

WISCONSIN ALLIANCE OF CITIES

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WISCONSIN ALLIANCE OF CITIES' URBAN AGENDA 1995-1996 Legislative Session

* MUNICIPAL REVENUES

Although we recognize that most new revenues will be dedicated to K-12 education, it is important that any changes do not increase the problem of tax rate disparity. To accomplish this, we believe the basic principles of equalization should be applied in order to reduce high tax rates and support municipalities with lower property values. Municipalities that provide basic services at higher tax rates should be the priority of state municipal revenue sources. Therefore, **we request an increase in funding for the Expenditure Restraint Program for 1996 and 1997 and in the Shared Revenue Program for 1997.**

* LOCAL TAX POLICY

Under current law, the county sales tax, the modified municipal room tax and the "wheel tax" (motor vehicle registration surcharge) are the only local option taxes available to local governments in Wisconsin while, in other states, local option taxes include payroll, wage, income, sales and excise taxes.

With environmental mandates and economic development pressures, cities need new non-designated revenue sources. We recommend that, in addition to increases in all other municipal state aid programs, the state **authorize a local option sales tax for city revenue purposes.**

Further, in the event State Shared Revenues are frozen or reduced, property tax exemptions that currently subsidize some organizations and the private sector should be eliminated in order to maintain the property tax base in our older cities.

* PAYMENT FOR MUNICIPAL SERVICES FUNDING

Fully fund the state's Payment for Municipal Services Program which provides funding to municipalities for the services they provide to property tax exempt facilities owned by state government. Currently the program is funded at 86.2% for 1994 and 84.87% for 1995.

*** PAYING TWICE FOR COUNTY SERVICES**

Over the past several years it has become apparent that cities were paying for county services they were not receiving or they were being taxed twice for certain services. Examples of state policy that recognizes this phenomena and allow communities who opt to provide their own programs to pay once and not twice are health care departments, recycling and 911.

Today, the only way that county police protection, fire dispatch, planning and zoning services can be provided at a significant savings to rural communities is because city residents pay up to 70% of a county levy. These services are of no use to a full-service city government or city taxpayers.

Because city governments have higher tax rates than their town neighbors, many former city residents migrate to towns to avoid the higher city taxes. **State law must be amended so that city taxpayers do not pay for county services they do not receive.**

*** TIF LEGISLATION**

As a result of the legislative action to reduce school tax rates, City Leaders across the state are very concerned about existing Tax Incremental Financing Districts, as well as the future of new downtown redevelopment districts. Complications also arise because TIDs in many cities do not have overlapping taxing jurisdictions.

Recommended solutions for existing districts are:

- * Allow for the extension of the life of existing TIF Districts to 33 years.
- * Allow a merger of districts, within the same overlapping taxing jurisdictions.
- * Allow for the transfer of surplus tax increments from one district to another if they are both within the same taxing jurisdiction, for a maximum of 15 years.

Recommendations to reduce the overall costs of new tax incremental districts are:

- * Allow for the shifting of surplus increments from one district to the new district in order to pay the interest payments for the first 24 months on the general obligation bonds in the first two years of the new district. Overall costs can be reduced, decreasing the life of the TID, if interest payments are not capitalized.
- * Rewrite the relocation benefit rules so a municipalities overall expenditures when creating a TID are reduced.

*** PSC 109 - PAYMENT IN LIEU OF TAXES**

Currently municipalities receive a "Payment in Lieu of Taxes" (PILOT) from water and electric utilities located in their communities. Under 66.069 (1)(c), PILOT is an equivalent to the local and school taxes. Because the school tax rate will decrease, the PILOT will be reduced significantly while the cost to provide utility service remains the same. In addition, because the current payment is spread out over all ratepayers, including tax exempt property and large industrial users, there will be a redistribution to the residential property in our communities.

Ironically an additional concern has been created by the Public Service Commission's (PSC) recent action to revise PSC 109, "Payment in Lieu of Taxes" and ratchet down these rates to the 3.19% gross receipts tax paid by investor owned utilities (see #2 below). Because of the serious affect PSC 109 can have on municipal revenues and the local property tax, the Alliance has been working with the PSC and has suggested the following:

1. **HOLD HARMLESS:** we propose modifying 66.069 (1)(c), Wis. Stats., and PSC 109.03(2) to allow a municipality to freeze revenues at their current rate, retaining that rate until the Gross Receipts Method establishes a higher amount. The purpose of the proposed change is to address both PSC and municipal concerns. From the PSC's viewpoint, the tax equivalent payment would be frozen so that it would be constantly moving toward the amount determined under the Gross Receipts Method. From the municipality's viewpoint, it would protect the municipality from the uncertainties created by the proposed removal of schools from the property tax rolls. The freezing of the tax equivalent payment would result in a loss of any growth for a number of years, but at least the municipality would have time to replace revenues from other sources.

2. **WATER UTILITY METHOD SEPARATE:** we propose amending PSC 109.03(3) to differentiate the permissible percentage base used to determine the water tax equivalent versus the electric tax equivalent. It is our understanding that the 3.19% electric tax equivalent was based on the actual property taxes being paid by electric utilities at the time the amount was established. Based on PSC data, it appears that the equivalent gross receipts percentage for water utilities is much greater than 3.19%. Because water utilities are capital intensive the PSC data indicates that 20% of gross revenues is about the median tax equivalent now being paid.

To address the concerns of water utilities who feel their water rates are higher than they should be, we proposed adding PSC 109.05(3), which would permit a local governing body to collect a smaller tax equivalent than is otherwise authorized under PSC 109.

3. **SALES OUTSIDE BOUNDARIES:** we propose amending PSC 109.06 to provide that sales outside municipal boundaries would be included for determining the tax equivalent by the Gross Receipts Method, but such property would continue to be excluded when making the calculation under the current method. This is to address the concern raised by the City of Neenah where a significant portion of its revenue is derived from sales to a large water customer located less than 100 feet outside of its municipal boundary.

* COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CHANGES FOR NON-ENTITLEMENT COMMUNITIES

We support the establishment of an entitlement program for communities with 3,000 or more low-moderate income (LMI) residents. We would suggest this entitlement be applied to only incorporated municipalities. Because the DOD and DOA have not been receptive to that idea, as an alternative to the entitlement program, the Alliance supports the following:

- * Developing a multi-year grant option which would allow a community to apply for two funding cycles with one application. Release of funds would be dependent upon adequate Federal funding in the second grant cycle. Use of funds would be distributed over a 36 month period. Performance standards may be applied to use of the funds.
- * Double the amount of funds a community may retain in the economic revolving loan fund. Doubling of the retained funds would be dependent upon the community demonstrating activity in the account (need) and adequate loan servicing performance.
- * Allow communities with established housing or economic revolving loan funds to re-use funds in any manner allowed by current HUD regulations.
- * Remove the survey requirement for communities with over 3,000 LMI. Allow for documentation of need using census data, activity in housing programs, and documentation of existing program demand. Counties and other municipalities are still required to submit survey data regardless of LMI count. Rationale for distinction is that the LMI population of a county is distributed over a much larger area and concentration is not as critical as in incorporated municipalities.

In addition to these points, we support using county income levels when establishing income eligibility thresholds, instead of state income averages. We oppose emphasis on geographic distribution in grant awards and leave the decision to target funds for all LMI or Very Low Income categories to local discretion.

* SALES TAX TIF

Tax Incremental Financing was originally designed to help redevelop the older, inner cities of Wisconsin. The sales tax TIF concept relieves the property tax as the only funding source to pay off TIF debt in these downtown redevelopment TIDs. During the 1993-94 Legislative session, Mayor John Hess of Wausau initiated the idea of a "sales tax TIF" and supported the proposal's introduction in the Legislature. The proposal allowed downtown redevelopment TIF districts to capture a percent of the sales tax collected from certain retailers in the TID.

With passage of the legislation, overlapping taxing jurisdictions would enjoy a decrease in tax rates sooner than under current law.

* ANNEXATION

Much of the development in this state has occurred on the outskirts of larger incorporated cities and villages rather than within their boundaries. This development has often occurred in a premature, haphazard and disorderly fashion without regard for the needs or land use plans of adjacent municipalities. It threatens to deprive municipalities of their ability to grow.

Often residents within fringe areas need services which are beyond the capacity of rural town governments to adequately provide. Residents of developed urban fringe areas utilize city services and facilities, such as parks, transportation systems, community centers and other amenities, without contributing commensurate financial support. Threats of development on the fringe have forced cities to annex in order to maintain control over the development and the accompanying provision of municipal services to the area. The subsequent extension of municipal services to these developed areas after annexation has been costly to the municipalities and their taxpayers. The unfortunate end result is that development drives land use planning instead of planning driving development.

The Alliance of Cities, as well as past Legislative Council Study Committees, have worked to develop an approach to annexation that will preserve the integrity of cities, villages and also rural areas. This addition to current law establishes a system which requires municipalities to demonstrate that proposed annexations are founded upon sound long-range land use and municipal service plans. It allows cities and villages to annex contiguous town territory only when certain conditions are met. The Department of Administration, based on the information provided them by law, will make a determination on the annexation. If the annexation is allowable, it would not require a town referendum.

* BIDDING FOR SERVICES

Because of Davis-Bacon Act requirements and federal random drug testing provisions which municipal services are subject to, municipalities are often bidding on projects with private vendors not subject to the same requirements. In order to create equity, we recommend that private services which bid on the same projects also bid on by municipalities be subject to Davis-Bacon Act requirements and random drug testing provisions.

* ENVIRONMENTAL AGENDA

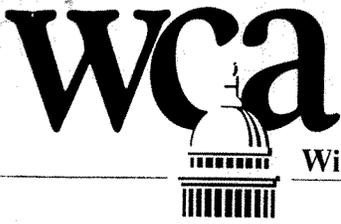
Cities and industries across Wisconsin are struggling with the costs associated with clean surface and ground water. Mandates to deal with phosphorous, urban runoff, sediment remediation, contaminated lands and landfills are costing property taxpayers and consumers hundreds of millions of dollars a year. Unfortunately, the other parties needed to make the clean-up effort successful, state government and the agricultural community, have been reluctant, up to now, to ensure a comprehensive and fully funded approach to cleaning up our environment.

ACTION IN TWO WAYS:

Because the environment is of statewide concern, the state needs to create a designated revenue source to help clean up surface waters and to continue to keep our groundwater clean. Since the state forestry tax is an effective method of collecting funds for environmental use on a statewide basis, we suggest that the tax either be redirected or expanded to meet water quality needs.

Further a watershed water quality management program needs to be created that would:

- * establish state water quality standards, coastal zone standards, etc.;
- * establish a community priority list based on:
 1. scientific data
 2. health hazards
 3. land use priorities
- * establish a cost benefit analysis of priorities and a timetable; and
- * allocate state revenues according to priorities and a timetable.



Wisconsin Counties Association

MEMORANDUM

TO: Honorable Members of the Joint Committee on Finance

FROM: Sarah ~~Diedrick~~, Legislative Associate
Craig ~~Thompson~~, Legislative Associate

DATE: March 27, 1995

SUBJECT: Assembly Bill 150

Please find attached a comprehensive document addressing the Wisconsin Counties Association (WCA) positions taken on items contained in Assembly Bill 150 which affect county government. On March 17th, 1995, the WCA Board of Directors took action on one hundred twenty-two items either directly affecting or of interest to county government. The document entitled *WCA Board of Directors' Actions on the 1995-97 State Budget* is a detailed list of the association's positions.

The Governor's budget contains many items of great importance to counties including efforts, consistent with legislative desires, to continue funding of state mandates on county government. We appreciate both the Governor's and Legislature's commitment to continue the mandate relief efforts in the areas of courts funding; funding of the mandate relief account; and increased flexibility in community aids, youth aids, and juvenile corrections. While these are tremendous steps forward, we agree that much needs to be done as we, together with the State of Wisconsin, serve the needs of our citizens.

Highlighted below are a few of the items of interest to counties (and WCA's position on each) for your consideration as we proceed in the budget process.

Shared Revenue/County Mandate Relief Payments

The Governor's budget provides \$20.1 million to counties in 1995 and thereafter in the form of mandate relief payments.

The Governor's budget provides \$168.9 million to counties in 1995 and thereafter in shared revenue.

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Mark M. Rogacki, Executive Director
Darla M. Hium, Deputy Director

Mark D. O'Connell, Legislative Director
Lynda L. Bradstreet, Administrative Director

The Governor's budget requires counties to spend shared revenue payments first for circuit court expenses, for probation and parole hold costs in county jails, and for youth services expenses and second for other costs for which the county would otherwise levy property taxes.

The Governor's budget also requires counties to spend mandate relief payments first for probation and parole hold costs in county jails and second for costs for which the county would otherwise levy property taxes.

WCA appreciates the Governor's and Legislature's active support for county mandate relief, which was demonstrated by the commitment made last session to increase funding for the county mandate relief account. WCA strongly supports the Governor's continued support for mandate relief in this budget. Despite the tremendous fiscal pressures of this budget, the Governor stood by his previous commitment to counties. WCA strongly supports this county mandate relief funding and respectfully requests the Joint Finance Committee's continued support.

Circuit Court Support Grants/Guardian ad Litem Reimbursement

Under current law, the Director of State Courts reimburses the counties for the costs of guardians ad litem from limited state moneys. If the state moneys are insufficient, the county payments are prorated.

The Governor's budget eliminates that reimbursement program and allows counties to include those costs in the court costs that are eligible under the circuit court support grants.

Currently, the circuit court support payment program is funded by a \$20 court support services fee. To provide the needed property tax relief, the Governor's budget raises that fee to \$40. Provisions which permit a court to waive the fee for those who cannot afford it are retained in law.

Under current law, the costs of the judicial assistants are included in those court costs that are eligible under the circuit court support grants. The Governor's budget requires the county board to provide one judicial assistant for every 3 circuit judges in counties with 3 or more circuit court branches to assist the judges with clerical and administrative duties.

The Governor's budget expands the types of expenditures circuit court support grants may be used for to include any court costs, except costs related to courtroom security, including

security personnel, and costs related to rent, utilities, maintenance, rehabilitation and construction of court facilities.

Courts Funding Summary

	<u>Current Base</u>	<u>GAL Base</u>	<u>New Money</u>	<u>Total</u>
FY 96	\$7.6 million	\$4.7 million	\$4.8 million	\$17.2 million
FY 97	\$7.6 million	\$4.7 million	\$9.7 million	\$22.1 million

WCA supports the increased courts funding dollars placed in the Governor's budget as the state continues to recognize its obligation to fund costs related to the state court system. The new funding formula will cause a shifting of dollars as GAL funds are rolled into the circuit court support grant program. WCA respectfully requests a hold harmless be put in place for those counties who will see a net decrease in funding.

Counties are facing increased pressure from the judiciary to increase security measures in county courthouses. WCA respectfully requests an additional appropriation to fund courtroom security initiatives and personnel.

Youth Aids

The Governor's budget provides \$84 million in youth aids to counties in FY 96 and \$62 million in FY 97.

The budget requires DHSS to submit to the Secretary of Administration and the co-chairpersons of the Joint Committee on Finance proposed rates to counties for maintaining a child in a juvenile correctional institution during the 1996-97 state fiscal year and requires the Secretary of Administration, if he or she approves of those rates, to submit proposed legislation providing for those rates to the co-chairpersons of the Joint Committee on Finance.

The budget also requires DHSS to evaluate the formula used by DHSS to allocate youth aids to counties in light of any changes in the number of children placed under the supervision of DHSS as a result of amendments in the law made by this bill and submit to the Secretary of Administration and the co-chairpersons of the Joint Committee on Finance a proposed youth aids formula, and he or she must include it in the 1997-99 budget compilation.

Under current law, DHSS must adjust the per-person daily cost assessment upon counties for state-provided juvenile correctional services at least annually. If there is an increase in the assessment, DHSS must increase the funds available to counties to cover that increase.

The Governor's budget eliminates the requirement that DHSS adjust that assessment annually and provide funding to cover any increase in that assessment.

WCA supports the Governor's initiative to continue state funding for juveniles sentenced by state judges to the state's secure correctional institutions. As the state reduces youth aids funding to pay for this, WCA respectfully requests that the state reduce county youth aids no more than the dollar equivalent of the juveniles currently ordered by the court to the juvenile correctional facilities who meet the serious juvenile offender criteria.

WCA supports the lowering of the age of adult court jurisdiction from 18 to 17.

WCA opposes the language change contained in the Governor's budget which eliminates the requirements that DHSS annually adjust the per-person daily cost assessment upon counties for state-provided juvenile correctional services and provide funding to cover any increase in that assessment.

WCA supports some of the language changes regarding the use of capacity building funds. However, WCA respectfully requests an additional \$2.5 million be placed into the program to fully fund the previous commitment made to counties.

Elimination of General Relief

The Governor's budget eliminates the mandate that counties provide general relief grants and medical services and also eliminates the corresponding state funding for those services. The budget allows for counties to establish an emergency medical relief agency, if they so choose, with reimbursement from the state similar to current reimbursement under the general relief medical program.

WCA supports the elimination of the mandate on counties to provide general relief grants. WCA opposes the reduction of the general relief medical program to an optional emergency medical relief program. We respectfully request that the current general relief medical program be maintained with at least the same level of state support as currently exists.

Community Aids Flexibility

The Governor's budget does not reduce the state's commitment to community aids despite the tremendous scrutiny that all programs underwent during this budget process. It is our belief that funding for community aids was not reduced due to the recognition of the immense demand for the services counties provide with these funds, the efficient use of these funds, and the fact that counties are providing over one hundred million property tax dollars statewide above the current required match in order to attempt to meet the demand.

The Governor's budget also changes community aids funding from providing specific categorical aids to a block grant program (except for three programs that are mandated to be categorical aids by the federal government in order to receive funding). The Governor's budget also eliminates the required 9.89% match by the counties.

WCA supports maintaining the funding level proposed in the budget for community aids and respectfully requests the Joint Committee on Finance provide incremental increases. WCA also supports making community aids into a block grant program and eliminating the required 9.89% county match.

Personal Care Providers

The Governor's budget changes personal care services from an entitlement program to a discretionary program. The budget takes the current fifteen million dollars of state funding and rolls it into the community aids block grant for counties to use at their discretion. In so doing the state forgoes twenty-three million dollars in federal matching funds.

WCA respectfully requests that all efforts be made to maintain the federal matching funds. We commend the work of all the individuals that are attempting to find a solution to this situation - chief among them the co-chairs of the joint finance committee - and offer any assistance that we can provide in fashioning a program that addresses the state's fiscal liability but ensures the continuation of federal funding.

County Nursing Home Funding

The Governor's budget provides a 4.25% increase in FY 96 and a 5% increase in FY 97 for the nursing home industry. Several other modifications in the budget, however, will

result in an actual increase of 1.97% for the industry and even less for many county homes.

The budget changes the current statutory hold harmless which ensures that a nursing home will not receive a lower reimbursement rate than the previous year, and instead provides that no nursing home will receive a lower reimbursement rate than it did in 1994.

The Governor's budget also calls for a new minimum occupancy standard set at 91%. If a facility's census is below 91% they will be penalized.

WCA opposes both capping the statutory hold harmless at 1994 levels and the new minimum occupancy standard. Due to the current bias of the nursing home formula, county nursing home's unique costs are not reflected and as a result many county nursing homes need the statutory hold harmless. The intent of the minimum occupancy standard is laudable. The state is attempting to ensure that funding for community placements be freed up if institutions are holding open beds. The problem with the proposed change, however, is that many nursing facilities provide rehabilitation services which causes a tremendous fluctuation in their census. These types of facilities should not be punished for providing these important services. County facilities that would be penalized under this new standard would also receive a double "hit" because it would reduce the amount of allowable costs which they can claim under the Intergovernmental Transfer Program (ITP). This would mean that county homes would also be losing out on federal funds.

Department of Natural Resources as Cabinet Agency

WCA supports the Governor's proposal to make the department a cabinet agency. Increased accountability for actions in the area of natural resources and a policy which would be more closely aligned with the efforts of other state agencies will increase efficiency and responsiveness to the concerns of Wisconsin citizens.

Elimination of the Office of Public Intervenor

WCA supports the elimination of the Office of Public Intervenor. The State of Wisconsin currently has arguably the nation's most stringent laws protecting the environment. Those who do not abide by the law must answer to a well equipped Department of Justice and Department of Natural Resources. The Office of the Public Intervenor is an unnecessary duplication of these agencies' responsibilities.

While anecdotal accounts of the benefits of the office can undoubtedly be uncovered, the fact remains that in practice, the office has acted much to the detriment of counties and taxpayers alike and has thus outlived its usefulness. While an argument for the good intentions of the office may be made, the office has unfortunately become not an office intervening on behalf of the public but rather, an office advancing the agenda of very narrowly focused interests. For these reasons, the WCA Board of Directors unanimously supports the elimination of the office.

Merging the Wisconsin Employment Relations Commission (WERC) and Elimination of the Council on Municipal Collective Bargaining

WCA supports the Governor's proposal to merge the WERC, Personnel Commission, and the Labor and Industry Review Commission into the Wisconsin Employment Commission. WCA further supports the elimination of the Council on Municipal Collective Bargaining.

The employment functions of the three commissions are sufficiently similar to merge thereby achieving efficiency without the loss of quality. The elimination of the Council on Municipal Collective Bargaining makes good public policy sense in that the Council has been meeting for over one year focusing most of its energy on a proposal that does little more than repackage the current law scheduled to sunset June 30, 1996. Since current law is precisely the problem facing labor negotiations today, actions by the Council have done nothing to advance efforts to resolve this matter.

Social Worker Training Certificate

The Governor's budget includes a provision which allows an individual with a bachelor's degree in sociology, criminal justice, psychology or related human services program to be eligible for a social worker training certificate. WCA supports this provision. However, the budget also states that, while the individual holds the social worker training certificate, the individual must complete courses on social welfare policies, social work practice methods and human behavior at an accredited college or university and complete either a 400-hour supervised human service internship involving direct practice with clients or one year of supervised social work employment involving direct practice with clients.

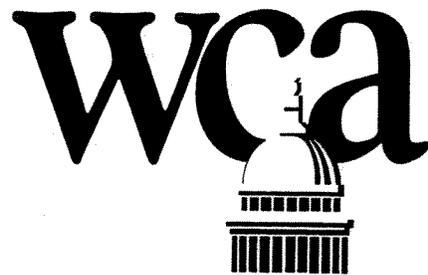
While WCA continues to question the necessity of any certification requirements other than supervised training by the employer, WCA requests that this provision be amended

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March 27, 1995
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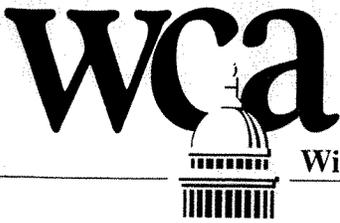
to remove the necessity of a *400-hour* internship, thus making any supervised internship, regardless of numbers of hours, applicable as an internship under this provision.

Thank you for considering our comments.

**WCA BOARD OF
DIRECTORS'
ACTIONS ON THE
1995-1997
STATE BUDGET**



by Wisconsin Counties Association



Introduction

On February 14th, 1995, Governor Tommy G. Thompson unveiled his 1995-97 biennial budget. Included in the 2,509 page document were 122 items directly affecting or of interest to county elected officials.

On March 17th, 1995, the Wisconsin Counties Association Board of Directors (listed in the table below) took 140 actions on the 122 items. Since several of the items contained multiple elements, it was necessary to take more than one position on six of the items. The Board took one of four actions: *Support, Seek to amend to, Monitor, or Oppose.* In those cases where the action taken was to seek to amend, the Board further identified the desired amendment.

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There was significant discussion regarding the Governor's budget provisions and the partnership between the State of Wisconsin and Wisconsin's counties. Recent strides by the Legislature and Governor to address the issue of mandates have been greatly appreciated by counties. The Legislature and Administration's continued commitment to fund the court system, the mandate relief account, and community aids among many programs as well as the efforts of the Administration and Legislature to provide increased flexibility and more local decision-making are very helpful in promoting the partnership necessary to serve the needs of the public.

Please feel free to make inquiries regarding any or all of the items identified in the following pages. As the budget process continues, the Wisconsin Counties Association looks forward to working with you to find reasonable solutions to the public policy issues facing all of us.

Sincerely,

A handwritten signature in black ink that reads "Mark D. O'Connell". The signature is written in a cursive, slightly slanted style.

Mark D. O'Connell
Legislative Director

MDO/blb

1995-97 BUDGET ANALYSIS

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**COUNTY ORGANIZATION AND
ADMINISTRATION**

Social Worker Certification

Item #1

Under current law, an individual may not use the title "social worker" unless he or she is certified as a social worker by the social worker section of the examining board of social workers, marriage and family therapists and professional counselors (section). A person must hold a bachelor's, master's or doctorate degree in social work and pass an examination in order to be eligible for a social worker certificate.

The Governor's budget creates a social worker training certificate which allows an individual to be eligible for a social worker training certificate if he or she has a bachelor's degree in psychology, sociology, criminal justice or another human service program approved by the social worker section. Under the bill, the individual must:

- attain a social worker degree equivalency by taking courses from a social work program and at an accredited college or university;
- complete either a 400-hour supervised human service internship or one year of supervised employment involving direct practice with clients;
- upon completion of above requirements, or at the end of 24 months, whichever occurs first, take the national social worker examination, and after passing the national exam, pass an exam covering state law governing social work.

Under the bill, a social worker training certificate is valid for 24 months or until

the individual receives the results of the national social work examination, whichever occurs first. A person who holds a social worker training certificate may use the title "social worker".

BOARD ACTION: March 17, 1995
Board of Directors: Seek to amend to implement the current position to eliminate the certification process or eliminate the requirement that an individual complete either a 400-hour supervised human service internship or one year of supervised employment involving direct practice with clients.

Agency Name Changes

Item #2

The Governor's budget changes the titles of state agencies, on July 1, 1996, from the Department of Health and Social Services to the Department of Health and Family Services; from the Department of Industry, Labor and Human Relations to the Department of Industry, Labor and Job Development; and from the Department of Development to the Department of Commerce.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Department Of Tourism And Parks

Item #3

Currently, the Wisconsin Department of Natural Resources (DNR) is responsible for the administration and operation of state parks, trails, the ice age trail, state recreation areas and state forests. The Governor's budget creates the Department of Tourism and Parks (DTP) and transfers these responsibilities

(except for state parks in northern Wisconsin) to DTP. All employee positions in DNR related to DNR's bureau of parks and recreation are transferred to DTP.

The Governor's budget also transfers on July 1, 1996, the Division of Tourism, currently in the Wisconsin Department of Development (DOD) to DTP. This includes the Council on Tourism and all activities and responsibilities of DOD in relation to tourism. All positions authorized for the Division of Tourism in DOD are transferred to the Division of Tourism in DTP.

The Governor's budget also provides funding to DTP for maintenance and development of snowmobile and ATV trails within the state park system and authorizes DNR to acquire land for state resource management areas.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Department Of Commerce

Item #4

The Governor's budget changes the title of the Wisconsin Department of Development (DOD) to the Wisconsin Department of Commerce. The department will handle all facets of commerce in the state.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Division Of Technology Management

Item #5

The Governor's budget creates a division of technology management in the Department of Administration (DOA), which carries out information technology planning, coordination, development and management functions of DOA, most of which are provided under existing law.

In connection with these functions, the Governor's budget transfers administration of the judicial automated information systems from the director of state courts to DOA, to be operated in conjunction with the director of state courts, public defender board and district attorneys.

The Governor's budget also transfers from the Department of Justice (DOJ) to DOA the operational responsibility for the transaction information for the management of enforcement system, which provides information to law enforcement agencies concerning law enforcement. DOJ continues to administer the system.

The Governor's budget also expressly permits DOA to charge agencies for computer services provided to them and appropriates all program revenue received by DOA from state agencies, local governments and private sector entities for the provision of information technology services, to be used for the purpose of providing information technology services to those agencies, governments and entities.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

State Records And Forms Board

Item #6

Under current law, the public records and forms board, attached to the Department of Administration (DOA), is responsible for preserving for permanent use important state records, providing an orderly method for the disposition of other state records and making the management of forms and records by state agencies more cost-effective. Currently, the public records and forms board also reviews and approves or disapproves most forms generated and used by a state agency in transactions between the agency and the public and receives and investigates, with some exceptions, complaints about forms. The public records and forms board consists of the Governor, the director of the historical society, the attorney general, the state auditor, a representative of the small business community appointed by the Governor, a representative of a newspaper published in this state appointed by the Governor, a representative of the permit information center appointed by the secretary of development, and the director of the legislative council staff.

The Governor's budget transfers the responsibilities with respect to forms from the public records and forms board (renamed the "Public Records Board") to DOA, except that the public records board maintains the responsibility for receiving and investigating complaints about forms. The public records board also retains all of its responsibilities with respect to records. Under the Governor's budget, the composition of the public records board includes the same members as the public records and forms board, except that the public records board does not include a

representative from a newspaper published in this state or a representative of the permit information center; it includes a local government official and one other member, both appointed by the Governor.

Under current law, public records not stored in hard copy format may be transferred to microfilm or optical disk format only.

The Governor's budget authorizes state and local government records to be transferred to or maintained in optical disk or electronic format subject to rules promulgated by DOA.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Educational Communications

Board

Item #7

The Governor's budget permits the Educational Communications Board (ECB) to enter into contracts with state agencies, counties, municipalities, schools and other educational institutions for ECB to furnish certain services related to the construction or operation of telecommunications facilities.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

County Veterans' Service Officer Grant Program

Item #8

Under current law, a county with a full-time county veterans' service officer is eligible for a state grant of up to \$5,000. If the county has a part-time county veterans' service officer the maximum grant is \$500.

The Governor's budget provides grants to counties for full-time county veterans' service officers composed of production incentive awards and basic awards. The budget requires the Department of Veterans Affairs (DVA) to promulgate rules regarding the production of incentive awards. The basic awards must be based on the population of the county, with the smallest counties receiving a grant of \$8,500 while the largest counties are eligible for a grant of \$13,000. The grants for part-time county veterans' service officers are unchanged.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Veterans Retraining Grant Program

Item #9

Under current law, a veteran is eligible to receive up to \$3,000 for retraining to obtain gainful employment. A veteran is eligible if he or she is enrolled in an institution of higher education or enrolled in an on-the-job training program, meets financial assistance criteria, is unemployed or has received a notice of loss of employment and the Department of Veterans Affairs (DVA) has determined that the veteran's retraining program could result in gainful employment.

The Governor's budget adds veterans who are underemployed to those veterans who are eligible to apply for a retraining grant.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

Economic Development

Item #10

Under current law, the Wisconsin Department of Development (DOD) provides loans to small businesses to enable them to develop their potential for exporting products or services under the Export Development Loan Program. The Governor's budget deletes this program and replaces it with a reimbursement program called the Wisconsin Trade Project Program.

Under this program, DOD may reimburse an eligible business for certain costs related to attending foreign trade or matchmaker trade shows including participation fees, display shipping fees, sample products, booth construction costs, translation service fees, etc.

An eligible business is defined as a business that had gross annual sales of \$25,000,000 or less in the year prior to the year in which the business applies for reimbursement.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

Department Of Financial Institutions

Item #11

The Governor's budget creates the Department of Financial Institutions (DFI) which consolidates the functions of the offices of the commissioners of banking, savings and loans, and securities. Those agencies are eliminated. The bill also reorganizes the office of the commissioner of credit unions and attaches it to the DFI for administrative purposes.

The Governor's budget also transfers from the office of Secretary of State to DFI, effective July 1, 1996, the responsibility for uniform commercial code filings and federal lien filings. It also transfers responsibility for the computerized statewide lien system that is operated in conjunction with county offices of registers of deeds from the office of the Secretary of State to DFI.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

**Membership In Association of
County Boards**

Item #12

Under current law, a two-thirds vote of a county board is required for membership in an association of county boards.

The Governor's budget requires only a majority vote of the members-elect to make such a decision.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

ENVIRONMENT AND LAND USE

DNR And DATCP Cabinet Form Of Government

Item #13

A. Agency Structure

The Governor's budget converts the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (DNR) into cabinet agencies with the following changes:

- The current DNR Board and DATCP Board will be converted into advisory councils.
- The agencies will be headed by secretaries appointed by and serving at the pleasure of the Governor.
- Directors of the DNR offices will be converted into unclassified status and appointed by the secretary.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

B. Transfer to DOD

Under the current hazardous substance spills law, administered by the DNR, anyone who possesses or controls hazardous substances or causes a discharge of a hazardous substance is required to inform DNR of the discharge and take actions necessary to restore the environment to the extent practicable. The department may issue an order requiring a person to fulfill their duty to restore the environment.

Currently, under the petroleum storage remedial action program (commonly called PECFA), DILHR pays a portion of

the costs incurred by the owners or operators of certain petroleum storage tanks to remedy environmental damage caused by discharges from those tanks. A claimant is not eligible for a PECFA award unless DNR determines that the activities performed to restore the environment satisfy the requirements of the hazardous substance spills law.

Additionally, DNR reviews site investigations and clean-up plans under the PECFA program.

The Governor's budget authorizes DOD to administer the PECFA program and perform duties currently performed by DNR and DILHR starting on July, 1, 1996.

Under the Governor's budget, beginning July 1, 1996, DOD is required to administer a program under which the owners and operators of certain petroleum storage tanks and certain other persons (responsible persons) investigate discharges from those tanks and take actions necessary to restore the environment to the extent practicable. The storage tanks covered by this program (called regulated storage tanks) are petroleum product storage tanks that are covered by PECFA plus underground storage tanks that contain hazardous substances and that are required under federal law to be regulated by a state or the Environmental Protection Agency.

The Governor's budget provides DOD the option to issue an order requiring a responsible person to remedy the environmental damage caused by a discharge from a regulated storage tank.

The Governor's budget also requires DNR to inform DOD whenever a person reports a discharge from a regulated storage tank.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Public Intervenor

Item #14

Under current law, the Attorney General must designate an assistant attorney general as the Public Intervenor. He or she is generally authorized to formally initiate actions and intervene in all proceedings before any state agency or any court where the intervention is needed for the protection of public rights in water and other natural resources. Current law further directs the Attorney General to designate a Public Intervenor Advisory Committee.

The Governor's budget eliminates the Public Intervenor position and the Public Intervenor Advisory Committee.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Farmland Preservation

Item #15

Under current law, one of the farmland preservation tax credit requirements is that the person's land is subject to a farmland preservation or transitional area agreement or to exclusive agricultural zoning. If a landowner withdraws the land from farmland preservation or transitional area agreement, DATCP may file a lien against the land that was subject to the agreement for the total amount of the farmland preservation

credit received in the previous ten years, plus interest. The department also files a lien against land for which the farmland preservation credit is claimed when the county, city, town or village in which the land is located changes the zoning of the land from exclusive agricultural use.

The Governor's budget eliminates the filing of liens against land that is withdrawn from a farmland preservation or transition area agreement and against land that ceases to be covered by exclusive agricultural zoning. Finally, the budget eliminates the requirement that DATCP and the Land and Water Conservation Board promulgate rules relating to farmland preservation.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Sustainable Agriculture

Item #16

Currently, the Soil and Water Resource Management Program (SWRM) provides grants to individual farmers and counties for cost effective soil and water conservation activities, animal waste management, water pollution prevention programs and nutrient management. These cost share grants are used by farmers to implement best management practices and by county staff to provide technical assistance and administer county based soil and water conservation programs. SWRM is funded through revenue generated from the environmental title transfer fee and general purpose revenue (GPR). In fiscal year 1994, nearly \$3.5 million of the program's \$3.8 million was allocated to counties.

The Sustainable Agriculture Program provides grants to farmers and others who demonstrate farming practices that reduce the reliance on man-made pesticides and fossil fuels. In the past, grant monies have been awarded for activities such as eliminating herbicides in corn-alfalfa rotations and controlled grazing. The program is currently funded by oil overcharge revenues, which are scheduled to sunset in late 1995.

The Governor's budget changes the funding source for the sustainable agriculture grants from oil overcharge funds to the appropriation for the SWRM program.

BOARD ACTION: March 17, 1995
Board of Directors: Seek to amend to require that if funds generated by transportation activity (7.50 title transfer fee) but currently spent on activities other than transportation are to be redirected, then any redirection of said funds should be for transportation purposes.

County Conservation Aids Item #17

Under current law, counties may apply to DNR for funding for fish and game projects and for improvements to nongame and game habitat in county forests.

The Governor's budget changes the appropriations for these two programs from annual appropriations to continuing appropriations.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

Recycling Grant Appropriation Item #18

Under current law, the state provides grants to local units of government to pay a portion of their costs of recycling programs. On occasion, the local units of government overestimate local recycling expenses, hence creating a surplus. Under current law, when the local units of government must return the excess funds to the state.

The Governor's budget provides that the amount available to pay for grants in a fiscal year is increased by the amount that the local units of government refunded in the prior year.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Temporary Recycling Surcharge Item #19

Under current law, all corporations and insurers that are required to file an income tax or franchise tax return are required to pay the temporary recycling surcharge.

The Governor's budget provides all corporations and insurers that are required to file an income tax or franchise tax return and that have at least \$4,000 in total receipts from all activities for the taxable year are required to pay the temporary recycling surcharge.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

Marketing Development Board

Item #20

Currently, the marketing development board (board), as created under 1993 Wisconsin Act 75, is charged with improving and developing markets for certain materials recovered from solid waste. The board provides assistance for materials that are recovered by the local governmental units that are required to be recycled under the state's recycling law.

The Governor's budget requires the board to annually establish a list of materials recovered from solid waste that are eligible for assistance from the board. The list would include the materials that are required to be recycled under the state recycling law.

BOARD ACTION: March 17, 1995
Board of Directors: Monitor.

Allow DNR To Grant Exceptions To Landfill Bans

Item #21

Under the recycling law, persons are generally prohibited from disposing in landfills or incinerating specific materials. These prohibitions do not apply to discarded materials generated from a responsible unit with an effective recycling program. One of the stipulations of an effective recycling program is that it must require people in the area to separate the specific materials from their solid waste, but DNR may grant a one-year variance with respect to a specific material in the event of an emergency or if the cost of selling the materials exceeds specified amounts.

Under the Governor's budget, DNR is directed to review markets for the discarded materials to which the landfill and incineration prohibitions apply, beneficial uses for those materials and technologies for managing those materials in solid waste. If DNR finds that a prohibition with respect to a specific material is not feasible or practical and that the prohibition is not needed to achieve the goals of the state's solid waste management policy, DNR may do one of the following:

1. Promulgate a rule specifying conditions under which the material may be disposed of in a landfill or incinerated.
2. Exempt specified people from the landfill or incineration prohibition with respect to the material.
3. Authorize, up to one year, the material to be disposed of in a landfill or incinerated.

The budget further authorizes DNR to grant a variance so that an effective recycling program need not require persons to separate specified materials from solid waste if the department takes one of the three options listed above with respect to the material.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Nonmetallic Mining Audit Requirements

Item #22

Under current law, each county is required to regulate the reclamation of nonmetallic mines. Current law

authorizes DNR to review each local nonmetallic mining reclamation program and issue a written determination every 3 years on whether the local program complies with state standards.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

The Governor's budget authorizes DNR to review all of the nonmetallic mining reclamation programs in a county at one time and to issue a written determination every 10 years.

BOARD ACTION: March 17, 1995
Board of Directors: Support.

Fish, Game And Wildlife

Item #23

Under current law, a county may apply to DNR for aids to improve the natural environment of the game and nongame species in the county's forests. Currently, the annual allocation that a county may receive may not exceed 10 cents per acre. Under current law, a county must remit to DNR any unencumbered balance in the county's wildlife management account that exceeds the amount necessary for wildlife management upon DNR's demand.

The Governor's budget increases the maximum total payment to 20 cents per acre. The budget further authorizes DNR to demand either any unencumbered balance in the county's wildlife management account that exceeds the amount necessary for wildlife management or the amount that is in excess of the sum of the three previous years.

Finally, the Governor's budget changes the term "game and nongame species" to "wildlife".

JUDICIAL AND PUBLIC SAFETY

Circuit Court Support
Grants/Guardian Ad Litem
Reimbursement

Item #24

Under current law, the director of state courts reimburses counties for the costs of guardians ad litem from limited state monies. If the state monies are insufficient, the county payments are prorated.

The Governor's budget eliminates that reimbursement program and allows counties to include those costs in the court costs that are eligible under the circuit court support grants.

Currently, the circuit court support payment program is funded by a \$20 court support services fee. The Governor's budget raises that fee to \$40, effective October 1, 1995.

Under the Governor's budget, the director of state courts shall make payments to counties totaling \$6,200,000 on July 1, 1995, totaling \$11,050,100 on January 1, 1996, and totaling \$11,050,000 on every July 1 and January 1 thereafter, which the director of state courts shall distribute as follows: 1) for each circuit court branch in the county, \$32,900; 2) in addition to the payment under sub. 1, for each county with one or less circuit court branches, \$5,000 in the 1995-96 fiscal year and \$10,000 in each fiscal year thereafter; 3) in addition to the payment under sub. 1, for each county with more than one circuit court branch, a payment equal to the county's proportion of the state population times the amount remaining after the payments are made under subs. 1 and 2.

Under current law, the costs of judicial assistants are included in those court costs that are eligible under the circuit court support grants. The Governor's budget requires the county board to provide one judicial assistant for every 3 circuit judges in counties with 3 or more circuit court branches to assist the judges with clerical and administrative duties. The qualifications and duties of these judicial assistants shall be established by the director of state courts.

The Governor's budget expands the types of expenditures circuit court support grants may be used for to include any court costs, except costs related to courtroom security, including security personnel, and costs related to rent, utilities, maintenance, rehabilitation and construction of court facilities.

Courts Funding Summary

	Current Base	GAL Base	New Funding	Total
FY 96	\$7.6 mil.	\$4.7 mil.	\$4.8 mil.	\$17.2 mil.
FY 97	\$7.6 mil.	\$4.7 mil.	\$9.7 mil.	\$22.1 mil.

A. Increased Funding

BOARD ACTION: March 17, 1995
 Board of Directors: Support.

B. Funding Formula Change

BOARD ACTION: March 17, 1995
 Board of Directors: Seek to amend to provide a hold harmless.

C. Courtroom Security

BOARD ACTION: March 17, 1995
 Board of Directors: Seek to amend to provide courtroom security funding.

Youth Aids

Item #25

A. Funding

The Governor's budget provides \$84,471,400 GPR in youth aids to counties in FY 96 and \$62,775,600 GPR in FY 97. The budget also provides \$2,449,200 PR-Federal in each year of the biennium.

Under current law relating to youth aids, various state and federal funds are allocated to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. The Department of Health and Social Services (DHSS) charges counties (bills them or deducts from their allocation) for the costs of services provided by DHSS.

The Governor's budget provides the amount of youth aids funds allocated to counties for the 1995-97 state fiscal biennium as follows:

Youth Aids Funding Summary*

	Jul 1, 1995 Dec 31, 1995	Jan 1, 1996 Jun 30, 1996	Jul 1, 1996 Dec 31, 1996	Jan 1, 1997 Jun 30, 1997
Community youth and family aids	\$38,030,400	\$38,030,400	\$34,467,700	\$30,572,700
High crime supplement		\$4,991,100	\$1,000,200	
Non-Supplement	\$100,000	\$100,000		
Emergency funds		\$125,000	\$250,000 (FULL YEAR)	\$125,000
Rate Increases		\$2,184,600	\$2,353,700	

* The numbers in the analysis and chart are inconsistent due to AODA and federal funding clarifications which need to be made.

BOARD ACTION: March 17, 1995 Board of Directors: Support increased funding.

B. Daily Rates

The Governor's budget also provides new per person daily cost assessments on counties for juvenile placements during the 1995-97 biennium as follows:

	For placements effective Jul 1, 1995	For placements effective Jan 1, 1996	For placements effective Jul 1, 1996	For placements effective Jan 1, 1997
Juvenile correction institutions	\$127.98	\$127.98	(to be set by statute)	(to be set by statute)
Transfers from a juvenile correctional institution to a treatment facility	\$127.98	\$127.98	(to be set by statute)	(to be set by statute)
Adult correctional institutions	(set by DOC rule)			
Child caring institutions	\$147.84	\$153.80	\$153.87	\$156.98
Group homes	\$102.44	\$106.60	\$106.69	\$108.86
Foster care	\$22.84	\$23.80	\$23.80	\$24.29
Treatment - foster care	\$65.94	\$68.58	\$68.58	\$69.95
Departmental corrective sanctions services	\$81.55	\$81.55	\$82.11	\$82.11
Departmental aftercare	\$13.00	\$13.00	\$13.28	\$13.29

BOARD ACTION: March 17, 1995 Board of Directors: Oppose.

C. Youth Aids Carryover

Current law permits DHSS to carry forward for a county from one calendar year to another not more than 3% of the youth aids funds allocated to that county for that calendar year.

The Governor's budget raises that limit to 5%.

BOARD ACTION: March 17, 1995 Board of Directors: Support.

D. Youth Aids Emergency Funds

Also under current law, DHSS allocates certain youth aids funds for youth aids emergencies in counties that have a population under 45,000. The Governor's budget permits DHSS to carry forward to the next 2 calendar years emergency youth aids funds that are not encumbered or otherwise carried forward in a calendar year.

BOARD ACTION: March 17, 1995 Board of Directors: Support.

E. JCI Rates

The budget requires DHSS to submit to the secretary of administration and the co-chairpersons of the joint committee on finance proposed rates to counties for maintaining a child in a juvenile correctional institution during the 1996-97 state fiscal year and requires the secretary of administration, if he or she approves of those rates, to submit proposed legislation providing for those rates to the co-chairpersons of the joint committee on finance.

BOARD ACTION: March 17, 1995 Board of Directors: Monitor.

F. Youth Aids Formula Changes

The budget also requires DHSS to evaluate the formula used by DHSS to allocate youth aids to counties in light of any changes in the number of children placed under the supervision of DHSS as a result of amendments in the law made by this bill and submit to the secretary of administration and the co-chairpersons of the joint committee on finance a proposed youth aids formula that reflects that change. If the secretary of administration approves of that formula he or she must include it in the 1997-99 budget compilation.

BOARD ACTION: March 17, 1995 Board of Directors: Monitor.

G. JCI Annual Rate Assessment

Under current law, DHSS must adjust the per-person daily cost assessment upon counties for state-provided juvenile correctional services at least annually. If there is an increase in the assessment, DHSS must increase the funds available to counties to cover that increase. The Governor's budget eliminates the requirements that DHSS adjust that assessment annually and provide funding to cover any increase in that assessment.

BOARD ACTION: March 17, 1995 Board of Directors: Oppose.