

# State of Wisconsin

SENATE CHAIR  
**Alberta Darling**

317 East, State Capitol  
P.O. Box 7882  
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Phone: (608) 266-5830



ASSEMBLY CHAIR  
**John Nygren**

309 East, State Capitol  
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Phone: (608) 266-2343

## Joint Committee on Finance

### MEMORANDUM

To: Members  
Joint Committee on Finance

From: Senator Alberta Darling  
Representative John Nygren

Date: April 6, 2017

Re: s. 16.515/16.505(2), Stats. Request

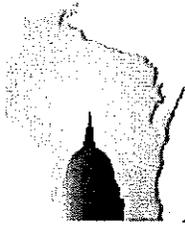
Attached is a copy of a request from the Department of Administration, received April 6, 2017, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Department of Justice.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Tuesday, April 25, 2017**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN:jm



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR  
**SCOTT A. NEITZEL**  
SECRETARY  
Office of the Secretary  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1741  
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**Date:** April 5, 2017

**To:** The Honorable Alberta Darling, Co-Chair  
Joint Committee on Finance

APR 06 2017

The Honorable John Nygren, Co-Chair  
Joint Committee on Finance

**From:** Scott A. Neitzel, Secretary  
Department of Administration 

**Subject:** s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2015-16 AMOUNT</u>	<u>FTE</u>	<u>2016-17 AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(gu)	Sobriety programs	\$0		\$110,500*	

\*One-time

As provided in s. 16.515, the request(s) will be approved on April 26, 2017, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

**Date:** March 30, 2017  
**To:** Waylon Hurlburt  
**From:** Andrew Potts  
**Subject:** Section 16.515 Request

Attached is a s. 16.515 request analysis for your approval and processing. Listed below is a summary of each item:

**DOA RECOMMENDATION:**

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2015-16</u>		<u>2016-17</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(gu)	Sobriety programs	\$0		\$110,500*	

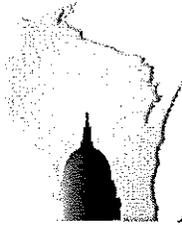
\* One-time.

**AGENCY REQUEST:**

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2015-16</u>		<u>2016-17</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(gu)	Sobriety programs	\$0		\$110,500*	

\* Ongoing.

WRH APPROVAL WRH (FORWARD TO GAIL TAPPEN)



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR

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**Date:** March 30, 2017

**To:** Scott A. Neitzel, Secretary  
Department of Administration

**From:** Andrew R. Potts  
Executive Policy and Budget Analyst

**Subject:** Request under s. 16.515 from the Department of Justice to increase expenditure authority for the implementation of the Frequent Sobriety Testing Pilot program under 2015 Wisconsin Act 55.

**Request:**

The Department of Justice requests increased expenditure authority of \$110,500 PR in fiscal year 2016-17 in the sobriety programs appropriation under s. 20.455(2)(gu).

**Revenue Sources for Appropriation:**

The sobriety programs appropriation under s. 20.455(2)(gu) is a program revenue annual appropriation. The revenue sources are the program participant fees collected by counties under s. 165.957(4)(d) and remitted to the state under s. 165.957(5).

**Background:**

The 2015-17 Biennial Budget, 2015 Wisconsin Act 55, created the Frequent Sobriety Testing Pilot program within the Department of Justice. The pilot project is intended to reduce the recidivism rate for operating while intoxicated (OWI) offenders, by subjecting them to a 24-hour-a-day, 7-day-a-week (24/7) sobriety program with frequent alcohol and drug testing.

The pilot project would allow the department to authorize up to five counties to establish a sobriety pilot project for persons convicted of 2nd and higher OWI offense. Participating OWI offenders must either: (a) be ordered by a court or the Department of Corrections to participate in a sobriety program as a part of probation, parole or a deferred prosecution agreement; or (b) voluntarily agree to participate in a sobriety program. In June of 2016, the department announced that Green Lake, Manitowoc, Oneida, Racine and Washburn counties were selected to participate in the pilot program. Program participants are subject to frequent testing for alcohol and drug use, including on-site testing up to twice per day and/or continuous testing methods. Failing a test or failing to appear for a scheduled test can result in immediate incarceration.

Under the pilot program, the department is required to collect information from the participating counties on an annual basis. This includes the number of participants in the program, the costs associated with the program, the failure or dropout rates of participants and any other information requested by the department. The department shall analyze the information it gathers and submit the information as a report to the Legislature. The report must include a list of the participating counties, the number of participants in each county's program, a description of each county's program and the recidivism rates for participants in each county's program.

Participating counties are authorized to charge participating offenders a fee under the program. The fee that is established by the county must be sufficient to defray the operating costs of the program, although a county may allow a participant to pay a reduced fee or no fee, subject to the participant's ability to pay. The department may enter into an agreement with each county that requires the county to pay a portion of the fees the county collects to the department to cover the actual costs of performing the analysis and reporting.

The Frequent Sobriety Testing Pilot program sunsets on June 30, 2021.

**Analysis:**

The sobriety programs appropriation has \$0 in expenditure authority in fiscal year 2016-17. The department is requesting \$110,500 in expenditure authority.

The department estimates that the information gathering and reporting requirements of pilot program will cost \$65,900. This includes \$58,400 in licensing and system costs, \$1,600 in one-time training costs and \$5,900 in one-time system modifications to existing departmental information technology.

The department estimates personnel costs of \$29,600 associated with the operation and management of the pilot project. The program will be staffed by a research analyst-advanced position and an administrative manager position. These are existing positions within the department; the department will charge back costs to the sobriety programs appropriation to reflect the personnel costs related to the pilot project. The department anticipates an additional \$15,000 in supplies and services costs related to the pilot project.

<b>Item</b>	<b>FY17</b>
Data Collection and Reporting System	\$65,900
Personnel Costs (salary and fringe)	\$29,600
Supplies and Services	\$15,000
<b>Total</b>	<b>\$110,500</b>

Scott A. Neitzel, Secretary  
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As previously mentioned, these costs will be charged back to the participating counties.

In its budget request, the department sought to convert the sobriety programs appropriation under s. 20.455(2)(gu) from an annual appropriation to a continuing appropriation. This request was included in the Governor's recommended budget. If the request is approved as part of the final budget, any future increase in expenditure authority will be aligned with actual and projected revenues.

**Recommendation:**

Approve an increase in expenditure authority in fiscal year 2016-17 of \$110,500 in the sobriety programs appropriation on a one-time basis.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL  
ATTORNEY GENERAL

Paul W. Connell  
Deputy Attorney General

Delanie M. Breuer  
Chief of Staff

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
TTY 1-800-947-3529

*Bonnie Cyganek*

**Date:** December 14, 2016

**To:** Scott Neitzel, Secretary  
Department of Administration

**From:** Bonnie Cyganek, Administrator  
Division of Management Services

**Subject:** Request for Expenditure Authority Increase Under s. 16.515

REQUEST

The Department of Justice requests an increase in expenditure authority of \$110,500 PR in fiscal year (FY) 2016-17 in the sobriety programs appropriation under s. 20.455 (2)(gu) in order to implement the Frequent Sobriety Testing Pilot program data collection and reporting activities required under section 3512v of 2015 Wisconsin Act 55.

BACKGROUND

The Frequent Sobriety Testing Pilot Program was created in the 2015-17 biennial budget, 2015 Wisconsin Act 55, for the purpose of reducing repeat operating while intoxicated (OWI) offenses and the recidivism rate for alcohol and drug-related crimes.

Program participants are individuals with two or more OWI or related convictions who have been ordered by a judge or by the Department of Corrections to refrain from using alcohol or a controlled substance as a condition of probation, participation in a deferred prosecution agreement or release to parole or extended supervision. An individual may also voluntarily participate in the program by agreeing to refrain from using alcohol or a controlled substance while on probation, participating in a deferred prosecution agreement or released to parole or extended supervision.

Under the program, participants are frequently tested for alcohol or drug use and subject to immediate consequences for a positive test result or for failing to appear for testing, for example, 12 hours in jail. Monitoring for alcohol or drug use can take the form of reporting to a testing location twice per day to test for the presence of alcohol or using other continuous testing methods.

In June 2016, the Department of Justice announced pilot programs would be created in Green Lake, Manitowoc, Oneida, Racine, and Washburn counties. The department is required to collect and analyze information from the pilot counties on the number of program participants, costs associated with the program and the failure or dropout rate of participants, and annually report to the legislature on the design of the county programs and rates of participation and recidivism.

#### REVENUE SOURCE

Under Wis. Stat. § 165.957, the department's and counties' costs of administering the program will be supported by revenues from fees charged to participants. The department is required to establish a standard for setting participant fees that are sufficient to fund the county's frequent sobriety testing program and the department's actual costs of collecting, analyzing and reporting program results.

The department's share of revenues from participant fees will be deposited into the sobriety programs appropriation under § 20.455 (2)(gu), which is an annual appropriation limited to the amounts in the schedule. No expenditure authority was provided in Act 55. The department is requesting expenditure authority sufficient to cover the projected costs of performing the required data collection, analysis and reporting activities in FY 2016-17.

The department will incur costs for a data collection and reporting system, including one-time training and system modifications necessary to collect the required data, travel, employee salary and fringe, project management and related supplies and services.

<b>Data Collection and Reporting System</b>	
Annual licensing and system costs	\$58,400
One-time training costs	\$1,600
One-time system modification	<u>\$5,900</u>
Total data collection and reporting	\$65,900
<b>Personnel</b>	
Salary	\$21,500
Fringe	\$6,100
Travel	<u>\$2,000</u>
Total personnel	\$29,600
<b>Supplies and Services</b>	\$15,000
<b>Total</b>	<b>\$110,500</b>

Thank you for your consideration of this request. Please contact Michelle Gauger at (608) 267-6714 or email [gaugermc@doj.state.wi.us](mailto:gaugermc@doj.state.wi.us) with any questions.

## **Tappen, Gail A - DOA**

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**From:** Gauger, Michelle C. <gaugermc@doj.state.wi.us>  
**Sent:** Thursday, December 15, 2016 4:02 PM  
**To:** Potts, Andrew R - DOA; Frederick, Caitlin - DOA  
**Cc:** Patchak, Jesse M - DOJ  
**Subject:** 16.515 Request - Frequent Sobriety Testing Program  
**Attachments:** DOJ\_16515\_FrequentSobrietyTesting.pdf

Good afternoon, Andy,

DOJ needs to request expenditure authority for the frequent sobriety testing program enacted in Act 55. A new PR appropriation was created in the budget but it is annual and budgeted at \$0. After a long planning period with the chosen pilot counties, we are now ready to begin implementation and need to establish a budget for the remainder of the fiscal year. I will send a hardcopy through inter-d.

As always, please let me know if you have any questions, and thank you!

Michelle