

BUDGET MODIFICATIONS

Motion:

Move the following provisions:

1. **Revenue Limit for Consolidated School Districts.** Modify prior Joint Finance action to specify that both districts currently receiving consolidation aid (rather than only one) would receive a recurring revenue limit adjustment in 2015-16 equal to 75% of the consolidation aid that is outside of revenue limits received by the district in 2014-15. Specify that this adjustment would also apply to any future school district consolidations, and delete the current law provisions related to consolidation aid for the sixth and seventh years after consolidation.

2. **Additional Charter School Authorizers.** Modify prior Joint Finance action to specify that the Gateway Technical College District Board would be able to authorize charter schools located only in the district, not in counties adjacent to the district. Also, specify that the College of Menominee Nation and the Lac Courte Oreilles Ojibwa Community College, rather than tribal colleges generally, would be able to authorize charter schools. Specify that these two colleges could authorize up to a total of six schools between them, with no geographic limitations on the location of those schools.

3. **Course Options Program.** Modify prior Joint Finance action to restore the course options program. Additionally, specify that an institution of higher education, including the University of Wisconsin System, a technical college, a nonprofit institution of higher education, or a tribal college may charge tuition and fees to a pupil or his or her parents or guardians if that pupil receives postsecondary credit for a course taken through the course options program in an amount determined based on a negotiation between the institution of higher education and the school district. Specify that no tuition or fees could be charged for a course for which the pupil would not receive postsecondary credit.

4. **Supplemental Special Education Aid for District With Special Circumstances.** Modify prior Joint Finance action to specify that the alternative criteria for the distribution of supplemental special education aid would apply to a district that experienced a natural disaster, including a fire, rather than a district that experienced unforeseen and extenuating circumstances.

Clarify that in 2015-16, a district could qualify for supplemental special education aid under either the current law criteria or the alternative criteria identified by the Committee.

5. **Participation in Athletics and Extra-Curricular Activities.** Modify prior Joint Finance action to: (a) specify that it would only apply to pupils who are enrolled in a home-based private educational program; and (b) require that the home-based educational program provide the school board with a written statement that the pupil meets the school board's requirements for participation



in interscholastic athletics based on age and academic and disciplinary records, rather than the public school making that determination as under Joint Finance. With regard to the statement under (b), specify that no person could provide a false statement, and the school board could not question the accuracy or validity of the statement or request additional information.

6. ***Educational Communications Board.*** Delete 8.6 PR positions and \$1,647,300 PR annually to reflect GPR funding adjustments made by the Committee to the Educational Communications Board.

7. ***Teacher Licensure.*** Make the following modifications to prior Joint Finance action regarding alternative teacher licenses.

a. Maintain the provisions of the JFC motion requiring DPI to grant an initial teaching license to teach a technical education subject to an individual based on experience in a technical field and pedagogical experience, except require DPI to approve or deny an application for an initial teaching license to teach a technical education subject within 45 business days after receipt of the application, rather than 15 business days. If DPI did not act within 45 business days, the application would be considered to be approved until further action by DPI.

b. Create a new provision requiring DPI to grant an initial teaching license to any individual who was granted a teaching license by another state and completed at least one year of teaching experience in that state. Additionally, require DPI to grant an administrator license to any individual who was granted an administrator license by another state and completed at least one year of administrator experience in that state. Provide that the individual must have received an offer of employment from a school in Wisconsin prior to applying for such a license, and the application must be completed by both the applicant and the employing school/school district. Specify that the license type, including the subject area and grade level, would be determined by DPI based on the individual's out-of-state license type or experience.

c. Delete provisions of the JFC motion that would have required DPI to issue a teaching license to teach English, social studies, mathematics, or science to any individual with a bachelor's degree, if the school board, operator, or governing body of the school district, independent "2r" charter school, or private choice school in which the individual intends to teach would have determined that the individual is proficient in each subject that he or she intends to teach and that the individual has relevant experience in each subject that he or she intends to teach.

d. Delete provisions of the JFC motion that would have required DPI to issue a teaching permit to an individual in any subject area excluding English, social studies, mathematics, or science if the school board, operator, or governing body of the school district, independent "2r" charter school, or private choice school in which the individual intends to teach determines that the individual is proficient in each subject that he or she intends to teach and that the individual has relevant experience in each subject that he or she intends to teach.

e. Delete provisions of the JFC motion that would have specified that a license or permit issued under c. and d. would have authorized an individual to teach only the following: (a) the subject or subjects for which a school board, operator, or governing body determines the individual



is proficient and possesses sufficient experience; (b) in the school district, independent "2r" charter school, or choice school governed by the school board, operator, or governing body that determines the individual is proficient and possesses relevant experience; and (c) pupils in grades 6 through 12. The license would have been valid for three years, and would have been renewable upon a request made jointly by the school board, operator, or governing body and license or permit holder. Delete the provision that would have specified that DPI could not have imposed additional requirements for a license or permit issued based on these requirements.

f. Delete the provision of the JFC motion that would have required DPI to make an online teacher training program consisting of at least 40 hours of instruction available to any individual holding a license or permit issued under c. or d.

8. **Student Information System.** Reduce funding in the appropriation for the student information system by \$2,350,000 GPR in 2015-16.

9. **General Fund Structural Balance.** Provide that s. 20.003(4m) of the statutes, which requires that no bill may be passed by the Legislature if estimated general fund expenditures exceed estimated revenues in the second year of any fiscal biennium, would not apply to the 2015-17 budget bill.

10. **Statutory Reserve.** In addition to the Joint Finance provision, provide that beginning in 2017-18, the statutory reserve would be increased from the prior year by \$5 million annually. Specify that the statutory reserve could not exceed 2% of GPR appropriations plus compensation reserves.

11. **Wisconsin Environmental Education Board (WEEB).** Delay the effective date of the repeal of the two appropriations for environmental education grants and current law provisions related to the Wisconsin environmental education board from July 1, 2016, under the bill and a previous motion, to July 1, 2017. This would allow WEEB to fully expend revenues received in the 2014-15 and 2015-16 fiscal years but would not provide any additional moneys for grants compared to the bill or the previous motion.

12. **Nonresident Tuition Remissions.** Modify previous action to retain current law specifying that, to be eligible for a tuition remission, a graduate student who is employed within the UW System must have an appointment equal to at least 33% of a full-time equivalent position.

13. **Application Fees.** Clarify previous action by specifying that each UW institution would be required to charge a uniform application fee to all undergraduate applicants to that institution. In addition, modify previous action to specify that each institution could set a different application fee for each of the following groups of applicants: (a) undergraduate applicants; (b) graduate applicants; (c) law school applicants; and (d) medical school applicants.

14. **University Personnel Systems.** Clarify two current law references to persons who are assigned to university senior executive salary groups and delete one such reference to conform with other changes made under 2011 Act 32 related to the creation of the UW personnel systems, which will take effect on July 1, 2015.



**15. *Special Prosecutor Positions for the Department of Justice.*** Provide \$220,000 GPR annually to the Joint Committee on Finance's supplemental GPR appropriation for the purpose of providing funding to the Department of Justice (DOJ) for 2.0 assistant attorney general (AAG) positions. The 2.0 AAG positions would serve as special prosecutors who would prosecute cases related to gun violence and other offenses involving the use of a firearm. The release of funding from the Committee's supplemental GPR appropriation to the Department of Justice would be contingent upon DOJ submitting a plan to the Committee, under s. 13.10 of the statutes, which would detail how DOJ would utilize the funding and the 2.0 AAG positions for gun violence prosecutors.

**16. *Remove Military Property Program Modifications.*** Delete the provisions previously adopted by the Joint Committee on Finance under Motion #112 related to Wisconsin's involvement in the federal military property program.

Motion #112 would have created additional oversight over state and local law enforcement agencies' participation in the military property program. Specifically, the motion would have specified the following:

a. Require that state or local law enforcement agencies receive approval from the appropriate state or local approval entity in order to acquire weapons and machines under the military property program. Further, specify that specific policies must be developed by the appropriate state or local approval entity as to when such weapons or machines, or parts of such weapons or machines, may be fully or partially utilized by law enforcement, and the training that is required to utilize such weapons or machines.

b. Require law enforcement agencies to report on the use of weapons or machines, or parts of such weapons or machines, obtained under the military property program to the law enforcement agency's state or local approval entity within 14 days of use of such weapons or equipment. Such a report must detail the circumstances surrounding the use of the weapons or machines.

c. Require that the appropriate state or local approval entity develop policies that would specify the appropriate use of equipment acquired under the military property program. Further, require that the developed policies specify what would happen to any equipment acquired under the program that has been utilized inappropriately, as specified by the state or local approval entity's policies.

d. Require that state or local law enforcement agencies requesting to obtain equipment under the military property program public a notice of such a request on a publicly accessible website within 14 days of submitting a request. Further, require that the state or local law enforcement agency report on the receipt of any items under the military property program on the same publicly accessible website within 14 days of receipt.

**17. *Wisconsin Interoperability System for Communications.*** Require the Interoperability Council to submit a report to the Joint Committee on Finance on the Wisconsin Interoperability System for Communications (WISCOM) by June 30, 2016. Provide that the required report must, at



a minimum, include answers to the following questions:

- From inception of the program through 2015-16, how much has the state expended to develop, construct, and operate WISCOM? Be sure to identify the amounts that have been spent from GPR, PR, FED, and SEG sources. Further, for PR, FED, and SEG expenditures, identify the revenue sources utilized to support WISCOM.
- What is the annual operating budget for WISCOM during 2015-16? Specifically identify costs relating to staff, infrastructure expansion, infrastructure maintenance, supplies and services, and other costs related to WISCOM.
- Which local, state, and federal agencies utilize WISCOM? How frequently do these agencies use the system? How is each agency utilizing the system to support its agency's operations? Are there agencies in Wisconsin that utilize an alternative communications system for their emergency responders? If so, identify these agencies. Further, elaborate as to why these agencies utilize an alternative communications system for their emergency responders. What are the benefits of these alternative communications systems?
- Which local, state, and federal agencies are daily users of WISCOM? Is it anticipated that additional local, state, or federal agencies will become daily users of WISCOM? If so, identify these agencies. Further, when is it anticipated that these agencies will become daily users of WISCOM? [Note that a daily user of WISCOM utilizes WISCOM for its emergency response communications needs, and foregoes use of a separate communication system for its emergency responders.]
- What is the current status of WISCOM's infrastructure? How, if at all, will WISCOM's infrastructure be expanded in future years?
- How have other Midwestern states developed statewide interoperable systems for communications? Has WISCOM been developed in a similar manner? If so, how? If not, why not?
- What successes has WISCOM had in providing an effective system for statewide communication between local, state, and federal public safety agencies?
- Has WISCOM faced any challenges in providing an effective system for statewide communication between local, state, and federal public safety agencies? If so, how could these challenges be addressed?
- To what extent is WISCOM compatible with other emergency response communication networks utilized by local agencies? Are there instances in which WISCOM's Very High Frequency (VHF) channels or sites have interfered with channels or sites utilized by local emergency responders? If so, why has this occurred, and has, or will, this issue be addressed?
- How many sites, channels, and users does WISCOM currently support? Further, what is the maximum number of sites, channels, and users that WISCOM could currently support? Would there be a way of expanding the number of sites, channels, and users that could be supported by WISCOM?



**18. Law Enforcement Officer-Involved Deaths.** Specify that before releasing the investigative report of an officer-involved death, the investigators who conducted the investigation must delete any information from the report released to the public that would not be subject to disclosure pursuant to the balancing test under the state's open records laws. [The state's open records laws generally provide that an individual has a right to inspect any public record, unless the legal custodian of the record or the appropriate authority makes a specific determination that there is a need to restrict public access at the time that the request to inspect or copy the record is made (this is commonly known as the balancing test). Current law does not specify that reports released to the public related to officer-involved death investigations are subject to the balancing test provided under the open records law.]

**19. One-Time Funding for Department of Corrections Wheelchair Recycling Program.** Provide one-time funding of \$25,000 GPR in each year of the 2015-17 biennium to the Department of Corrections' general program operations appropriation for wheelchair recycling.

**20. CCAP Definition and Removal of Certain Information from WCCA.** Create statutory language defining the Courts' Consolidated Court Automation programs as follows:

"Wisconsin Circuit Court Access Internet site" means the Internet site of the consolidated court automation programs, which is the statewide electronic circuit court case management system and maintained by the director of state courts.

Specify that the Director of State Courts must remove from the Wisconsin Circuit Court Access Internet site all information relating to a criminal case if all of the following have occurred: (a) all charges have been dismissed by the court prior to trial; (b) all dismissed charges were offenses for which the maximum period of imprisonment was six years or less; (c) none of the dismissed changes was for a violent offense as defined in s. 301.048(2)(bm) of the statutes; (d) an order has been issued by the court having jurisdiction to remove such information; and (e) the dismissed charges were filed when the person charged was under the age of 25.

Specify that the change would apply to judgments or orders entered before and after the effective date if information regarding the judgement or order is available on the Wisconsin Circuit Court Access Internet site on the effective date.

**21. Eliminate Certain Boards and Councils.** Eliminate the following boards and councils. In addition, specify that the Department of Safety and Professional Services (DSPS) must include a proposal to eliminate inactive boards, councils, or commissions with the submission of its biennial agency budget request. Under current law, DOA proposes the elimination of inactive boards, councils, or commissions with the submission of its biennial agency budget request. [It should be noted that 2015 Senate Bill 171 would eliminate the identified boards and councils and transfer responsibility to propose elimination from DOA to DSPS. As amended by Senate Amendment 1 to SB 171, the Automatic Fire Sprinkler System Contractors and Journeymen Council would not be eliminated and would remain in statute. The amended bill passed the Senate on June 9, 2015.]



**Administration**

Acid Deposition Research Council  
Council on Utility Public Benefits  
Information Technology Management Board  
Service Award Board

**Office of the Governor**

Standards Development Council

**Historical Society**

Historical Society Endowment Fund Council

**Natural Resources**

Managed Forest Land Board  
Milwaukee River Revitalization Council

**Public Service Commission**

Telecommunications Privacy Council

**Safety and Professional Services**

Automatic Fire Sprinkler System Contractors and Journeymen Council  
Crematory Authority Council Examining Council on Licensed Practical Nurses  
Examining Council on Registered Nurses  
Multifamily Dwelling Code Council  
Pharmacist Advisory Council

**Workforce Development**

Labor and Management Council

**22. *Appraisals of State-Owned Property.*** Provide \$100,000 PR annually to the Department of Administration's facility operations and maintenance and police and protection functions appropriation for appraisals of state-owned real property. [Under the bill, the appropriation is funded at \$39,482,300 PR in 2015-16 and \$39,582,700 in 2016-17.]

**23. *Retirement Systems for First Class Cities and Counties with a Population of 500,000 or More – Mental Injury Related Duty Disability Benefits.*** Provide that no compensable mental injury duty disability benefit may be paid from any retirement system of a first class city or of a county with a population of 500,000 or more unless: (a) the employer certifies that the compensable mental injury was duty-related; or (b) the Department of Workforce Development (DWD) determines that the compensable mental injury was duty-related on appeal. Provide that any appeal to DWD would follow the procedures under ss. 102.16 to 102.26 of the statutes. Specify that a compensable mental injury would mean a mental injury resulting from a situation of greater dimensions than the day-to-day mental stresses and tensions and post-traumatic stress that all similarly situated employees must experience.

**24. *High-Deductible Health Plan Alternative for Local Protective Service Employees.*** Specify that if a local governmental unit offers health care insurance to employees who are police officers, fire fighters, or emergency medical technicians, the local governmental unit must also offer to the employees who are police officers, fire fighters, or emergency medical technicians, a



high-deductible health plan (HDHP) that has identical design features to the HDHP offered to state employees.

**25. *General Employee Labor Union Recognition Elections.*** Provide that state and local general employee unions seeking initial recognition to represent a collective bargaining unit would have to receive at least 51% of the votes of all of the general employees in the collective bargaining unit in order to be initially certified to represent the collective bargaining unit. [Under current law, a general employee union already authorized to represent a collective bargaining unit must receive at least 51% of the votes of all of the general employees in the collective bargaining unit in order to be recertified to represent the collective bargaining unit for an additional year. General employee unions must win a recertification election every year in order to continue to be authorized to represent the collective bargaining unit. However, under current law, if a collective bargaining unit has been unrepresented, a general employee union must only win a majority of votes cast at the election in order to be initially recognized or certified to represent the collective bargaining unit.]

**26. *STAR Project Implementation Group Insurance Changes.*** Eliminate the requirement that executive branch state employees must be covered under the Wisconsin Retirement System for a period of at least six months in order to be eligible for group insurance benefits, other than health insurance. As a result, employees would be immediately eligible for life and income continuation insurance benefits.

Provide that state employees electing to receive health care coverage within 30 days of being hired, begin to receive this coverage on the first day of the month that first occurs during the 30-day election period, instead of receiving coverage effective on the first day of the month which begins on or after the date the employee's application for coverage is received by the employer. Further, provide that state employees electing to receive income continuation insurance within 30 days of initial eligibility, begin to receive this coverage on the first day of the month that first occurs during this 30-day period, instead of receiving coverage effective on the first day of the month which begins on or after the date the employee's application for coverage is received by the employer.

Specify that state employees would now have 60 days, instead of the current 30 days, to elect income continuation coverage when initially eligible for a higher level of employer contribution towards the premium cost. For state employees other than teachers employed by the university, this coverage would be effective the following April 1. For teachers employed by the university, this coverage would be effective the first day of the month following the date of eligibility instead of the first day of the month following the date the employee's application for coverage is received by the employer.

The state is currently undertaking a project to replace various existing finance, procurement, human resource, payroll, benefits and budget information systems across state agencies with one consolidated system. The project is entitled the STAR (state transforming agency resources) project. The administration indicates that these requested group insurance changes would reduce the customization that will be required of PeopleSoft (the base information technology system for the STAR project). It is estimated that eliminating the six month waiting period for group life insurance coverage would increase state costs by \$48,000 in 2015-16, and \$96,000 in 2016-17 (all



funds). Under the motion, these increased costs would be addressed by state agencies from base resources.

**27. *Legislative Organization and Powers.*** Modify the authority and organization of the Legislature in the following areas as indicated.

a. *Joint Survey Committee on Retirement Systems.* Delete current law which provides that the Joint Survey Committee on Retirement Systems (JSCRS) be composed of 10 members as follows: (1) two majority party senators, one minority party senator, two majority party representatives, and one minority party representative, appointed as are the members of standing committees in their respective houses; (2) an assistant attorney general appointed by the Attorney General; (3) a member of the public who is not a participant in any public retirement system in Wisconsin, to be selected by the Governor; (4) the Commissioner of Insurance or an experienced actuary in the Commissioner's Office designated by the Commissioner; and (5) the Secretary of Employee Trust Funds or his or her designee. Instead, provide that JSCRS continue to be composed of 10 members, consisting of five senators and five representatives appointed as are members of standing committees in their respective houses. With the elimination of nonlegislator members from JSCRS, delete the requirement that the secretary of JSCRS be elected from the nonlegislator members of the committee. Delete current law which provides that legislators, the assistant attorney general and the member of the public appointed to JSCRS under current law serve for a period of four years and until a successor is appointed and qualified. Further, delete current law which provides that any member of JSCRS ceases to be a member of the committee upon losing the status upon which the appointment was based. Finally, delete current law which specifies that membership on JSCRS must not be incompatible with any other public office.

b. *Legislative Audit Bureau.* Amend current law to provide that any audit by the Legislative Audit Bureau (LAB) of the operations of the Wisconsin Veterans Home at Chippewa Falls by any private entity would be performed at such times as the Legislature directs, instead of at such times as the Governor or Legislature directs. Delete the authority of the Governor to direct the LAB to make special examinations of the accounts and financial transactions of any department, agency, or officer.

c. *Public Records.* Provide that the records and correspondence of any officer of the Legislature, any legislative employee, and of any legislative service agency would not be considered public records for purposes of public records preservation by the Public Records Board. Under current law, the records and correspondence of any member of the Legislature are not considered public records for purposes of public records preservation by the Public Records Board.

**28. *Definition of Public Records.*** Provide that "deliberative materials" would not be considered a public record for purposes of the state's public records law. Specify that deliberative materials would mean communications and other materials, including opinions, analyses, briefings, background information, recommendations, suggestions, drafts, correspondence about drafts, and notes, created or prepared in the process of reaching a decision concerning a policy or course of action or in the process of drafting a document or formulating an official communication. Deliberative materials would include inter-authority and intra-authority communications but would not include: (a) communications with persons who are not authorized to participate in the process



of reaching a decision, drafting a document, or formulating an official communication; and (b) communications with persons other than an authority (as defined under the state's public records law), unless the communication is within the scope of a contract between the person and an authority. This provision is effective and initially applicable July 1, 2015.

**29. *Legislator Disclosure Privileges.*** Provide that a legislator has a legal privilege or right to refuse to disclose, and to prevent a current or former legislative staff member from disclosing, all of the following communications and related records if made within the course of disclosing, all of the following communications and related records if made within the course of legislative business during the legislator's term of office: (a) a communication between the legislator or a member of the legislator's personal staff, or another person acting on behalf of the legislator, and a member of the clerk or sergeant staff; (b) a communication between the legislator or a member of the legislator's personal staff, or another person acting on behalf of the legislator, and a member of the nonpartisan staff; (c) a communication between the legislator, or a person acting on behalf of the legislator, and a member of the legislator's personal staff; (d) a communication between two or more members of the nonpartisan staff or clerk and sergeant staff related to the legislative business of a legislator; (e) a communication between two or more members of the legislator's personal staff; and (f) a communication between the legislator or a member of the legislator's personal staff, or another person acting on behalf of the legislator, and any other person. In addition, specify that a legislator has a legal privilege or right to refuse to disclose, and to prevent a current or former legislative staff member from disclosing, information from which can be ascertained the identity of any person who communicates with the legislator within the course of legislative business during the legislator's term of office. For purposes of these legislator privileges, legislative business means all aspects of the legislative process, broadly construed, and includes: (a) researching, drafting, circulating, discussing, introducing, and amending legislative proposals; (b) the development of public policy, including research, analysis, consideration, and discussion of issues relevant to public policy; (c) all aspects of legislative proceedings; (d) all matters related to the policies, practices, and procedures of the legislative branch; (e) all matters related to the work of a legislative committee; (f) investigations and oversight; (g) constituent relations; and (h) all other powers, duties, and functions assigned by law, rule, custom, policy, or practice to the Legislature, one house of the Legislature, a committee of the Legislature, or a member of the Legislature. Provide that legislative business does not include criminal conduct or political campaigning. For purposes of these legislator privileges, provide that personal staff means the employees assigned to or interning in the office of a legislator. A legislator's term of office is considered to begin on the date of certification of the legislator's election to the Legislature.

Require legislative service agencies to at all times observe the confidential nature of all communications, records, and information that may be subject to these legislator privileges. Further, provide that these legislator privileges or rights may be waived only by the express personal waiver of each legislator who may claim the privilege. Disclosure of a communication, record, or information that is legally privileged by any person to any other person, regardless of whether that disclosure is authorized by the legislator and including an authorized disclosure by nonpartisan staff, shall not constitute a legal waiver of the privilege. A legislative staff member or former legislative staff member must assert and may not waive a legal privilege on behalf of a legislator who may claim the legal privilege. Legislative staff members includes: (a) members of the legislator's personal staff; (b) members of the nonpartisan staff; or (c) clerk or sergeant staff.



These provisions related to legislator privilege may not be construed to limit or restrict in any way a privilege or other protection available to a legislator under any other law.

This provision is effective and initially applicable July 1, 2015.

**30. *Legislative Reference Bureau Records and Communications.*** Provide that the Legislative Reference Bureau (LRB) must at all times observe the confidential nature of research requests received by it. Further, provide that all drafting files and other records relating to reference, drafting, and research requests received by the LRB must remain confidential at all times. Delete the requirements that, in carrying out its reference responsibilities, the LRB: (a) maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent; and (b) retain these drafting records in its offices at all times. Delete the requirements that the drafting section of the LRB: (a) maintain the files for all drafting requests received during a legislative session while the Legislature remains in session; and (b) after final adjournment of a legislative session turn over to the reference section of the LRB the files for all drafting requests received during a legislative session which resulted in introduced legislation. Eliminate the requirement for the LRB to administer payments associated with costs incurred for microfilming, optical imaging, or electronic formatting of legislative drafting records. This provision is effective and initially applicable July 1, 2015.

**31. *Application of State's Public Records Law to Legislative Records.*** Specify that no provision of the state's public records law that conflicts with a rule or policy of the Senate or Assembly or joint rule or policy of the Legislature applies to a record that is subject to such legislative rule or policy. This provision is effective July 1, 2015.

**32. *Nonpartisan Legislative Service Agencies' Communications.*** Provide that the confidentiality requirements imposed on nonpartisan legislative service agencies may not be construed to prohibit any staff member of a nonpartisan legislative service agency from communicating with any staff member of another nonpartisan legislative service agency for the purpose of serving the Legislature and its members or from disclosing any communication, record, or information in accord with a rule, custom, policy, or practice of the Legislature. This provision is effective July 1, 2015.

**33. *Lead-Bearing Paint -- Definitions and Penalties.*** Change the definition of "lead-bearing paint" (from the current statutory definition of any paint or other surface coating material containing more than 0.06% lead by weight in liquid paint or more than 0.7 milligrams of lead per square centimeter in the dried film of applied paint) to any paint or other surface coating containing more than 0.06% by weight in liquid paint, more than 0.5% lead by weight in dried paint, or 1.0 milligram of lead per square centimeter in dried paint. Delete a current law provision that allows administrative rules to supersede the statutory definition of "lead-bearing paint" if the Centers for Disease Control and Prevention specifies a standard that differs from state statute.

Increase the forfeiture for a violation of statutes relating to ss. 254.11 to 254.178 of the statutes, or rules promulgated, or orders issued, under those sections from not less than \$100 nor more than \$1,000, to not less than \$100 nor more than \$5,000 per violation. Specify that the



criminal penalty for a person who knowingly violates any provision of ss. 254.11 to 254.178, or any rule promulgated, or order issued, under those sections is not less than \$100 nor more than \$5,000 per violation (current law does not specify that the penalty is per violation). Specify that these provisions would first apply to violations that occur on the bill's general effective date. These penalties apply to the use or sale of lead-bearing paint, and the prevention and control of lead-bearing paint hazards.

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

**35. *Dental Pilot Program.*** Clarify that the rate used for dental procedures for which there is no survey data shall be 80% of the median usual and customary charge for that procedure for dentists practicing in Wisconsin (or the provider's usual and customary charge for that procedure if that charge is less). Specify that the enhanced MA reimbursement rates for dental services provided under the dental pilot project would be discontinued for dates of service beginning on the first day of the 37<sup>th</sup> month after the enhanced reimbursement rates take effect.

**36. *Long-Term Care Waiver.*** Modify provisions that direct DHS to seek changes to the federal waiver under which Family Care and IRIS (Include, Respect, I Self-Direct) operates, as follows.

First, require DHS to submit, as a part of the MA quarterly reports submitted by September 30, 2015, and December 30, 2015, progress reports regarding the development of the waiver proposal. Specify that the reports must include, but are not limited to, information regarding outcomes from discussions with representatives of consumers of long-term care, long-term care providers, and the federal Centers for Medicare and Medicaid Services.

Second, require that DHS hold no less than two public hearings regarding the proposed Family Care waiver prior to its submission to JFC.

**37. *Nursing Home Bed Transfer.*** Require DHS to redistribute three nursing home beds that are currently available under the statewide bed limit to a facility that meets all of the following criteria: (a) has a licensed bed capacity of no more than 75, on the effective date of the bill; (b) is covered by a continuing care permit under s. 647.02 of the statutes, on the effective date of the bill; (c) is located in a county with a population of at least 380,000 and adjacent to a county with a population of at least 750,000, on the effective date of the bill; and (d) for which the facility has applied for the beds using an application that, on a form provided by the Department, includes the applicant's per diem operating and capital rates.