

**Notice of Public Meeting**

**Tuesday, March 29, 2016  
3:00 P.M.**

**LEGISLATIVE  
COMMITTEE**

**Door County Government Center  
Chambers Room (C102), 1st floor  
421 Nebraska Street, Sturgeon Bay, WI**

**AGENDA**

1. Call Meeting to Order
2. Establish a Quorum ~ Roll Call
3. Adopt Agenda / Properly Noticed
4. Approve Minutes of November 11, 2015 Legislative Committee Meeting
5. Communications
6. Public Comment
7. Supervisor Response
8. Old Business
9. New Business
  - A. Guest – State Representative Joel Kitchens
  - B. General Discussion of Laws and Legislation that Arose from the Wisconsin State Legislature's Current (2015-2016) Session, including:
    - Shoreland Zoning Changes [2015 Wisconsin Acts 55, 167 & 178]
    - Replacement of the Wisconsin Government Accountability Board with and Elections Commission and Ethics Commission [2015 Wisconsin Act 118]
    - Various Election Law Changes [2015 Wisconsin Act 261]
    - Prohibition on Imposing Certain Time-of-Sale Requirements - §706.22, Wis. Stats. [2015 Wisconsin Acts 55 & 176]
    - Chapter 173 Wisconsin Statutes Revisions [2015 Wisconsin Act 233]
  - C. Chancellor Cathy Sandeen's Proposed Reorganization (dubbed *nEXT Generation*) of U.W. Extension's "Cooperative Extension"
  - D. Groundwater/Karst Taskforce
  - E. 17-Year-Olds and Juvenile Court Jurisdiction
  - F. Transportation AB301 and AB495
  - G. A Series of Human Services Bills: AB177, AB188, AB200, AB222, AB535, AB386, AB414
  - H. Discussion on Highway Project by the Gibraltar Schools
  - I. Pending or Proposed Wisconsin Laws and Legislation
10. Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee
11. Next Meeting Date: Wednesday, February 10, 2016 – 3:00 p.m.
12. Adjourn

*Deviation from the order shown may occur.*

Members of the Door County Board of Supervisors and/or its sub-units may be in attendance at this meeting to listen and gather information. Notice is hereby given that the above meeting may constitute a meeting of the Door County Board of Supervisors or one of its sub-units. However no official action will be taken except by the Legislative Committee.

*In compliance with the Americans with Disabilities Act, any person needing assistance to participate in this meeting, should contact the Office of the County Clerk at (920)746 2200. Notification 72 hours prior to a meeting will enable the County to make reasonable arrangements to ensure accessibility to that meeting.*

Posted \_\_\_\_\_, 2015 Initials: \_\_\_\_\_

<p style="text-align: center;"><b>MINUTES</b></p> <p><b>Wednesday, November 11, 2015</b></p>	<p style="text-align: center;"><b>LEGISLATIVE COMMITTEE</b></p>	<p style="text-align: right;">2 of 11</p> <p style="text-align: center;"><i>Door County Government Center Chambers Room (C102), 1st floor 421 Nebraska Street, Sturgeon Bay, WI</i></p>

### **Call Meeting to Order**

Chair Susan Kohout called the November 11, 2015 meeting of the Legislative Committee to order at 3:00 p.m. at the Door County Government Center.

### **Establish a Quorum – Roll Call**

Committee members present – John Bur, Kathy Schultz, Steve Sohns, and Susan Kohout. David Enigl was excused.

Others present – Administrator Ken Pabich, County Clerk Jill Lau, League of Women Voters Representative Barb Graul and Reporter Peter Devlin.

"These minutes have **not** been reviewed by the oversight committee and are subject to approval at the next regular committee meeting."

**Present for a Portion of the Meeting:** Planning and Zoning Director Mariah Goode, Highway Commissioner John Kolodziej, Human Services Deputy Director Cori McFarlane, and CC Grant Thomas.

### **Adopt Agenda/Properly Noticed**

Motion by Schultz, seconded by Bur to approve the agenda. Motion carried by unanimous voice vote.

### **Approve Minutes of September 14, 2015 Legislative Committee Meeting**

Motion by Schultz, seconded by Sohns to approve the meeting minutes of September 14, 2015. Motion to approve carried by unanimous voice vote.

### **Communications**

No communications were presented.

### **Public Comment**

No one from the public commented.

### **Supervisor Response**

N/A.

### **Old Business**

#### **Shoreland Zoning Regulation Update**

Chair Kohout noted she attended the WCA Ambassadors Program and at that meeting it was suggested counties lobby for this issue. Planning Director Goode suggested the County consider sponsoring a resolution asking the Legislators to repeal the shoreland zoning provisions created in the 2015-2017 budget; Goode distributed a draft resolution for review. The Resource Planning Committee sponsored a text amendment for Chapter 14; will be before County Board in December. The text amendment will allow persons to use the old shoreland zoning ordinances until the County is required to come into complete compliance with the new rules. Goode noted Representative Kitchens and staff are working on a bill to make revisions to the provisions created in the state budget. Goode is requesting if the Legislators are unwilling to repeal the entire bill they at least allow counties some discretion.

The County could ask for a repeal of the bill, modifications to the bill, or concur with the members of the RPC committee with whatever they determine. Supervisor Bur noted he would not support a total repeal. No further action was taken by the Legislative Committee.

## **Transferring Jurisdiction over 17-year-old Offenders Back to Juvenile Court**

### **Letter to Senator Lasee and Representative Kitchens**

A bill drafted puts 17-year olds back into the Juvenile Court; currently they are in the adult system. There is no funding attached to the bill. Human Services Deputy Director Cori McFarlane reviewed the number of juvenile delinquent cases the County has served over the past 6 years. The result of moving the 17 year old non-violent offenders into the Human Services work would result in 47 additional juveniles into the system; this is equivalent to one full-time worker in the HS Department. McFarlane noted it makes sense to bring 17-year old juveniles back into the juvenile system however funding is needed.

Motion by Sohns, seconded by Schultz to sponsor a resolution in support of transferring jurisdiction over 17-year old offenders back to Juvenile Court but only if funding is allocated. Motion carried by unanimous voice vote.

### **Family Care and ADRC – FYI**

Chair Kohout explained concerns related to Family Care. Kohout suggested bringing clients, staff, and state representatives in to discuss issues related to Family Care. Administrator Pabich cautioned the committee on jumping in too fast given Door County didn't roll out Family Care until later in the process. Further discussion will be held in January.

### **New Business**

#### **Legislative Updates**

#### **State Buyout of Federal Funds for the Local Highway & Bridge Program**

Highway Commissioner Kolodziej explained this issue has been discussed for several years. Currently approximately \$91M from Federal Funds is distributed to local governments. When the money is received it carries with it all the Federal stipulations including studies such as historical, archeological, etc. Because of that and the bureaucratic hassles to handle the funds received the price of small projects is driven up. The recommendation is to allow the State to use the \$91M on state projects and then use state funds to fund an equal dollar amount to the local governments; thus eliminating all of the federal "red tape". The change is expected to save 15% to 20% on the overall costs which could then be spent on other local projects. A bill is currently being drafted. Wisconsin Counties Association is endorsing the bill. The bill is currently looking for co-sponsors; Senator Lasee has signed on as a co-sponsor. Representative Kitchens is researching the issue.

Motion by Schultz, seconded by Bur to direct Chair Kohout draft a letter to Senator Lasee and Representative Kitchens encouraging support of the State Buyout.

#### **Local Option Sales Tax**

Kolodziej explained there is a bill drafted which allows counties, by referendum of a super majority, to implement a .5% sales tax to be used specifically for transportation improvements. The tax is to be shared by all municipalities. The original level of funding for transportation projects would be required to be maintained. Estimated revenues are \$3.5M. Representative Kitchens has signed on in support. Senator Lasee is not supportive of an additional tax. Kolodziej will bring this issue before the Highway Committee for discussion and possible action. No further action will be taken at this time by the Legislative Committee.

#### **Reimbursement for Probation and Parole Holds**

Chair Kohout explained there is a request asking for permission to charge each probation and parole person a \$3/month fee to help reimburse counties for costs. A bill has been drafted and is currently waiting for co-sponsors. It was noted collecting the fee is of concern. Based on studies approximately 10% of probation and parole hold fees are collected; based on the additional \$3 charge it is expected

approximately \$1M would be collected. No further action will be taken at this time by the Legislative Committee. 4 of 11

### **Request from Feingold on Federal Issues affecting Door County**

Chair Kohout received a call from a staffer of Russ Feingold who was interested in what concerns county residents had with federal issues. If there are any issues notable a list could be compiled and forwarded on to all legislators. No action will be taken by the Legislative Committee.

### **Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee**

- Proposal by the Attorney General Regarding a 12 Hour Response Time for Child Abuse Cases
- Local Option Sales Tax

### **Next Meeting Date**

January 13, 2016 – 3:00 p.m.

### **Adjourn**

Motion by Schultz, seconded Sohns to adjourn. Adjournment came at 4:15 p.m. Motion carried by voice vote.

Respectfully Submitted by County Clerk Jill M. Lau.

### **Quick Reference for 9.B**

**Act 55:** State finances and appropriations, constituting the executive budget act of the 2015 legislature.

**Act 118:** This bill makes the following changes to the structure and operation of the Government Accountability Board.

**Act 167:** This bill codifies and makes changes to certain Department of Natural Resources (DNR) shoreland zoning standards.

**Act 176:** Prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property. [Act includes other provisions]

**Act 178:** Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions.

### **Quick Reference for 9.C**

**nEXT Generation:** The nEXT Generation reorganization project began in early 2015, when the Cooperative Extension Administrative Committee started developing frameworks to address the division's \$3.6 million share of state cuts to the University of Wisconsin System. These targets include cutting \$1.2 million from county-level programs, \$1.7 million from campus programs and state specialists, and \$700,000 from central administration. Again, the more GPR funding an area receives, the greater its cuts. The overall goal: Establish a model that is fiscally sustainable and makes Cooperative Extension more relevant, flexible, and digital—positioned to serve further generations of Wisconsin residents.

### **Quick Reference for 9.D**

**Groundwater / Karst Taskforce:** A proposal to have a Legislative Council study which would investigate the prevention of groundwater contamination in the karst region of Northeast Wisconsin due to livestock waste.

### **Quick Reference for 9.E**

**AB378:** Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code, if the person has not been charged with committing certain violent offenses and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime.

**Quick Reference for 9.F**

**AB 495:** *Analysis by the Legislative Reference Bureau:* This bill allows a municipality to enact an ordinance to impose a sales and use tax on the sale or use of motor vehicle fuel in the municipality. The municipality must use the tax revenue for transportation purposes. The tax rate may not exceed 5 percent of the sales price.

**AB301:** *Analysis by the Legislative Reference Bureau:* This bill allows a city, village, or town to impose a sales and use tax at the rate of 1.5 percent of the sales price of tangible personal property and taxable services purchased or used in the city, village, or town. The city, village, or town must use the sales and use tax revenue for transportation purposes. The bill also lowers the state sales and use tax rate from 5 percent to 3 percent and requires that the sales and use tax collected on the sale of gasoline and diesel fuel be deposited into the transportation fund.



22 EAST MIFFLIN STREET, SUITE 900  
MADISON, WI 53703  
TOLL FREE: 1.866.404.2700  
PHONE: 608.663.7188  
FAX: 608.663.7189  
www.wicounties.org

## MEMORANDUM

**TO:** Wisconsin County Human Services Association (WCHSA) Economic Support Policy Advisory Committee (ESPAC)

**FROM:** Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

**DATE:** March 15, 2016

**SUBJECT:** Legislative Update

Following please find an update on legislation introduced in the 2015-2016 Legislative Session impacting the work of the WCHSA ESPAC. Please do not hesitate to contact me if you have any questions on the bills listed below or any other piece of legislation.

### **Assembly Bill 177 (AB 177) – Limits the foods that may be purchased under FoodShare.**

As adopted by the Assembly, AB 177 specifies that 67% of benefits used by a FoodShare recipient each month must be used to purchase foods that are authorized for purchase in the special supplemental food program for women, infants, and children (regardless of brand, size, or packaging), and to purchase beef, pork, poultry, fish, fresh produce, potatoes, cranberries (whether fresh, frozen, or canned), all types of dairy products.

The bill specifies that FoodShare benefits may not be used to purchase crab, lobster, shrimp, or any other shellfish.

In order to implement these provisions, the bill provides that the Department of Health Services (DHS) may apply to the U.S. Department of Agriculture for a waiver, if needed, and must reimburse retail and warehouse suppliers for initial implementation costs to comply with the purchase limitations.

The bill passed the Assembly on May 13, 2015.

In the Assembly Committee, no one registered or spoke in favor of the bill. A few people spoke against the bill and a number of organizations registered against.

In the Senate, the bill was referred to the Committee on Agriculture, Small Business, and Tourism. No action was taken in the Senate on the bill.

Legislative Update  
Page 2  
March 15, 2016

**Assembly Bill 188 (AB 188) – Removing FoodShare benefits from an inactive account and expunging unused benefits after one year.**

As adopted by the Assembly, AB 188 requires the Department of Health Services to remove and store offline all FoodShare benefits posted to a recipient's account if the account has not been accessed in six months or longer. The benefits must be made available again to the recipient if the recipient requests them or reapplies for FoodShare benefits, whichever is appropriate under the circumstances. DHS must attempt to notify the recipient before removing the benefits and must describe how the benefits may be returned to the account. The bill also directs DHS to expunge any FoodShare benefits that have not been used after one year, regardless of whether the benefits are being stored offline or are posted to active accounts.

The bill passed the Assembly on November 3, 2015.

On January 13, 2016, a public hearing was held in the Senate Committee on Public Benefit and Regulatory Reform. The bill was voted out of committee on March 2, 2016.

The bill is not scheduled for floor action in the Senate.

**Assembly Bill 200 (AB 200)/Senate Bill 136 (SB 136) – A waiver to limit the number of FoodShare replacement cards.**

As adopted by the Assembly, AB 200 specifies a process for the treatment of requests for replacement FoodShare cards. Under the bill, a fourth request for a replacement benefit card in a 12-month period is treated as a threshold for the number of replacement cards that is considered excessive.

DHS is required to take the following actions when a household that is receiving FoodShare benefits requests a fourth or subsequent replacement benefit card within a 12-month period:

- On the fourth request:
  - Issue the replacement card.
  - Send a notice to the recipient that additional requests could cause referral to the Office of Inspector General (OIG) in DHS.
- On the fifth request:
  - Issue the replacement card.
  - Refer the matter to OIG for review.
  - Send a notice to the recipient that the account is being reviewed and that if the recipient makes a future request the recipient will be required to contact DHS to explain the need for a replacement card.
- On the sixth or subsequent request:
  - Send a notice to the recipient that the account is being reviewed and that the recipient must contact DHS to explain the need for a replacement card.

Legislative Update  
Page 3  
March 15, 2016

- Then:
  - If no contact:
    - Do not issue a replacement card.
    - Conduct an investigation.
  - If contact, but no explanation is given or the explanation may indicate trafficking:
    - Issue the replacement card.
    - Conduct an investigation.
  - If contact, and an appropriate explanation is provided:
    - Issue the replacement card.
    - Educate the recipient on the proper use of the card.
    - Do not require contact on subsequent requests unless the recipient's pattern of card activity has changed and the pattern may indicate possible trafficking activity.

The bill also specifies that if a caseworker suspects fraud in connection with a request for a replacement card, the caseworker must report the suspicion to OIG.

AB 200 passed the Assembly on November 3, 2015 and was referred to the Senate Committee on Organization.

SB 136 was voted out of the Senate Committee on Public Benefit and Regulatory Reform on October 22, 2015. The Senate version of the bill mirrors the version adopted by the Assembly.

The bill is not scheduled for floor action in the Senate.

#### **Assembly Bill 222 (AB 222) – Photo identification cards for FoodShare recipients.**

As adopted by the Assembly, AB 222 requires DHS to prepare and submit an implementation plan for approval by the U.S. Department of Agriculture's Food and Nutrition Service (FNS) in order to allow a FoodShare recipient's electronic benefit transfer card to obtain a photograph of the person. The bill specifies certain issues that must be addressed in the implementation plan, such as operational issues, outreach, and civil rights concerns.

If approval of the implementation plan and waiver is granted by FNS, in order to begin issuing photographic benefit cards and requiring that the cards be shown at the time of sale, the bill then requires approval by the Joint Committee on Finance for the implementation plan, the waiver request, and any necessary appropriation.

The fiscal note on AB 222 indicates that local IM offices would need to purchase cameras, backdrops, tripods, and software, as well as have staff available to take photographs of individuals who do not have a photo on file with DOT. The fiscal note

Legislative Update  
Page 4  
March 15, 2016

also assumes that about one-third of FoodShare households would call their local IM agency or call center with questions about the new policy.

The Assembly adopted the bill on November 3, 2015.

The bill was referred to the Senate Committee on Public Benefit and Regulatory Reform. The Senate took no action on the bill.

**Assembly Bill 535/Senate Bill 472 – An optional incentive program for counties and tribes that identify fraudulent activity in certain public assistance programs.**

AB 535/SB 472 establishes an optional program that provides incentives in the form of reward payments to counties and tribes for identifying fraud in certain public assistance programs. Under the bill, DHS is required to establish an optional incentive program, by rule, under which a county with a population of less than 750,000, or a tribe receives a reward payment if an employee or officer of the county or tribe identifies suspected fraudulent activity in MA or FoodShare and the county or tribe determines the fraudulent activity occurred, establishes a claim for any overpaid benefits related to the fraudulent activity, and, if directed by DHS, criminally prosecutes the fraudulent activity. Under the bill, the amount of the reward payment under the program is 20 percent of the amount that DHS determines will be saved in the program over a 12-month period as the result of eliminating the identified fraudulent activity. The bill also provides that, if a county or tribe chooses to receive a reward payment under the optional incentive program, the county or tribe may not also retain 15 percent or any other portion of recovered MA or FoodShare overpayments that were made as a result of the identified fraudulent activity. The bill does not, however, affect a county or tribe's eligibility to retain a recovered overpayment that was made as the result of a recipient's nonfraudulent error.

The Assembly Committee on Public Benefit Reform recommended AB 535 for passage on February 5, 2016. A public hearing was held on January 13, 2016 on SB 472 before the Senate Committee on Public Benefit and Regulatory Reform. The bill was not scheduled for floor action in either house.

**Assembly Bill 386 (AB 386)/Senate Bill 290 (SB 290) – Requiring verification from court orders for eligibility for public assistance programs.**

AB 386/SB 290 provides that if a person's eligibility for a public assistance program depends on his or her relationship or arrangement with a child and that relationship or arrangement is set out in a court order, DHS or DCF, whichever department administers the program, must verify the information the person provides about his or her relationship or arrangement with a child by accessing the applicable court order. The bill specifies that, for purposes of the requirement, a person's relationship or arrangement with a child includes whether the person has legal custody of a child; whether a child resides with the person; whether the person is a child's parent or caretaker relative; whether the person

Legislative Update  
 Page 5  
 March 15, 2016

exercises primary responsibility for a child's care and control; and any other relationship or arrangement that is relevant to eligibility for a public assistance program.

A public hearing was held on SB 290 on October 14, 2015. A public hearing was held on AB 386 on November 10, 2015. No other action was taken on the legislation.

**Assembly Bill 414 (AB 414) – Eligibility for and premiums under the Medical Assistance Purchase Plan (MAPP) and disregarding assets in an independence account and retirement benefits for purposes of determining eligibility and cost-sharing requirements under a number of Medical Assistance and long-term care programs.**

AB 414, as introduced, proposes a number of changes to MAPP eligibility and premium requirements, including:

- Disregard spousal income for purposes of determining program eligibility.
- New income deductions for out-of-pocket medical and remedial expenses and LTC costs.
- Expand eligibility to otherwise eligible individuals with incomes over 250% FPL if individual earnings are less than the amount of public benefits they would receive in absence of those earnings.
- Exclude from assets any earned or accumulated retirement benefits related to employment income or employer contributions that accrued while the individual was employed and participating in MAPP.
- Participants with income at or above 150% of FPL will be required to pay a premium equal to 3 percent of total individual earned and unearned income, after deductions, with a minimum payment of \$25.
- Participants with income less than 150% FPL must pay a monthly premium of \$25.

The bill also requires other MA and LTC programs (e.g. Family Care, IRIS, COP, CIP, expanded Medicare buy-in MA program) to exclude from income and assets any amounts in an independence account, along with any earned or accumulated retirement benefits related to employment income or employer contributions that accrued while the individual was employed and participating in MAPP, when determining eligibility and cost-sharing requirements for the program.

The Assembly Committee on Public Benefit Reform held a public hearing on AB 414 on November 10, 2015. A substitute amendment was introduced on January 28, 2016. No additional action was taken on the bill.