurants or temporary restaurants, or for a certificate of food protection practices. The budget prohibits DATCP, or any local health department designated as an agent of the Department, from modifying the following fees: (a) from the effective date of the budget through July 1, 2016, any fees for the regulation of retail food establishments and other food-related activities; and (b) from July 1, 2016 through July 1, 2017, the fees established under newly-created Subchapter II of Chapter 97. Collectively, these provisions would implement a two-year freeze on all food safety-related fees that are contained under Subchapter II of Chapter 97.~~

Transfer Regulation of Tattooing, Body Piercing, and Tanning: The budget transfers oversight of tattooing, body piercing, and tanning from DHS to the Department of Safety and Professional Services.

Lead-Bearing Paint: The budget changes the definition of "lead-bearing paint" to any paint or other surface coating containing more than 0.06% by weight in liquid paint, more than 0.5% lead by weight in dried paint, or 1.0 milligram of lead per square centimeter in dried paint. The budget deletes a current law provision that allows administrative rules to supersede the statutory definition if the Centers for Disease Control and Prevention specifies a standard that differs from state statute.

The budget increases the forfeiture for a violation of statutes relating to ss. 254.11 to 254.178 of the statutes, or rules promulgated, or orders issued, under those sections from not less than $100 nor more than $1,000, to not less than $100 nor more than $5,000, per violation. The budget specifies that the criminal penalty for a person who knowingly violates any provision of ss. 254.11 to 254.178, or any rule promulgated, or order issued, under those sections is not less than $100 nor more than $5,000 per violation. The budget specifies that these provisions would first apply to violations that occur on the budget's general effective date.

Mental Health Funding: Note: The Governor partially vetoed this provision. The budget consolidates base funding for community mental health services by repealing several programs and funding allocations and transferring base funding from these programs to a funding allocation under the state's community aids program, effective January 1, 2016.

The budget repeals the following programs:

- Treatment funds for mentally ill persons program.
- Relocation services for individuals with mental illness.
- Community support programs and psychosocial services.

The budget expands the statutory purpose of the community aids program to explicitly include community mental health services. The budget requires DHS to distribute not less than $24,348,700 in each fiscal year for community mental health services. In FY 16, DHS may distribute one-half of that amount after January 1, 2016.

	2015-16	2016-17
Mental Health Treatment Services	-$4,006,800	-$8,013,700
Community Support Programs and Psychosocial Services	-$1,878,800	-$3,757,500
Community Options Program (mental health/substance abuse)	-$6,288,800	-$12,577,500
Community Aids – Community Mental Health Services	$12,174,400	$24,348,700

Note: The administration indicates that the intent of this provision is to consolidate several different programs into one appropriation and one programmatic distribution, but to provide the same allocation to individual counties as DHS currently provides from the programs that would be repealed. The budget does *not require DHS to maintain the current distribution and would not specify a distribution mechanism. Counties would not be subject to the same requirements with respect to the use of funds distributed under the eliminated programs.*

~~The budget requires DHS to consult with the Wisconsin Counties Association and other persons and organizations with an interest in mental health services before developing a method for distributing community mental health services funds in 2016 and thereafter. The budget requires DHS, before implementing a distribution mechanism, to submit the proposed distribution mechanism to the JCF. The budget specifies that if the co-chairs of the JCF do not notify DCF within 14 working days after the date of the submittal that the committee has scheduled a meeting for the purpose of reviewing the proposed distribution method, DHS is required to implement the distribution mechanism as proposed. The budget specifies that if the co-chairs notify DHS that the committee has scheduled a meeting for the purpose of reviewing the proposed distribution method, DHS may implement the proposed distribution method only as approved by, or modified and approved by, the committee.~~

CCS: The budget allocates an additional $26 million to fully fund the state's costs of providing the comprehensive community services (CCS) mental health benefit.

Emergency Detention: The budget provides $1,500,000 in one-time funding in FY 16 for DHS to distribute as grants to counties for mental health crisis services.

The budget modifies provisions related to the emergency detention of persons for reasons of mental illness, drug dependency, or developmental disability to specify that a county human services department may not approve the detention of a person unless a physician who has completed a residency in psychiatry, a licensed psychologist, or a mental health professional as determined by the Department has performed a crisis assessment on the individual and agrees for the need for detention. The budget specifies that a crisis assessment may be conducted in person, by telephone, or by telemedicine or videoconferencing technology.

The budget extends the sunset date for the emergency detention pilot program in Milwaukee County from May 1, 2016 to July 1, 2017.

Office of Children's Mental Health: The Governor's budget attached the Office of Children's Mental Health to the Department of Health Services. The JCF deleted this provision.

Family Care: Note: The Governor partially vetoed this provision. The budget requires DHS to submit a request to the U.S. Department of Health and Human Services (HHS) for changes to the state's current waiver under which Family Care and IRIS operates. The budget requires that the waiver request provide for the expansion of the Family Care program statewide. If a federal waiver is approved, the budget requires DHS to make the Family Care program available statewide by January 1, 2017, or a date determined by DHS, whichever is later. If DHS specifies a date later than January 1, 2017, the budget requires DHS to submit the date to the Legislative Reference Bureau for publication in the Wisconsin Administrative Register. If such a waiver is approved, the budget permits DHS to expand the program statewide, notwithstanding the requirement that DHS submit proposals for Family Care expansion to the JCF for approval. The budget permits DHS to eliminate CIP, CORP, and COP after the Family Care program is available to all eligible residents of a county.

The budget also requires that the waiver request include the following components: (a) specify that MA-funded long-term care consumers receive both long-term care and acute care services, including Medicare-funded services to the extent allowable by CMS, from integrated health agencies (IHAs); (b) increase the size of regions currently served by managed care entities, such that each region has sufficient population to allow for adequate risk management by IHAs; (c) ~~specify that there shall be no less than five regions~~; (d) require multiple IHAs in all regions of the state; (e) require IHAs to make available a consumer-directed option under the long-term care program under which the IHA would assist individuals in developing individualized support and service plans, ensure that all services are paid according to the plan, and assist enrollees in managing all fiscal requirements, and which shall include, but is not limited to, the ability to select, direct, and/or employ persons offering any of the services available under the IRIS program as of July 1, 2015, and the ability to manage, utilizing the services of an IHA serving as a fiscal intermediary, an individual home and community-based services budget allowance based on a functional assessment performed by a qualified entity and the availability of family and other caregivers who can help provide needed support; (f) modify the state's long-term care programs, including allowing for audits of providers, in order to improve accountability in the provision of services; (g) establish an open enrollment period for the state's long-term care programs ~~that coincides with the open enrollment period for the Medicare program~~; (h) ~~require that rates paid to IHAs be set through an independent actuarial study~~; and (i) preserve the "any willing provider" provision, which requires IHAs to contract for long-term care services with any willing provider that agrees to accept the reimbursement rate and satisfies any quality of care, utilization, or other criteria that the IHA requires of similar providers for the same services, for a minimum of three years in each region following the implementation date of the program in that region.

The budget directs DHS to consult with stakeholders, including representatives of consumers of long-term care and long-term care providers, and the public prior to developing its final waiver request to be submitted to JCF. The budget specifies that DHS hold no less than two public hearings regarding the proposed Family Care waiver prior to its submission to JCF. In addition, the budget requires DHS to submit, as part of the MA quarterly status reports submitted by September 30, 2015 and December 30, 2015 progress reports regarding the development of the waiver proposal. The budget specifies that the progress reports must include, but are not limited to, information regarding outcomes of discussions with stakeholders and CMS.

The budget requires DHS to develop its final recommendations in accordance with the ten key principles determined by CMS to be essential elements of a strong managed long-term services and supports program.

The budget requires DHS to submit a summary of the proposed concept plan associated with the waiver request to the JCF for review and approval or disapproval without changes no later than April 1, 2016, prior to DHS submitting any proposed changes to the state's MA waiver agreements or a state plan amendment to CMS for that agency's approval. If a state plan amendment or waiver request is approved and is substantially consistent with the initial waiver application, as approved by the JCF, the budget permits DHS to, notwithstanding the current Family Care statutes, implement any programmatic changes in accordance with the approved waiver. If the state plan amendment is not approved or if a waiver that is substantially consistent with the initial waiver request as approved by the JCF is not approved, the waiver may not be implemented, and the Family Care program shall continue to operate in accordance with statutes in effect on July 1, 2015. The budget requires DHS to include in its 2017-19 biennial budget request any proposed statutory changes necessary to conform the statutes to the approved waiver or state plan amendment.

The budget specifies that language under s. 46.2895 of the statutes relating to tribal or band long-term care districts shall be maintained until a waiver from CMS for the provision of tribal long-term care services relating to those long-term care districts is approved.

The budget requires long-term care advisory committees to, in addition to their current statutory responsibilities, provide for review and assessment of the self-directed services option.

The budget specifies that a long-term care district, defined under s. 46.2895 of the statutes, is permitted to operate a health maintenance organization in accordance with state law.

ADRCs: The budget requires DHS to evaluate the functional screen and options counseling for reliability and consistency among ADRCs, and to provide a report regarding these activities by January 1, 2017.

The budget specifies that DHS assess which responsibilities of ADRC governing boards are duplicative with current DHS procedures, and propose changes to the statutory requirements of these boards that remove duplication to the JCF no later than July 1, 2016.

The budget requires DHS to study the integration of income maintenance consortia and ADRCs, and to present a report to the JCF no later than April 1, 2016 with recommendations regarding potential efficiencies that may be gained, if any, from the integration of these entities, as well as whether such a merger would be appropriate in light of the responsibilities of each entity.

Dementia Care: The budget provides one-time funding of $1,128,000 in FY 17 to support dementia care specialists in aging and disability resource centers.

Healthy Aging Grants: The Governor partially vetoed this provision. The budget provides $200,000 in one-time funding each year of the 2015-17 biennium for a grant to a private, non-profit entity that will use these funds to conduct the following activities:~~ (a) coordinate the implementation of evidence-based health promotion~~ programs in healthy aging;~~ (b) coordinate with academic and research institutes regarding research on healthy aging; (c) serve as a statewide clearinghouse on evidence-based disease prevention and health promotion programs; (d) provide training and technical assistance to the staff of county departments, administering agencies, and other providers of services to aging populations; (e) collect and disseminate information on disease prevention and health promotion in healthy aging; (f) coordinate public awareness activities related to disease prevention and health promotion in aging; and (g) advise the Department on public policy issues concerning disease prevention and health promotion in aging.~~

Long-Term Care Eligibility: The budget provides that, when determining or redetermining an individual's financial eligibility for an MA long-term care program, or any other MA program that counts assets for determining or redetermining financial eligibility, DHS must include as a countable asset a promissory note for which the individual or his or her spouse provided the goods, money loaned, or services rendered, that is entered into or purchased on or after the effective date of the 2015-17 state biennial budget, that is negotiable, assignable, and enforceable, and that does not contain any terms making the note unmarketable. The budget provides that a promissory note is presumed to be negotiable and that its value is the outstanding principal balance at the time of the individual's application or redetermination of eligibility for MA, unless the individual shows by credible evidence from a knowledgeable source that the note is nonnegotiable or has a different current market value, which will then be considered the note's value.

The budget provides that if an individual or his or her spouse enters into or purchases a promissory note on or after the effective date of the 2015-17 state biennial budget, it is a transfer of assets for less than fair market value that triggers a period of ineligibility for MA unless all of the following apply to the promissory note: it satisfies the requirements under current law; and it is negotiable, assignable, and enforceable and does not contain any terms making the note unmarketable.

FSET: The budget provides $7,102,300 in FY 16 and $30,332,600 in FY 17 to fund the annualized costs of providing FoodShare Employment and Training (FSET) services to certain able-bodied adults without dependent children who may seek these services as one way of fulfilling work requirements under 2013 Act 20. The state will begin enforcing federal time limits on nutrition assistance benefits for able-bodied adults without dependent children who are not enrolled in an employment program offered by the Department of Health Services, Department of Children and Families, or Department of Workforce Development.

In addition, the budget transfers $16,372,900 GPR, the amount of the net funding increase in FY 17, to the JCF program supplements appropriation. DHS could seek the release of these funds under s. 13.10 to support FSET program costs in FY 17.

DHS Organization: The budget merges the Department of Health Services' Division of Long-Term Care with its Division of Health Care Access and Accountability.

Medicaid Services:

- The budget requires, subject to federal approval, DHS to provide MA reimbursement to pharmacists who meet training requirements specified by DHS for administering vaccines to people 6 to 18 years of age.
- The budget, subject to any necessary federal approval, adds licensed midwife services to other services paid for currently under the MA program.
- (Note: This provision was partially vetoed.) The budget bill requires DHS to increase the MA reimbursement rate in Brown, Polk, Marathon, and Racine counties to providers of pediatric dental care and adult emergency dental services, if DHS receives any necessary federal approval for the increased rate. ~~The budget specifies that the enhanced MA reimbursement rates for dental services provided under the dental pilot project would be discontinued for services provided after the first day of the 37th month beginning after the effective date of the waiver or plan amendment.~~
    - $13,780,000 in FY 17

MA Coverage of Residential Substance Abuse Services: The budget extends MA program coverage to residential-based substance abuse treatment services. Include substance abuse treatment services provided by a medically monitored treatment service or a transitional residential treatment service in the statutory list of services covered under the MA program, provided that, if federal reimbursement of such coverage requires a state plan amendment or federal waiver, that the U.S. Department of Health and Human Services approves of the amendment or waiver. The budget defines "medically monitored treatment service" and "transitional residential treatment service." The budget specifies that MA reimbursement for treatment services would be provided for dates of service no sooner than July 1, 2016, or the date the U.S. Department of Health and Human Services approves any state plan amendment or federal waiver authorizing these services, whichever is later.

BadgerCare Plus: The budget repeals provisions that subject the following individuals to a three-month waiting period for BadgerCare Plus coverage after ending other insurance coverage without a good cause reason:

- An individual with family income over 150% of the FPL.
- An unborn child or an unborn child's mother.
- A pregnant woman with income over 200% of the FPL.
- A non-disabled, non-pregnant adult with income over 133% of the FPL, and his or her non-disabled children.

The budget also repeals provisions that impose a three-month waiting period on the following individuals if the federal Department of Health and Human Services approves of a DHS request to impose that waiting period:

- A child in a household with income above 133% of the FPL.
- A non-disabled, non-pregnant parent or caretaker relative with income above 100% of the FPL.
- An adult with income greater than 100% of the FPL who is under 26 years of age and is eligible for coverage under his or her parent's employer-sponsored insurance.

The budget repeals provisions defining a "good cause reason" for ending other insurance coverage for the purposes of determining who is currently subject to a three-month waiting period for BadgerCare Plus coverage.

Funeral and Cemetery Aid Program: The budget reforms the Funeral and Cemetery Aid program by requiring individuals with life insurance policies to be included in Estate Recovery and reducing reimbursements for decedents who own life insurance policies with a face value of over $3,000.

In addition, the budget provides that a funeral home, cemetery, or crematory is not required to pay the following fees in cases where the funeral home, cemetery, or crematory requests and receives reimbursement under WFCAP: (a) fees for services rendered by a coroner; (b) fees assessed for the signing of a death certificate by a coroner or medical examiner; or (c) fees assessed by a county related to transportation services. The budget specifies that this provision first applies to individuals who die on and after September 1, 2015, for whom reimbursement under WFCAP is provided.

In addition, the budget prohibits a county from increasing any of the fees described under (a), (b), and (c) above, effective retroactively to April 17, 2015, until two years after the budget's general effective date. The budget provides that after this period is ended, counties may increase these fees by no more than the increase in the consumer price index for the previous calendar year.

Medicaid (BadgerCare Plus) for Childless Adults: Note: This provision was partially vetoed. The budget:

- Seeks a waiver from the federal Department of Health and Human Services for authority to impose monthly premiums as determined by DHS, as well as impose higher premiums for enrollees who engage in behaviors that increase their health risks, as determined by DHS.
- Requires childless adults to have a health risk assessment and to be screened for drug use to receive benefits.
- Limits enrollment to no longer than 48 months.
- Requires, as a condition of eligibility, that a childless adult applying for or enrolled in the program submit to a drug screening assessment, and, if indicated, a drug test as specified by DHS.

The budget repeals the current statutory provision that requires childless adults with income over 133% of the FPL to pay premiums of between 3% and 9.5% of household income.

~~Prior to submitting the amendment to the HHS Secretary, the budget requires DHS to submit to the Joint Committee on Finance a report that summarizes the provisions, and provides an estimate of the fiscal effect, of the proposed amendment to the waiver. If the HHS Secretary approves the amendment in whole or in part, the budget requires DHS, before implementing the changes, to submit a report to the JCF that summarizes the provisions, and provides an estimate of the fiscal effect, of the approved amendment.~~

Personal Care Services: The budget requires, prior to an MA recipient receiving personal care services on a fee-for-service basis, that an entity that does not oversee, manage, or provide the personal care services conduct an assessment to determine the amount and frequency of services the individual requires.

Income Maintenance Consortia Reestimate: The budget provides $10,836,600 in FY 16 and $9,079,300 in FY 17 to support services performed by income maintenance (IM) consortia and tribes for the administration of the MA and FoodShare programs.

The budget maintains base contract funding amounts for consortia and tribes at $27,883,800 all funds through CY 17.

The budget, beginning in CY 16, reduces supplemental funding DHS provided to IM consortia budgeted in 2013 Wisconsin Act 20 to meet workload relating to additional responsibilities for IM agencies to implement the ACA, including anticipated increases in BadgerCare Plus enrollment, from $9,814,800 in CY 15 to $4,907,400 in CY 16 and $2,453,700 in CY 17. However, no base funding for the supplement would be deleted from the DHS budget. The budget transfers $1,192,200 GPR in FY 16 and $3,069,100 GPR in FY 17 to the JCF program supplements appropriation. DHS could seek release of this funding, using the procedures under s. 13.10 of the statutes, to supplement funding allocations to IM consortia and tribes if DHS determines there is a need to supplement budgeted IM allocations to meet ACA-related workload costs.

The budget maintains annual supplemental funding of $4,730,100 (all funds) through CY 17 to support workload relating to work requirements for FoodShare recipients who are able-bodied adults without dependent children. All GPR funding for the FoodShare work requirement supplement for FY 17 ($2,365,000) is budgeted as one-time funding so that it would be removed as a standard budget adjustment as part of the 2017-19 budget.

Fraud Prevention and Investigation Allocations to IM Consortia: The budget provides $500,000 annually to increase the amount of funding that would be budgeted for DHS to provide to local units of government to conduct MA and FoodShare fraud prevention and investigation activities.

Replacement Costs of FoodShare EBT Cards: The budget requires DHS to conduct the allowable costs the state incurs, as determined by DHS, to replace a lost or stolen electronic benefit transfer (EBT) card from the FoodShare benefit amount provided on the EBT card. The budget specifies that this provision first applies to requests to replace lost or stolen EBT cards received by DHS or its contracted entities on July 1, 2016.

Children's Community Options Program: The Governor partially vetoed this provision. The budget creates a Children's Community Options Program (CCOP) by repealing the family support program (FSP) and consolidating funding currently budgeted for that program and funding that currently supports long-term care services for children under the community options program (COP), effective January 1, 2016.

CCOP would provide services to children previously served under FSP. Funding for FSP ($2,544,500 GPR in FY 16 and $5,089,000 GPR in FY 17) would be transferred to an appropriation that supports the community options program and long-term support services, and would be used, together with base funds currently used to serve children under the current community options program (approximately $4.0 million in CY 13) to fund CCOP.

The budget directs DHS to allocate funds to county or private nonprofit agencies to provide long-term community support services to eligible children who have a disability. "Child" is defined as a person under 22 years of age and not eligible to receive services in, or ~~be~~ on a waitlist for, an adult long-term care program. The budget defines disability as a severe physical, developmental, or emotional impairment which is diagnosed medically, behaviorally, or psychologically, which is characterized by the need for individually planned and coordinated care, treatment, vocational rehabilitation, or other services and which has resulted or is likely to result in substantial limitation on the ability to function in at least 2 of the following areas, equivalent to nursing home, hospital, or institution for mental disease level of care: 1) self-care; 2) receptive and expressive language; 3) learning; 4) mobility; 5) self-direction. The budget requires that an assessment be conducted for any child seeking CCOP services, within the limits of state and federal funds and fee collections.

The budget directs DHS to create a sliding scale formula for fees chargeable for conducting an assessment, developing a case plan, and providing long-term community support services, based on a child's ability to pay, unless prohibited under federal Medicaid law. The budget requires counties to require children or their parents or guardians applying for CCOP to provide, at the time of application or for children currently receiving such services, a declaration of income on a form prescribed by DHS and a declaration of costs paid annually for care and services related to the child's disability or special need. From this information, the budget directs the county department to determine the amount of the fee for CCOP services, and require the county department to require payment by the child or parent or guardian of 100 percent of the specified fee. The budget requires that the county use all fee revenue to pay for long-term community support services for children eligible for CCOP.

The budget requires participating counties to ensure individuals receiving CCOP services meet applicable eligibility requirements, through use of a form or other procedure provided by DHS. The budget specifies that, within the limits of available state and federal funds reimbursed by DHS and CCOP fee revenue, the county department or private, nonprofit agency must provide CCOP services to all eligible children, excluding room and board expenses. The budget permits DHS to disallow reimbursement for services provided to children who do not meet CCOP or other eligibility requirements established by DHS. The budget specifies that a child who is denied eligibility for services or whose services are reduced or terminated is permitted a hearing with DHS based on statutory requirements for administrative hearings, unless services are denied, reduced, or terminated due to lack of funding.

The budget lists a number of responsibilities for DHS including the review and approval or disapproval of each county department selected to administer the program, as well as periodically monitoring program implementation. DHS must also establish minimum requirements for the provision of services.

The budget requires participating counties to appoint members to an advisory committee or appoint an existing advisory committee to serve as the CCOP advisory committee.

The budget lists a number of county responsibilities for the program:

- Cooperate with the CCOP advisory committee to prepare a program plan that meets statutory requirements. The plan must be approved by the CCOP advisory committee and submitted to DHS.
- Coordinate the administration of CCOP with the administration of other publicly-funded programs serving disabled children.
- Submission of all information and reports required by DHS.
- Cooperate in the development of the program plan.
- Provide information about the program and other programs for children who have disabilities to families in the service area.
- Implement the program in accordance with the program plan.
- Designate an employee as the coordinator for each participating family.
- Facilitate assessments.
- Involve county departments, health service providers, and the child's family or guardian in assessment activities.
- Ensure the provision of necessary long-term community support services for all eligible children based on DHS standards for purchase of care and services within the limits of state and federal funds.
- Provide for ongoing case management services, periodic case plan review, and follow-up services.
- Determine the fee, if any.
- Serve as or contract with a fiscal agent to perform the responsibilities of enrollees under unemployment insurance law.
- Allow a child to make an informed and voluntary election to waive the right to a fiscal agent.

- Develop assessments and care plans.

The budget defines the county of fiscal responsibility, as well as outlines how CCOP funds may be used.

The budget authorizes DHS to, at the request of a county, carry forward up to five percent of the amount allocated to the county for a calendar year for use in the next calendar year if up to five percent of the amount allocated has not been spent or encumbered in the current calendar year, except that the amount carried forward would be reduced by the amount the county wishes to place in a risk reserve.

The budget specifies that a county may place funds allocated for CCOP that are not expended or encumbered in a risk reserve. DHS must review and approve or disapprove the terms of the risk reserve escrow account. The budget specifies that a county may not expend more than 10 percent of the county's most recent allocation or $750,000, whichever is less, for a risk reserve, and that the total amount of the risk reserve, including interest, may not exceed 15 percent of the county's most recent CCOP allocation.

DHS must seek a waiver of federal Medicaid law to obtain federal funding for Children's COP.

The budgetary provisions related to CCOP take effect January 1, 2016.

Allocation of School-Based Services: The budget requires DHS to deposit the state's share of school-based services in excess of $42,200,000 in FY 16 and $41,700,000 in FY 17 and each fiscal year thereafter to the Medicaid trust fund and that any excess revenues received are spent on reducing waiting lists for children's long-term care services or other projects benefiting children.

In addition, the budget provides $886,300 in FY 16 and $912,900 in FY 17 to fund services to approximately 50 children on the CLTS and autism services waitlists, beginning in FY 16.

Pretrial Intoxicated Driver Intervention Grant Program: The budget transfers administration of the Pretrial Intoxicated Driver Intervention Grant Program from the Department of Transportation to the Department of Health Services. The budget specifies that DHS would fund grants under the program from a DHS GPR appropriation that currently supports grants for several statutorily-defined community programs administered by the Division of Mental Health and Substance Abuse Services. Base program funding of $731,600 was eliminated. Funding is not available in the new appropriation to fund the program.

Nursing Homes: The Governor partially vetoed this provision. The budget provides $7,617,400 in FY 17 to fund a 1% acuity increase for nursing homes, beginning in FY 17.

~~In addition, the budget directs DHS to study the labor region methodology, and to submit a report to the Legislature that proposes changes to the labor region methodology, as necessary, such that any proposed labor region methodology results in adjustments to direct care costs that reflect labor costs for nursing homes in each county no later July 1, 2016. The budget prohibits DHS from implementing any proposed changes without enactment of authorizing legislation.~~

Exempt IMDs and State-Only Licensed Nursing Homes from Bed Assessment: The Governor vetoed this provision in its entirety. ~~The budget exempts county government-owned institutions for mental disease (IMDs) and facilities that are state-licensed but not certified to participate in the Medicaid or Medicare programs from the nursing home bed assessment, unless CMS determines that exempting these facilities would not be permissible under federal statutes or rules relating to state health care provider assessments.~~

County-to-County Nursing Home Bed Transfers: The Governor vetoed this provision in its entirety. ~~The budget requires DHS to develop a policy that specifies the procedures for applying for, and receiving approval of, the transfer of available, licensed nursing home beds among counties. The budget requires DHS to report to the Joint Committee on Finance no later than July 1, 2016.~~

Nonemergency Medical Transportation in Southeastern Wisconsin: The Governor vetoed this provision in its entirety. ~~The budget requires DHS to modify the current contract for the arrangement and reimbursement of nonemergency medical transportation services for medical assistance beneficiaries, to the extent permitted by that contract, to exclude Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha county MA beneficiaries from the contract and make alternative arrangement for the provision of nonemergency medical transportation services for beneficiaries in those counties. The budget specifies that alternative arrangements may be made with counties, health maintenance organizations, or transportation providers. The budget specifies that this change would apply to the contract in effect on the effective date of the bill and would take effect no later than January 1, 2016.~~

<u>Juvenile Corrections</u>

Youth Aids: The budget transfers the administrative responsibilities for youth aids, and related aids programs (community intervention program and Indian juvenile placements) for juvenile offenders, from the Department of Corrections to the Department of Children and Families, beginning on January 1, 2016, and updates performance measures and goals in the program (similar to the Children and Family Aids program) with the goal of improved outcomes for juvenile offenders. Youth aids funding allocated to counties over the biennium is as follows:

- $45,572,100 last 6 months of 2015
- $91,150,200 CY 2016
- $45,578,100 first 6 months of 2017

The budget removes the provisions allowing advance payments before the beginning of the month in amounts equal to one-twelfth of the contracted amount.

Under the budget, DCF would be required to: (a) develop procedures for implementation of youth aids and standards for development and delivery of community-based juvenile delinquency-related services; (b) provide consultation and technical assistance to aid counties in the implementation and delivery of those services; and (c) establish information systems and monitoring and evaluation procedures to report periodically to the Governor and Legislature on the statewide impact of youth aids.

Under current law, a portion of youth aids funding is allocated to counties for contracting for corrective sanctions services, with Corrections determining a county's distribution by dividing the allocated amount by the number of slots authorized under the program and multiplying by the number of slots utilized by the county. Under the budget, DCF would distribute to each county the full amount of the charges for services purchased by each county, except that if the amounts available are insufficient, DCF would distribute the available amounts to each county based on the ratio that the charges for services purchased by each county applied to the total charges for all the counties that purchased services.

Community Intervention Program: The budget deletes statutory language specifying that the Department pay $3,750,000 annually to counties for the community intervention program. Instead, the Department would distribute the amounts appropriated for the program. Under current law, Corrections makes payments to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders. Base funding for the program is $3,712,500 GPR.

Juvenile Correctional Institutions: The budget projects an average daily population of 308 annually at the juvenile correctional institutions, 88 in the corrective sanctions program, and 64 in aftercare supervision.

Placement Type	FY 16	FY 17
Juvenile Correctional Facility ($301 current rate)	$284	$292
Corrective Sanctions Services	$148	$152
DOC Aftercare Services	$46	$48

Juvenile Delinquency-Related Services: The budget, effective January 1, 2016, redefines juvenile delinquency-related services into two separate categories: community-based juvenile delinquency-related services (DCF) and juvenile correctional services (DOC). The budget transfers from DOC to DCF the responsibility for allocating youth aids to counties and for supervising the administration of community-based juvenile delinquency-related services. DOC retains responsibility for supervising the administration of juvenile correctional services.

Under current law, DOC supervises the administration of juvenile delinquency-related services. Under the budget, DCF would execute the laws relating to the detention, reformation, and correction of delinquent juveniles, other than juveniles under DOC's jurisdiction, and promote the enforcement of laws for the protection of those juveniles by: (a) cooperating with the courts, DOC, county departments, licensed child welfare agencies, and institutions in providing community-based programming, including in-home programming and intensive supervision; and (b) establishing and enforcing standards for the development and delivery of services provided by DCF in regard to adjudicated juveniles.

Corrections would retain authority over juveniles placed in the Serious Juvenile Offender Program, juveniles placed in a juvenile correctional facility or a secured residential treatment center for children and youth, and all juveniles placed in the aftercare program.

Juvenile Correctional Community Supervision Programs: The budget modifies statutory law by repealing references to juvenile corrective sanctions and aftercare services, and replacing the references with juvenile "community supervision." Further, the budget deletes statutory language specifying the daily rates for corrective sanctions and aftercare services. Instead, the budget provides that the daily rate for community supervision services would be an amount determined by the Department based on the costs of providing those services. Multiple rates may be established for varying types and levels of services, and rates would be calculated by the Department prior to the beginning of each fiscal year and submitted to the Joint Committee on Finance for passive review. The budget does not specify the types and levels of services to be reviewed.

The budget modifies the corrective sanctions program to be a community supervision program. Under the new community supervision program the Department would purchase or provide any of the following juvenile community correctional supervision services: (a) surveillance available 24 hours a day, seven days a week, including electronic or GPS monitoring, based on the juvenile's risk level and community safety; (b) report center programming, including social, behavioral, academic, community service, and other programming, after school, in the evening, on weekends, on other non-school days, and at other times when the juvenile is not under immediate adult supervision; (c) contacts with the juvenile and the juvenile's family of a type, frequency, and duration commensurate with the juvenile's level of risk and individual treatment needs; and (d) case management services provided by a juvenile community supervision agent.

The revisions would occur starting in the 2017-19 biennium on July 1, 2017, or the second day after publication of the 2017-19 biennial budget act.

Under current law, the Department must provide a corrective sanctions program to serve an average daily population of 136 juveniles in not less than three counties, including Milwaukee County. The Department is required to have a report center in Milwaukee County. The Office of Juvenile Offender Review evaluates and selects juveniles for the program who have been placed in a juvenile correctional facility. Under the program, a juvenile is placed in the community and provided with intensive surveillance. In addition, an average of not less than $3,000 annually is provided to purchase community-based treatment services for each corrective sanctions slot. The Governor's budget repeals this language related to corrective sanctions. The budget also removes the case management caseload limit of approximately 15 juveniles per agent.

TAXATION AND FINANCE

Shared Revenue: The budget maintains current funding levels for shared revenue.

Levy Limits: The budget leaves levy limit growth rates unchanged so that counties may only increase their tax levies by the change in property values due to net new construction.

Levy Limit Carryover: The budget allows counties to carryover unused levy capacity by up to five percent over five years, provided the county's outstanding general obligation debt is no greater in the year the maximum carryover is used than in the preceding year.

Special Charges: The budget changes the characterization of delinquent utility, sewerage, and sidewalk bills from a special tax to a special assessment or special charge.

Levy Limit Adjustment for Garbage Collection: The budget excludes any county that owned a landfill on January 1, 2015 from having to reduce the county's property tax levy if the county increases garbage or related fees.

Levy Limit Service Transfers: Note: The Governor vetoed this provision in its entirety. ~~The budget extends a levy limit exception for communities that engage in service transfers.~~

Closed Acreage MFL Payments: The budget provides one-time funding of $1 million in fiscal year 2015-16 and $1 million in fiscal year 2016-17 from the state forestry account to counties and municipalities based on the amount of acres of managed forest law (MFL) land designated as closed.

Sales Tax Construction Exemption: Note: The Governor vetoed this provision in its entirety. ~~The budget includes a sales and use tax exemption for goods sold to construction contractors that use the goods in the construction of a municipal building project.~~

Property Tax Bill Disclosure: The budget requires property tax bills to disclose the amount of property tax resulting from any voter-approved referenda. The bills must include a separate listing for all non-recurring referenda passed and include the date on which the referenda expire.

County Debt Collection: The budget increases the ability of counties to contract with the Department of Revenue for debt collection services by expanding the list of eligible county debts and unpaid forfeitures to any amount owed to the county that is most than 90 days past due.

COUNTY ORGANIZATION AND PERSONNEL

Broadband Access: The budget expands the Technology for Educational Achievement (TEACH) program, which offers broadband access to public schools and libraries at discounted rates, by broadening existing statutory language so more schools can request access to multiple data lines and video links.

Government Accountability Board (GAB) Services: The budget requires the Department of Administration to consult with state agencies, including the GAB, to develop a plan for services relating to human resources, payroll, finance, budgeting, procurement, and information technology. DOA must submit the plan to the Joint Committee on Finance for approval under Wis. Stat. § 13.10 no later than March 1, 2016, for implementation to begin on July 1, 2016.

Elected Official Retirement: The budget allows the Employee Trust Fund Board to combine the state and local elected officials and state executives employee category and the general employee category under the Wisconsin Retirement System for the purpose of establishing annual employer and employee contribution rates to WRS if such a combination would be in the actuarial interest of the fund. State and local officials and state executive employees who **initially assume office** after December 31, 2016 would have a normal retirement age of 65, instead of 62 under current law.

Annual Changes to the State Group Health Insurance Program: NOTE: This provision was vetoed in its entirety. ~~The budget requires the Group Insurance Board, in consultation with the Division of Personnel Management in the Department of Administration, to submit any proposed changes to the state group health insurance plan by April 1 of each year to the Joint Committee on Employment Relations, and requires JCOER to hold a hearing on the proposed changes. The budget requires JCOER to approve, disapprove, or make modifications to the proposed changes by May 1 of each year, and gives the Governor 10 days to approve or reject in its entirety the proposed changes made by JCOER.~~

~~The budget requires that notwithstanding the process outlined above, GIB must submit proposed changes to the group health insurance program for the 2016 calendar year to JCOER no later than 30 days after the effective date of the budget bill. The GIB may not implement any changes to the state group health insurance program for 2016 unless approved by JCOER. The proposed changes must be approved, disapproved, or modified within 30 days; the budget then gives the Governor 10 days to approve or reject in their entirety any changes proposed by JCOER.~~

Group Insurance Board Changes: NOTE: This provision was vetoed in its entirety. ~~The budget requires Senate confirmation for the six gubernatorial appointments to the Group Insurance Board and increases the board size from 11 members to 15 in order to include representatives of the Assembly Speaker, Assembly Minority Leader, Senate Majority Leader, and Senate Minority Leader.~~

Union Certification: The budget requires unions seeking initial recognition to represent a collective bargaining unit to receive at least 51 percent of the votes of all of the employees in the unit in order to be certified. This brings the language for certification elections in line with 2011 Wisconsin Act 10 provisions relating to recertification of a bargaining unit.

Employee Trust Funds: The budget provides an additional position at the Department of Employee Trust Funds to streamline the administration of optional insurance benefit plans and an additional position for the call center at the Department of Employee Trust Funds to improve customer service.

Boundary Changes: The budget consolidates the process related to recording all changes in municipal boundaries by transferring responsibility from the Secretary of State to the Department of Administration, requiring each municipal clerk to submit a report to the county clerk confirming the boundaries of the municipality and of each ward within a municipality by October 15 of each year after the federal census. The report must be accompanied by a map showing the municipal and ward boundaries and a list of the census block numbers of which each municipality and each ward is comprised.

The budget requires county clerks to submit a report twice a year to the Legislative Technology Services Bureau (LTSB) in a format approved by the LTSB that confirms the boundaries of each municipality, ward, and supervisory district. The LTSB must then reconcile and compile the information into a statewide database consisting of municipal boundary information for the entire state.

Prevailing Wage: The budget repeals the prevailing wage law for local public works projects, and maintains the current law prohibition on local governments enacting their own prevailing wage ordinances, effective January 1, 2017.
Milwaukee County Executive Powers: The budget gives the Milwaukee County executive the authority normally granted by statute to the county board for the acquisition of property on the site of the proposed Bucks arena. The budget otherwise authorizes the Milwaukee County executive the authority vested with the county board under current law with regard to: making orders concerning county property and commencing and maintaining actions to protect county interests; transferring county property; constructing, maintaining, and financing county-owned buildings and public works projects; and leasing lands to the Department of Natural Resources.

The budget modifies current law provisions pertaining to the sale or lease of property that requires actions of the county executive to be consistent with established county board policy and to be approved by the board to instead allow the county executive's action to not be consistent with established county board policy and to take effect without submission to or approval by the county board. The budget also repeals the current law provision that the county board may only approve or reject the contract as negotiated by the county executive.

County Veterans Service Office Grants: The budget makes several changes to the way County Veterans Service Office Grants are administered. Grant amounts will remain the same to each county, but will be distributed on a reimbursement basis for costs incurred. Eligible costs are as follows: information technology; transportation for veterans and services to veterans with barriers; special outreach to veterans; training and services provided by the Wisconsin Department of Veterans Affairs and the U.S. Department of Veterans Affairs; and, on a limited basis, salary and fringe benefit expenses.

The budget limits the amount salaries and benefits may be reimbursed to 50 percent of the total reimbursement limit in 2016, 25 percent in 2017, and no further reimbursement after 2018. Reimbursement payments will be made twice annually.

The budget also changes the date for requiring a civil service process for hiring County Veterans Service Officers from after August 9, 1989 to after April 15, 2015. The budget requires that a county executive, administrator, or administrative coordinator must certify to DVA that the county employs a veterans service officer who meets civil service requirements.

UW Extension: The budget reduces state funding for UW-Extension by 8 percent, or roughly $5.2 million, the largest cut in Extension history. The impact of the cut is still being determined, but Extension officials indicate Cooperative Extension could see a 10 percent reduction in positions. The budget also eliminates $1.1 million in state funding for UW-Extension's Wisconsin Media Lab, which provides free online programs for schools.

JUDICIAL AND PUBLIC SAFETY

Circuit Court Funding: The budget consolidates all major funding programs for circuit courts (circuit court support payments, guardian ad litem payments, and court interpreter fees) into a single block grant called the circuit court cost appropriation, and allows the Director of State Courts to determine how to distribute the money. The consolidation is delayed until 2016-17 to give the Director of State Courts time to develop a new distribution system for the funds. The budget also specifies that the Director of State Courts operates "as directed by the Supreme Court" with respect to the new circuit court costs appropriation.

The budget makes no change to current law language for funding and position authority for court reporters from the circuit courts' current sum sufficient appropriation (which includes funding for judges' salaries). The budget also retains current law language establishing the uniform system of accounts reports that counties are required to submit to the Director of State Courts.

The budget shifts funding for the court interpreter reimbursement program from the justice information surcharge to penalty surcharge revenues, and shifts a number of funding streams from certain surcharges to other surcharges.

Treatment Courts Coordinator: The budget authorizes the creation of a position for a coordinator of problem solving courts to support the increasing number of problem-solving courts in the state, and directs the Supreme Court to fund the position from existing resources.

Community Reintegration Services: The budget amends statutory language to enable the Department of Corrections through competitive bidding to select vendors for community reintegration services, improve research, and improve program effectiveness.

District Attorneys: The budget provides $556,900 in 2016-17 to support salary adjustments for eligible assistant district attorneys (ADAs) and deputy district attorneys (DDAs)under the pay progression plan. The funding would support a two percent average salary adjustment for eligible ADAs and DDAs under the pay progression plan.

Milwaukee County DA Clerks: The budget provides $3,600 in 2015-16 and $7,100 in 2016-17 to fully fund the salary and benefit costs of 6.5 clerks in the Milwaukee County District Attorney's office who provide clerical services to prosecutors who handle violent crime and felony drug violations. Funding for the positions is provided by a $3.50 special prosecution clerks surcharge assessed only in Milwaukee.

Deputy District Attorneys: The budget authorizes district attorneys in counties with a population of 500,000 or more to appoint up to seven deputy district attorneys, rather than five.

Full-time District Attorneys: Note: This provision was vetoed in its entirety: ~~The budget provides funding and position authority in order to increase part-time elected DAs in Florence, Buffalo, and Pepin counties to full-time positions beginning in January 2017. The budget also repeals current law language that establishes those DA positions as part-time, effective January 2017.~~

Public Defenders: The budget provides 35 new positions to reduce the use of private bar attorneys, and an additional $1.409 million annually for private bar defense attorneys to represent indigent clients in criminal cases.

Safe-Ride Program Surcharge: The budget requires a $50 surcharge for a violation of operating while intoxicated (OWI) laws. Money received from the surcharge is deposited in the existing safe-ride grant program appropriation for awarding grants to local governments and non-profit organizations for the purpose of covering the costs of transporting persons suspected of having a prohibited blood alcohol concentration. If a person fails to pay the surcharge within 60 days, the court may suspend the person's driver license until the surcharge is paid subject to a maximum period of two years.

Crime Prevention Funding Boards: The budget allows counties to create a crime prevention funding board and establish a new $20 surcharge, known as the crime prevention funding board surcharge, for each count of a felony or misdemeanor conviction. The budget places collection of the surcharge behind all previously existing surcharges, but ahead of collection of the fines, fees, and other court costs assessed on an individual. The budget requires that in counties that establish a crime prevention funding board where a private, nonprofit crime prevention organization exists, at least half of the surcharge revenues collected must go to the organization. In counties that establish a surcharge board where no such organization exists, the budget requires the funding board to distribute all surcharge revenue to a law enforcement agency within the county.

Justice Department Grant Consolidation: The budget eliminates the Justice Assistance Grant Program, but retains the Youth Diversion Grant Program, the Law Enforcement Officer Grant Program, and the Child Advocacy Center Grant Program, and shifts funding to these grants.

Officer Involved Death Investigations: The budget provides $635,000 over the biennium for the Department of Justice to investigate officer-involved deaths and non-fatal incidents. The budget also requires that before releasing an investigative report on an officer-involved death to the public, the investigators who conducted the investigation must delete any information from the public report that would not be subject to disclosure pursuant to the balancing test under the state's open records laws.

Special Prosecutors for Gun Violence: The budget provides $220,000 annually for 2.0 assistant attorneys general to serve as special prosecutors for cases related to gun violence and other offenses involving use of a firearm.

24/7 Sobriety Programs: The budget establishes a pilot project for 24 hours a day, seven days a week sobriety programs in five counties. The pilot projects would sunset on June 30, 2021.

Under the pilot project, the Department of Justice (DOJ) would select up to five counties to establish a 24/7 sobriety program to monitor second-offense and above drunken drivers, beginning January 30, 2016. Counties may discontinue their pilot program at any time during the five-year period, and DOJ may select new counties to replace the counties that leave the pilot.

Under the pilot project, programs are required to accept the following participants: second-offense or above Operating While Intoxicated (OWI) offenders who are ordered by a court or the Department of Corrections, as a condition of probation or deferred prosecution, release to extended supervision, or release to parole, to participate in a 24/7 sobriety program and refrain from using alcohol or other drugs, and second-offense and above OWI offenders who voluntarily agree to participate in a 24/7 sobriety program while on probation, extended supervision, parole, or participating in a deferred prosecution agreement.

The program requires participants to submit to testing approximately every 12 hours for use of alcohol or controlled substances. Programs may charge participants a fee, but the fee may be waived or reduced depending on an individual's ability to pay. The budget requires counties participating in the pilot program to submit data to the Department of Justice and for DOJ to analyze the data to determine the programs' effectiveness in reducing recidivism.

Interoperability Report: The budget requires the Interoperability Council to submit a report to the Joint Committee on Finance by June 30 regarding the following issues: the amount the state has expended to develop, construct, and operate the Wisconsin Interoperability System for Communications (WISCOM), from its inception through 2015-16; the annual operating budget for WISCOM during 2015-16, specifically identifying costs relating to staff, infrastructure expansion, infrastructure maintenance, supplies and services, and other related costs; the local, state, and federal agencies that use WISCOM, as well as the frequency with which the agencies use the system and a description of how each agency uses WISCOM to support the agency's operation; identification of the local, state, and federal agencies that use an alternative communications system for its emergency responders, as well as an explanation why the alternative system is used; identification of each federal, state, and local agency that uses WISCOM daily, and an explanation why they do so; identification of each federal, state, and local agency that does not currently use WISCOM daily, but intends to do so, as well as when the agencies intend to use WISCOM daily; an explanation of the current status of WISCOM's infrastructure and an indication of whether, and how, it may be expanded in the future; a comparison to other, similar systems in other states; a statement of WISCOM's successes; a statement of the challenges facing WISCOM; an explanation of WISCOM's compatibility with other emergency response communication networks; and a statement on the number of sites, channels, and users WISCOM currently supports and its anticipated future capacity.