

# Court-Related Items in the 2015–2017 Biennial Budget

Updated August 8, 2015

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**For More Information**

The following is a summary of items in the 2015–2017 biennial budget that are of interest to the courts and the judicial system generally. For more detailed and comprehensive information on the biennial budget, readers should consult two sources:

1. The Wisconsin Legislative Fiscal Bureau’s comparative summary of budget provisions, which will be available at <http://legis.wisconsin.gov/lfb/publications/> sometime after August 2015. (The bureau publishes several “comparative summaries”. Look for the one covering Act 55 as enacted.)
2. The legislative history of Act 55 (introduced as SB 21). <http://docs.legis.wisconsin.gov/2015/proposals/sb21>, particularly the text of Act 55.

(Several of the items below quote text from earlier Fiscal Bureau summaries.)

## JUDICIAL BRANCH ITEMS

### Circuit Courts Funding

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#### 1. Consolidation of Circuit Court Costs Appropriations

**Court System Request:** None.

**Governor’s Proposal:** Consolidate three existing appropriations into a new biennial circuit court costs appropriation, with expenditure authority of \$48,002,800 in each year.

Repeal existing appropriations for (1) circuit court support payments (\$18,552,200 GPR in each year); (2) guardian ad litem costs (\$4,691,100 GPR annually); and (3) court interpreter reimbursements (\$1,433,500 GPR annually).

In addition, transfer \$23,326,000 GPR in each year and 278.0 FTE GPR positions from the circuit courts sum sufficient appropriation to the new circuit court costs appropriation to reflect the transfer of court reporters. Limit spending under the circuit court sum sufficient appropriation to the salaries and allowable expenses of the judges of the circuit court. (The proposal omits statutory language authorizing payment of court reporter salaries.)

Consolidation would result in no net change in expenditure authority. The total amount consolidated would be \$48,002,800. (Note that the amount attributed to court reporters does not include full funding of salaries and related costs.)

**Joint Finance Modification / Act 55 as Enacted:** Approve the Governor’s recommendation to consolidate the three appropriations into a new circuit court cost appropriation. However, delay consolidation until July 1, 2016, the second year of the biennium, fiscal year 2016–17.

Furthermore, do not transfer expenditure and position authority for court reporters. Court reporters will continue to be funded from the circuit court sum sufficient appropriation (together with judges), as under current law. (Omission of court reporter payment authority and the funding error are corrected by this change.)

In addition, specify that the Director of State Courts acts “at the direction of the Supreme Court,” in defining “circuit court costs” for purposes of making payments. (See also a related provision in item 3.)

Total amount consolidated is \$24,676,800 per year, as follows:

	Base Funding Per Year
Circuit Court Support Payments	\$18,552,200
Guardian Ad Litem Costs	4,691,100
Court Interpreter Reimbursements	1,433,500
	<hr/>
	\$24,676,800

## 2. Replace Statutory Payment Formulas with General Authority

**Request:** None.

**Governor:** Repeal statutory language that: (1) defines the formulas for equitably distributing financial assistance to counties under the circuit court support payment program and the guardian ad litem payment program; (2) requires the Director of State Court to develop a uniform chart of accounts for reporting circuit court revenues and expenditures; (3) requires counties to annually report circuit court revenues and expenditures to the Director of State Courts Office; (4) allows the Director of State Courts to audit counties' compliance with the uniform chart of accounts; and (5) governs reimbursement for court interpreter services.

Create statutory language that provides that the director of state courts "shall make payments to counties for circuit court costs. The director of state courts shall define 'circuit court costs' for purposes of [making payments to counties]."

**Joint Finance/Act 55:** Approve the Governor's recommendation to replace statutory payment language with general authority. However, delay replacement until July 1, 2016, the second year of the biennium, fiscal year 2016–17.

In addition, specify that the Director of State Courts acts "at the direction of the Supreme Court," in defining "circuit court costs" for purposes of making payments. (See also a related provision in item 3.)

Furthermore, retain current law requiring the Director of State Court to develop a uniform chart of accounts for reporting circuit court revenues and expenditures; requiring counties to annually report circuit court revenues and expenditures to the Director of State Courts Office; and allowing the Director of State Courts to audit counties' compliance with the uniform chart of accounts.

## Court System

## 3. Transfer State Law Library Funding to Director of State Courts Appropriations

**Request:** None.

**Governor:** Transfer \$2,291,700 GPR in fiscal year 2015–16 and \$2,311,400 GPR in fiscal year 2016–17 and 10.0 FTE GPR positions from the State Law Library's GPR operations appropriation to the Director of State Courts' GPR operations appropriation to consolidate the Director of State

Courts' and State Law Library's programmatic functions. Rename the Director of State Courts appropriation to "Director of State Courts and Law Library".

Transfer \$118,800 PR annually and 1.0 FTE PR position from the State Law Library's appropriation for library collections and services, to a new library collections and services program revenue appropriation under the new Director of State Courts and Law Library program.

Transfer \$606,500 PR annually and 5.5 FTE PR positions from the State Law Library's Gifts & Grants appropriation to the Gifts & Grants appropriation under the new Director of State Courts and Law Library program. The State Law Library's Gifts & Grants appropriation is used to support the operations of the Milwaukee County Law Library and the Dane County Law Library.

The transfers would result in no net change in expenditure authority.

**Joint Finance/Act 55:** Approve the Governor's recommendation. In addition, specify that the Director of State Courts acts "as directed by the Supreme Court," in actions related to the consolidated appropriation. (See also a related provision in items 1. and 2.)

#### **4. Judicial Council**

**Request:** None.

**Governor:** Eliminate the Judicial Council. Delete funding and position authority of \$66,700 GPR and 0.5 FTE GPR position in fiscal year 2015–16, \$67,000 GPR and 0.5 FTE GPR position in fiscal year 2016–17, and \$44,400 PR and 0.5 FTE PR position annually. Repeal statutory language authorizing and governing the operation of the Council.

**Joint Finance/Act 55:** Maintain the Judicial Council and its statutory language. Convert the existing 0.5 FTE GPR position and associated expenditure authority to PR, in the Council's existing PR appropriation. (The Director of State Courts is authorized to transfer funding from various Director's Office appropriations to support the Council.)

The net effect is to convert 0.5 FTE position from GPR to PR, and to replace the associated GPR funding with PR funding, provided by the Director of State Courts.

#### **5. Statewide Coordinator for Problem-Solving Courts**

**Request:** Request \$88,200 GPR annually and 1.0 FTE GPR position for a statewide coordinator to support the increasing number of problem-solving courts in the state. Problem-solving courts address specific issues, such as veterans courts, drug and alcohol courts, mental health courts, and drunk driving courts.

The requested position would replace an existing federally-funded position, which is currently supported through a grant from the Department of Justice that is due to expire in June 2015. The coordinator's work includes serving on the Criminal Justice Coordinating Council's subcommittee on problem solving courts, creating performance measures, developing and implementing model standards, and providing technical assistance and training to local jurisdictions.

In the time the coordinator position has been federally funded, the areas of evidence-based court practices and problem-solving courts have grown. Local problem-solving court coordinators and judges often do not have the background in these courts to set them up effectively without assistance. The requested position would provide knowledgeable support from the court system to local governments to establish problem-solving courts according to established standards.

**Governor:** Deny the request.

**Joint Finance/Act 55:** Provide 1.0 FTE GPR position. Provide no funding for the position.

## **6. Court Interpreter Funding Source**

(See also the same provision, in item 48.)

**Request:** None.

**Governor:** Fund the court interpreter reimbursement program revenue appropriation with penalty surcharge revenues, instead of from the justice information surcharge as under current law. Further, provide that the unencumbered balance on June 30 of each year shall be transferred back to the penalty surcharge appropriation.

(The change would not affect funding levels, which would remain at \$232,700 PR annually.)

**Joint Finance/Act 55:** Approve the Governor's recommendation.

## **7. Biennial Operations Appropriation**

**Request:** Convert the Director of State Courts Office appropriation from annual to biennial. The change would allow the Director's Office to adjust the timing of spending over a full biennium, rather than limiting adjustments to within a single fiscal year.

**Governor/Joint Finance/Act 55:** Approve the request.

(The affected appropriation also includes Wisconsin State Law Library GPR operations funding, under the change made in item 3.)

## **8. Chief Justice Salary Difference**

**Joint Finance/Act 55:** Repeal current law that specifies that the salary of the Chief Justice of the Supreme Court be different than the salaries established for associate justices.

(Judicial salaries are set in the state's compensation plan, which is developed by the Department of Administration Division of Personnel Management and modified and approved by the Legislature's Joint Committee on Employment Relations. This provision removes the requirement that the compensation plan set a different salary for the Chief Justice. See also item 28., establishing the Division of Personnel Management in replacement of the Office of State Employment Relations.)

## Standard Budget Adjustments & Reestimates

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### 9. Standard Budget Adjustments & Reestimates

**Request/Governor/Joint Finance/Act 55:** Adjust the court system’s sum certain and sum sufficient appropriations to fully fund salaries and fringe benefits and to cover lease and directed move costs. Reestimate various PR, FED, and SEG appropriations to adjust for anticipated minor changes in revenues.

### 10. CCAP Program Revenue Reestimate

**Request:** Reestimate expenditures for the Circuit Court Automation Program (CCAP) program revenue continuing appropriation downward by \$3.0 million PR in each year, to reflect declining revenues.

**Governor/Joint Finance/Act 55:** Modify the request to adjust expenditure estimates downward by a new total of \$3,312,100 PR in fiscal year 2015–16 and \$3,323,700 PR in fiscal year 2016–17, to reflect updated estimates since the original request.

#### A Note on Appropriation Expenditure Limits

Most state appropriations are *sum certain*, meaning that the expenditure amounts set in the biennial budget are fixed legislative limits on spending. Several court system appropriations are sum certain, notably the GPR appropriation for the Director of State Courts and Law Library.

*Sum sufficient* appropriations are used where spending obligations need to be met, even if they exceed amounts set in the biennial budget. The obligation to pay debt service on state bonds is a common example. The court system’s appropriations for judges and related expenses are sum sufficient. Expenditure levels given in the biennial budget are estimates of spending needs and can be adjusted through the formal sum sufficient reestimate process, if necessary.

Most of the court system’s program revenue appropriations and its lone segregated fund appropriation are so-called *all monies received* appropriations. This means that expenditure levels can be adjusted — with the approval of the State Budget Office — as needed, if sufficient revenues are available. Expenditure levels given in the statutes are estimates of spending needs and available revenues, not legislative limits on spending.

**Summary of Major Funding Changes<sup>1</sup>**

		<u>Adjusted Base</u>	<u>FY16</u>	<u>FY17</u>	<u>Adjusted Base to FY17</u>
<b>Support Payments to Counties</b>					
Circuit court support payments	GPR	\$18,552,200	\$18,552,200	\$0	-\$18,552,200
Guardian ad litem costs	GPR	1,433,500	1,433,500	0	-1,433,500
Court interpreter fees	GPR	4,691,100	4,691,100	0	-4,691,100
Circuit court costs	GPR	0	0	24,676,800	24,676,800 *
Court interpreter fees ( <i>PR-supported portion</i> )	PR	232,700	232,700	232,700	0
	<i>Subtotal</i>	<i>24,909,500</i>	<i>24,909,500</i>	<i>24,909,500</i>	<i>0</i>
<b>Judicial Salaries &amp; Associated Costs (<i>sum sufficient appropriations</i>)</b>					
Circuit court judges and reporters	GPR	70,926,700	72,793,500	72,793,500	1,866,800
Court of appeals	GPR	10,407,200	10,677,700	10,706,500	299,300
Supreme court	GPR	5,119,300	5,286,800	5,292,500	173,200
	<i>Subtotal</i>	<i>86,453,200</i>	<i>88,758,000</i>	<i>88,792,500</i>	<i>2,339,300 †</i>
<b>Departments &amp; Law Library</b>					
DSC Office and GPR-Funded Departments	GPR	7,660,200	10,305,100	10,334,900	2,674,700
Law Library ( <i>GPR portion; consolidated with above</i> )	GPR	2,212,100	0	0	-2,212,100
	<i>Subtotal</i>	<i>9,872,300</i>	<i>10,305,100</i>	<i>10,334,900</i>	<i>462,600 †</i>
<b>CCAP (<i>decrease reflects declining revenues</i>)</b>	PR	\$10,001,100	\$7,000,000	\$7,000,000	-\$3,001,100

\* Effective July 1, 2016, this new consolidated appropriation replaces the three appropriations above it.

† Net increases reflect standard budget adjustments for salaries, fringe benefits, and lease costs.

<sup>1</sup> Omits various fee- and federally-funded programs not significantly affected by Act 55, including medical mediation and bar examiners.

## **ITEMS AFFECTING STATE EMPLOYEES**

### **State Employees**

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#### **11. Raise Normal Retirement Age for State and Local Elected Officials to 65**

**Joint Finance/Act 55:** For state and local elected officials (including judges) and state executive employees, who initially assume office or begin employment after December 31, 2016, set the normal retirement age to be 65 years.

Under current law, Wisconsin Retirement System (WRS) participants in these groups have a normal retirement age of 62 years. General WRS participants have a normal retirement age of 65 years.

(Normal retirement age is the age at which a participant may begin to receive an unrestricted regular retirement annuity under the WRS. This provision does not establish a mandatory retirement age.)

#### **12. Annual Payments to Eligible Employees in Lieu of Health Insurance Coverage**

**Governor:** Provide that full- and part-time state employees who are eligible to receive healthcare coverage, other than graduate assistants, could elect to not receive healthcare coverage, and instead receive a \$2,000 annual payment. Such an election would be limited to within 30 days of being hired or the annual healthcare enrollment period established by the Department of Employee Trust Funds.

**Joint Finance/Act 55:** Approve the Governor's recommendation. However, provide that the following state employees would not be eligible: (a) any state employee who opted-out of state group health insurance coverage in calendar year 2015; and (b) for married state employees or state employees in a domestic partnership who are both employed by the state, the employee with no group health insurance coverage.

#### **13. Assigning Public Employee Benefits for Child or Family Support**

**Governor/Joint Finance/Act 55:** Provide that public employee income continuation insurance benefits and duty disability benefits administered by the Department of Employee Trust Funds may be assigned to pay child or family support or maintenance, or to pay back any support arrearages.

## **JUDICIAL BRANCH ITEMS DENIED OR REMOVED**

### **Funding & Position Requests**

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#### **14. Increased Funding for County Payment Programs**

**Request:** Request \$8,649,100 GPR annually to increase support for the circuit court support payment program (\$7,454,500 GPR annually) and the guardian ad litem payment program (\$1,194,600 GPR annually) to provide more financial assistance to counties. Further, increase the statutory base county support payment from \$42,275 per branch to \$71,500 per branch.

Funding would reduce the burden on counties of funding courts. It would restore per-branch funding to the level provided prior to the creation of additional circuit court branches. Counties would still be required to document their circuit court expenditures to receive payment. Payments would remain limited to actual circuit court expenditures.

**Governor/Act 55:** Deny the request.

#### **15. Staff Attorney Position**

**Request:** Request \$92,100 GPR in fiscal year 2015–16 and \$122,800 GPR in fiscal year 2016–17 and 1.0 FTE GPR staff attorney position for the Court of Appeals. The position would assist with the increase in volume of the Court of Appeals' workload, which prevents the court from timely resolving the appeals the public presents. Duties include drafting per curiam opinions and summary disposition orders as directed by the judges, and reviewing and drafting orders disposing of motions and petitions filed in court.

**Governor/Act 55:** Deny the request.

#### **16. Per Diem Reimbursement to Counties for Court Interpreter Services**

**Request:** Request \$225,000 GPR annually and statutory modifications to change reimbursement to counties in support of their court interpreter costs from an hourly reimbursement rate to a per diem rate, in order to better reflect how court interpreters are billing counties for court interpreting services. This will strengthen the State's partnership with counties and provide additional financial support to counties for their circuit court operations.

**Governor/Act 55:** Deny the request.

(Note: item 2. would replace current law governing court interpreter reimbursements and would instead grant the Director general authority over county payments, including those for interpreters. The Director would be authorized to set court interpreter reimbursement policies to accomplish the requested statutory language change, but would not be required to do so.)

**17. Two-Year Centralized Court Interpreter Services Pilot**

**Request:** Request non-statutory authority for a two-year court interpreter pilot project that would authorize the use of county interpreter reimbursement funds to pay all pilot costs, except participating counties would be responsible for maintaining the equipment needed for remote interpreting (phone and video). Funding would be used for: (1) centralized videoconferencing equipment; (2) an LTE scheduler/program coordinator; (3) a halftime LTE Spanish interpreter; (4) a contract with a sign language interpreting agency; and (5) payment of all other court reporting services provided in the three counties. CCAP would assist with technology set-up and support.

**Governor/Act 55:** Deny the request.

**CCAP Funding**

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**18. GPR Funding for Electronic Case Filing**

**Request:** Request \$1,084,200 GPR in fiscal year 2015–16 and \$1,049,400 GPR in fiscal year 2016–17 and 8.0 FTE GPR project positions annually to implement an electronic case filing system for the circuit courts. Requested funding would include: (a) \$494,800 in fiscal year 2015–16 and \$700,000 in fiscal year 2016–17 and 8.0 business process analyst project positions to provide training to counties on the eFiling system; (b) \$320,300 in fiscal year 2015–16 and \$80,100 in fiscal year 2016–17 for contract software developers to develop software for the system; and (c) \$269,300 annually for desktop and large screen scanners to transition from paper to electronic records.

**Governor/Act 55:** Deny the request.

**19. CCAP Revenue from Elimination of Forfeiture Fee Exemptions**

**Request:** None.

**Governor:** Remove the exemption from paying the \$25 clerk of circuit court forfeiture fee for four violations (safety belt use, prohibitions against smoking, not carrying proof of insurance, and failure to display a handicap card). The fee is distributed to the state’s general fund (\$12.50), the Circuit Court Automation Program (\$5), and to the counties (\$7.50).

Assuming rates of violation, fee imposition, and payment do not change, the provision would generate additional annual revenue as follows:

<b>Estimated Annual Revenue under Governor's Proposal</b>	
CCAP	\$348,800
General Fund	871,900
Counties	523,200
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	\$1,743,900

**Joint Finance/Act 55:** Delete the provision (do not remove any exemptions).

**20. CCAP Revenue from Elimination of Justice Information System Surcharge Exemptions**

**Request:** None.

**Governor:** Repeal current exceptions to the Justice Information System (JIS) surcharge. The surcharge would be imposed for the following violations: (a) failure to carry proof of vehicle insurance; (b) lack of possession of a special identification card for the physically disabled; and (c) safety belt use.

Assuming rates of violation, fee imposition, and payment do not change, the provision would generate additional annual revenue as follows:

<b>Estimated Annual Revenue under Governor's Proposal</b>	
CCAP	\$418,300
DOA's JIS Appropriation	1,080,700
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	\$1,499,000

**Joint Finance/Act 55:** Delete the provision (do not remove any exemptions).

## **Judicial Compensation**

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**21. Requirement for Comparable Judicial Salaries**

**Request:** Create a non-statutory provision requiring judicial salaries under the 2015–2017 state compensation plan be set at a level comparable to the average judicial salaries among Wisconsin's surrounding Midwest states (Michigan, Minnesota, Iowa and Illinois) as of January 1, 2014. Specifically, provide a 15.84% increase in the circuit court judges salaries and 15.84% increase in appellate judge salaries.

**Governor/Act 55:** Deny the request.

## **22. Judicial Compensation Commission**

**Request:** Establish a Wisconsin Judicial Compensation Commission to study and make recommendations on judicial compensation, with the objective to assure that highly qualified attorneys are attracted to the bench and can serve without unreasonable economic hardship.

Specify that the commission would have seven members: two appointed by the Governor; one each by the President of the Senate and the Speaker of the Assembly; one each by the deans of the University of Wisconsin and Marquette University Law Schools; and one by the President of the State Bar. Staffing would be provided by the Director of State Courts Office.

The commission would independently assess and recommend judicial salaries to the Legislature's Joint Committee on Employment Relations (JCOER). JCOER, as part of its approval of the biennial state compensation plan, makes the final decision, subject to gubernatorial veto, on judicial salaries. The recommendations would be approved unless a majority of JCOER members object.

**Governor:** Approve the request with modifications.

Specifically, create a Judicial Compensation Commission consisting of members appointed by the Supreme Court. Biennially, the Judicial Compensation Commission shall review the salaries of the Supreme Court Justices, Court of Appeals Judges, and Circuit Court Judges. No later than December 1 of each even-numbered year, the Judicial Compensation Commission shall submit a written report to the Governor and the Joint Committee on Employment Relations. The report shall include recommendations on judicial salaries. The Director of State Courts shall provide staff and support to the Judicial Compensation Commission.

Omit statutory membership criteria. Omit the provision requiring a majority vote by JCOER to reject the commission's recommendations.

**Joint Finance/Act 55:** Delete the provision (do not create a Judicial Compensation Commission).

## **Judicial Commission**

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## **23. Judicial Commission as a Separately Budgeted Agency**

**Request:** None.

**Governor:** Change the Judicial Commission from a separately budgeted state agency to a program under the administration of the Supreme Court.

Specifically: transfer \$301,300 GPR in fiscal year 2015–16 and \$301,900 GPR in fiscal year 2016–17 and 2.0 FTE GPR positions from the Judicial Commission to the Supreme Court. Provide a separate GPR appropriation for the Judicial Commission under the Supreme Court's Bar Examiners and Responsibility program. Change the name of the Bar Examiners and Responsibility program to "Bar Examiners and Responsibility; Judicial Commission".

*Judicial Branch Items Denied or Removed — Judicial Commission*

In addition, create a single biennial appropriation for general program operations and payments related to contractual agreements for investigations and prosecutions. Currently, the commission has two separate appropriations for those purposes.

The Director of State Courts would provide administrative support for the Judicial Commission, instead of the Department of Administration, as happens currently. No funding or positions for administrative support would be transferred.

**Joint Finance/Act 55:** Delete the provision (maintain the Judicial Commission as a separately budgeted entity).

## **OTHER ITEMS BY AGENCY**

### **General Provisions**

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#### **24. Crime Prevention Funding Board and Surcharge**

**Governor:** Create a new \$20 crime prevention funding board surcharge, to be assessed whenever a court imposes a sentence or places a person on probation. The surcharge would be assessed for each misdemeanor or felony count on which a conviction occurred.

Prior to paying the surcharge, an individual must first pay the following surcharges in full (if required by the court): (1) the penalty surcharge; (2) the jail surcharge; and (3) the crime victim and witness surcharge. The crime prevention funding board surcharge would, however, have to be paid in full ahead of a number of other required surcharges. These include the crime laboratory and drug law enforcement surcharge and the DNA analysis surcharge.

In addition, create a Crime Prevention Funding Board (CPFEB) in each county in which the county treasurer receives money from the CPFEB surcharge. A board would solicit applications for grants and then direct the county treasurer to distribute grants to applicants, using monies in the crime prevention fund.

Require that the Board direct not less than 50% of the grant payments from the crime prevention fund to one or more private nonprofit organization within the county with a primary purpose of preventing crime, providing a funding source for crime prevention programs, encouraging the public to report a crime, or assisting law enforcement agencies in the apprehension of criminal offenders. The remaining funds may be provided to a law enforcement agency within the county that has a crime prevention fund, if the contribution is used for crime prevention purposes.

A crime prevention funding board would have seven members, including the presiding judge of the circuit court or his/her designee; the district attorney or his/her designee; the sheriff or his/her designee, and a person chosen by the public defender's office that handles cases in the county.

Note that the proposal is modeled on 2013 Assembly Bill 74. The Committee of Chief Circuit Court Judges and the Judicial Conference's Legislative Committee opposed the 2013 bill.

**Joint Finance/Act 55:** Approve the Governor's recommendation. However, modify the bill to require that the CPFEB surcharge be paid after all other surcharges imposed on an individual, but before payment of the fine, fees, and other court costs assessed on the individual.

Furthermore, specify that county boards may determine whether to create crime prevention funding boards and assess a \$20 crime prevention funding board surcharge. Further, in counties that establish a crime prevention funding board, and in which no non-profit crime prevention organization exists, authorize the crime prevention funding board to distribute all revenue generated from the crime prevention funding board surcharge to a law enforcement agency within the county.

**25. Cost of Blood Withdrawals Related to Intoxicated and Reckless Flying Violations**

**Governor/Joint Finance/Act 55:** Require municipal and circuit courts to impose any costs charged to, paid by, or expected to be charged to, a law enforcement agency for the withdrawal of a person's blood, upon that person. Apply the requirement to cases where a person is found in violation of statutes related to operating an aircraft while intoxicated, with a prohibited blood alcohol concentration, with any blood concentration of a restricted controlled substance, or in a reckless manner.

**26. Garnishment Fees**

**Senate/Act 55:** Establish a \$3 earnings garnishment fee, to be paid to the garnishee for each payment delivered to the creditor after the first payment. This fee is in addition to the existing \$15 fee, payable for each garnishment itself.

**27. Exemption from Filing Fees for Voluntary Acknowledgement of Paternity**

**Joint Finance/Act 55:** Establish an exemption from filing fees for a county child support agency or guardian ad litem filing an action for voluntary acknowledgement of paternity under s. 767.803(3), Stats.

**Administration**

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**28. Transfer Functions of the Office of State Employment Relations to DOA**

**Governor:** Transfer functions and appropriations of the Office of State Employment Relations (OSER) to the Department of Administration (DOA).

Under current law, OSER is an independently budgeted agency, but is attached to DOA for administrative purposes. The bill restructures OSER into a Division of Personnel Management in DOA, managed by an unclassified division administrator.

The bill also restructures the OSER Division of Merit Recruitment and Selection into a Bureau of Merit Recruitment and Selection in the Division of Personnel Management. The bureau would be managed by an unclassified director, appointed by the DOA Secretary.

(Currently the OSER Division of Merit Recruitment and Selection is headed by an administrator appointed by the Governor to a five-year term, with the advice and consent of the Senate. The Governor's nomination is limited to a register of at least five names certified to the Governor by the Director of OSER, based on an examination.)

**Joint Finance/Act 55:** Approve the Governor's recommendation. In addition, provide an additional 3.0 FTE PR positions to DOA that were intended to be transferred from OSER to DOA under the Governor's recommendation.

## **29. Transfer Municipal Filing Functions to DOA**

**Governor:** Transfer certain record keeping functions from the Secretary of State to DOA, related to municipal annexations, detachments, dissolutions, and incorporations.

**Joint Finance/Act 55:** Approve the Governor’s recommendation with the modification that existing records of the related to the municipal boundary record keeping functions be transferred to, and become the property of, DOA on the effective date of the bill.

## **Children and Families**

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## **30. Out-of-Home Care Extension**

**Governor:** Increase funding by \$1,066,400 (\$868,500 GPR and \$197,900 FED) in fiscal year 2015–16 and \$1,250,900 (\$1,010,900 GPR and \$240,000 FED) in fiscal year 2016–17 to fund the extension of out-of-home care to certain youth over the age of 18 who would otherwise “age out” of foster care. Funding would support the second and third years of the four-year phase-in of the extension under 2013 Act 334. The funding would not, however, support monthly case management services for such persons. The federal funding is provided under Title IV-E of the Social Security Act.

The bill would require the Department of Children and Families (DCF) to promulgate rules governing the provision of subsidized guardianship payments, kinship care payments, and adoption assistance to any child 18 years of age or older.

The bill would also make a variety of changes to statutory provisions relating to the extension of out-of-home care to individuals older than 18. These include:

- (a) Clarify that the process established by 2013 Act 334 for extending out-of-home care also applies to persons in shelter care placements on the date the juvenile court’s order expires;
- (b) Modify procedures governing establishment of transition-to-independent living arrangements;
- (c) Extend the requirement to establish permanency plans to also apply to a child who is placed outside the home under a voluntary transition-to-independent-living agreement;
- (d) Conform the extension of out-of-home care under 2013 Act 334 to federal law by expanding adoption assistance and subsidized guardianship payments to youth up to the age of 21 who are full-time students with an IEP whose adoption or subsidized guardianship agreement came into effect after age 16;
- (e) Modify requirements governing extension of kinship care payments until age 21; and
- (f) Create an exemption from licensure requirements for foster homes, group homes, and residential care centers providing care to individuals over the age of 18 pursuant to a voluntary transition-to-independent living agreement or certain other arrangements.

**Joint Finance/Act 55:** Approve the Governor's recommendation, with modifications requested by the administration to clarify intent and to conform with federal law.

The administration indicated that intent of the bill was to provide for a limited community-based residential facility (CBRF) licensure exception for youth extended in out-of-home care, but not to provide a more general exemption for foster homes, group homes, and residential care centers that serve them. The original bill language would have effectively provided group homes and residential care centers an exception to serve other persons without CBRF licensure simply because they happen to serve youth extended in out-of-home care. The modification limits the exception to youth extended in out-of-home care under an individualized education program.

### **31. Domestic Abuse Services Funding**

**Governor/Joint Finance/Act 55:** Increase funding for domestic abuse grants by \$5,000,000 GPR in fiscal year 2016–17 to enhance services to victims of domestic abuse and their families. Additional funding was recommended in the 2014-2020 Long Range Plan for a Safe Wisconsin, created by the Wisconsin Governor's Council on Domestic Abuse and End Domestic Abuse Wisconsin. The additional funding would be used to help maintain, strengthen, and expand core services to serve domestic violence victims and their children. Total funding under the bill would be \$9,557,600 (\$7,434,600 GPR, \$1,549,800 FED, and \$573,200 PR) and \$14,557,600 (\$12,434,600 GPR, \$1,549,800 FED, and \$573,200 PR) in fiscal year 2016–17.

### **32. Services for Child Victims of Sex Trafficking**

**Governor/Joint Finance/Act 55:** Provide \$2.0 million GPR in fiscal year 2016–17 for treatment services for children who are victims of sex trafficking. Require DCF to ensure that treatment and services are available to children in all geographic areas of the state, including both urban and rural communities.

### **33. TANF Grant for Legal Services for Low Income Families**

**Joint Finance/Act 55:** Provide \$500,000 FED annually under the federal temporary assistance to needy families (TANF) program for a grant to the Wisconsin Trust Account Foundation, Inc. (WTAF). WTAF may distribute the funds as annual awards of up to \$75,000 to programs that provide civil legal services to low income families, related to domestic abuse, sexual abuse, and restraining orders and injunctions for individuals at risk under s. 813.123, Stats. Further, impose various program and reporting requirements on WTAF to be eligible for funding.

WTAF administers the state interest on lawyer trust account program and distributes grants to agencies that provide civil legal services to low income individuals.

### **34. Transfer Community-Based Juvenile Delinquency-Related Services and Youth Aids Funding from Corrections**

**Governor:** Transfer the administrative responsibilities for Youth Aids, and related aids programs for juvenile offenders, from the Department of Corrections to DCF. The provision would transfer

\$47,427,400 in fiscal year 2015–16 and \$94,854,400 in fiscal year 2016–17 (GPR and PR combined) and 1.0 FTE PR position.

Currently, DOC supervises administration of various juvenile delinquency-related services, including payments to counties. The bill would divide these services into two types — community-based and correctional — and transfer the community-based portion to DCF.

**Joint Finance/Act 55:** Approve the Governor’s recommendation with two corrections recommended by DOC and DCF: (a) transfer the affected position to DCF’s general program operations appropriation rather than to the local assistance appropriation as under the bill; and (b) leave various provisions in the juvenile justice code (ch. 938, Stats.), rather than moving them to the children’s code (ch. 48, Stats.).

## **Corrections**

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### **35. Opioid Addiction Treatment Pilot Program**

**Governor:** Provide \$836,700 GPR annually for an opioid addiction treatment pilot program within the state prison system. Funding calculations assume the pilot program would include 100 offenders, who would receive monthly Vivitrol treatment injections and drug testing at an annual cost of approximately \$8,400 per offender.

**Joint Finance/Act 55:** Approve the Governor’s recommendation, however, place the funding in the Joint Committee on Finance’s supplemental appropriation. Specify that the Department of Corrections (DOC) submit a report to the Joint Committee on Finance for passive review by January 1, 2016, with a plan and more details on how the pilot program will be implemented.

### **36. GPS Tracking Funding**

**Governor/Joint Finance/Act 55:** Provide \$551,800 GPR and \$54,900 PR annually for costs related to increases in the number of individuals required to be monitored with GPS units by DOC.

### **37. Community Corrections Supervision Fees**

**Governor/Joint Finance/Act 55:** Modify provisions governing fees charged by DOC to offenders under community supervision to grant greater flexibility to the department. In particular, authorize DOC to charge a reasonable fee as determined by DOC (current law requires DOC to set varying fees based on ability to pay). Also, authorize DOC to temporarily waive fees for reasons established by department policy (current law requires fee exemptions for specific situations, including unemployment).

**38. New Interstate Compact for Adult Offender Supervision Appropriation**

**Governor:** Create a new program revenue continuing appropriation to receive monies from offenders-under-supervision submitting applications to transfer to another state, per interstate compact. Currently, no fee is charged for such applications. The bill estimates revenues at \$375,900 annually, assuming approximately 2,500 applications annually and a fee of \$150 per application.

**Joint Finance/Act 55:** Approve the Governor’s recommendation, however, establish the new appropriation as annual, rather than continuing.

**39. Remove Requirement for Funding for Certain Community Reintegration Services**

**Governor/Joint Finance/Act 55:** Delete the statutory provision requiring DOC to provide \$50,000 GPR annually to Madison-area Urban Ministry, Inc. and \$50,000 GPR annually to Project Return for community reintegration services. Under the bill, DOC would retain the associated funding for purchased services for offenders.

**40. Community Intervention Program**

**Governor/Joint Finance/Act 55:** Delete statutory language specifying that DOC pay \$3,750,000 annually to counties for the community intervention program. Instead, DOC would distribute the amounts appropriated for the program. Under current law, DOC makes payments to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders. Base funding for the program is \$3,712,500 GPR.

**41. Juvenile Correctional Community Supervision Services**

**Governor/Joint Finance/Act 55:** Effective in the 2017–2019 biennium, modify the corrective sanctions program to be a community supervision program.

Specifically: (a) replace references to “juvenile correction sanctions” and “aftercare services” with juvenile “community supervision”; (b) replace language specifying daily rates with general authority for DOC to set rates based on costs, subject to passive review approval by the Joint Committee on Finance; and (c) specify various supervision services to be provided or purchased by the department, including electronic monitoring, report center programming, contact with the juvenile, and case management services.

— **Transfer Juvenile Delinquency and Youth Aids to DCF (see item 34.)**

## **District Attorneys**

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### **42. Eliminate Base Funding for Pay Progression**

**Governor:** Eliminate \$3,698,600 GPR per year of base funding for pay progression for assistant district attorneys and deputy district attorneys. The bill would not eliminate the merit-based pay progression plan established by 2011 Act 238, but would require that funding for salary adjustments be supported from within the agency's remaining budget or from compensation reserves, or both.

**Joint Finance/Act 55:** provide the District Attorneys with \$556,900 GPR in fiscal year 2016–17 in order to support salary adjustments for eligible assistant district attorneys and deputy district attorneys under the pay progression plan.

(See also a similar provision under Public Defender, item 54.)

### **43. Special Prosecutor Appointments**

**Governor:** Modify provisions relating to special prosecutor appointments as follows:

- (a) Specify that an appointment made because the district attorney is physically unable to attend to his or her duties is allowed only if the incapacity impairs the district attorney's ability to substantially perform his or her duties.
- (b) Specify that a court may appoint a special prosecutor only if the judge, or the requesting district attorney, submits an affidavit to the Department of Justice attesting that one of the conditions for appointment exists.
- (c) Specify that payments to special prosecutors made more than 30 days after invoice or completion of services would not be subject to an interest fee. Currently, a 12% rate applies.

**Joint Finance/Act 55:** Approve the Governor's recommendation on items a and b.

Deny the Governor's recommendation on item c and instead extend the amount of time that the District Attorneys would have to make payments to private attorneys without accruing interest from 30 days to 120 days.

In addition, specify that a special prosecutor may be appointed by the court if a district attorney, assistant district attorney, or deputy district attorney for a district attorney office is on maternity leave or paternity leave.

### **44. Funding for Milwaukee County Clerks**

**Governor/Joint Finance/Act 55:** Provide \$3,600 PR in fiscal year 2015–16 and \$7,100 PR in fiscal year 2016–17 to fully fund the salary and fringe benefit costs of 6.5 FTE clerk positions in the Milwaukee County District Attorney's office who provide clerical services to prosecutors that handle violent crime and felony drug violations, as well as violations relating to the unlawful possession or use of a firearm. Funding is generated from a \$3.50 special prosecution clerks surcharge that is assessed only in Milwaukee.

## **Employment Relations**

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- **Transfer Functions to DOA (see item 28.)**

## **Health Services**

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### **45. Contracted Mental Health Services**

**Governor:** Provide \$2,011,100 GPR in fiscal year 2015–16 and \$3,370,400 GPR in fiscal year 2016–17 above base funding of \$10,729,200 to fund projected increases in the costs of competency examinations, restoration to competency treatment, conditional release, and supervised release services for mental health clients served by DHS facilities.

**Joint Finance/Act 55:** Modify the Governor’s recommendation to reflect updated estimates of the cost for contracted mental health services and variable non-food and food costs at DHS institutions. (Total change to the bill would be \$2,600 GPR and -\$1,284,300 PR.)

### **46. Transfer Pretrial Intoxicated Driver Intervention Grant Program from DOT**

**Governor/Joint Finance/Act 55:** Transfer administration of the pretrial intoxicated driver intervention grant program from the Department of Transportation (DOT) to the Department of Health Services (DHS). Eliminate DOT’s funding for the program (\$731,600 SEG annually).

No additional funding would be provided to DHS. Instead, DHS would fund grants under the program from a GPR appropriation that currently supports grants for several statutorily-defined community programs administered by the Division of Mental Health and Substance Abuse Services. DHS would determine the amount of funding provided for the pretrial intoxicated driver intervention grant program.

## **Justice**

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### **47. Position Transfers for the TAD Program**

**Governor/Joint Finance/Act 55:** Transfer 4.6 FTE GPR positions within the law enforcement services general program operations GPR appropriation, to reflect action taken by the Joint Committee on Finance on November 12, 2014.

(In 2014, Finance authorized 5.0 FTE GPR positions for the treatment alternatives and diversion program but required the department to identify another 5.0 FTE GPR vacant positions for elimination. The transfers in this item are technical changes to align budgeted positions with program assignments. The remaining 0.4 FTE GPR position is already correctly located.)

#### **48. Penalty Surcharge and Justice Information System Surcharge Modifications**

**Governor:** Modify the two surcharges as follows:

- (a) Fund court interpreters from the penalty surcharge, instead of the justice information systems surcharge (see also the same provision, in item 6.).
- (b) Fund crime laboratory equipment and supplies from the crime laboratory and drug law enforcement surcharge and the deoxyribonucleic acid (DNA) surcharge, instead of the penalty surcharge.
- (c) Modify current law such that, at the end of each fiscal year, an unencumbered balance in an appropriation that is supported through a transfer of funds from the Department of Administration (DOA) JIS surcharge appropriation reverts to the DOA JIS surcharge appropriation.

**Joint Finance/Act 55:** Regarding item a, approve the Governor's recommendation.

Regarding item b, approve the Governor's recommendation with the following modification: provide that crime laboratory equipment and supplies would be supported by revenues from the crime laboratory and drug law enforcement surcharge and the DNA surcharge, as opposed to the penalty surcharge.

Regarding item c, approve the Governor's recommendation and provide that, at the end of each fiscal year, unencumbered balances in appropriations supported through a transfer of funds from the JIS surcharge fund would revert to the fund. Further, provide that, if any of the appropriations currently supported through a transfer of funds from the JIS surcharge fund (other than the Circuit Courts' court interpreters PR appropriation) has an unencumbered balance at the end of 2014-15, an amount equal to that unencumbered balance must be transferred from the appropriation to the JIS surcharge fund in fiscal year 2015-16.

#### **49. Solicitor General's Office**

**Governor:** Create a Solicitor General's office within DOJ to allow the department to provide more in-depth representation on complicated issues at the appellate level. Authorize 4.0 FTE PR positions and associated funding for a solicitor general and three deputy solicitors general. Funding would be provided internally from other DOJ appropriations.

**Joint Finance/Act 55:** Approve the Governor's recommendation to create a Solicitor General's office but eliminate the solicitor general continuing PR appropriation created under the bill. In addition, delete \$443,200 PR in fiscal year 2015-16, \$584,500 PR in fiscal year 2016-17, and 4.0 FTE unclassified PR positions annually provided to the continuing solicitor general appropriation. Instead, provide statutory language to the bill to authorize the legal services investigation and prosecution continuing PR appropriation to support the Solicitor General's office. Further, increase funding and position authority of the investigation and prosecution continuing appropriation by \$443,200 PR in fiscal year 2015-16, \$584,500 PR in fiscal year 2016-17, and 4.0 FTE unclassified PR positions annually. Finally, require that the Attorney General eliminate 4.0 FTE position vacancies from the Department of Justice's budget.

**50. State Justice Assistance Grants**

**Governor:** Create a state justice assistance grant program to replace existing grant programs. Provide \$1,750,000 PR annually for the new program. Funding would come from the justice information system surcharge (1,224,900 PR annually; 70%) and the penalty surcharge (\$525,100 PR annually; 30%). Funds unencumbered at the end of each fiscal year would revert to the originating appropriation in the same 70–30 Proportion.

Direct DOJ to administer the grant program including: (a) develop and maintain a strategic plan for the program; (b) give preference to awards meeting various objectives given in statute; (c) develop criteria and procedures; and (d) include information on the program in its annual report to the legislature.

Further, eliminate funding for the existing youth diversion, law enforcement officer, and child advocacy center grant programs. Net funding would decrease by \$321,000 GPR and \$667,000 PR per year.

**Joint Finance/Act 55:** Remove the provisions that would have created a state justice assistance grant program. Instead, retain the existing youth diversion, law enforcement officer, and child advocacy center grant programs. However, delete GPR funding for the youth diversion grant program (\$321,000 GPR annually).

Annual funding for the three current law grant programs during the 2015–17 biennium will be \$954,000 PR for youth diversion grants, \$1,224,900 PR for law enforcement officer grants, and \$238,100 PR for child advocacy center grants (\$2,417,000 PR in total).

Furthermore, associated with the youth diversion grant program GPR reduction, reduce funding provided to specific recipients in Brown, Kenosha, Milwaukee, and Racine Counties. Finally, modify current law to eliminate the youth diversion grant provided to an organization that is located in Ward 2 in the City of Racine.

**51. Sexual Assault Victim Services Grant Program**

**Joint Finance/Act 55:** Provide the Department of Justice \$100,000 GPR in fiscal year 2016–17 for grants under the sexual assault victim services grant program.

**52. Wisconsin Court Appointed Special Advocate Association**

**Joint Finance/Act 55:** Provide the Department of Justice with \$80,000 GPR annually for grants to the Wisconsin Court Appointed Special Advocate Association (Wi CASA). Funding would be provided on a non-continuing basis. Further, create a GPR appropriation to support grants for Wi CASA.

**53. Sobriety Testing Pilot Program**

**Joint Finance/Act 55:** Establish a sobriety testing pilot program in DOJ. Under the pilot program, DOJ is authorized to designate up to five counties to participate. Each participating county estab-

lishes its own frequent sobriety testing program, which monitors individuals who have been ordered to refrain from using alcohol or controlled substances, as a condition of probation, deferred prosecution, parole, or extended supervision.

To participate, a county program must meet certain requirements for frequency of testing, payment of fees by participants, and communicating to participants the legal consequences of failure to meet requirements. DOJ may establish standards in these areas by rule.

Participating counties must report annually to DOJ information about participation, costs, dropout rates, or other information required by DOJ. Beginning January 15, 2017, and annually thereafter until January 15, 2021, DOJ must submit a report to the legislature on the pilot program.

## **Public Defender**

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### **54. Eliminate Base Funding for Pay Progression**

**Governor:** Eliminate \$2,018,400 GPR per year of base funding for pay progression for assistant state public defenders. The bill would not eliminate the merit-based pay progression plan established by 2013 Act 20, but would require that funding for salary adjustments be supported from within the agency's remaining budget or from compensation reserves, or both.

**Joint Finance/Act 55:** provide the Office of the State Public Defender with \$481,300 GPR in fiscal year 2016–17 in order to support salary adjustments for eligible assistant state public defenders under the pay progression plan.

(See also a similar provision under District Attorneys, item 42.)

### **55. Private Bar Costs**

**Governor/Joint Finance/Act 55:** Provide \$1,409,000 GPR annually as a re-estimate of funding necessary to pay private bar attorney costs.

### **56. Increased Staffing for the Public Defender**

**Governor/Joint Finance/Act 55:** Provide 35.0 FTE GPR positions and \$2,304,200 GPR in fiscal year 2015–16 and \$2,686,000 GPR in fiscal year 2016–17 to increase staffing in the State Public Defender's Office.

Reduce funding for private bar and investigator reimbursements by \$1,677,000 GPR in fiscal year 2015–16 and \$3,354,000 GPR in fiscal year 2016–17, to reflect additional capacity in the State Public Defender's Office. The net change would be \$627,200 GPR in the first year and -\$668,000 GPR in the second year.

## 57. Cybersecurity

**Governor:** Provide \$1,325,600 GPR in fiscal year 2015–16 and \$653,600 GPR in fiscal year 2016–17 for network server upgrades, broadband security, workstation security, and information technology infrastructure management related to cybersecurity improvements for the State Public Defender.

**Joint Finance/Act 55:** Reduce the Governor’s request by \$672,000 GPR in fiscal year 2015–16 to account for the following services that were provided in 2014-15: (a) \$326,000 for network and server management services; and (b) \$346,000 to support the upgrade of the SPD’s operating system.

## Revenue

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## 58. Modifications to the Tax Refund Intercept Program

**Governor/Joint Finance/Act 55:** Specify that no person has any right to, or interest in, any overpayment, refundable credit, or refund, including any interest allowed, until setoff against debts owed to states, localities, the IRS, and tribes have been satisfied. The bill’s provision would retain the current priority order for setoffs, but would clarify an apparent misinterpretation of Wisconsin law by the IRS.

## 59. Third-Party and Internet Auctions of Delinquent Taxpayer Property

**Governor/Joint Finance/Act 55:** Modify provisions governing execution of warrants issued by a clerk of circuit court to collect income or franchise taxes as follows: (a) permit an agent of the Department of Revenue (DOR), or a third-party engaged by the agent, to conduct an execution sale of personal property in any county of the state; (b) permit the agent or third-party to sell the property in any manner the department believes will bring the highest net bid or price, including Internet-based auctions or sales.

Under current law, no third-party may be designated to collect, and a sale of property is limited to a county or counties specified in the warrant.

## 60. Debt Collection Agreements with County Boards

**Governor:** Modify provisions governing agreements whereby DOR collects debt on behalf of counties as follows: (a) provide that a county board may enter into a written agreement with DOR to have DOR collect any amount owed to the county that is more than 90 days past due; and (b) require DOR to charge each debtor a “collection fee” to be credited to DOR’s “collection of taxes – debt collection” appropriation, rather than an “administrative expense” as under current law.

The changes would clarify that DOR is not acting as a “debt collector” under the Wisconsin Consumer Act and therefore is not prohibited from collecting a surcharge. The changes would also clarify DOR’s collection surcharge need not be limited to actual administrative expenses.

**Joint Finance/Act 55:** In addition, provide that a clerk of court may — if authorized by the county board — enter into a written agreement with DOR for the collection of debt. Require that any such agreement shall provide that DOR shall charge a collection fee as provided under s. 71.93(8)(b), Stats.

## **Secretary of State**

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- **Transfer Municipal Filing Functions to DOA (see item 29.)**

## **Transportation**

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### **61. Safe-Ride Program Surcharge**

**Joint Finance/Act 55:** Establish a \$50 safe-ride program surcharge, to be assessed for various violations involving intoxicated use of a motor vehicle. The surcharge is imposed for the same offenses that receive the driver improvement surcharge, including operating while intoxicated and causing injury through intoxicated driving. Revenues support the Department of Transportation's safe-ride grant program.

- **Transfer Pretrial Intoxicated Driver Grant Program to DHS (see item 46.)**