

**Violent Offenders**

Item #26

Under current law, youth aids may not be used for children who are placed in juvenile correctional institutions on the basis of having committed first-degree intentional homicide, first-degree reckless homicide, felony murder, second-degree intentional homicide, first-degree sexual assault or armed robbery or for persons under 19 years of age who are placed in adult correctional institutions under the extended jurisdiction provision of the children's code on the basis of having committed first-degree intentional homicide, first-degree reckless homicide, second-degree intentional homicide or first-degree sexual assault. Under current law, the cost of care for these children and persons under 19 years of age is paid at a specified per person daily reimbursement rate from general purpose revenues appropriated to DHSS.

The Governor's budget eliminates payment for those children from general purpose revenues appropriated to DHSS effective July 1, 1996.

**BOARD ACTION:** March 17, 1995 Board of Directors: Seek to amend to insure that the state reduce county youth aids no more than the dollar equivalent of the juveniles ordered by the court to any state facilities or programs.

**Secure Correctional Facilities**

Item #27

Under current law, the Department of Health and Social Services (DHSS) operates the juvenile secured correctional facilities known as the Ethan Allen school

and the Lincoln Hills school. Those facilities are used for the placement of children who have been adjudicated delinquent and placed in one of those facilities under the supervision of DHSS.

The Governor's budget transfers from DHSS to the Department of Corrections, effective July 1, 1996, the Ethan Allen and Lincoln Hills schools.

**BOARD ACTION:** March 17, 1995 Board of Directors: Seek to amend to insure that the state reduce county youth aids no more than the dollar equivalent of the juveniles ordered by the court to any state facilities or programs.

**Serious Juvenile Offender Program**

Item #28

Under current law, beginning on December 1, 1995, the Department of Corrections (DOC) will administer a youthful offender program for children who have been adjudicated delinquent and ordered to participate in the program. A juvenile court may place a child in the youthful offender program if certain criteria are met including the juvenile is 16 years of age or older and committed an act that would be punishable as a Class A, B, C or D felony if committed by an adult; \$30,000 or more has been expended on providing services for the child under previous dispositional orders since the child attained the age of 12; the judge finds that the only other appropriate disposition for the child would be placement in a secured correctional facility; and DOC recommends placement of the child in a secured correctional facility.

Ordinarily, a dispositional order under the children's code expires after one year. An order for a child to participate in the youthful offender program, however, extends for 5 years or, if the child has been adjudicated delinquent for committing a violation that would be punishable by life imprisonment if committed by an adult, until the child reaches 25 years of age. The parole commission, however, may grant a participant parole after he or she has completed 2 years of participation in the program and DOC may discharge a participant from participation in the program and from the legal custody of DOC after he or she has completed 3 years of participation in the program. Under current law, DOC may not transfer legal custody and control over a participant in the program to the Department of Health and Social Services.

The Governor's budget changes the name of the youthful offender program to the serious juvenile offender program, lowers the age of eligibility for participation in the program to 14 years, eliminates the requirement that \$30,000 has been expended previously on providing services for the child, permits DOC to transfer supervision and control over a program participant to DHSS if DHSS agrees, permits DHSS to transfer a person under DHSS supervision to the program if DOC agrees and specifies the violations for which a juvenile court must place a child in the serious juvenile offender program, unless the juvenile court, in its discretion, places a child in a juvenile secured correctional facility under the supervision of DHSS instead.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to insure that the state reduce county youth

aids no more than the dollar equivalent of the juveniles ordered by the court to any state facilities or programs.

### **Jurisdiction of Juvenile Court**

Item #29

Under current law, a person 18 years of age or older who violates a criminal law is subject to the jurisdiction and procedures of the court of criminal jurisdiction (adult court) and, on conviction, is subject to an adult sentence.

The Governor's budget lowers from 18 to 17 the age at which a person who violates a criminal law is subject to the jurisdiction and procedures of the adult court and, on conviction, to an adult sentence.

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

### **Capacity Building Funds**

Item #30

Under current law, in the first 6 months of 1995, the Department of Health and Social Services (DHSS) is to distribute \$2,500,000 to counties for early intervention services for juvenile first offenders and for intensive intervention services for seriously chronic offenders. Under current law, in order to receive capacity building funds, a county must show "maintenance of effort", that is, the county must ensure that it will maintain or increase its aggregate level of juvenile delinquency-related expenditures from sources other than capacity building funds at or above its average level of expenditures for the 2 years preceding the year in which the capacity building funds are paid. Currently, 33% of the capacity building funds are to be distributed by

DHSS based on each county's proportion of the number of children taken into custody statewide for alleged violations that would be Class A or B felonies if committed by an adult during the most recent 2-year period for which that information is available.

The Governor's budget directs DHSS to distribute \$2,500,000 in capacity building funds in each calendar year, eliminates the maintenance-of-effort requirement and changes the distribution formula so that 33% of the capacity building funds are distributed based on each county's proportion of the violent Part I juvenile offenses reported statewide under the uniform crime reporting system of the Office of Justice Assistance in the Department of Administration during the most recent 2-year period for which that information is available.

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

### **Intensive Supervision Programs**

Item #31

Under current law, a county department of human services or social services may provide an intensive supervision program, consisting of intensive surveillance and community-based treatment services, for children who have been adjudicated delinquent and ordered to participate in an intensive supervision program. Under current law, the Department of Health and Social Services must award \$100,000 in grants in fiscal year 1994-95 to county departments to provide intensive supervision programs.

The Governor's budget eliminates the authority of county departments to provide intensive supervision programs.

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

### **Intensive Aftercare Program**

Item #32

Current law provides an intensive aftercare program for children who have been released from secure correctional facilities, child-caring institutions and secure alcohol and other drug abuse treatment programs with the aim of reducing recidivism by determining what types and levels of intensity of services are effective for reducing recidivism for children on aftercare.

The Governor's budget eliminates the intensive aftercare program.

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

### **Corrective Sanctions Program**

Item #33

Under current law, the Department of Health and Social Services (DHSS) provides a corrective sanctions program, consisting of intensive surveillance and community-based treatment services, for children who have been adjudicated delinquent, placed in a secured correctional facility and selected by the juvenile offender review program in the division of youth services in DHSS to participate in the program. Under current law, the corrective sanctions program is funded under the youth aids program under which 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 and DHSS charges counties for their use of services provided by DHSS. Current law provides for a separate appropriation for the corrective sanctions program.

The Governor's budget consolidates the corrective sanctions program appropriation into the general juvenile correctional services appropriation.

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

### **Electronic Monitoring Of Children**

Item #34

Under current law, the Department of Corrections (DOC) may enter into contracts with counties to have DOC provide electronic monitoring for certain children who have been ordered by a court or court commissioner to be subject to electronic monitoring. Currently, children may not be assessed a fee for these services.

The Governor's budget broadens DOC's authority, allowing DOC to enter into a contract with a county social services department or the Department of Health and Social Services (DHSS) so that DOC can provide electronic monitoring services for any child who is in the custody or under the supervision of the county department or DHSS. DOC charges fees for the services that it provides. Under a placement agreement, the child or the child's parent or guardian may be charged a fee for these services.

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

### **Aftercare Supervision**

Item #35

Under current law, the Department of Health and Social Services (DHSS) may place in the juvenile boot camp program any child who has been adjudicated delinquent and placed in a juvenile secured correctional facility. Currently, DHSS or a county department of human services or social services may provide aftercare supervision for a child who is released from a juvenile secured correctional facility.

The Governor's budget requires a child who completes the juvenile boot camp program and who is released from a juvenile secured correctional facility to be placed under aftercare supervision administered by DHSS.

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

### **Extended Jurisdiction**

Item #36

Under current law, if a child is adjudicated delinquent on the basis of having committed first-degree intentional homicide and is placed in a juvenile secured correctional facility, the juvenile court must enter an order extending its jurisdiction over the child until the child reaches 25 years of age, unless the juvenile court discharges the child sooner. Under current law, if a child is adjudged delinquent on the basis of having committed first-degree reckless homicide, second-degree intentional homicide, mayhem, assault or battery in a juvenile

secured correctional facility, first-degree sexual assault, physical abuse of a child or causing mental harm to a child, the juvenile court must enter an order extending its jurisdiction over the child until the child reaches 21 years of age, unless the juvenile court discharges the child sooner.

The Governor's budget eliminates the extended jurisdiction of the juvenile court for violations committed on or after January 1, 1996.

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

### **Private Sector Businesses In A State Prison or Serious Juvenile Offender Institution**

Item #37

Under current law, the Department of Corrections (DOC) administers a prison industries program for the employment of inmates.

The Governor's budget permits DOC to lease space within prisons, or within correctional institutions for children, to not more than 3 private businesses to employ inmates or residents to manufacture products or components or provide services for sale on the open market.

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

### **Prison Industries**

Item #38

Current law prohibits the sale on the open market of most goods made by state, city or county prisoners. Current exceptions apply for items such as farm machinery, implement and tools.

The Governor's budget authorizes the sale, on the open market, of by-products of mattresses and by-products of paint from prison industries recycling operations. The Governor's budget also permits DOC to enter into or renew a contract with a manufacturer or distributor for prison industries to provide by-products of mattresses or by-products of paint from prison industries recycling operations. Before DOC either establishes a prison industry or enters into the contract relating to this activity, DOC must notify interested trade organizations and labor organizations.

The Governor's budget also authorizes tax-supported institutions and nonprofit agencies to sell, on the open market, products manufactured by inmates of any state penal institution as part of a hobby-craft program or vocational training.

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

### **Probation And Parole**

Item #39

Under current law, counties are generally responsible for the costs associated with prisoners in county jails. However, the Department of Corrections (DOC) must pay counties for certain costs relating to the maintenance of a person held, pursuant to a departmental hold order, in a county jail pending the disposition of his or her parole or probation revocation proceedings. Counties receive \$40 per prisoner per day subject to various restrictions. In addition, DOC must pay \$500,000 in each fiscal year to any county that had 12,000 or more reimbursable days in the prior fiscal year.

The Governor's budget raises the requirement to 18,000 or more reimbursable days in a fiscal year.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to require that the 12,000 day threshold be maintained and that sufficient funding be added to provide a \$500,000 payment to any county which meets such threshold.

### **Probation/Parole Fees**

Item #40

Under current law, the Department of Corrections (DOC) charges and collects fees for certain services that it provides.

The Governor's budget requires DOC to charge and collect a fee of \$1 per day from probationers and parolees. This requirement takes effect on July 1, 1996. A probationer or parolee is exempt from the fee while he or she is unemployed, in school on a full-time basis, undergoing treatment or unable to work for medical reasons. DOC must deposit the monies collected in the general fund.

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

### **Contracting For Probation And Parole Supervision**

Item #41

Under current law, the Department of Corrections (DOC) has general authority to enter into contracts to purchase care and services from public, private or voluntary agencies.

The Governor's budget specifically permits DOC to contract with public, private or voluntary vendors to provide for

the supervision of probationers and parolees who are under minimum or administrative supervision. These are probationers and parolees who need only infrequent face-to-face contacts with a probation and parole agent or other representative of DOC. The contract must authorize any such vendor to charge a fee to the supervised probationers and parolees.

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

### **Life Imprisonment Without Parole**

Item #42

Under current law, with certain exceptions for repeat serious felony offenders, if a person is convicted of first-degree intentional homicide or another crime punishable by life imprisonment, the court must sentence the person to life imprisonment and must make a parole eligibility determination either allowing ordinary parole eligibility provisions to apply or setting a later parole eligibility date.

The Governor's budget gives the court a third option: the court may provide that the life imprisonment is without the possibility of parole.

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

### **Jury Trials**

Item #43

Under current law, in civil cases, traffic cases, municipal court forfeiture actions and small claims actions if a jury is requested, the jury consists of 6 persons.

In certain cases, including traffic cases and forfeiture actions, a party to the action may request a greater number of jurors, not to exceed 12 persons.

The Governor's budget limits the number of jurors to 6 persons in cases involving traffic regulations.

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

### Court Proceedings By Telephone Or Live Audiovisual Means

Item #44

Under current law, certain specified proceedings in a criminal case may be conducted by telephone or live audiovisual means, if available. Some of these specified criminal proceedings may be conducted by telephone or live audiovisual means only with the consent of the defendant. The proceedings that require the defendant's consent in order to be conducted by telephone or live audiovisual means are as follows: 1) the defendant's initial appearance; 2) waiver by the defendant of a preliminary examination, a competency hearing or a jury trial; 3) motions for extending the time for a preliminary hearing or, if a speedy trial demand has been made, for extending the time for a trial; and 4) arraignment of the defendant, if the defendant intends to plead not guilty or will refuse to plead.

The Governor's budget eliminates the requirement that the defendant consent before these proceedings may be conducted by telephone or live audiovisual means. Under the budget, either party may request that these proceedings be conducted by telephone or live audiovisual means. The court may then permit the

proceedings to be conducted by telephone or live audiovisual means unless the opposing party shows good cause for not conducting the proceeding by telephone or live audiovisual means.

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

### Prisoner Medical/Dental Payments

Item #45

Under current law, if an inmate earns wages and receives medical or dental services, the Department of Corrections (DOC) may require him or her to pay a deductible, coinsurance, copayment or similar charge upon the services that the inmate receives.

The Governor's budget requires DOC to assess the inmate for the deductible, coinsurance, copayment or similar charge if the inmate requests the services. DOC must charge at least \$2.50 for each request. These provisions are subject to DOC's current authority to waive or except liability based on inability to pay.

BOARD ACTION: March 17, 1995  
Board of Directors: Seek to amend to permit counties to charge for similar services provided to inmates of county detention facilities.

### Court Document Fees Paid By The State Public Defender

Item #46

#### A. Fees Paid to Register in Probate, Sheriff and Clerk of Circuit Court

Current law requires the clerk of circuit court to collect a fee of \$1.25 per page for

copies of general court documents. The register in probate and sheriff collect a fee of \$1 per page for similar documents.

The Governor's budget requires the clerk of circuit court, the register in probate and the sheriff to charge the actual, necessary and direct costs for those documents when those documents are requested by the state public defender (SPD).

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

#### **B. Fees Paid to Prosecutors**

Additionally, current law requires that a prosecutor make available to a person charged with a crime certain information, such as statements of witnesses, police reports and reports of scientific testing, that the prosecutor has in his or her possession. The information must be made available for inspection and copying.

The Governor's budget requires the state public defender to pay any fee charged for photocopying any items that a prosecutor must make available to a person charged with a crime if SPD or a private attorney appointed by a SPD represents the person. The Governor's budget also provides that the fee that SPD may be charged for photocopies may not exceed the actual, necessary and direct cost of photocopying.

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

#### **SPD Indigency Verification**

Item #47

Under current law, the state public defender (SPD) may seek payment for legal services provided to persons who are

indigent in part, parents of children for whom the SPD provides legal counsel who are not indigent or who are indigent in part and from persons who have been represented by the SPD and whose financial circumstances improve.

Under the Governor's budget, the SPD must establish a system to verify the income, assets and expenses of the persons seeking representation, to keep records of the time spent by attorneys in providing representation, to make redeterminations of indigency during the course of representation and to collect payments from persons who have been provided counsel. The budget authorizes the SPD to gain access to, and to receive copies of, the income tax returns of its clients from whom the SPD seeks payment for legal representation.

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

#### **SPD Contracts With Private Attorneys**

Item #48

Under current law, the state public defender (SPD) provides representation for indigent persons in criminal, delinquency and certain related cases by using a system in which some cases are assigned to staff attorneys and some cases are assigned to private local attorneys. Generally, a private local attorney who receives such an assignment receives \$50 per hour for time spent in court, \$40 per hour for time spent out of court, excluding travel, and \$25 per hour for travel in certain situations. The SPD may also enter into annual contracts with private local attorneys to handle vehicle-related cases and to pay those attorneys an amount set in



the contract that does not exceed the previously described rates.

The Governor's budget expands this procedure by requiring the SPD to enter into as many of these contracts as possible, allowing the contracts to be made with attorneys or law firms, specifying that the contracts set a fixed-fee total amount (subject to the annual rate limits) and by having the procedure apply to all cases, not just traffic cases.

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

### State Public Defender Representation

Item #49

Under current law, the State Public Defender (SPD) may provide legal representation on behalf of an indigent person in a case attacking the conditions of the person's confinement, if the SPD believes the case should be pursued.

The Governor's budget eliminates this authority of the SPD.

Under current law, if an indigent person is the respondent in a paternity action and the petitioner is represented by the district attorney, corporation counsel, attorney responsible for support enforcement or some other state or county attorney, the indigent person is entitled to state-paid legal counsel under the SPD program on the issues of paternity determination and initial child support establishment. The legal services provided by SPD end, however, if during the paternity proceeding the results of blood tests show that the respondent is excluded as the father or that the statistical probability of

the respondent's being the father is 99% or higher.

The Governor's budget eliminates entirely the entitlement of an indigent respondent in a paternity action to state-paid legal services provided by SPD.

#### A. Indigent Paternity Actions

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

Under a decision by the Wisconsin Court of Appeals, which the Wisconsin Supreme Court refused to review and thus upheld, an indigent person is entitled to representation by the SPD in an action of contempt of court that is brought by the state.

The Governor's budget limits the situations in which the SPD may provide legal representation. The SPD may not provide legal representation to a person who is subject to a contempt of court proceeding for failure to pay child support or family support if the matter is not brought by the state or if the judge or family court commissioner hearing the matter certifies to the SPD that the person will not be incarcerated if found in contempt.

#### B. Representation

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

### Court Reporter Appointments

Item #50

Under current law, each circuit judge is responsible for appointing a court reporter to serve in the branch of that circuit judge.

The director of state courts must certify that the court reporter is qualified.

The Governor's budget removes that language and requires the chief judge of the judicial administrative district, in cooperation with the district court administrator, to appoint, assign and supervise the court reporters serving the circuit courts within that judicial administrative district.

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

### **Court Reporter Transcript Fees** Item #51

Under current law, a court reporter receives a fee for a transcript for the court record of \$1.50 for a 25-line page for the original and 50 cents for a 25-line duplicate. The fee is generally paid by the county. If the state public defender represents the defendant, the state may pay the fee. If a party to an action requests a transcript, the court reporter receives a fee of \$1.75 for a 25-line page for the original and 60 cents for a 25-line page duplicate. Court reporters may make a special charge for making transcripts from day to day during a proceeding.

The Governor's budget allows a court reporter to collect transcript fees after June 30, 1995, only if the transcript is produced on computer-aided transcription equipment owned by the court reporter and purchased before January 1, 1995. The budget also eliminates court reporter fees after June 30, 1997.

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

### **Drug Law Enforcement Grants** Item #52

Under current law, the Department of Justice (DOJ) has various drug enforcement appropriations that are slated to end on June 30, 1995.

The Governor's budget removes those ending dates, except it does not remove the ending dates for drug law enforcement grants to certain cities and counties and for federal aid for a state reward program.

Under current law, there is a general purpose revenue (GPR) appropriation that is used for drug law enforcement programs, for certain crime laboratory costs and to match federal funds. The appropriation is made on a sum sufficient basis, subject to certain spending limits.

The Governor's budget changes the appropriation to a sum certain.

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

### **Milwaukee County Drug Court** Item #53

Under current law, no money may be encumbered after June 30, 1995, from the appropriation that provides money received by a state agency to reimburse Milwaukee County for the costs of operating a drug court in Milwaukee.

The Governor's budget changes that sunset date to June 30, 1997, continues funding for that court and repeals an obsolete appropriation account.

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

## **Firearms Court - Milwaukee County**

Item #54

The Governor's budget requires the chief judge in the Milwaukee County judicial administrative district to designate one circuit court branch to handle cases related to possessing, using or threatening to use a firearm.

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

## **Prison Industries**

Item #55

Under current law, the Department of Corrections (DOC) administers the prison industries program in the state prisons.

The Governor's budget allows DOC to operate prison industries in any correctional institution for children that is operated by DOC.

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

## **Court Fee**

Item #56

Under current law, the clerk of circuit court collects a fee of \$10 from anyone who files a petition requesting child support, maintenance or family support, except persons on public assistance or the state or its delegate. Current law provides that this fee is paid to the clerk of circuit court for the county's cost of administering the child and spousal support and paternity program.

The Governor's budget clarifies that the \$10 fee is paid for the county's court services related to the filing of a petition for support or maintenance.

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

## **Fees For Civil Actions**

Item #57

Under current law, the fees collected by the clerk of circuit courts for most civil actions were increased for the period from September 1, 1989 to December 31, 1995. After December 31, 1995, current law provides that the fees will revert to the lower amounts established before September 1, 1989.

The Governor's budget removes the sunset date of December 31, 1995, for lowering the fees.

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

**PERSONNEL AND LABOR  
RELATIONS**

**Wisconsin Employment  
Relations Commission**

Item #58

The Governor's budget merges the Wisconsin Employment Relations Commission (WERC), the Personnel Commission, and the Labor and Industry Review Commission into one commission which is named the Wisconsin Employment Commission (WEC). In addition, the budget transfers the WERC Council on Municipal Collective Bargaining which had been examining options to the current binding arbitration law (which is scheduled to sunset on July 1, 1996) to the newly formed WEC.

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

**Privatization Of Mediation  
Services**

Item #59

Under current law, the Wisconsin Employment Relations Commission (WERC) mediates labor disputes in private, local government and state employment for the purpose of identifying and narrowing differences between the parties and encouraging voluntary settlement of the dispute. WERC employs staff members for the purpose of providing mediation services, which are available at state expense.

The Governor's budget prohibits any officer or employee of WERC from providing mediation of a labor dispute by any other person. Under this bill, parties to a labor dispute may retain any person other than an officer or employee of WERC to provide mediation services.

The cost of these services is divided equally between the parties. In labor disputes involving local government or state employment, the parties must notify WERC in writing of the name and address of any mediator who is retained by the parties.

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

**Job Training Program  
Consolidation**

Item #60

Under current law, various state agencies such as the Department of Industry, Labor and Human Relations (DILHR), the Department of Health and Social Services (DHSS), the Technical College System (TCS), the Department of Public Instruction (DPI), the Department of Development (DOD) and the Department of Administration (DOA) administer various state and federal employment and education programs such as employment and training programs under the federal Job Training Partnership Act (JTPA), the federal Job Opportunities and Basic Skills Program (JOBS), the federal Food Stamp Employment and Training Program, the federal Adult Education Act, the federal Carl D. Perkins Vocational and Applied Technology Education Act, the federal School-to-Work Opportunities Act, the State Youth Apprenticeship Program, the federal Public Employment Office System and the National and Community Service Corps.

The Governor's budget consolidates oversight over the planning, coordination, administration and implementation of those programs, and such other programs as the Governor may assign, under the

Governor's Council on Workforce Excellence (Council) which is created by the budget. The budget requires the Council, consisting of the heads of the agencies responsible for administering employment and education programs and representatives of the public school system, 4-year postsecondary educational institutions, technical college districts, community-based organizations that provide employment training, business and industry and organized labor, to do all of the following:

1. Identify the workforce development needs of the state and recommend goals for meeting those needs and steps for meeting those goals.
2. Recommend a strategic plan for coordinating the provision of services and the allocation of funding and resources under the various state and federal employment and education programs.
3. Monitor the provision of those services and the allocation of that funding and those resources and evaluate the effectiveness of those programs in meeting the state's workforce development needs.
4. Recommend the seeking of waivers of federal laws, regulations or policies that impede the effectiveness or coordination of those employment and education programs.
5. Recommend occupations for the youth apprenticeship program and

skill standards for the school-to-work program.

The Governor's budget further consolidates the state's employment and education programs by doing all of the following:

1. Direct the Council to prepare, by no later than January 15, 1996, a plan that terminates other state advisory bodies that are duplicative of the council created under the budget or whose duties and responsibilities can be taken over by the Council and a plan that reorganizes all substate boundaries for the local administration of employment and education programs so that those boundaries are contiguous with the TCS district boundaries.
2. Direct DILHR to prepare, by no later than February 15, 1996, a plan that structures the new functions and personnel of DILHR, as affected by this bill.
3. Upgrade the office of workforce excellence in DILHR, which currently coordinates and implements DILHR's workforce excellence initiatives, to the division of workforce excellence and expanding the duties of that new division to include planning, coordinating, administering and implementing the youth apprenticeship program and the school-to-work program.

4. Terminate the youth apprenticeship council and assigning the duties of that council to the Council on Workforce Excellence.

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

Current law requires DILHR to contract with the TCS Board for the development of curricula for the youth apprenticeship program.

The Governor's budget maintains the requirement that DILHR contract for the development of youth apprenticeship curricula, but eliminates the requirement that the contract be with the TCS Board.

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

### **Classified State Employment**

Item #61

Under current law, employees in the Department of Revenue (DOR) and the Department of Regulation and Licensing (DORL) serve in positions in the classified service. The Governor's budget, in an effort to create a more taxpayer responsive state employment system, places these employees in the unclassified service. This means they are no longer covered under the State Employment Labor Relations Act (SELRA), with the result that they no longer have collective bargaining rights, and their compensation, with certain exceptions, is determined in accordance with the state compensation plan rather than according to a collective bargaining agreement. This bill also removes those employees from the protections provided under the whistleblower law (for disclosure of information relating to a law violation, abuse of authority, etc.).

# **TAXATION AND FINANCE**



## **Shared Revenue/County Mandate Relief Payments**

Item #62

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.

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.

The amounts provided in the budget for mandate relief payments and shared revenue represent full funding of obligations made by the Legislature last session.

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

## **Shared Revenue - Utilities**

Item #63

Under current law, light, heat and power companies are subject to a state license fee and are exempt from property taxes. The municipalities and counties in which they are located receive shared revenue payments because of their existence.

Under the Governor's budget, facilities that sell at least 95% of their net production of electricity to public utilities and to other entities that sell electricity to the public and that have a power production capacity of less than 50 megawatts also are subject to the state license fee, and municipalities and counties in which they are located also receive shared revenue payments because of them.

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

## **County Assessor Systems**

Item #64

Under current law, the state pays to counties that have county assessor systems either 75% of the costs of the system or 75% of the sum of 0.2 mill multiplied by the full value of taxable property in the county plus \$3.95 multiplied by the number of parcels of land in the county, whichever is less.

Under the Governor's budget, the state will not pay any of the costs of county assessor systems, but the county may charge the cities, villages and towns in the county for the cost of the assessment.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to require the state to fully fund countywide assessing *or* remove restrictive language effectively precluding a county from halting the practice.

## **Fees Charged For Delinquent Taxes**

Item #65

Under current law, the Department of Revenue (DOR) may collect from persons

who owe delinquent taxes, fees, interest or penalties a fee of \$25 or 4.5% of the amount owed, whichever is greater, for each of the person's delinquent accounts.

Under the Governor's budget, the fee is \$35 or 6.5% of the amount owed, whichever is greater.

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

### **Local Exposition District Tax Distribution**

Item #66

Under current law, local exposition districts may authorize local taxes to support an exposition center. Such local taxes that are collected by this state are returned to the local exposition district through an annual appropriation.

Under the Governor's budget, the tax money collected is returned under a continuing appropriation.

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

### **Tax Incremental Districts**

Item #67

Under the current Tax Incremental Financing (TIF) Program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50% of the area to be included in the TID is blighted, in need of rehabilitation or suitable for industrial sites.

The Governor's budget creates a mechanism by which the planning commission of a city or village may

allocate positive tax increments generated by one TID to another TID created by that planning commission if certain conditions are met.

The Governor's budget also extends the life span of TIDS that are created before October 1, 1994. For such TIDS, the maximum life span is increased from 23 years to 27 years, DOR may allocate tax increments for 27 years instead of 23 years and the maximum time that a TID may exist after the last expenditure identified in the project plan is made is increased from 16 to 20 years. The budget does not increase the maximum period of time, which is seven years, during which tax increments may be expended.

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

### **County Sales Tax Administration**

Item #68

Under current law, counties have the option of imposing a county sales tax at a rate of 0.5%. The state processes return, enforces compliance, distributes monthly checks, and retains 1.5% of the tax to defray its costs. Retailers collect and remit the tax to the state, keep track of where sales occur, and keep another 0.5% to help defray their administrative costs. Counties receive 98% of the 0.5% tax collected for them.

The Governor's budget lapses, on June 30, 1997, \$1,000,000 to the general fund from an appropriation account for county sales tax administration.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to require that the funds be allocated to

counties or reduce the amount of county sales tax revenue retained by the Department of Revenue.

### **Sales Tax Exemption - Telephone Companies**

Item #69

The Governor's budget discontinues the sales tax exemption for telephone companies' central office equipment.

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

### **Sales Tax Exemption - Time-Share Property**

Item #70

Under current law, the sale of time-share property is subject to the real estate transfer fee and is exempt from the sales tax if the use is fixed as to both the starting date of occupancy and as to the lodging unit. The sale of other time-share property is subject to the sales tax and is exempt from the real estate transfer fee.

Under the Governor's budget, the sale of all time-share property is subject to the sales tax and exempt from the real estate transfer fee.

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

### **Property Tax Exemption - HMO And LSHO**

Item #71

The Governor's budget discontinues any property tax exemption that may be available to an organization that offers a health maintenance organization (HMO) plan or a limited service health

organization (LSHO) plan (2 types of fixed payment health insurance plans).

The Governor's budget also discontinues any income or franchise tax exemption that may be applied to income derived from a HMO or LSHO plan.

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

### **Property Tax Exemption - DD Institutions**

Item #72

Under current law, the property of institutions that care for at least 150 "mentally deficient" children is exempt from taxation.

Under the Governor's budget, the property of institutions that care for at least 150 developmentally disabled individuals, regardless of their age, is exempt from taxation.

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

### **Local Government Property Insurance Fund**

Item #73

Under current law, the general fund must repay a loan of \$10,000,000, from the local government property insurance fund in 5 annual installments of \$2,000,000, principal plus interest accrued, beginning on June 30, 1995.

The Governor's budget repeals that provision and requires the secretary of administration to repay from the general fund, on the date the budget bill becomes law, the outstanding balance of the loan

without interest. The Governor's budget provides that the repayment of the outstanding balance without interest fully discharges the obligation to repay the loan.

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

### **Local Government Pooled Investment Fund**

Item #74

Under current law, any local government in this state, as well as any circuit or municipal court, the Wisconsin Health and Educational Facilities Authority and the Wisconsin Housing and Economic Development Authority may deposit monies with the state, which are then pooled to form the local government pooled-investment fund. The fund is invested by the State Investment Board until such time as the government, court or authority depositing the monies requests their return. The state treasurer administers this fund and may deduct quarterly not more than 0.25% of the income received from the earnings of the fund during the preceding calendar quarter as reimbursement for his or her expenses of administration.

The Governor's budget permits the state treasurer to deduct quarterly not more than 0.5% of the income received from the earnings of the fund during the preceding calendar quarter as reimbursement for his or her expenses of administration.

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

### **State Trust Fund Loans**

Item #75

Under current law, a local governmental unit may obtain a loan from the state trust fund under certain conditions. A loan is repayable in annual installments of principal and accrued interest for a term of not more than 20 years. Loan repayments, including interest, are due by March 15 of each year. A local governmental unit may prepay one or more installments after March 15 and before August 1 of any year.

The Governor's budget provides that the due date for repayment of any loan made from state trust funds shall be specified in a written agreement between the Board of Commissioners of Public Lands and the local governmental unit obtaining a loan. The Governor's budget also permits any local governmental unit which obtains a loan to prepay any part of the principal and accrued interest at any time.

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

### **State Treasurer Training Conferences**

Item #76

The Governor's budget permits the state treasurer to conduct conferences for the purpose of training county and municipal clerks and treasurers, and employees of their offices in their official responsibilities.

The budget also permits the treasurer to charge participants in any conference a fee for their participation, which may not exceed the proportionate cost of conducting the conference.

The Governor's budget appropriates to the state treasurer all revenues received from such fees for the purpose of conducting training conferences.

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

# **HEALTH AND HUMAN SERVICES**

## **DHSS Reorganization**

Item #77

The Governor's budget transfers some of the powers and duties currently under the authority of the Department of Health and Social Services (DHSS) to the Department of Industry, Labor and Human Relations (DILHR). With the transfer of additional job training and other programs to DILHR, the department is renamed the Department of Industry, Labor and Job Development (DILJD). The economic assistance programs remaining under the authority of the current DHSS largely focus on health and family services resulting in the renaming of this department to the Department of Health and Family Services (DHFS). The following is the list of programs that will remain with DHFS and those that will be transferred to DILJD:

<b>DHFS</b>	<b>DILJD</b>	<b>DOA</b>
GR (or pursuant to the budget: emergency medical relief)	AFDC	Low income energy assistance program (LIEAP)
State SSI Supplement	JOBS	
MA other than under county income maintenance	Learnfare	
RNIP other than under county income maintenance	Work-not-welfare	
	Parental responsibility	
	Food stamps	
	Food stamps employment & training	
	Children-first	
	Funeral expenses for public assistance recipients program	
	Income maintenance	
	Supervision of medical assistance for county income maintenance purposes	
	Supervision of RNIP for county income maintenance purposes	

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

## **Elimination Of General Relief**

Item #78

Currently counties are mandated to provide general relief to all eligible dependent persons within the county.

The Governor's budget repeals the mandate that counties provide general relief and creates the option for a county to establish an emergency medical relief agency to provide emergency medical relief services. The Relief of Needy Indian Persons (RNIP) program is also eliminated as a mandate and rolled into the emergency medical relief program.

Counties may establish their own relief programs that are more comprehensive than emergency medical relief, however, state reimbursement will only be provided to counties that elect to provide emergency medical relief and only for eligible emergency medical relief expenses.

**Eligibility:** Eligibility for the emergency medical relief program is similar to eligibility under the current general relief program. A person is eligible for medical relief if they reside in a county that elects to provide emergency medical relief and the person qualifies under written criteria established by the county emergency medical relief agency. The same state residency requirements which currently exist under general relief apply to emergency medical relief, as do the provisions requiring ineligibility of persons who receive other forms of public assistance or who have divested themselves of resources. The one difference regarding eligibility under emergency medical relief is that persons who have been sanctioned under other public assistance programs or who have

become ineligible for AFDC under work-not-welfare program continue to be eligible for emergency medical relief.

**Benefits:** Cash benefits, in-kind relief and non-emergency medical benefits are no longer mandated nor will be reimbursed by the state.

Emergency medical relief benefits will be eligible for partial state reimbursement when, in the reasonable professional judgment of a physician, emergency medical treatment or hospitalization is necessary because severe physical or psychological damage to the recipient will occur if the treatment is withheld. DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) is required to promulgate rules establishing standards to be used by physicians in making this judgment.

**Administration:** Currently, counties must follow a number of requirements in administering general relief. These statutory requirements are largely repealed. Instead the Governor's budget directs DHFS to promulgate rules regarding the administration of emergency medical relief, including procedures for making eligibility determinations, procedures for counties to follow in obtaining partial reimbursement for emergency medical relief expenses and procedures for appealing eligibility determinations.

**State Reimbursement:** Currently, the state reimburses counties for up to 40% of eligible medical costs incurred by the county for a recipient of medical services under \$10,000 and up to 70% of eligible medical costs over that amount, except in



a county that enrolls their recipients in a prepaid health plan and meets certain additional criteria, in which case the state reimburses the county for 60% of enrollment costs.

Under the Governor's budget the reimbursement percentages are the same as under current law, but only for emergency medical services. The one exception is that if a county operates a comprehensive medical relief program and enrolls its participants in a prepaid health plan, the state will reimburse the county for 60% of the portion of the enrollment costs that are attributable to emergency care.

Repeal Of General Relief Work Programs: Currently, recipients of general relief may be required to participate in work or grant diversion programs.

Under the Governor's budget these programs are no longer eligible for state funding, but counties have the option of establishing their own programs and funding them.

A. Elimination of General Relief Grants:

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

B. Elimination of General Relief Medical:

BOARD ACTION: March 17, 1995  
Board of Directors: Seek to amend to require the state to finance its current obligations.

## Community Aids

### Item #79

Under current law counties receive community aids in the form of the basic county allocation (BCA) which funds social services in general. There are also specific allocations for services to children and families; supportive home care services; child care services; community support programs; community-based programs for the developmentally disabled; family support programs; Alzheimer's family and caregiver support services; emergency services; and alcohol and other drug abuse and mental health services.

The Governor's budget restructures community aids into a single block grant for all funds except for 3 specific categorical allocations required by federal law. These categorical allocations are: 1) prevention and treatment of substance abuse; 2) community mental health services; and 3) child care services.

The Governor's budget provides \$319,596,600 in FY 96 and \$319,337,700 in FY 97 for the general community aids allocation. In the categorical allocation, the budget provides \$11,037,600 in FY 96 and \$11,235,600 in FY 97 for the prevention and treatment of substance abuse, \$3,540,400 in FY 96 and \$3,540,00 in FY 97 for community mental health services and \$15,828,000 in FY 96 and \$15,928,700 in FY 97 for child care services.

The Governor's budget eliminates the requirement that counties provide a 9.89% match to state and federal funds. The budget also requires county departments of health or social services,

county departments of community programs and county departments of developmental disabilities services to submit to DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)), before October 1 of each year beginning in 1995, a proposed budget for the expenditure of community aids funds. In addition the bill requires DHFS to develop performance standards for all services funded through community aids. The performance standards are to be developed after consultation with DOA and with county departments and are required to be implemented no later than July 1, 1996.

See also - Personal Care Services

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

### **Personal Care Services**

Item #80

Currently, home and community-based personal care services are provided as a benefit under the MA program for eligible persons.

The Governor's budget eliminates personal care services as a benefit under the MA program. Currently the state provides \$14.7 million general purpose revenue (GPR) dollars to receive \$23 million federal matching dollars for personal care services in each fiscal year. With the change in the budget, the state is rolling the \$14.7 million into the Community Aids block grant and forgoing the \$23 million federal matching dollars in order to eliminate personal care services as a federal entitlement.

Counties will still have the option whether they choose to use the \$14.7 million GPR on personal care services.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to continue to receive matching federal dollars while limiting state spending through caps, waiting lists, or other alternatives.

### **Nursing Homes**

Item #81

The Governor's budget provides the nursing home industry with a 4.25% increase for fiscal year 1995-96 (FY 96) and a 5% increase for fiscal year 1996-97 (FY 97). Also in the budget are several provisions that would diminish the amount of these increases. Currently, there is a statutory "hold harmless" for nursing homes. This means that if a nursing home would receive a lower rate than the previous year due to the nursing home formula that the nursing home would be "held harmless" receiving the same rate as the previous fiscal year.

The Governor's budget changes the "hold harmless" provision so that a nursing home's reimbursement rate cannot fall below the rate that was in effect for the nursing home on June 30, 1994.

Numerous county facilities currently receive supplemental payments to cover the costs of caring for emotionally disturbed residents (ED supplement). The Governor's budget reduces funding for this supplement in FY 96 and eliminates the ED supplement altogether in FY 97 ( a loss of \$870,800 all funds). The Governor's budget also adds statutory language requiring DHSS (or

pursuant to the budget: the Department of Health and Family Services (DHFS)) to use interest and investment income of the nursing home and affiliated entities, to the extent required under the state's approved medical assistance plan, to offset allowable interest expenses.

**BOARD ACTION:** March 17, 1995 Board of Directors: Seek to amend to maintain the current "Hold Harmless" provision, maintain the emotionally disturbed supplement and eliminate the labor regions.

### **Home Health/Private-Duty Nursing Services**

Item #82

Currently Medical Assistance (MA) pays certified providers for certain benefits on behalf of MA recipients. There is a per-patient-visit limitation on reimbursement for certain home health services provided under MA.

*The Governor's budget provides an additional limitation:* MA reimbursement for home health and private-duty nursing services in a month may not exceed the average monthly cost of nursing home care, as determined by DHSS (or pursuant to the budget - Department of Industry, Labor and Job Development (DILJD)). This limit does not apply to a MA recipient under the age of 22, to a ventilator-dependent individual or if DILJD determines that the cost of providing an individual with nursing home care would exceed the cost of providing the individual with the home health and private-duty nursing services.

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

### **Elimination Of MA Eligibility For Skilled Nursing Home Services, Intermediary Care Facility Services And Active Treatment**

Item #83

Under current law, there are two general types of eligibility for MA. Under the first type of eligibility, sometimes referred to as categorically needy eligibility, persons must have low income, few assets and meet nonfinancial eligibility requirements for certain other forms of public assistance, such as AFDC or SSI. Under the second type of eligibility, sometimes referred to as medically needy eligibility, a person who meets the asset and nonfinancial eligibility requirements for categorically needy eligibility, but whose income is higher than the categorically needy requirements, is eligible when his or her medical expenses consume the amount of income that exceeds the categorically needy requirements.

The Governor's budget eliminates, as of January 1, 1996, skilled nursing home services and intermediate care facility services, except those in an Institution for Mental Disease (IMD), as benefits for persons who are eligible as medically needy under the MA program.

The Governor's budget also eliminates "active treatment" as of January 1, 1996. The budget also eliminates services that are substituted for skilled nursing or intermediate care services, to persons eligible as medically needy, under the Community Options Program (COP), and under the Community Integration Program (CIP) for relocated residents of

state centers for the developmentally disabled and certain other institutions. The budget provides for continuation of skilled nursing services and intermediate care facility services, including "active treatment", to persons who are, as of January 1, 1996, receiving the services as medically needy eligibles under the MA program, under COP and under CIP, if the federal department of health and human services grants waivers of federal medicaid laws to do so.

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

### **Assisted Living Facilities**

Item #84

The Governor's budget establishes a type of facility, known as an assisted living facility, for regulation by the DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) beginning July 1, 1996. An assisted living facility is defined as a place in which at least 5 adults reside, that consists entirely of independent apartments and that provides not more than 28 hours per week of supportive, personal and nursing services to a resident of the facility. The budget requires that assisted living facilities be certified by DHFS as a provider of MA in order to operate and provide services to MA recipients and requires DHFS to promulgate rules, approved by DOA, that establish standards for the certification.

The Governor's budget also requires DHFS to promulgate rules, as approved by DOA, that define "supportive, personal and nursing services" that are permitted, under the bill, to be provided in an assisted living facility. These

services may, under the bill, be reimbursed under MA funds under COP and CIP for MA eligible persons who meet certain reimbursable levels of care. Reimbursement must be at 85% of the statewide nursing home MA reimbursement rate. DHFS must establish this rate, as approved by DOA, by July 1 annually.

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

### **CIP 1B Rates**

Item #85

The Governor's budget permits the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)) to provide higher reimbursement for services under the program for persons who are relocated to the community from an intermediate care facility for the mentally retarded (ICF-MR) that closed. DHFS shall determine the higher reimbursement rate under a formula that DHFS develops. DHFS must, by January 1, 1996, and before providing higher reimbursement, submit the formula to the Department of Administration (DOA) for approval.

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

### **Admission to C-BRF'S**

Item #86

The Governor's budget prohibits a Community-Based Residential Facility (C-BRF) from initially admitting a potential resident who intends to pay for residency from private funds unless the C-BRF first obtains financial information

from the potential resident at the time that he or she applies for admission. The potential resident must waive to specified persons his or her right to confidentiality of the information provided. From this information, the C-BRF must prepare a statement of financial condition of the potential resident and provide the statement to him or her. The statement must estimate a date, if any, by which the person's assets and other funding sources would be depleted, must indicate that, at the time of depletion, public funding may not be available in order to remain in the C-BRF and must specify options available to the individual at that time. If the estimated date of depletion of the individual's funds is less than 24 months after the date of the financial statement, the C-BRF must forward the statement to the county department of social services.

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

### **COP Funding For C-BRF'S**

Item #87

The Governor's budget restricts the amount of Community Options Program (COP) funding that a county may use to provide long-term community support services to individuals who reside in Community-Based Residential Facilities (C-BRF's). The budget also applies these restrictions to the amount of funding that a county may use under the community integration program for persons relocated or meeting reimbursable levels of care (CIP II). Beginning on January 1, 1996, a county must annually establish, from the county's annual allocation of CIP II monies and of COP monies that are funded from state general purpose revenues or from federal medicaid waiver

monies, a maximum amount of not more than 25% for expenditure for services to persons residing in Community-Based Residential Facilities. The county must deny eligibility to these persons if they are initially applying for CIP II or COP services and if the funding for their care would exceed the 25% maximum, unless the Department of Health and Social Services (or pursuant to the budget: the Department of Health and Family Services (DHFS)) grants an exception based on the person's hardship that would result if the requirement is enforced. If a county's services, under CIP II or COP, to persons residing in C-BRF's exceed the 25% maximum as of January 1, 1996, the county may seek a waiver of the requirement from DHFS. DHFS must provide technical assistance to counties to explore alternative methods of providing services.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to increase the percentage allocation which may be spent for services for individuals in CBRF's to increase county flexibility.

### **Model Contract For COP**

Item #88

The Governor's budget requires the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)) to develop a model contract for the purchase of long-term community support services under the Community Options Program (COP) for persons who reside in Community Based Residential Facilities (C-BRF's). County departments of social services, human services, community programs or developmental disabilities services, aging

units and private nonprofit agencies that contract with providers for these services will be bound to use the model contract.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to make use of a model contract optional for counties.

## **Restrictions On Use Of CIP II**

### **Funding**

Item #89

Current federal medicaid law prohibits funding, under this state's MA program, of mentally ill persons aged 21 to 64 who receive services in a facility that the federal health care financing administration finds is an Institution for Mental Disease (IMD).

The Governor's budget prohibits the use of funds under the CIP II program for the home or community-based care of a person who is aged 21 to 64, who has a primary diagnosis of a mental illness, who is relocated to the community from a facility that is found to be an IMD and for which an IMD bed is delicensed.

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

## **County Hospital Operating Deficit Reduction Program**

Item #90

Under current law, the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)) must allocate to state, county, city or village hospitals up to \$3,300,000 of federal medicaid monies in each fiscal

year to reduce operating deficits incurred by those hospitals.

The Governor's budget increases the amount of federal medicaid funds that DHSS must distribute in each fiscal year to \$8,500,000 beginning July 1, 1996.

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

## **Supplemental Security Income (SSI)**

Item #91

Under current law, the state makes payments to certain individuals who meet the resource limitations and the nonfinancial eligibility requirements of the federal Supplemental Security Income (SSI) program. These individuals include needy persons or couples residing in this state who receive benefits under the federal SSI program. These individuals also include needy persons or couples residing in this state whose income, after deducting income excludable under the federal SSI program, is less than the combined benefit level available under the federal SSI program and the state supplement.

The Governor's budget changes these eligibility criteria. First, the budget repeals eligibility for the state supplement for those needy persons and couples whose income, after deducting income excludable under the federal SSI program, is less than the combined benefit level available under the federal SSI program and the state supplement. Second, the budget allows DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)), to make certain needy persons or couples

residing in this state who receive benefits under the federal SSI program ineligible for the state supplement if DHFS and the secretary of DOA approve the change in eligibility and the change is not disapproved by the Joint Committee on Finance or the Governor.

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

### **Work-Not-Welfare Changes**

Item #92

Currently, work-not-welfare is a pilot program operating in Pierce and Fond du Lac Counties. In general, persons who are subject to the pilot program in these counties receive a combined AFDC and food stamp cash benefit. The benefits are payable only for a limited time period, generally 24 months, and must be used within a specified benefit period. After the benefits are exhausted or the benefit period has expired, persons subject to the work-not-welfare program are generally ineligible for AFDC, general relief and relief of needy Indian persons for a 3 year period.

The Governor's budget changes a number of the provisions in the work-not-welfare program:

Currently under work-not-welfare, the monthly benefit amount is equal to the AFDC and food stamp benefit that would have been paid to the recipient if the recipient were not subject to the work-not-welfare program, with several exceptions. The benefit amount is calculated based on the average income of the work-not-welfare group, estimated prospectively for a 6 month period, except that, for the first 2 months of

participation in the program, the benefit amount is based on the estimated *average* income for those first 2 months.

The Governor's budget changes this provision so that, for the first 2 months the benefit amount is based on the estimated *actual* income for those first 2 months.

The benefit amount is generally readjusted only at regularly scheduled intervals, unless there is a "significant change in circumstances". An example of this is if the combined equity value of all of a work-not-welfare group's assets exceeds the asset limit for AFDC eligibility.

The Governor's budget amends this item to clarify that this provision does not apply to an AFDC recipient who is also subject to the vehicle asset demonstration project. The budget also amends the list to include: a) an increase or decrease in unsubsidized employment of 10 or more hours per week; b) a change in child care expenses of more than \$50 per month; and c) a change in the maximum allowable child care disregard.

A work-not-welfare group currently receives an additional month of benefits and a one-month extension in the group's benefit period for each month that a person in the work-not-welfare group receives benefits under the supplemental security income (SSI) program.

The Governor's budget changes this to also cover months in which a person has been determined to be eligible for, but does not receive, benefits under the SSI program.

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

**Limiting AFDC Grants For  
Additional Children**

Item #93

The Governor's budget requires the Department of Health and Social Services (DHSS) (or pursuant to the budget; the Department of Industry, Labor and Job Development (DILJD)) to conduct a demonstration project pursuant to a waiver from the federal government that would permit DILJD to limit increases in an AFDC grant for certain additional children. Under the demonstration project, DILJD would not consider, in determining the amount of the AFDC grant, a child born into a family more than 10 months after the date on which the family first was determined to be eligible for AFDC.

The Governor's budget creates a number of exemptions from this provision. First, the Governor's budget exempts certain children who are conceived as a result of sexual assault or incest. It also exempts a child who is born into a family that did not receive AFDC benefits for 6 months, other than as a result of being sanctioned, and who is born during that time or not more than 10 months after the family resumed receiving AFDC benefits.

The Governor's budget also exempts a child who does not reside with his or her biological parents. If the waiver is granted, DILJD may award grants to counties to provide family planning education services to persons covered by the waiver. The waiver does not apply to persons subject to the parental responsibility pilot program.

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

**Learnfare Changes**

Item #94

The Learnfare program currently requires certain recipients of Aid to Families with Dependent Children (AFDC) between the ages of 6 and 19 to attend school. If a recipient does not comply with the school attendance requirement, they may be sanctioned. The school attendance requirements are set by administrative rule.

The Governor's budget establishes statutory standards for the application of sanctions under Learnfare. The standards under the bill define a "habitual truant" as an individual who is absent from school without an acceptable excuse for part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester or for part or all of 10 or more days on which school is held during a school semester. A habitual truant is subject to the learnfare program.

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

**"Two-Tier Demonstration  
Project" Changes**

Item #95

Currently under the "Two-tier demonstration project", DHSS provides certain persons who are eligible for Aid to Families with Dependent Children (AFDC) and who have not previously resided in the state for at least 6 months, with an AFDC benefit for the first 6 months that they reside in this state that is based on the AFDC benefit levels in their



previous state of residence. The "Two-tier demonstration project" does not require that the AFDC applicant's previous residence in the state for 6 months be consecutive.

The Governor's budget changes this provision to require that the 6 months of residence be consecutive.

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

### **AFDC Waiver**

Item #96

The Governor's budget requires the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Industry, Labor and Job Development (DILJD)) to request a waiver from the federal department of health and human services relating to the Aid to Families with Dependent Children (AFDC) and the Job Opportunities and Basic Skills (JOBS) Program. Currently, AFDC recipients are required, unless they are exempt, to participate in the JOBS program. If the recipient does not participate, their AFDC grant may be removed for a specified period. The waiver requested under this bill would allow DILJD to reduce the amount of an AFDC grant based on the level of participation in the JOBS program. Under the waiver, if certain criteria are met, an amount equal to the federal minimum wage may be subtracted from the AFDC grant for every hour that the recipient is required to participate in a JOBS activity and does not participate and does not have good cause for not participating. The grant would be reduced by this amount for the subsequent month's check.

DHSS has already received a waiver from the federal government to permit the state to require participation in the JOBS program from certain parents or caretakers who would otherwise be exempt from participation under federal law and regulations. Current law utilizes part of this waiver to require participation of parents or caretakers of children who are at least 2 years old. Since the writing of this law, however, federal law has changed to allow states the option of requiring parents or caretakers who are at least one year old to participate in the JOBS program. The budget takes advantage of this federal law option to require JOBS participation of parents or caretakers of children who are at least one year old.

In addition, the budget requires DHSS (or pursuant to the budget : the Department of Industry, Labor and Job Development (DILJD)) to require AFDC applicants to provide verification of compliance with certain orientation and job search activities before providing aid under the AFDC program. Under the waiver, DILJD may require attendance at one or more orientation sessions during the 30-day period beginning on the date that the applicant applied for AFDC. Also under the waiver, DILJD would be able to require participation in not more than 30 days of job search activities by an AFDC applicant who is subject to the JOBS program.

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

### **AFDC Eligibility**

Item #97

Currently, under the Aid to Families with Dependent Children (AFDC) program

certain pregnant women are eligible for certain benefits beginning on the first day of the month in which the seventh month of pregnancy begins or on the first day of the first month after the pregnant woman notifies the county department of health or social services, whichever is later.

The Governor's budget changes the eligibility criteria for these benefits so that they do not begin until the first day of the month in which the eighth month of pregnancy begins.

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

### **Elimination Of State Supplement To WIC**

Item #98

Under current law, the Department of Health and Social Services (DHSS) supplements the provision of supplemental foods, nutrition education and other services to individuals who meet the eligibility criteria under the federal special supplemental food program for women, infants and children (WIC).

The Governor's budget eliminates this state supplement to the WIC program.

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

### **Expanded Medical Assistance (MA) Coverage For Case Management Services**

Item #99

Currently, medical assistance (MA) provides reimbursement only for certain

case management services that are provided through a certified case management provider in a county, city, village or town that elects to reimburse the case management provider for the portion of the costs that are not reimbursed by the federal government. In addition, case management services are only eligible if they are provided for certain diseases or disabilities such as: a) severely emotionally disturbed children; b) persons with a developmental disability; c) chronic mental illness; d) Alzheimer's disease; e) alcoholism or drug dependency; f) a physical disability; and g) HIV infection.

The Governor's budget adds to this list case management services to a family who has a child at risk of physical, mental or emotional dysfunction.

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

### **Expanded MA Coverage For Home Health, Medical Day Treatment, Mental Health And AODA Services**

Item #100

The Governor's budget creates a program to provide up to \$4,500,000 in federal MA monies in each fiscal year as a match to certain costs of a county department of social or human services that are in excess of reimbursement, under the MA program, for home health services, medical day treatment services, mental health services and AODA services. County departments that have operating deficits resulting from costs in excess of MA reimbursement for these services may apply to the Department of Health and Social Services (DHSS) (or pursuant

to the budget: the Department of Health and Family Services (DHFS)) for federal matching funds. DHFS must develop a method, using criteria specified in the bill, to distribute the federal monies to individual county departments of social or human services.

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

### **MA Coverage For AODA**

Item #101

Under current state law, Medical Assistance (MA) coverage for Alcohol and Other Drug Abuse (AODA) day treatment services expires on June 30, 1995, or on the day after publication of the 1995-97 biennial budget act, whichever is later.

The Governor's budget removes this sunset date.

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

### **Expanded MA Coverage For Out-patient Services**

Item #102

Currently, the Department of Health and Social Services (DHSS) distributes certain supplemental funding under the medical assistance (MA) program to county hospitals and county mental health complexes, as determined by DHSS, for inpatient hospital services that are not in excess of the hospitals' customary charges for the services and subject to certain other limitations under federal law.

The Governor's budget allows DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) to distribute this supplemental funding to county hospitals and county mental health complexes for all hospital services, not just inpatient services.

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

### **MA Coverage For Mental Health Crisis Intervention**

Item #103

Under current law, mental health crisis intervention services are not a covered benefit under the MA program.

The Governor's budget allows counties to elect to provide mental health crisis intervention services to MA recipients as a MA benefit. If a county elects to provide these services as a MA benefit, the county is required to reimburse the provider of the mental health crisis intervention services for the amount of the allowable charges for those services under the MA program that is not provided by the federal government. The Department of Health and Social Services (or pursuant to the budget: the Department of Health and Family Services (DHFS)) is required to reimburse the provider for the amount that is provided by the federal government.

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

**MA Eligibility For Case Management Under "Birth To Three"**

Item #104

Currently, MA pays for case management services only for persons who meet certain physical qualifications, who are otherwise eligible for MA and receive the services from a certified case management provider in a county, city, village or town that elects to make the services available.

The Governor's budget expands the eligibility for MA case management services to include children who are otherwise eligible for MA who receive early intervention services under the "Birth to Three" program.

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

**Recovery Of Public Assistance Overpayments**

Item #105

Currently, counties are authorized to recover overpayments under the food stamp, Aid to Families with Dependent Children (AFDC) and medical assistance (MA) programs, and maintain a percentage of the amount recovered. DHSS is also able to certify certain overpayments to the Department of Revenue (DOR) for offset against any tax refunds due the recipient of the overpayment.

The Governor's budget allows DHSS (or pursuant to the budget: the Department of Industry, Labor and Job Development (DILJD)) to charge counties for the

administrative costs that are incurred by DOR and that are related to certification of these amounts. Recovered administrative costs are credited to DILJD's appropriation for reducing error and fraud in the food stamp, AFDC and MA programs.

Currently, DHSS may recover overpayments of Aid to Families with Dependent Children (AFDC) benefits by reducing the amount of the family's monthly AFDC allowance by a specified percentage of the maximum monthly payment allowance for a family of that size. The percentage is 10% for overpayments resulting from an intentional violation by a member of the family, and is 7% in all other cases.

The Governor's budget eliminates this distinction and provides for a recoupment percentage of 10% in all cases.

Also under current law, counties often recover these overpayments under a recovery plan. The Governor's budget authorizes a county to assess persons who fail to comply with the terms of a recovery plan a fee not to exceed 10% of the amount remaining to be recovered at the time of the noncompliance. The fee may not be assessed more than once with respect to the same overpayment and may be assessed only if a person is no longer eligible for the type of benefits, such as food stamps, AFDC or MA that were overpaid.

The Governor's budget also requires DHSS (or pursuant to the budget: the Department of Industry, Labor and Job Development (DILJD)) to promulgate rules to establish rules and procedures to administer the recovery of overpayments

for AFDC, JOBS program, low-income and at-risk child respite care.

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

### **Reduced Funding For AODA Pilot Programs**

Item #106

Under current law, the Department of Health and Social Services (DHSS) awards up to \$500,000 in general purpose revenues in each fiscal year as grants to up to 8 counties to participate in a pilot program to implement and coordinate alcohol and other drug abuse programs and services relating to primary prevention. Each county receiving a grant awarded for this purpose must provide matching funds equal to 9.89% of the total amount received.

The Governor's budget reduces the amount of grant funds available to \$250,000 for counties to participate in the program to implement and coordinate alcohol and other drug abuse services relating to primary prevention.

The Governor's budget also eliminates the "pilot" designation for the program and requires that counties provide dollar-for-dollar match rather than the current 9.89%.

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

### **Background Checks For Employees Of Foster Homes, Treatment Foster Homes, Group Homes And Day Care Centers**

Item #107

The Governor's budget requires that, as part of the prelicensing investigation of a child welfare agency, group home, shelter care facility or day care center, DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)), with the assistance of the Department of Justice (DOJ), conduct a background investigation of the applicant for the license. If the applicant is applying for a license to operate a day care center for 4 to 8 children, DHFS must also conduct a background investigation of the employees and prospective employees of the day care center. If the applicant is applying for a license to operate a foster home, DHFS must also conduct a background investigation of all employees and prospective employees as a condition of initial licensure or license renewal. If a person being investigated is a nonresident, or at any time within the preceding 5 years has been a nonresident, or if the person conducting the investigation has a reasonable basis for further investigation of the person, the person conducting the investigation must require the person to be photographed and fingerprinted and DOJ may submit the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of verifying the identity of the person fingerprinted and obtaining their arrest and conviction record. DHFS may not issue a license to or renew the license of, a shelter care facility, child welfare agency, group home or day care center and such facilities may not employ any person who has been convicted of a

felony drug violation, who has had imposed on them an increased penalty for habitual criminality for certain domestic abuse offenses, for use of a dangerous weapon, for committing a violent crime in a school zone, for use of a bulletproof garment, for concealing their identity or for a hate crime or, subject to certain exceptions, who has been convicted of a crime against life and bodily security, a crime against sexual morality or a crime against children. DHFS may also order a child welfare agency, group home, shelter care facility or day care center that employs a person who has been so convicted or so punished to terminate the employment of that person immediately on receipt of the order.

The Governor's budget also requires DHFS, a county department or a child welfare agency to conduct the same background investigation of an applicant for a foster home or a treatment foster home license and to deny licensure to any applicant who has been so convicted or so punished.

**BOARD ACTION:** March 17, 1995  
Board of Directors: Seek to amend to include full funding for county administrative costs associated with conducting background checks.

### **Elimination Of Annual Reporting Requirement For Permanency Plans**

Item #108

Under current law, a permanency plan must be prepared for each child living in an out-of-home placement. A permanency plan must include, among other things, a description of the services offered to make it possible for the child

to return home and the conditions, including any changes necessary in the parent's conduct, that must be met for the child to be returned home. Current law requires the juvenile court or a panel appointed by the juvenile court to review a child's permanency plan every 6 months. Each county department of human or social services is required to report annually to the Department of Health and Social Services (DHSS) information on the membership of permanency plan review panels, the determinations of those panels and any other information that DHSS may require by rule.

The Governor's budget eliminates this requirement for counties.

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

### **County Guardianship For Purposes Of Adoption**

Item #109

Under current law, Milwaukee County may place children under its guardianship for adoption. All other counties must be licensed by the Department of Health and Social Services (DHSS) before they may place children under their guardianship for adoption.

The Governor's budget eliminates the requirement that all counties other than Milwaukee be licensed by DHSS before they may place children under their guardianship for adoption. This applies, however, only to foster home conversion cases, that is, cases in which the county department has placed a child in a foster home or treatment foster home and the

foster parents or treatment foster parents now wish to adopt the child.

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

### **Authority Over Children on Aftercare**

Item #110

Under current law, the Department of Health and Social Services (DHSS) has the right and duty to protect, train, discipline, treat and confine a child who is placed in a juvenile secured correctional facility and to provide food, shelter, legal services, education, and ordinary medical and dental care for the child, subject to the rights, duties and responsibilities of the guardian of the child and subject to any residual parental rights and responsibilities and the provisions of any court order.

The Governor's budget extends the rights and duties of DHSS over a child in a juvenile secured correctional facility to a child under the aftercare supervision of DHSS or of a county department of human services or social services.

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

### **"Children-First" Program**

Item #111

Currently, the Department of Health and Social Services (DHSS) may contract with a county to administer the "Children-First" program. This program provides work experience and job training for noncustodial parents who fail to pay child support or to meet their children's needs for support as a result of unemployment or underemployment. A judge may order, in

certain child support actions, a noncustodial parent to participate in the "children-first" program if the noncustodial parent lives in the county in which the court action occurs and that county has a children-first program.

The Governor's budget permits a judge to order a noncustodial parent to participate in a children-first program regardless of whether the noncustodial parent resides in the county in which the court action occurs. In order for the judge to order the noncustodial parent into the children-first program, however, the parent's county of residence must have a children-first program and the county must agree to enroll the parent in that program.

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

### **Grants To Counties For Severely Emotionally Disturbed Children**

Item #112

Under current law, the Department of Health and Social Services (DHSS) is authorized to transfer specified amounts of general purpose revenues that are appropriated under the MA program to another appropriation for either of two uses that are related to mental health services for severely emotionally disturbed children. First, the funds may be distributed for use by a county that receives a Robert Wood Johnson Foundation grant for severely emotionally disturbed youths, to provide the state share of MA payments for inpatient mental health services for severely emotionally disturbed children and to provide community-based mental health services. Second, the funds are for use as matching funds for a federal grant to a

county for comprehensive community mental health services for children with serious emotional disturbances. Amounts that are used for this purpose that are not encumbered by June 30, that is 24 months after the fiscal year in which they were distributed, lapse to the MA general purpose revenues appropriation.

The Governor's budget authorizes DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) to transfer funds, for use as inpatient and community mental health services for severely emotionally disturbed children, from the MA general purpose revenues appropriation for distribution to applying counties that meet certain requirements. In order to receive the funding, a county must be the recipient of a federal grant for comprehensive community mental health services for children with serious emotional disturbances; be the recipient of any other grant for services for severely emotionally disturbed children; or meet requirements for participating in the integrated services programs for children with severe disabilities and meet certain other requirements.

The Governor's budget requires that a county that is applying for the funds submit a proposed plan for children who are served under the program to be enrolled in a limited services health organization at the time that the program terminates. Funding that is used under this revised program that is not encumbered by a recipient county by the June 30, that is 24 months after the fiscal year in which the funds were distributed, lapses to the MA general purpose revenues appropriation.

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

### Consolidation Of Child Welfare Funding

Item #113

Under current law, federal child welfare funds received by the state are appropriated to the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)) and placed in appropriate accounts for federal program operations, community aids, youth aids and runaway services. Current law directs DHSS to expend not more than certain specified amounts of the appropriation account for administration of those funds, child welfare projects, child abuse and neglect independent investigations and child-at-risk field training. Current law directs DHSS to expend not more than certain specified amounts of the federal child welfare funds that are appropriated to the community aids appropriation account for child welfare services.

The Governor's budget eliminates the separate allocations for these various purposes and provides instead for one allocation amount for federal child welfare funds from the federal program operations appropriation account, and for one allocation amount for those funds from the community aids appropriation account, from which DHSS may expend funds for any of the purposes permitted under current law.

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



### At-Risk Child Care

Item #114

Under current law, DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) distributes GPR, community aids and federal child care grant monies to counties for "at-risk child care". At-risk child care provides services for parents who need child care to be able to work, who are not receiving AFDC and who are at risk of becoming eligible for AFDC, which is defined as having a family income that is equal to or less than 75% of the state median income. If the at-risk child care funds distributed to a county are insufficient to meet the needs of all eligible parents, the county must distribute those funds in a specified priority order.

The Governor's budget eliminates the order of priority of at-risk child care funds.

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

### Elimination Of The Children-In-Crisis-Program

Item #115

Currently, DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) awards GPR grants to counties that have high numbers of substantiated cases of child abuse and neglect to provide 24-hour crisis and respite care for abused and neglected children. This program is known as the "Children-In-Crisis" program.

The Governor's budget eliminates the "Children-In-Crisis" program.

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

### Amending The Definition Of Abandonment For Purposes Of Termination Of Parental Rights

Item #116

Under current law abandonment is grounds for termination of parental rights. Abandonment may be established by a showing that a child has been placed, or continued in a placement, outside of the parent's home by an order of the juvenile court and that the parent has failed to visit or communicate with the child for 6 months or longer. The Governor's budget shortens this period to 3 months or longer. Currently, abandonment may also be established by a showing that the parent has left the child with a relative or other person, that the parent knows or could discover the whereabouts of the child and that the parent has failed to visit or communicate with the child for one year or longer. The Governor's budget shortens that period to 6 months or longer.

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

### Expanded Grounds For The Termination Of Parental Rights

Item #117

Current law provides various grounds for involuntary termination of parental rights (TPR). Those grounds are: continuing need of protection or services, child abuse, continuing parental disability, abandonment, continuing denial of periods of physical placement, incestuous parenthood, failure to assume parental

responsibility and intentional homicide of a parent.

The Governor's budget creates continuing alcohol or other drug abuse as a new grounds for involuntary TPR and provides statutory language to establish what constitutes continuing alcohol or other drug abuse for purposes of involuntary TPR.

Under current law, child abuse may be established by showing that the parent has exhibited a pattern of abusive behavior which poses a substantial threat to the health of the child and that the parent has been convicted of a felony or causing death or injury to a child or that, on more than one occasion, a child has been removed from the home after being adjudicated to be in need of protection or services after a finding that sexual or physical abuse has been inflicted by the parent. The Governor's budget eliminates the pattern of abuse and substantial threat requirements so that either the felony conviction or the removal from the home because of sexual or physical abuse are sufficient to establish child abuse as grounds for involuntary TPR.

Also under current law, the parental rights of the father of a nonmarital child, that is, a child who is neither conceived nor born while their parents are married to each other, who has not been adopted or whose parents have not married and for whom paternity has not been adjudicated may be terminated on the grounds of failure to assume parental responsibility.

The Governor's budget also adds as grounds for involuntary TPR, intentional

homicide of a sibling, which may be established by a showing that a sibling has been the victim of first-degree intentional homicide or of second degree intentional homicide and that the person whose parental rights are sought to be terminated has been convicted of that intentional homicide.

Failure to assume parental responsibility may currently be established by a showing that the father has never established a "substantial parental relationship" with the child. The Governor's budget expands this ground for involuntary TPR to include mothers as well as fathers and marital, as well as nonmarital, children.

Also in regard to TPR's, the Governor's budget requires a guardian ad litem for a child who has been adjudged to be in need of protection or services to file a TPR petition for the child if it appears to the guardian ad litem that grounds exist for a TPR and that a TPR would be in the best interest of the child and if no other person who is authorized to file a TPR petition, such as the district attorney or corporation counsel, does so.

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

### **Indemnity For Certain Public Assistance Benefits**

Item #118

Currently, a county (or DHSS or an elected tribal governing body) that provides certain types of public assistance as the result of an injury, sickness or death that results in a possible recovery of an indemnity from a third party, including an insurer, may require an assignment of

the right of indemnity from the public assistance recipient.

The Governor's budget changes this to make the assignment automatic upon the application for public assistance.

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

**Carryover Of Certain  
Employment And Training Funds**  
Item #119

Currently, the Department of Health and Social Services (DHSS) has an appropriation for employment and training programs, which include the Job Opportunities and Basic Skills (JOBS) Program and the Food Stamp Employment and Training Project. Funds that are not encumbered under this appropriation by December 31 of each year lapse to the general fund on January 1 unless transferred to the next calendar year by the Joint Finance Committee.

The Governor's budget allows DHSS (or pursuant to the budget: the Department of Industry, Labor and Job Development (DILJD)) to carry forward these funds for a county to the following calendar year, if the carryover is approved by the secretary of the Department of Administration (DOA).

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

**Care And Service Contracts**  
Item #120

County departments of social services must currently submit their plans and contracts for care and services that the

county departments will purchase to the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)).

The Governor's budget authorizes, rather than requires, DHSS to have county departments submit contracts for the purchase of care and services to DHFS for review and approval.

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

**Conducting A Study Regarding  
Privatizing The State Centers  
For Developmental Disabilities**  
Item #121

The Governor's budget requires the Department of Health and Social Services (DHSS) (or pursuant to the budget: the Department of Health and Family Services (DHFS)) to investigate the feasibility of and analyze the potential savings and efficiencies of contracting with a private vendor to operate the state centers for the developmentally disabled and selling the state centers to such a private vendor. DHFS must, by June 30, 1996, report the findings resulting from its investigation and analysis to the appropriate standing committees of the Legislature and to the Governor.

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

## **Financial Liability For Sexually Violent Persons**

Item #122

Current law provides for a procedure for the involuntary commitment for treatment of sexually violent persons. A sexually violent person who is committed for treatment may be placed in an institution for care or may be placed on supervised release in the community. DHSS (or pursuant to the budget: the Department of Health and Family Services (DHFS)) is responsible for the costs of evaluating, treating and caring for sexually violent persons who are committed for treatment.

The Governor's budget clarifies that if a sexually violent person is placed on supervised release, DHFS is responsible for paying for treatment and care provided to the sexually violent person while he or she is in the community.

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



**WISCONSIN  
FARMERS  
UNION**

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TESTIMONY OF  
MARK A. KASTEL  
DIRECTOR OF GOVERNMENTAL AFFAIRS  
WISCONSIN FARMERS UNION

ON  
THE 1995-1997 STATE BUDGET PROPOSAL  
AB150

BEFORE THE JOINT FINANCE COMMITTEE  
MADISON, WISCONSIN

MARCH 27, 1995