WISCONSIN STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE

March 7, 2008
MEETING

SENATOR CAROL ROESSLER
Chairperson, SCAODA

JIM DOYLE
Governor

STATE COUNCIL
ON ALCOHOL AND OTHER DRUG ABUSE

MISSION STATEMENT

To enhance the quality of life of Wisconsin citizens by preventing alcohol and other drug abuse and its consequences through prevention, treatment, recovery, and enforcement and control activities.

SCAODA FOUR-YEAR STRATEGIC PLAN GOALS
2006 – 2010

Adopted by SCAODA June 2, 2006

GOAL 1:

Support, promote and encourage the implementation of a system of substance abuse services that are evidence-based, gender and culturally competent, population specific, and ensure equal and barrier-free access.

GOAL 2:

Support the prevention and reduction of alcohol, tobacco, and other drug use and abuse through evidence-based practice with special emphasis on underage use.

GOAL 3:

Support and encourage recovery in communities by reducing stigma, discrimination, barriers and promoting healthy lifestyles.

MEETING DATES/ TIME/ LOCATION

American Family Insurance Conference Center, 6000 American Parkway Madison, WI 53783
Room A3151

March 7, 2008	**9:30am to 12:30pm**
June 6, 2008	**9:30am to 3:30pm**
September 12, 2008	**9:30am to 12:30pm**
December 5, 2008	**9:30am to 12:30pm**

Jim Doyle
Governor

State of Wisconsin

State Council on Alcohol and Other Drug Abuse

1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

Sen. Carol Roessler
Chairperson

Linda Mayfield
Vice-Chairperson

Mark Seidl, WCHSA
Secretary

March 7, 2008
MEETING AGENDA (REVISED 3/4/08)
9:30 a.m. – 12:30 p.m.
American Family Insurance Conference Center
6000 American Parkway Madison, WI 53783
Room A3151
American Family Contact: Alan A. Harper
(608) 249-0100 ext. 30091

9:30 a.m.	I.	Introductions / Welcome / Agenda - Chairperson, Sen. Carol Roessler
9:35 a.m.	II.	Review /Approval of December Minutes - Chairperson, Sen. Carol Roessler, SCAODA Members
9:40 a.m.	III.	Alcohol Awareness Month Activities
9:50 a.m.	IV.	Public Input - Sen. Carol Roessler
9:55 a.m.	V.	DHFS Legislative Updates - Katie Plona
10:25 a.m.	VI.	Joint Statement - Peggy Helmquist, Claude Gilmore, Rebecca Cohen

10:45 a.m.	VII.	Committee Reports:
		• Diversity- Michael Waupoose
		  o Motion: National Standards on Culturally and Linguistically Appropriate Services (CLAS)
		• Intervention and Treatment – Linda Preysz
		  o Motion: SB 375 Mental Health / AODA Parity Bill
		  o Motion: Joint Statement
		• Planning and Funding- Joyce O'Donnell
		  o Motion: Statutory Members Increase
		  o Motion: Criteria for Selection of New Statutory Members
		  o Motion: Support of AB 474
		  o Motion: Support of AB 54 & SB 116
		  o Motion: Support of SB 150
		  o Motion: Support of SB 193
		  o Motion: Support of SB 127
		  o Motion: Support of AB 498
		  o Motion: Oppose President Bush's FY 2009 Budget
		• Prevention- Scott Stokes

11:25a.m.	VIII.	Woman's Capacity Study Report - Norman Briggs
11:45 a.m.	IX.	SCAODA Participant Survey Results- Greg Levenick
11:55 a.m.	X.	Draft By-laws - Lori Ludwig, Lou Oppor

12:25 p.m.	XI.	Agenda Items for June 6, 2008 Meeting - Chairperson, Sen. Carol Roessler
12:30 p.m.	XII.	Adjourn - Chairperson, Sen. Carol Roessler

SCAODA 2008 Meeting Dates

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STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE
DRAFT - MEETING MINUTES
December 7, 2007
9:30 a.m. – 12:30 p.m.

Howard Johnson Hotel
3841 E.Washington Ave.
Madison, Wisconsin

Members Present: Senator Carol Roessler (Chair), Sandy Hardie, Mary Rasmussen, Mark Seidl, Scott Stokes, Michael Waupoose, Minnette Lawrence (representing Representative John Townsend), John Easterday (representing Secretary Kevin Hayden), Sally Tess, Renee Chyba (representing Secretary Rick Raemisch), Bill McCulley (representing Joyce O'Donnell), Blinda Beason (representing Secretary Frank Busalacchi)

Members Excused:

Members Absent: Angela Russell, Gary Sumnicht, Tim Carpenter, Eileen Mallow, Douglas Englebert, Linda Mayfield, Joe Parisi, Dr. Pamela Phillips, Mark Strosahl, Michael Myszewski, Judith Wilcox

Ad-Hoc Members Present: Linda Preysz, Peggy Wichmann

Ad-Hoc Member Excused:

Ad-Hoc Member Absent: Susan Crowley, Roger Johnson, Thomas Heffron, Larry Kleinsteiber, Ray Luick

Staff: Rebecca Cohen, Sue Gadacz, Lori Goeser, Beryl Gribbon Fago, Greg Levenick, Lori Ludwig, Lou Oppor, Gail Nahwaquaw, Rita Schraepher-Derke

Guests: Mia Croyle, Amanda Jovaag, Lily Irvin-Vitela, Rebecca Steval, Cathy Connolly, Diane Carlson, Ann Goth, Jerry Kaye, David MacMaster, Peggy Helmquist, Jeff Scanlon

Introductions/Welcome/Agenda

Sen. Carol Roessler called the meeting to order at 9:45 am. Sen. Roessler asked for any new attendees at the meeting to be introduced. Lori Ludwig, the newly hired State Council on Alcohol and Other Drug Abuse (SCAODA) Committee Coordinator introduced herself, and Renee Chyba, Ms. Sally Tess's replacement, representing the Department of Correction, introduced herself. She is in a newly created

Treatment Director position at the Department of Corrections (DOC). The group warmly welcomed the newcomers.

Approval of Minutes

Sally Tess moved to approve the minutes of the SCAODA meeting of September 14, 2007. Michael Waupoose seconded the motion. The motion was carried unanimously.

Public Input

Lily Irvin-Vitela distributed a document titled, "The Need for SBIRT Services for WI Women." The document is an estimate of the number of Wisconsin children likely to be born per year with alcohol-related anomalies as a result of pregnant women using alcohol and/or other drugs.

Cultural Competency Presentation – Mr. Harold Gates

Mr. Harold Gates from the Wisconsin Initiative to Promote Healthy Lifestyles (WIPHL) and the Midwest Center for Cultural Competence provided a presentation on cultural competency. The presentation included a PowerPoint presentation. The presentation provided an overview to the Council on understanding diversity and culture and how it affects us in all spheres of life. Mr. Gates encouraged the Council to adopt the National Standards on Culturally and Linguistically Appropriate Services (CLAS) standards. Michael Waupoose, Chair of the SCAODA Diversity Committee, indicated there would be a motion to adopt the CLAS standards at the March 7, 2008 SCAODA meeting.

David MacMaster indicated he was on the planning committee for the Wisconsin Association on Alcohol and Other Drug Abuse (WAAODA) conference in 2008 and wanted to include this topic in the conference. Mr. Gates indicated there is a website he should investigate (www.wiphl.org). Michael Waupoose felt it was a challenge for large groups to talk about this topic. He shared his belief that we fool ourselves into thinking this applies to someone else, until we hear stories from people we know. Mr. Gates agreed that perhaps this topic is better discussed in small group settings. Sally Tess indicated it was imperative that we deal with this topic. We must ask ourselves: "What are we doing to impede this person's integration?" Mr. Gates recommended we all should be studying other cultures, other languages. Mary Rasmussen agreed as a citizen representative from a small town in Northern Wisconsin, our children desperately need to hear this presentation, otherwise they will be doomed to be culturally incompetent. The Chair thanked Mr. Gates for giving the committee much to think about.

Committee Reports

Planning and Funding Committee: Bill McCulley reported in the absence of Joyce O'Donnell. Bill spoke to the Council's endorsement of a "Joint Statement" regarding the integration of physical health services with mental health and substance abuse services. The Joint Statement is part of the Healthiest Wisconsin 2010 initiative and the statement has been endorsed by the Wisconsin Medical Society. Council members received an attachment to the minutes with the full "Joint Statement." In addition, there were two more related attachments: 1) "Action Guide Table," a six-page document outlining specific recommendations toward actions to be taken to integrate services. 2) A "Partner Endorsement and Guide to Action," a document/questionnaire seeking endorsements to the "Action Guide" and "Joint Statement" from specific agencies. Bill McCulley asked the Council members to review all three

documents prior to the next meeting. The Planning and Funding Committee will do a short presentation and then ask the Council for its endorsement. In general the group appeared to agree that this was an important and well-researched policy to endorse and implement. A couple of suggestions emerged: Can references to substance abuse services be increased? Could domestic violence be included?

Bill McCulley asked the Council to include a representative from the Division of Public Health on the Planning and Funding Committee. Greg Levenick indicated the need for a motion. **Bill McCulley moved that a representative from the Division of Health be included on the Planning and Funding Committee. John Easterday seconded the motion. The Motion passed unanimously.**

Bill McCulley also asked for a Department Organizational Chart in next meeting's packet, due to the many changes occurring. He also reported that Norman Briggs and Mike Quirke's study of women-specific treatment capacity will be included in next month's packet as well.

Bill McCulley reported on the Public Forum in Stevens Point on October 23, 2007.

Bill McCulley indicated that the Planning and Funding Committee would like to send a thank-you note to the Governor for passing the Tobacco Act. Senator Roessler requested that Senator Judy Robson and Representative Mike Huebsch also be thanked. The Chair asked for a motion. **Bill McCulley moved that the Planning and Funding Committee send a thank-you note to the Governor, Senator Judy Robson, and Representative Huebsch for passage of the Tobacco Act.** There was general agreement.

Mr. McCulley also suggested that the Division of Mental Health and Substance Abuse Services send out a Newsletter twice a year. On behalf of the Planning and Funding Committee, Bill McCulley publicly thanked the Bureau of Mental Health and Substance Abuse Services (BMHSAS) staff for their efforts in submitting this year's Substance Abuse Prevention and Treatment Block Grant. Finally, he mentioned, that in a presentation at the SCAODA meeting last September, the University of Wisconsin's Population Health Institute presented its published report, "Impact of Alcohol and Illicit Drug Use in Wisconsin." The Planning and Funding Committee felt that one analysis, "Consequences of Alcohol and Illicit Drug Use-Economic Effects" (p. 9) which reported the number of people served and dollars spent on services (1996-2005) failed to take into account the intermediary effect of inflation. Instead of a 34% increase funding, when taking inflation into account, it is a 9% increase.

<u>Intervention and Treatment Committee (ITC):</u> Sally Tess indicated the ITC would like to bring three action items to the Council's attention: 1) Action on ACT 292; 2) Action on AB 463; and, 3) Action on the Tobacco Resolution.

With reference to the document, "Recommendations on Ameliorating the Impact of Act 292 on SBIRT", Sally Tess pointed out that two alternative recommendations to append Act 292, Chapter 48 are presented. The ITC is endorsing the first. Cathy Conolly from the Division of Children and Family Services (DCFS) reported that her Division was unaware of this concern prior to just two weeks ago. She indicated the Division has not completed an analysis of these proposed changes to be made in the Children's Code. DCFS does have 2005 data and will soon have 2006 data. From the data it appears that reports from the medical system are decreasing, however, this needs further study. Senator Roessler asked what kind of timeframe the Division of Children and Family Services needs because if new legislation is needed, the Senator emphasized the need to be done now because the Legislative session

will be ending soon. John Easterday reported the Department of Health and Family Services (DHFS) will not take action on this issue; rather it will take a position. The law also has implications for Child Protection, which may have a different perspective about changing the law. There are differences of legal opinion regarding the type of reporting the law requires; mandatory or optional. Sue Gadacz encouraged the group to read the law in its entirety. She indicated that SBIRT is allowed to proceed under the law. The reporting requirement that the ITC is referencing, is not intended to apply to women showing up for a screen. It is for extreme cases when a person has exhibited a lack of control and has already rejected treatment. The Chair asked for a recommendation. John Easterday indicated concern that amending the language of Act 292 is seeking a legislative solution to a legal interpretation. Legal counsel to the Department of Health and Family Services has advised that we make clear that the law is permissive. Georgiana Wilton pointed out that it comes down to "shall vs. may," and because of the permissive nature of the legislation, clinics may not make the reports, physicians may not make the reports, but anyone who sees the chart, perhaps a zealot, has a mechanism to report. Anyone could report it. Sue Gadacz explained that HIPAA regulations apply in that situation and that would be a violation of confidentially. Senator Roessler encouraged Sue Gadacz and Georgiana Wilton to work out a protocol jointly. John Easterday pointed out that regarding the ITC's first recommended amendment, DHFS would not want to exclude health care personnel from reporting. He agreed to work with Sue Gadacz and Georgiana Wilton.

Action on AB 463 Regarding Vendorship. Sally Tess reported the intent of this legislation is to provide insurance reimbursement to licensed therapists, social workers and counselors for substance abuse counseling services. ITC recommends not supporting this legislation "as written". The reasons sited were: it would result in a lack of oversight, erode standards of care, and adversely effect consumer protection and provider training standards. Jeff Scanlon, from the Department of Regulation and Licensing added that from the perspective of his Department, there is a conflict with Chapter 457 regarding licensing and certification of Substance Abuse counselors and confusion with respect to the Insurance Code. In addition there is no grievance procedure for clients. He informed the Council that the National Association of Social Workers (NASW), Wisconsin Chapter, is providing an amendment to define a Substance Abuse Counselor with respect to licensure. **Sally Tess moved that the Council recommends opposing AB463 as brought forward to the Committee and opposed it as written. John Easterday seconded the motion. The motion carried unanimously.**

The Tobacco resolution: Council members received a copy of the proposed resolution as part of their packets. It reads: "The Intervention and Treatment committee makes a Resolution to recommend the full State Council on Alcohol and Other Drug Abuse support the resolution of supporting integrated Evidence Based Practices (EBP) for tobacco cessation into mental health and substance abuse services." Senator Roessler asked for unanimous support. There was unanimous support.

Dave MacMaster from Wisconsin Association on Alcohol and Other Drug Abuse (WAAODA) was asked to describe three poster boards that were on display in the meeting room. One said "I didn't recover from alcohol and drugs to die from emphysema."

Sally Tess indicated to the Council that she is resigning from her duties as Intervention and Treatment Committee Chair. Lorie Goeser thanked Sally Tess publicly for her work and dedication and presented her with a gift of appreciation from the Council.

Diversity Committee: Michael Waupoose gave the Council an update. He thanked the Council for bringing Harold Gates' presentation to the Council and State Staff's attention. The Youth Group subcommittee is exploring options to working with other youth groups. The Disability Subcommittee is looking at tools to assess how accessibility within a facility is defined. There are no standard set of tools for an agency to evaluate how they are doing. These tools would also help define a facility's language for cultural and physical accessibility. The Diversity Committee is working with WAAODA on increasing the number of minority counselors certified in the state. Finally, the Diversity Committee is in need of new membership. If anyone knows of interested persons, please contact Michael Waupoose or Gail Nahwahquaw.

Prevention Committee: Scott Stokes reported that the Prevention Committee met twice; once in September and once in November, 2007. Regarding the Strategic Prevention Framework State Incentive Grant (SPF SIG), there have been two priorities identified: 1) underage drinking and young adult binge drinking, and 2) underage alcohol related traffic fatalities, injuries and crashes. Entities applying for SPF SIG funding must select which priority they intend to address. Funding will be used to support planning and implementation grants. The Great Lakes Intertribal Council (GLITC) also has a SPF SIG grant and the Prevention Committee is planning to meet with them to discuss ways to collaborate. Amanda Jovaag from the Population Health Institute at UW-Madison was present to address questions regarding the publication of the previously mentioned report: "Impact of Alcohol and Illicit Drug Use in Wisconsin." She explained there has been a lot of media attention given the report. Most of the attention was around young adult binge drinking. She reported that a new report will published in May 2008 and will include local data. Georgiana Wilton pointed out the report will be used as a planning document by many throughout the state yet it omitted the important subject of drinking of alcohol during pregnancy. She reported that Wisconsin leads the nation in the number of women reporting alcohol use during pregnancy. Amanda Jovaag responded that they will be including such data in the next report.

Senator Roessler asked for the website address of the report. It is: www.pophealth.wisc.edu/uwphi. William McCulley reported that on page 9 of the report, there is a reported 34% increase in funding that does not take into account inflation. Amanda Jovaag indicated that, though she hasn't had time to look at that, the analysis William McCulley is suggesting seems reasonable.

Julia Sherman then reported on the status of the Underage Drinking Subcommittee of the Prevention Committee. She argued that the success of efforts to reduce youth access to alcohol requires an accurate assessment of youth preferences. The underage drinking subcommittee therefore adopted the following resolution at its meeting of September 10, 2007.

"The Subcommittee on Underage Drinking of the Prevention Committee of the Wisconsin State Council on Alcohol and Other Drug Abuse recommends the Wisconsin Youth Risk Behavior Survey or other appropriate public health surveillance surveys include questions as soon as practicable which assess youth alcohol use by category, distilled spirits, beer, wine and fermented malt beverages, using the questions developed for the Youth Risk Behavior Survey as a model."

In a letter to Senator Fred Risser, Chairman of the Joint Legislative Council Committee, the Subcommittee requested a study of underage alcohol use and the appropriate state and local steps to prevent and reduce underage drinking.

Scott Stokes made a motion that requires the legislature to study the problem of underage drinking in 2008. Mary Rasmussen seconded the motion. It carried unanimously. A letter from Senator Roessler will be drafted for her signature and transmittal to the Legislative Council.

ATR Grant Statistics - Milwaukee Representative, Mike Nunley

Mr. Nunley distributed a document titled "Milwaukee Wiser Choice ATR-1 Statistics." Access to Recovery is a grant administered by BMHSAS to provide treatment services to offenders in Milwaukee County who are likely to have their probation revoked. The document he distributed is a preliminary report; the full report will is scheduled for completion mid-2008. The statistics presented seemed to indicate that providing Alcohol and Other Drug Abuse (AODA) treatment to offenders at risk of re-entering prison is a cost-effective way to prevent recidivism.

SCAODA Survey Results – Greg Levenick

This agenda item was tabled until the next meeting

Mr. Levenick did provide an update on other issues. Mr. Levenick announced state staff are looking for a more cost-effect meeting location. Mr. Levenick also announced that state staff will be distributing nomination forms by email for SCAODA elections and that Jan Viste's last day will be December 14, 2007.

Agenda Items for March 2008 Meeting – Senator Carol Roessler

The agenda for March 7, 2008 would include Secretary Kevin Hayden. John Easterday suggested topics such as 1) how AODA services are integrated with BadgerCare Plus and other Wisconsin Health Care Insurances and/or 2) integrated health information.

Senator Roessler announced she will be looking into alcohol consequences law to evaluate whether sanctions are graduated as the number of offenses a person commits increases.

Adjournment

The meeting was adjourned. The next meeting is scheduled for March 7th, 2008 at 9:30 am to 12:30 pm at a location to be decided.

SCOADA 2008 Meeting Dates

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June 6, 2008	9:30 am - 3:30 pm
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PROCLAMATION

Departmental Activities
For
Alcohol Awareness Month
April, 2008

- April 5th is National Alcohol Screening Day-National Alcohol Screening Day® (NASD) is an annual awareness event that provides education about alcohol and health as well as free, anonymous screening for alcohol use problems. To access an anonymous self-assessment or a list of screening sites in Wisconsin, go to mentalhealthscreening.org/.
- Town Hall Meetings are being held around Wisconsin as a public forum for the discussion of reducing the availability of alcohol to underage drinkers. For more information contact the BMHSAS or the Wisconsin Clearinghouse.
- The National Conference on Fetal Alcohol Syndrome will be held here in Madison April 3-4. For details contact DMHSAS staff or go to the BMHSAS website and find it under the "Conferences" Link.
- DMHSAS staff are working in conjunction with the Department of Public Instruction to distribute a research-based adolescent screening instrument to all publicly funded high school Pupil Services Departments in Wisconsin.
- Similarly, research-based screening instruments are being provided to all interested County Juvenile Justice units across Wisconsin.
- A publication titled, "A Parents Guide to Treatment" will be available to the public from the Wisconsin Family Ties website.
- A list of other conferences and training events sponsored by BMHSAS can be found on the new SCAODA website, including the Wisconsin County Human Service Association's Annual Conference in April.

SCAODA March 7, 2008
Legislative Update

1. Legislative Council Study Request for underage drinking study: A copy of our letter (Prevention Committee letter) was signed by Sen Roessler and sent to Sen Risser and Rep Wieckert 1-18-08. They in turn sent the letter to Terry C. Anderson, Director of Leg Council 1-23-08.
2. Update Vendorship bill (AB 463/SB 246) Letter drafted by ITC was signed by Sen. Roessler and sent to Sen Miller and Rep Bies on Jan 25, not supporting bill as written. Sen. Roessler's office indicated, "I also want to let you know that we're working on amending the bill along the lines in the letter. There was much positive discussion about this at today's public hearing.
3. AB 246—related to identification for purposes related to the purchase of alcohol beverages.
4. Passage SB 116 January 23, 2008. Relating to repeat drunken driving and providing a penalty.
5. AB 54—related to repeat drunken driving offenders and providing a penalty.
6. AB 196—This bill reverses a Court case, Willie, which held establishments responsible for serving groups of underage persons.
7. Act 292—relating to reporting AODA use in pregnant moms.
8. SB 150—relating to prohibiting smoking in places of employment, restaurants, taverns, and other indoor areas and providing a penalty.
9. SB 375—health insurance coverage of nervous and mental disorders, alcoholism and other drug abuse.
10. AB 474--"beer tax"
11. SB 193—Increased penalties for 1st and 2nd DUI offenders.
12. SB 27—Increased responsibility of person DUI offender/arrestee is released to.
13. AB 498—relating to costs of administering tests for intoxication.
14. SB 487—related to changes in statute regarding confidentiality
15. SB 42—the "bullying" bill
16. AB 700—related to establishment of CST (Coordinated Service Teams)

Jim Doyle
Governor

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Sen. Carol Roessler
Chairperson

Linda Mayfield
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Mark Seidl, WCHSA
Secretary

January 25, 2008

Senator Mark Miller
Room 409 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Representative Garey Bies
Room 125 West
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Senator Miller and Representative Bies:

As Chairperson of the State Council on Alcohol and Other Drug Abuse (SCAODA), I am forwarding this request on behalf of the Council that unanimously approved a motion to not support Assembly Bill #463 and Senate Bill #246 as written on December 7, 2007. The Intervention and Treatment Committee had reviewed these bills at the September 14th 2007 meeting and made the recommendation to SCAODA at which time the council approved this motion. SCAODA is dedicated to advocating for quality substance abuse services and supporting these bills as written would undermine the progress made to date to assure the client/consumer in Wisconsin will receive quality services and their client rights will be respected and upheld.

If Assembly Bill #463 and Senate Bill # 246 were to pass as written the following are of concern:

- Lack of oversight to guarantee quality and appropriate substance abuse services are provided to the client/consumer.
- No assurance the minimum of standards of care for substance abuse treatment services would be met.
- Lack of supervision requirement creates a concern for client/consumer protection.
- No requirement for specialized training in substance use disorders counseling in order to provide these services to the client/consumer.
- Lack of a formal client/consumer rights compliance/oversight process.

Consumers receiving services from a person engaging in private practice, that is, providing services outside of a Department of Health and Family Services regulated entity, currently is not covered under ss. 51.30 related to confidentiality of treatment records, 51. 61 (1) related to client rights, and 51.61 (5) (a) related to the grievance process. Currently, HFS 94 provides a formal process for clients to file a

complaint and receive assistance if a client rights violation did occur vs. the proposed process of the client/consumer would contact the Department of Regulation and Licensing (DRL) to file a complaint against a provider. Please note DRL is complaint driven against providers whom may be found to be practicing outside the scope of their license thru DRL. There is no formal process for advocacy of client/consumer right protection.

There is an additional concern that without additional language to the proposed legislation, some providers may believe that the statute permits them to determine what is their scope of practice even though for substance abuse treatment, scope of practice is defined in statutes and current regulations (i.e., ch. 457, Stats., and Wis. Admin Rules MPSW 1.09 and RL 160 - 168). The suggested additional language to be added to the end of the first sentence of Section 1 of the bill is "as permitted under chs. 455 and 457 and applicable administrative rules."

It is in the best interest of Wisconsin's families whom are struggling with the challenges of substance abuse to ensure they can receive quality services for their needs.

Thank you for considering this request.

Sincerely,

Senator Carol Roessler
Chairperson
State Council on Alcohol and Other Drug Abuse

Cc: Linda Preysz, Chairman, SCAODA Intervention & Treatment Committee
Lorie Goeser, DMHSAS Staff to Intervention & Treatment Committee
Lori Ludwig, SCAODA Staff
Greg Levenick, DMHSAS Supervisor

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January 18, 2008

Senator Fred Risser, Co-Chairman
Joint Legislative Council Committee
Room 220 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Representative Steve Wieckert, Co-Chairman
Joint Legislative Council Committee
Room 16 West
State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Senator Risser and Representative Wieckert:

As Chairperson of the State Council on Alcohol and Other Drug Abuse (SCAODA), I am forwarding this request on behalf of the Council that on December 7, 2007 the SCAODA unanimously approved a motion to request the Joint Legislative Council direct a study, in 2008, on underage alcohol use and the appropriate state and local steps to prevent and reduce underage drinking. Recent reports and public health surveillance surveys raise public concern on the serious underage and binge drinking problem in Wisconsin.[1] The Legislative Council is the appropriate public forum to examine this pressing problem, its far-reaching consequences and the public policies that can remediate the situation.

Recognizing that alcohol is a regulated, taxed product, legally available to all individuals over age 21, we cannot overlook that alcohol abuse is a major public health and safety problem with direct and indirect costs in Wisconsin exceeding $1 billion annually.[2] Effective alcohol control is a balance which prevents and reduces alcohol use by children and youth under age 21 while allowing appropriate access and the promotion of alcohol to individuals over age 21. Public policy should support community efforts to achieve that balance.

Over time, numerous changes and narrow exceptions added to the statutes have created unintentional conflicts and confusion, which limit effective state and local control over the sale and consumption of alcohol. Alcohol control and prevention efforts are further complicated by the involvement of multiple state and federal agencies, law enforcement, the courts, health care providers, educators and alcohol producers, wholesalers and retailers. A significant body of research indicates that controllable factors in alcohol sales and service have a significant impact on who drinks alcohol, the age at which people begin to drink and how much they drink in both single sittings and over time.

It is in the best interest of Wisconsin's families and community leaders for the gaps and conflicts with in state statutes to be resolved and public sector roles clearly defined.

The SCAODA requests to consider and approve a Legislative Council study of underage alcohol use and the appropriate state and local steps to prevent and reduce underage drinking. Topics that the study may include are as follows:

- Current state statutes affecting local alcohol control including: caps on the number of citations issued for a single incident; legal standing for District Attorney in license revocation hearings; statutory language omitting 19 & 20 year old noncommercial providers; and exceptions to restrictions in youth presence in licensed establishments.

- Whether existing behavioral and epidemiological surveys provide valid information on alcohol use and abuse; alcohol consumption patterns; the consequences of alcohol abuse throughout the state; and whether Wisconsin should develop an independent school-based survey similar to the Maine and Washington Youth Surveys.

- Review those steps, commonly called environmental changes, which remediate the alcohol environment at the community level, are an effective deterrent to underage drinking and what, if any, state action is needed to foster their community implementation.

- Establishing a statewide goal for successful alcohol age compliance checks, a mechanism to measure progress towards that goal and; protocols to maximize cooperation and coordination between law enforcement, Wisconsin WINs, and DHFS.

- Adjudication options for municipal and criminal courts to punish youth illegally possessing and consuming alcohol and adults illegally providing alcohol to youth, including alternative adjudication for youth convicted of alcohol-related offenses including court diversion programs, restorative justice, and progressive penalties for adults and licensees.

- Role of school-based programs to reduce underage drinking within the context of larger community based efforts and other educational issues.

- Establishing goals, accountability for achieving those goals, benchmarks of success and effective lines of authority between communities and the Wisconsin Departments of Transportation, Health and Family Services, Revenue and, Public Instruction in preventing and reducing underage drinking.

Finally, we believe any additional discussion of the age 21 minimum legal drinking is unwarranted. It is our firm belief, confirmed by statistics, that the minimum legal drinking age of 21 saves lives. Alcohol use by youth decreased dramatically in the years immediately after the drinking age was increased, but has remained largely flat for the last decade. The number of alcohol related traffic fatalities also fell after the drinking age was increased. A lower drinking age fails to ease the medical and societal cost of underage drinking and will most certainly claim lives.

There can be no doubt that underage alcohol use is pervasive in Wisconsin. The 2005 Wisconsin Youth Risk Behavior survey found that 51% of youth surveyed remembered taking their first drink of alcohol

at age 14 or earlier.[3] If we fail to address underage drinking, the consequences are clear. Youth who begin drinking before age 15 have a 41% likelihood of alcohol abuse or dependence during their lifetime compared to a 10% risk among their non-drinking peers.[4] Current levels of underage drinking in Wisconsin portend future significant medical costs, a less skilled workforce and limited economic potential for Wisconsin. In addition, a September 2007 study "Impact of Alcohol and Illicit Drug Use"; published by the University of Wisconsin Population Health Institute reports that Wisconsin has the highest rates in the nation of:

- Current drinking among high school students
- Current underage drinking
- Current drinking among adults
- Binge drinking among adults
- Chronic, heavy drinking among adults

Also, Wisconsin's rate of underage binge drinking rose significantly between 2003 and 2005, bringing us to the second highest rate in the nation.

Thank you for considering this request. Wisconsin's underage drinking problem is serious, but not intractable. The Legislative Council is the appropriate public forum to examine this pressing problem, its far-reaching consequences and the public policies that can remediate the situation.

Sincerely,

Senator Carol Roessler
Chairperson
State Council on Alcohol and Other Drug Abuse

Cc: Scott Stokes, Chairman, SCAODA Prevention Committee
Julia Sherman, Chairperson, SCAODA Underage Drinking Sub-Committee
Lori Ludwig, SCAODA Staff
Terry Anderson, Legislative Council Director

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[1] University of Wisconsin-Madison, Department of Population Health Services, *Impact of Alcohol and Illicit Drug Use in Wisconsin*, 2007.
[2] Pacific Institute for Research and Evaluation (PIRE), Underage Drinking in Wisconsin: The Facts. March 2004.
[3] Wisconsin Department of Public Instruction Wisconsin, Youth Risk Behavior Survey, 2005 Table 1 Alcohol use, page 3.
[4] National Research Council and Institute of Medicine (2004), *Reducing Underage Drinking: A Collective Responsibility.* Committee on Developing a Strategy to Prevent and Reduce Underage Drinking. Washington D.C. The national Academies Press, page 59.

State of Wisconsin
JOINT LEGISLATIVE COUNCIL

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President, State Senate

STEVE WIECKERT
Representative, State Assembly

LEGISLATIVE COUNCIL STAFF
Terry C. Anderson
Director
Laura D. Rose
Deputy Director

January 23, 2008

Senator Carol Roessler, Chairperson
State Council on Alcohol and Other Drug Abuse
1 West Wilson Street
P.O. Box 7851
Madison, WI 53707-7851

Dear Carol:

Thank you for requesting that the Joint Legislative Council undertake a study on underage alcohol use and the appropriate state and local steps to prevent and reduce underage drinking. We are very anxious to have topics, such as this, submitted for our consideration.

We are currently in the process of reviewing topics for study. Your suggestion will be given careful consideration as we work to establish the next group of special study committees.

To ensure that your request is made a matter of record, we have forwarded a copy of your request to Terry C. Anderson, Director of the Legislative Council. If you have questions about the status of your request, please contact either Terry or one of us.

Thank you for your interest in the studies conducted by the Legislative Council. For over 60 years, the Council has conducted high quality policy studies. Much of the success of this process is due to the suggestions of good quality study topics.

Sincerely,

Senator Fred A. Risser, Co-Chair
Joint Legislative Council

Representative Steve Wieckert, Co-Chair
Joint Legislative Council

FAR:SW:wu

cc: Terry C. Anderson

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
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http://www.legis.state.wi.us/lc

Wisconsin Act 292

Due to the number of pages in this Act, we are including only the first page in the SCAODA Packet. Hard copies will be available at the meeting on March 7th, 2008. If you prefer to print out your own copy then you can download a PDF version at the following URL:

http://www.legis.state.wi.us/1997/data/acts/97Act292.pdf

A PDF is also available on the SCAODA Web, (http://www.sacoda.state.wi.us).

Click on the 'March 7, 2008' link to access this file.

http://www.scaoda.state.wi.us/scaodameetings/march2008/scaodameetingmarch2008.htm

Date of enactment: **June 16, 1998**

1997 Assembly Bill 463 Date of publication*: **June 30, 1998**

1997 WISCONSIN ACT 292

AN ACT ***to renumber and amend*** 48.207 (2), 48.27 (1) and 48.27 (4) (intro.); ***to amend*** 38.24 (1s) (a), 46.001, 46.03 (7) (a), 46.238, 46.40 (7m), 46.51 (title), 46.51 (1), 46.51 (3), 46.51 (4), 46.51 (5), 46.95 (2) (a), 48.01 (1) (intro.), 48.01 (1) (a), 48.01 (1) (br), 48.01 (1) (dm), 48.02 (17m), 48.06 (1) (a) 1., 48.06 (1) (a) 3., 48.06 (1) (am) 3., 48.06 (2) (c), 48.065 (1), 48.065 (2) (gm), 48.065 (3) (c), 48.065 (3) (e), 48.067 (1), 48.067 (2), 48.067 (3), 48.067 (4), 48.067 (6m), 48.067 (8), 48.069 (1) (a), 48.069 (1) (c), 48.07 (4), 48.08 (1), 48.09 (5), 48.135 (title), 48.135 (1), 48.135 (2), 48.14 (5), 48.15, 48.185 (1), 48.185 (2), subchapter IV (title) of chapter 48 [precedes 48.19], 48.19 (1) (c), 48.20 (title), 48.20 (7) (b), 48.20 (8), 48.205 (title), 48.205 (1) (intro.), 48.205 (2), 48.207 (title), 48.207 (1) (intro.), 48.207 (1) (g), 48.208 (4), 48.21 (1) (b), 48.21 (3) (title), 48.21 (3) (ag), 48.21 (3) (b), 48.21 (6), 48.21 (7), 48.227 (4) (e) 2., 48.23 (4), 48.235 (3), 48.235 (6), 48.24 (1), 48.24 (1m), 48.24 (2) (a), 48.24 (2m) (a) (intro.), 48.24 (3), 48.24 (5), 48.243 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g), 48.243 (4), 48.243 (3), 48.245 (1), 48.245 (2) (a) 1., 48.245 (2) (a) 2., 48.245 (2) (a) 3., 48.245 (2) (a) 4., 48.245 (2) (c), 48.245 (2r), 48.245 (3), 48.245 (4), 48.245 (5), 48.245 (8), 48.25 (1), 48.25 (2), 48.255 (1) (intro.), 48.255 (2), 48.255 (3), 48.255 (4), 48.263 (1), 48.263 (2), 48.27 (3) (a) 1., 48.27 (3) (b) 1. (intro.), 48.27 (8), 48.275 (1), 48.275 (2) (a), 48.275 (2) (b), 48.275 (2) (c), 48.275 (2) (cg) (intro.), 48.29 (1), 48.293 (2), 48.293 (3), 48.295 (1), 48.295 (1c), 48.295 (1g), 48.295 (2), 48.295 (3), 48.297 (4), 48.297 (5), 48.297 (6), 48.299 (1) (a), 48.299 (1) (ag), 48.299 (1) (b), 48.299 (4) (b), 48.299 (5), 48.30 (1), 48.30 (2), 48.30 (3), 48.30 (6), 48.30 (7), 48.30 (8) (a), 48.30 (8) (c), 48.30 (9), 48.305, 48.31 (1), 48.31 (2), 48.31 (4), 48.31 (7), 48.315 (1) (a), 48.315 (1) (b), 48.315 (1) (f), 48.32 (1), 48.32 (2) (a), 48.32 (2) (c), 48.32 (3), 48.32 (5) (intro.), 48.32 (5) (a), 48.32 (5) (b), 48.32 (6), 48.33 (1) (intro.), 48.33 (1) (a), 48.33 (1) (b), 48.33 (1) (c), 48.33 (1) (d), 48.33 (1) (f), 48.33 (2), 48.33 (4) (intro.), 48.335 (1), 48.345 (intro.), 48.345 (2), 48.345 (2m), 48.345 (13) (c), 48.35 (1) (b) (intro.), 48.35 (1) (b) 1., 48.35 (2), 48.355 (1), 48.355 (2) (a), 48.355 (2) (b) 1., 48.355 (2) (b) 1m., 48.355 (2) (b) 7., 48.355 (2) (d), 48.355 (2m), 48.355 (4), 48.355 (5), 48.355 (7), 48.356 (1), 48.356 (2), 48.357 (1), 48.357 (2), 48.357 (2m), 48.36 (2), 48.361 (1) (b), 48.361 (1) (c), 48.361 (2) (am) 1., 48.361 (2) (am) 2., 48.361 (2) (b) 1., 48.361 (2) (c), 48.362 (2), 48.362 (4) (a), 48.362 (4) (c), 48.363 (1), 48.365 (1m), 48.365 (2), 48.365 (2g) (a), 48.365 (2m) (a), 48.365 (2m) (b), 48.396 (1), 48.396 (1b), 48.396 (1d), 48.396 (5) (b), 48.396 (5) (c), 48.396 (5) (e), 48.415 (2) (a), 48.415 (2) (b) 1., 48.415 (2) (b) 2., 48.415 (2) (c), 48.44 (1), 48.45 (1) (b), 48.45 (2), 48.48 (1), 48.48 (16), 48.48 (17) (a) 1., 48.48 (17) (a) 2., 48.48 (17) (a) 3., 48.48 (17) (b), 48.52 (title), 48.52 (2) (a), 48.547 (title), 48.547 (1), 48.547 (2), 48.547 (3) (intro.), (b) and (d), 48.547 (4), 48.57 (1) (a), 48.57 (1) (b), 48.57 (1) (c), 48.57 (1) (g), 48.57 (2), 48.59 (1), 48.59 (2), 48.981 (title), 48.981 (1) (h) (intro.), 48.981 (1) (h) 2., 48.981 (2), 48.981 (3) (a), 48.981 (3) (b) 1., 48.981 (3) (b) 2., 48.981 (3) (bm) (intro.), 48.981 (3) (bm) 1., 48.981 (3) (bm) 2., 48.981 (3) (bm) 3., 48.981 (3) (c) 1., 48.981 (3) (c) 3., 48.981 (3) (c) 5., 48.981 (3) (c) 6., 48.981 (3) (c) 6m., 48.981 (3) (c) 7., 48.981 (3) (c) 8., 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981 (4), 48.981 (7) (a) 1m., 48.981 (7) (a) 3m., 48.981 (7) (a) 4., 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 10., 48.981 (7) (a) 10m., 48.981 (7) (a) 11., 48.981 (7) (a) 11m., 48.981

* Section 991.11, WISCONSIN STATUTES 1995–96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

CORRECTED COPY

2007 – 2008 LEGISLATURE

LRB–0578/1
PJH:kjf:nwn

2007 ASSEMBLY BILL 54

January 30, 2007 – Introduced by Representatives STASKUNAS, ZIEGELBAUER, KERKMAN, HUBLER, BLACK, JESKEWITZ, HAHN, BENEDICT, GUNDRUM, HEBL, MASON, BERCEAU, GUNDERSON, WASSERMAN, CULLEN, MOLEPSKE, FIELDS, LOTHIAN and HRAYCHUCK, cosponsored by Senators SULLIVAN, ROESSLER, LEIBHAM, BRESKE, DARLING, GROTHMAN, COGGS and KEDZIE. Referred to Committee on Judiciary and Ethics.

AN ACT ***to amend*** 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c) and 346.65 (7); and ***to create*** 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the statutes; **relating to:** repeat drunken driving offenders and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her fifth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than $600 nor more than $10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her fifth or sixth offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her seventh, eighth, or ninth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than $25,000 and imprisoned for not more than ten years or both. A person who commits his or her tenth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than $25,000 and imprisoned for not more than 12 years and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 **(5)** (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6., or 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

SECTION 2. 346.65 (2) (am) 5. of the statutes is amended to read:

346.65 **(2)** (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than $600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or ~~more~~ 6, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 3. 346.65 (2) (am) 6. of the statutes is created to read:

346.65 **(2)** (am) 6. Except as provided in par. (f), is guilty of a Class G felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 4. 346.65 (2) (am) 7. of the statutes is created to read:

346.65 **(2)** (am) 7. Except as provided in par. (f), is guilty of a Class F felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 10 or more except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 5. 346.65 (2) (f) of the statutes is amended to read:

346.65 **(2)** (f) If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the applicable minimum and maximum forfeitures, fines, or imprisonment under par. (am) for the conviction are doubled. An offense under s. 346.63 (1) that subjects a person to a penalty under par. (am) 3., 4., ~~or~~ 5., 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

SECTION 6. 346.65 (2c) of the statutes is amended to read:

346.65 **(2c)** In sub. (2) (am) 2., 3., 4., ~~and~~ 5., 6., and 7., the time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation, or conviction for any offense under a local ordinance or a state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., ~~and~~ 5, 6., and 7.

SECTION 7. 346.65 (7) of the statutes is amended to read:

346.65 **(7)** A person convicted under sub. (2) (am) 2., 3., 4., ~~or~~ 5., 6., or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a 48−consecutive−hour period.

(END)

2007 ASSEMBLY BILL 196

March 19, 2007 − Introduced by Representatives BIES, MOULTON, MONTGOMERY, KERKMAN, LEMAHIEU, JESKEWITZ, MURSAU and A. OTT. Referred to Committee on Criminal Justice.

AN ACT ***to amend*** 125.075 (title) and 125.075 (1) (intro.) of the statutes; **relating to:** providing alcohol beverages to an underage person who suffers great bodily harm or death from their consumption.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not knowingly possess or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. No person (including a licensee or permittee) may procure for, sell, dispense, or give away alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age. If a person procures alcohol beverages for or sells, dispenses, or gives away alcohol beverages (provider) to a person under 18 years of age (minor) in violation of these prohibitions, and the provider knew or should have known that the minor was under the legal drinking age, the provider is guilty of a Class H felony if the minor suffers great bodily harm, and is guilty of a Class G felony if the minor dies, as a result of consuming the alcohol beverages provided. A Class H felony is punishable by a fine of not more than $10,000 or a term of imprisonment of up to six years or both. A Class G felony is punishable by a fine of not more than $25,000 or a term of imprisonment of up to ten years or both.

This bill applies these penalties to a provider with respect to any underage person, including an underage person who is 18, 19, or 20 years of age.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.075 (title) of the statutes is amended to read:

125.075 (title) **Injury or death by providing alcohol beverages to ~~a minor~~ an underage person.**

SECTION 2. 125.075 (1) (intro.) of the statutes is amended to read:

125.075 **(1)** (intro.) Any person who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to ~~a~~ an underage person ~~under 18 years of age~~ in violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if:

SECTION 3. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

(END)

2007 ASSEMBLY BILL 246

April 10, 2007 − Introduced by Representatives SHERIDAN, MUSSER, ALBERS, BERCEAU, BOYLE, HAHN, KAUFERT, MONTGOMERY, MURSAU, NASS, SINICKI and VRUWINK, cosponsored by Senators BRESKE, DARLING, GROTHMAN, LEHMAN, MILLER and PLALE. Referred to Committee on State Affairs.

1 AN ACT ***to renumber and amend*** 125.085 (1); ***to amend*** 125.085 (2) and 134.63
2 (3) (c); and ***to create*** 125.085 (1) (d) and (e) of the statutes; **relating to:**
3 identification for purposes related to the purchase of alcohol beverages.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not legally purchase, possess, or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. Also, no person (including a licensee or permittee) may procure for, sell, dispense, or give away alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age.

Also under current law, an "official identification card," recognized in this state for purposes related to alcohol beverages, is limited to a valid driver's license issued by the Department of Transportation (DOT) that contains the person's photograph, an identification card issued by DOT (which must contain the person's photograph), or a certain identification card issued through the Department of Administration before January 1, 1990. However, no provision of current law requires a person to present, or a seller of alcohol beverages to examine, an "official identification card" in connection with the purchase and sale of alcohol beverages or with the entry of the person onto a licensed premises. Current law imposes penalties for sales of alcohol

beverages to underage persons and for allowing underage persons to be present on licensed premises and allows alcohol beverages sellers to assert a defense in underage violation prosecutions based upon various factors, including a person's representation supported by documentation that the person was not underage. Current law also specifies that, in place of an "official identification card," "documentary proof of age" may be substituted (but does not define "documentary proof").

This bill expands the definition of "official identification card" to include a valid military identification card that contains the person's photograph and date of birth and a valid U.S. passport. The bill also specifies that an alcohol beverages licensee or permittee may require a person to present an official identification card, documentary proof of age, an operator's license issued by another jurisdiction, or any other form of identification or proof of age acceptable to the licensee or permittee before providing alcohol beverages to the person or allowing the person to enter the premises for which the license or permit has been issued. The bill specifies that a licensee or permittee is not required to accept any form of identification that does not appear to be valid or authentic or appears altered.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.085 (1) of the statutes is renumbered 125.085 (1) (intro.) and amended to read:

125.085 **(1)** DEFINITION. (intro.) In this section, "official identification card" means ~~a~~ <u>any of the following:</u>

<u>(a) A</u> valid operator's license issued under ch. 343 that contains the photograph of the holder~~, an~~<u>.</u>

<u>(b) An</u> identification card issued under s. 343.50 ~~or an~~<u>.</u>

<u>(c) An</u> identification card issued under s. 125.08, 1987 stats.

SECTION 2. 125.085 (1) (d) and (e) of the statutes are created to read:

125.085 **(1)** (d) A valid military identification card issued to a member of the U.S. armed forces, or forces incorporated as part of the U.S. armed forces, that contains the person's photograph and date of birth.

(e) A valid U.S. passport.

SECTION 3. 125.085 (2) of the statutes is amended to read:

125.085 **(2)** USE. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. ~~In place of an~~ Any licensee or permittee under this chapter may require a person to present an official identification card, documentary proof of age ~~may be substituted~~, an operator's license issued by another jurisdiction, or any other form of identification or proof of age acceptable to the licensee or permittee before providing alcohol beverages to the person or allowing the person to enter the premises for which the license or permit has been issued. Nothing in this subsection requires a licensee or permittee to accept any form of identification that does not appear to be valid or authentic or appears altered.

SECTION 4. 134.63 (3) (c) of the statutes is amended to read:

134.63 **(3)** (c) No person required to keep a register under par. (a) may deliver nitrous oxide or any nitrous oxide container to another person unless the person to whom the nitrous oxide or nitrous oxide container is delivered presents an official identification card, as defined in s. 125.085 (1) (a) to (c).

(END)

2007 ASSEMBLY BILL 463

July 19, 2007 – Introduced by Representatives BIES, GRIGSBY, ALBERS, BERCEAU, BLACK, DAVIS, GUNDERSON, HAHN, HINTZ, HUBLER, KAUFERT, MURSAU, A. OTT, POPE–ROBERTS, SHERIDAN, SOLETSKI, TOWNSEND, WASSERMAN, ZEPNICK and BENEDICT, cosponsored by Senators MILLER, DARLING, ERPENBACH, HANSEN, LEHMAN, RISSER, VINEHOUT, WIRCH and ROESSLER. Referred to Committee on Health and Healthcare Reform.

AN ACT ***to amend*** 49.46 (2) (b) 6. (intro.) and 609.655 (3) (a); and ***to create*** 49.45 (30g), 49.46 (2) (b) 6. Lr., 632.89 (1) (dm) and 632.89 (1) (e) 4. of the statutes; **relating to:** mental health professionals who may provide outpatient services for the treatment of nervous and mental conditions and alcoholism and other drug abuse problems or who, under Medical Assistance, may provide psychotherapy and alcohol and other drug abuse services and exempting certain Medical Assistance benefits from physician prescription requirements.

Analysis by the Legislative Reference Bureau

Under current law, a group health insurance policy that provides coverage of any outpatient treatment is required to provide coverage for outpatient services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of $2,000, minus the applicable cost sharing, per insured per year. The outpatient services that must be covered are those provided by: 1) a program in an outpatient treatment facility, both of which must be approved by the Department of Health and Family Services (DHFS), and the program must be established and maintained according to rules promulgated by DHFS and the facility must be certified by DHFS; 2) a licensed physician who has completed a residency in psychiatry; or 3) a licensed psychologist who is listed in the national register of health service professionals in psychology or who is certified by the

American Board of Professional Psychology. This bill requires group health insurance policies to cover the services of clinical social workers, marriage and family therapists, and professional counselors for the outpatient treatment of nervous and mental disorders and alcoholism and other drug abuse problems. Under current law, the services of these types of providers are covered when provided as part of a program in an outpatient treatment facility, if both the program and facility are approved by DHFS. All three types of providers must be licensed to practice by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board in the Department of Regulation and Licensing. The bill also requires a defined network plan to cover the services of these three types of providers when such a provider conducts a clinical assessment of nervous or mental disorders or alcoholism or other drug abuse problems of a dependent student with coverage under the plan who is attending school in this state but outside the geographic service area of the plan.

Currently, under the Medical Assistance (MA) program, certain mental health services, alcohol and other drug abuse (AODA) services, and community−based psychosocial services, if prescribed by a physician, are provided as benefits to MA recipients. The psychosocial services may be provided only under certain supervision requirements and by a program that is certified by DHFS. This bill exempts certain MA mental health and AODA services from the requirement that, in order for reimbursement to the service provider, they first be prescribed by a physician. The bill also requires that licensed clinical social workers, marriage and family therapists, and professional counselors (licensed mental health professionals) and psychologists be included as providers of MA−reimbursable psychotherapy and AODA services. Lastly, the bill establishes psychotherapy and AODA services by licensed mental health professionals and psychologists as an MA benefit and prohibits DHFS from requiring that licensed mental health professionals be supervised, prohibits DHFS from requiring that clinical psychotherapy or AODA services be provided under a certified program, and prohibits DHFS from requiring that a physician or other health care provider first prescribe the psychotherapy or AODA services before the professional or psychologist provides the services to an MA recipient.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (30g) of the statutes is created to read:

2 49.45 **(30g)** PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
3 department shall include licensed mental health professionals, as defined in s.
4 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers
5 of psychotherapy and of alcohol and other drug abuse services. Except for services

provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient.

SECTION 2. 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

49.46 **(2)** (b) 6. (intro.) The following services ~~if~~ that, other than under subd. 6. f., fm., k., and Lr., are prescribed by a physician:

SECTION 3. 49.46 (2) (b) 6. Lr. of the statutes is created to read:

49.46 **(2)** (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services, as specified under s. 49.45 (30g).

SECTION 4. 609.655 (3) (a) of the statutes is amended to read:

609.655 **(3)** (a) A clinical assessment of the dependent student's nervous or mental disorders or alcoholism or other drug abuse problems, conducted by a provider described in s. 632.89 (1) (e) 2. ~~or~~, 3., or 4. who is located in this state and in reasonably close proximity to the school in which the dependent student is enrolled and who may be designated by the defined network plan.

SECTION 5. 632.89 (1) (dm) of the statutes is created to read:

632.89 **(1)** (dm) "Licensed mental health professional" means a clinical social worker who is licensed under ch. 457, a marriage and family therapist who is licensed under ch. 457, or a professional counselor who is licensed under ch. 457.

SECTION 6. 632.89 (1) (e) 4. of the statutes is created to read:

632.89 **(1)** (e) 4. A licensed mental health professional.

SECTION 7. Initial applicability.

(1) If a group health insurance policy that is in effect on the effective date of this subsection contains a provision that is inconsistent with the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes, the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes first applies to that insurance policy on the date on which it is renewed.

(END)

2007 ASSEMBLY BILL 474

August 2, 2007 – Introduced by Representatives BERCEAU and BENEDICT, cosponsored by Senator RISSER. Referred to Committee on State Affairs.

AN ACT ***to amend*** 139.02 (1) and 139.02 (2) (b); and ***to create*** 16.964 (6), 20.435 (7) (gm), 20.505 (6) (g), 46.40 (15), 46.48 (31), 51.423 (16) and 139.27 of the statutes; **relating to:** increasing the tax on fermented malt beverages to fund law enforcement grants and alcohol and drug abuse treatment and prevention programs, granting rule–making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

This bill increases the tax rate for the tax on fermented malt beverages from $2 per barrel to $10 per barrel. In addition, an amount of the taxes collected on fermented malt beverages equal to $2 per barrel will be used by the Office of Justice Assistance in the Department of Administration to provide grants to counties and municipalities to reduce crimes related to alcohol use by employing additional law enforcement officers and obtaining equipment and training, and an amount of the taxes equal to $4 per barrel will be used for community aids related to alcohol and drug abuse treatment services. Finally, an amount of the taxes equal to $2 per barrel will be used for grants for substance abuse treatment and prevention programs.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.964 (6) of the statutes is created to read:

16.964 **(6)** (a) The office shall provide grants from the appropriation under s. 20.505 (6) (g) to counties or municipalities to employ additional law enforcement officers, to obtain equipment and training, and, subject to par. (c), for overtime work if the officers, equipment, training, and overtime assist in reducing crimes related to alcohol use. A county or municipality may receive a grant for a calendar year if the county or municipality applies for the grant before September 1 of the preceding calender year.

(b) A county or municipality applying to the office for a grant under this subsection shall include a proposed plan of expenditure of the grant moneys. The grant moneys may be used only as described in par. (a).

(c) A county or municipality may, with the approval of the office, use part of the grant for the payment of salary and fringe benefits for overtime provided by law enforcement officers. To be eligible to use part of the grant for overtime costs, the county or municipality shall provide the office with all of the following:

1. The reasons why law enforcement officers need to work overtime.

2. The status of the hiring and training of new law enforcement officers.

3. Documentation that a sufficient amount of the grant will be available, during the period remaining after the payment of overtime costs, to pay the salary and fringe benefits of the same number of law enforcement officers and to obtain the equipment and training that the grant originally planned to pay.

(d) The office shall develop criteria that, notwithstanding s. 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining which counties and municipalities receive the grants under this subsection and how to distribute the grants to those counties and municipalities. The office may not award an annual

grant in excess of $250,000 to any county or municipality. The office shall review any application and plan submitted under par. (b) to determine if that application and plan meet the requirements of this subsection. The grant that a county or municipality receives under this subsection may not supplant existing local resources.

(e) A county or municipality may receive a grant for 3 consecutive years without submitting a new application each year. For each year that a county or municipality receives a grant, the county or municipality shall provide matching funds of at least 10 percent of the amount of the grant.

SECTION 2. 20.435 (7) (gm) of the statutes is created to read:

20.435 **(7)** (gm) *Additional substance abuse treatment and prevention grants.* All moneys received under s. 139.27 (3) for making grants under s. 46.48 (31).

SECTION 3. 20.505 (6) (g) of the statutes is created to read:

20.505 **(6)** (g) *Law enforcement officer supplement grants; fermented malt beverages tax revenue.* All moneys received under s. 139.27 (2) to provide grants for law enforcement officers and equipment and training under s. 16.964 (6).

SECTION 4. 46.40 (15) of the statutes is created to read:

46.40 **(15)** The use of all moneys distributed under this section shall comply with evidence−based practices established by the department.

SECTION 5. 46.48 (31) of the statutes is created to read:

46.48 **(31)** ADDITIONAL SUBSTANCE ABUSE TREATMENT AND PREVENTION GRANTS. (a) The department shall distribute grants from the appropriation under s. 20.435 (7) (gm) to counties, municipalities, school districts, nonprofit organizations, as defined in s. 103.21 (2), and cooperative educational service agencies to provide alcohol and drug abuse treatment and prevention programs. A county, municipality, school

district, nonprofit organization, or cooperative educational service agency may receive a grant for a calendar year if the entity applies for the grant before September 1 of the preceding calendar year.

(b) A county, municipality, school district, nonprofit organization, or cooperative educational service agency that applies for a grant under this subsection shall include a proposed plan of expenditure of the grant moneys. The grant moneys may be used only as described in par. (a), except that the county, municipality, school district, nonprofit organization, or cooperative educational service agency that receives the grant shall use a portion of the grant, not to exceed an amount equal to 1 percent of the grant, to pay a 3rd party to evaluate the efficiency of the entity's plan. The use of all moneys distributed under this subsection shall comply with evidence−based practices established by the department.

(c) The department shall develop criteria, by rule, for use in determining which counties, municipalities, school districts, nonprofit organizations, and cooperative educational service agencies receive the grants under this subsection and how to distribute those grants. The department shall review any application and plan submitted under par. (b) to determine if that application and plan meet the requirements of this subsection. The grant that an entity receives under this subsection may not supplant existing local resources.

(d) A county, municipality, school district, nonprofit organization, or cooperative educational service agency may receive a grant for 3 consecutive years by submitting a new application each year.

SECTION 6. 51.423 (16) of the statutes is created to read:

51.423 **(16)** The use of all moneys distributed under this section shall comply with evidence−based practices established by the department.

SECTION 7. 139.02 (1) of the statutes is amended to read:

139.02 **(1)** TAX IMPOSED; RATE; LIMITATION. An occupational tax is imposed upon the removal for consumption or sale or selling of fermented malt beverages at the rate of ~~$2~~ $10 per barrel of 31 gallons and at a proportionate rate for any other quantity or fractional parts thereof. Not more than one occupational tax shall be required to be paid on any one container of fermented malt beverages.

SECTION 8. 139.02 (2) (b) of the statutes is amended to read:

139.02 **(2)** (b) In this section "eligible producer" means any producer of fermented malt beverages, whether or not located in this state, producing less than 300,000 barrels of fermented malt beverages in the calendar year for which credit under par. (a) is claimed. In determining the number of barrels, all brands or labels of a producer shall be combined and all barrels exported out of this state shall be included. All facilities for the production of fermented malt beverages owned or controlled by the same person shall be deemed a single producer.

SECTION 9. 139.27 of the statutes is created to read:

139.27 Revenue distribution. (1) In each fiscal year, beginning in fiscal year 2007−08, an amount of the taxes imposed under s. 139.02 (1) equal to $4 per barrel of 31 gallons shall be credited to the appropriation account under s. 20.435 (7) (b).

(2) In each fiscal year, beginning in fiscal year 2007−08, an amount of the taxes imposed under s. 139.02 (1) equal to $2 per barrel of 31 gallons shall be credited to the appropriation account under s. 20.505 (6) (g).

(3) In each fiscal year, beginning in fiscal year 2007−08, an amount of the taxes imposed under s. 139.02 (1) equal to $2 per barrel of 31 gallons shall be credited to the appropriation account under s. 20.435 (7) (gm).

SECTION 10. Fiscal changes.

(1) COMMUNITY AIDS; ALCOHOL ABUSE TREATMENT. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2007, the dollar amount is increased by $18,800,000 for fiscal year 2007−08 and the dollar amount is increased by $18,800,000 for fiscal year 2008−09 for alcohol abuse services under sections 46.40 and 51.423 of the statutes.

SECTION 11. Effective date.

(1) This act takes effect on July 1, 2007, or on the day after publication of the 2007−09 biennial budget act, whichever is later.

(END)

2007 ASSEMBLY BILL 498

September 11, 2007 − Introduced by Representatives GUNDRUM, NEWCOMER, STASKUNAS, J. OTT, SUDER, A. OTT, BERCEAU, ZEPNICK, JORGENSEN, PETERSEN, NYGREN, BIES, STRACHOTA, VOS, PETROWSKI, OWENS, MOLEPSKE, TOWNSEND, SHERIDAN, LEMAHIEU and GUNDERSON, cosponsored by Senators KEDZIE, LEHMAN, SULLIVAN and ROESSLER. Referred to Committee on Judiciary and Ethics.

AN ACT ***to create*** 23.33 (13) (b) 1m., 30.80 (6) (a) 1m., 346.65 (2) (am) 1m., 350.11 (3) (a) 1m. and 973.06 (1) (j) of the statutes; **relating to:** costs of administering tests for intoxication.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer may request a person to provide a sample of breath, blood, or urine for analysis if the person is arrested for operating while intoxicated a vehicle, an all−terrain vehicle, a boat, or a snowmobile or for injury or homicide by intoxicated use of a vehicle. Upon the request of a law enforcement officer, a test facility must perform an analysis of a person's sample of blood.

Under this bill, if the person violates one of the laws mentioned above, the person must be assessed any costs associated with acquiring a blood sample and administering a blood test or analysis that were charged to or paid by a law enforcement agency.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (13) (b) 1m. of the statutes is created to read:

23.33 **(13)** (b) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood under sub. (4p).

SECTION 2. 30.80 (6) (a) 1m. of the statutes is created to read:

30.80 **(6)** (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood under s. 30.684.

SECTION 3. 346.65 (2) (am) 1m. of the statutes is created to read:

346.65 **(2)** (am) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood under s. 343.305.

SECTION 4. 350.11 (3) (a) 1m. of the statutes is created to read:

350.11 **(3)** (a) 1m. In addition to the forfeiture imposed under subd. 1., the person shall pay any costs charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood under s. 350.104.

SECTION 5. 973.06 (1) (j) of the statutes is created to read:

973.06 **(1)** (j) Any costs charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood under s. 23.33 (4p), 30.684, 343.305, or 350.104.

(END)

Wisconsin Assembly bill 700

Due to the number of pages in this Bill, we are including only the first page in the SCAODA Packet. Hard copies will be available at the meeting on March 7th, 2008. If you prefer to print out your own copy then you can download a PDF version at the following URL:

http://www.legis.state.wi.us/2007/data/AB-700.pdf

A PDF is also available on the SCAODA Web, (http://www.sacoda.state.wi.us).

Click on the 'March 7, 2008' link to access this file.

http://www.scaoda.state.wi.us/scaodameetings/march2008/scaodameetingmarch2008.htm

2007 ASSEMBLY BILL 700

January 15, 2008 − Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Children and Family Law.

AN ACT ***to repeal*** 46.56 (1) (i) 1. to 3., 46.56 (1) (k), 46.56 (3) (d) 2. (intro.), 46.56 (8) (L), 46.56 (8) (p) and (q), 46.56 (14) (c) 8. and 46.56 (15) (e); ***to renumber and amend*** 46.56 (1) (c), 46.56 (1) (f), 46.56 (1) (g), 46.56 (3) (d) 1., 46.56 (3) (d) 2. a. and b., 46.56 (6) (a) 3., 46.56 (6) (a) 4., 48.02 (9s) and 938.02 (9s); ***to consolidate, renumber and amend*** 46.56 (1) (i) (intro.) and 4.; ***to amend*** 20.435 (7) (co), 38.14 (12), 46.215 (1) (q), 46.22 (1) (b) 1. i., 46.56 (title), 46.56 (1) (a), 46.56 (1) (b), 46.56 (1) (e), 46.56 (1) (h), 46.56 (1) (L), 46.56 (1) (m), 46.56 (1) (n), 46.56 (1) (o), 46.56 (1) (p), 46.56 (2), 46.56 (3) (a), 46.56 (3) (b) 1., 2., 4., 5. and 7., 46.56 (4) (a) to (e), 46.56 (5) (a), (b) and (d) to (i), 46.56 (6) (title), (a) (intro.), 1. and 2., 46.56 (6) (b), 46.56 (6) (c), 46.56 (7), 46.56 (8) (title), 46.56 (8) (a) to (g) and (h) (intro.), 2., 3., 4., 5. and 6., 46.56 (8) (i) to (k), 46.56 (8) (m) to (o), 46.56 (8) (r) and (s), 46.56 (9), 46.56 (10) to (13), 46.56 (14) (a), 46.56 (14) (a), 46.56 (14) (b) (intro.), 46.56 (14) (b) 1. and 3., 46.56 (14) (c) (intro.) and 1., 46.56 (14) (c) 3. and 4., 46.56 (14) (c) 6. and 7., 46.56 (14) (d), 46.56 (15) (a) and (b)

2007 SENATE BILL 27

February 5, 2007 − Introduced by Senators LASSA, ROESSLER, SULLIVAN, DARLING and LEIBHAM, cosponsored by Representatives KAUFERT, LOTHIAN, ZIEGELBAUER, KERKMAN, BERCEAU, HAHN, JESKEWITZ, BALLWEG, SHERIDAN, GUNDERSON, TOWNSEND, HINTZ, HILGENBERG, HUBLER and ZEPNICK. Referred to Committee on Judiciary and Corrections.

AN ACT ***to amend*** 345.24 (1)of the statutes; and ***to create*** 345.24 (1m) of the statutes; **relating to:** releasing persons arrested for certain offenses related to operating a vehicle while intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, a person arrested for certain offenses related to driving a vehicle under the influence of an intoxicant or with a prohibited alcohol concentration may not be released from police custody until 12 hours have elapsed from the time of his or her arrest or unless a chemical test shows that the person has an alcohol concentration of less than 0.04 except that the person may be released to his or her attorney, spouse, relative, or other responsible adult at any time after arrest.

Under this bill, a person may be released to his or her attorney, spouse, relative, or other responsible adult if the attorney, spouse, relative, or other responsible adult accepts legal responsibility for the actions of the arrested person for 12 hours after the time that the person was arrested. In addition, the bill requires a law enforcement officer to seize or immobilize the vehicle used in the incident that gave rise to the arrest for 12 hours, except that, if the vehicle is the only vehicle owned or leased by any member of the arrested person's household, the officer may release the vehicle to a member of the household.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 345.24 (1)of the statutes is amended to read:

345.24 **(1)** ~~A~~ Except as provided in sub. (1m) (a), a person arrested under s. 346.63 (1) or (5) or an ordinance in conformity therewith or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, may not be released until 12 hours have elapsed from the time of his or her arrest or unless a chemical test administered under s. 343.305 shows that the person has an alcohol concentration of less than 0.04~~, but the person may be released to his or her attorney, spouse, relative or other responsible adult at any time after arrest~~.

SECTION 2. 345.24 (1m) of the statutes is created to read:

345.24 **(1m)** (a) An officer may release the arrested person to his or her attorney, spouse, relative, or other responsible adult if the person to whom the arrested person is released accepts, in writing, legal responsibility for the actions of the arrested person for 12 hours after the time of the arrest. Except as provided in par. (b), the officer shall seize or immobilize the vehicle used in the offense for 12 hours after the time of the arrest.

(b) An officer may release the vehicle used in the offense to a member of the arrested person's household if the member of the household is licensed to operate the vehicle and the vehicle is the only vehicle owned or leased by any member of the arrested person's household.

(END)

2007 SENATE BILL 42

February 15, 2007 − Introduced by Senators KEDZIE, COGGS, CARPENTER, LASSA, ROESSLER, DARLING, LEHMAN, SCHULTZ, HANSEN, SULLIVAN and A. LASEE, cosponsored by Representatives JESKEWITZ, LOTHIAN, YOUNG, SHERIDAN, FIELDS, TURNER, HINES, ALBERS, BERCEAU, A. OTT, BALLWEG, KRUSICK, CULLEN and OWENS. Referred to Committee on Education.

AN ACT ***to amend*** 118.164 (2) and 120.13 (1) (a) (intro.); and ***to create*** 118.02 (18) and 118.46 of the statutes; **relating to:** school policies on bullying.

Analysis by the Legislative Reference Bureau

This bill directs the Department of Public Instruction (DPI) to develop a model school policy on bullying by pupils. The policy must define bullying, prohibit pupils from bullying, describe where and the circumstances in which the prohibition applies, and provide penalties for bullying. The policy must also include procedures for reporting bullying and for investigating such reports. The bill also directs DPI to develop a model education and awareness program on bullying.

The bill directs each school board to adopt a policy prohibiting bullying by pupils. The school board may adopt DPI's model policy. Once each year, the school board must distribute the policy to all pupils enrolled in the school district and to their parents. With certain exceptions, upon the occurrence of a bullying incident, the school board must distribute the policy to all pupils involved in the incident and to their parents.

Finally, this bill adds Wednesday of the fourth week in September, Bullying Awareness Day, to the list of special observance days for schools.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.02 (18) of the statutes is created to read:

118.02 **(18)** Wednesday of the 4th week in September, Bullying Awareness Day.

SECTION 2. 118.164 (2) of the statutes is amended to read:

118.164 **(2)** Subject to 20 USC 1415 (k) and beginning August 1, 1999, a teacher may remove a pupil from the teacher's class if the pupil violates the code of ~~classroom~~ conduct adopted under s. 120.13 (1) (a) or is dangerous, unruly or disruptive or exhibits behavior that interferes with the ability of the teacher to teach effectively, as specified in the code of ~~classroom~~ conduct. The teacher shall send the pupil to the school principal or his or her designee and notify the school principal or his or her designee immediately of the reasons for the removal. In addition, the teacher shall provide to the principal or his or her designee within 24 hours after the pupil's removal from the class a written explanation of the reasons for the removal.

SECTION 3. 118.46 of the statutes is created to read:

118.46 Policy on bullying. (1) By March 1, 2008, the department shall do all of the following:

(a) Develop a model school policy on bullying by pupils. The policy shall include all of the following:

1. A definition of bullying.

2. A prohibition on bullying.

3. A procedure for reporting bullying that allows reports to be made confidentially.

4. A prohibition against a pupil retaliating against another pupil for reporting an incident of bullying.

5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting

the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified.

6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.

7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying.

8. An identification of the school−related events at which the policy applies.

9. An identification of the property owned, leased, or used by the school district on which the policy applies.

10. An identification of the vehicles used for pupil transportation on which the policy applies.

(b) Develop a model education and awareness program on bullying.

(c) Post the model policy under par. (a) and the model program under par. (b) on its Internet site.

(2) By August 15, 2008, each school board shall adopt and include in its code of conduct a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy, separately from its code of conduct, to all pupils enrolled in the school district and to their parents or guardians. Upon the occurrence of a bullying incident, the school board shall distribute the policy to each pupil involved in the incident and to his or her parent or guardian unless the pupil was involved in a bullying incident during the current semester and the pupil and his or her parent or guardian received a copy of the policy then.

SECTION 4. 120.13 (1) (a) (intro.) of the statutes is amended to read:

120.13 **(1)** (a) (intro.) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' ~~classroom~~ conduct ~~beginning in the 1999−2000 school year~~. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of ~~classroom~~ conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

(END)

2007 SENATE BILL 116

March 27, 2007 − Introduced by Senators SULLIVAN, ROESSLER, LEIBHAM, BRESKE, DARLING, GROTHMAN, COGGS and KEDZIE, cosponsored by Representatives STASKUNAS, ZIEGELBAUER, KERKMAN, HUBLER, BLACK, JESKEWITZ, HAHN, BENEDICT, GUNDRUM, HEBL, MASON, BERCEAU, GUNDERSON, WASSERMAN, CULLEN, MOLEPSKE, FIELDS, LOTHIAN and HRAYCHUCK. Referred to Committee on Judiciary and Corrections.

AN ACT ***to amend*** 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c) and 346.65 (7); and ***to create*** 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the statutes; **relating to:** repeat drunken driving offenders and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her fifth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than $600 nor more than $10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her fifth or sixth offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her seventh, eighth, or ninth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than $25,000 and imprisoned for not more than ten years or both. A person who commits his or her tenth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than $25,000 and imprisoned for not more than 12 years and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 **(5)** (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6., or 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

SECTION 2. 346.65 (2) (am) 5. of the statutes is amended to read:

346.65 **(2)** (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than $600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or ~~more~~ 6, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 3. 346.65 (2) (am) 6. of the statutes is created to read:

346.65 **(2)** (am) 6. Except as provided in par. (f), is guilty of a Class G felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 4. 346.65 (2) (am) 7. of the statutes is created to read:

346.65 **(2)** (am) 7. Except as provided in par. (f), is guilty of a Class F felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 10 or more except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

SECTION 5. 346.65 (2) (f) of the statutes is amended to read:

346.65 **(2)** (f) If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the applicable minimum and maximum forfeitures, fines, or imprisonment under par. (am) for the conviction are doubled. An offense under s. 346.63 (1) that subjects a person to a penalty under par. (am) 3., 4., ~~or~~ 5., 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

SECTION 6. 346.65 (2c) of the statutes is amended to read:

346.65 **(2c)** In sub. (2) (am) 2., 3., 4., ~~and~~ 5., 6., and 7., the time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation, or conviction for any offense under a local ordinance or a state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., ~~and~~ 5, 6., and 7.

SECTION 7. 346.65 (7) of the statutes is amended to read:

346.65 **(7)** A person convicted under sub. (2) (am) 2., 3., 4., ~~or~~ 5., 6., or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a 48−consecutive−hour period.

(END)

2007 SENATE BILL 150

April 18, 2007 – Introduced by Senators RISSER, ROESSLER, COGGS, MILLER and DARLING, cosponsored by Representatives WIECKERT, RICHARDS, GOTTLIEB, BOYLE, PARISI, BLACK, BENEDICT, A. OTT, BERCEAU, WASSERMAN, YOUNG, POPE–ROBERTS and TOLES. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

AN ACT ***to repeal*** 101.123 (1) (br), 101.123 (1) (c), 101.123 (1) (dg), 101.123 (1) (j), 101.123 (2) (a) 5., 101.123 (2) (am), 101.123 (2) (b), 101.123 (3) (a) to (gr), 101.123 (4), 101.123 (5), 101.123 (6) (title), 101.123 (8) (b) and 101.123 (8) (c); ***to renumber*** 101.123 (1) (a), 101.123 (1) (dm) and 101.123 (2) (c); ***to renumber and amend*** 101.123 (1) (e), 101.123 (1) (h), 101.123 (2) (a) 10., 101.123 (2) (ar), 101.123 (2) (bm), 101.123 (2) (br) and 101.123 (2) (bv); ***to amend*** 77.52 (2) (ag) 39. (intro.), 101.123 (1) (am), 101.123 (1) (b), 101.123 (1) (d), 101.123 (1) (f), 101.123 (1) (g), 101.123 (1) (i), 101.123 (2) (a) (intro.), 101.123 (3) (intro.), 101.123 (6), 101.123 (7), 101.123 (8) (a), 165.60, 165.755 (1) (b), 302.46 (1) (a), 460.01 (5), 757.05 (1) (a) and 814.63 (1) (c); ***to repeal and recreate*** 101.123 (2) (title), 101.123 (2) (a) 1., 101.123 (2) (a) 4., 101.123 (2) (a) 6. and 101.123 (2) (a) 9.; and ***to create*** 101.123 (1) (ac), 101.123 (1) (aj), 101.123 (1) (bn), 101.123 (1) (dj), 101.123 (1) (h) 2., 101.123 (1) (im), 101.123 (2) (a) 2m., 101.123 (2) (a) 2r., 101.123 (2) (a) 5m., 101.123 (2) (a) 5t., 101.123 (2) (a) 7m., 101.123 (2) (a) 8g.,

101.123 (2) (d) (intro.), 101.123 (2m), 101.123 (3) (h), 101.123 (3) (i), 101.123 (3) (j), 101.123 (3) (k), 101.123 (3m), 101.123 (4m) (title), 101.123 (8) (d) and 101.123 (8) (e) of the statutes; **relating to:** prohibiting smoking in places of employment, restaurants, taverns, and other indoor areas and providing a penalty.

Analysis by the Legislative Reference Bureau

Prohibition against smoking

Current law prohibits smoking in most indoor areas that are accessible to the public unless there has been a specific area that has been designated a smoking area. Under this bill, designated smoking areas may no longer be permitted in any public place or place of employment with exceptions for private residences, designated rooms in lodging establishments, and certain retirement homes. The bill defines "a place of employment" to be any indoor area that employees normally frequent during the course of employment such as an office, a work area, an employee lounge, a restroom, a conference room, a meeting room, a classroom, or a hallway. Other locations where smoking areas may no longer be permitted under the bill, regardless of whether they meet the definition of "place of employment," include the following:

1. Mass transit vehicles and school buses.
2. Schools and other educational facilities.
3. Residence halls and dormitories of colleges and universities.
4. Day care centers.
5. Inpatient health care facilities, such as community−based residential facilities and nursing homes.
6. Prisons, jails, and juvenile correctional facilities.
7. Mental health institutions and hospitals where the primary purpose is the treatment of mental illness, alcoholism, or drug abuse.
8. Centers for the developmentally disabled.
9. Restaurants and taverns, as described below.
10. Retail establishments.
11. Public waiting rooms.
12. Governmental buildings.

Current law also provides exceptions from the prohibition against smoking for bowling centers, halls used for private functions, for rooms in which the main occupants are smokers, and for areas of facilities that are used to manufacture or assemble goods, products, or merchandise. This bill eliminates these exceptions.

Current law allows smoking in any restaurant that has a seating capacity of 50 individuals or less, or that holds a liquor license, if the sale of alcohol beverages accounts for more than 50 percent of the restaurant's receipts. This bill prohibits

smoking in any restaurant regardless of seating capacity or the number of liquor sale receipts.

Current law allows smoking in any tavern holding a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license, issued by a municipality (liquor license). This bill prohibits smoking in any tavern.

Enforcement

This bill requires that persons in charge of places where smoking is prohibited enforce the prohibitions by taking certain steps to ensure compliance, such as asking the person to leave or refusing to serve the person if the place is a restaurant or tavern. This bill imposes forfeitures on persons in charge who fail to take these measures.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 77.52 (2) (ag) 39. (intro.) of the statutes is amended to read:

77.52 **(2)** (ag) 39. (intro.) Equipment in offices, business facilities, schools, and hospitals but not in residential facilities including personal residences, apartments, long−term care facilities, as defined under s. 16.009 (1) (em), ~~state institutions, as defined under s. 101.123 (1) (i),~~ prisons, mental health institutions, as defined in s. 51.01 (12), centers for the developmentally disabled, as defined in s. 51.01 (3), Type 1 ~~secured~~ juvenile correctional facilities, as defined in s. 938.02 (19), or similar facilities including, by way of illustration but not of limitation, all of the following:

SECTION 2. 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ag).

SECTION 3. 101.123 (1) (ac) of the statutes is created to read:

101.123 **(1)** (ac) "Correctional facility" means any prison, juvenile correctional facility, or any other correctional facility that is used to incarcerate persons convicted of crimes or adjudged delinquent but does not include a facility that is the private

residence of the incarcerated person at which no one is employed to insure the person's incarceration.

SECTION 4. 101.123 (1) (aj) of the statutes is created to read:

101.123 **(1)** (aj) Notwithstanding s. 101.01 (5), "employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.

SECTION 5. 101.123 (1) (am) of the statutes is amended to read:

101.123 **(1)** (am) "Hospital" has the meaning given in s. 50.33 (2), except that "hospital" does not include a nursing home licensed under s. 50.03 that is operated in connection with a hospital ~~or a retirement home that is operated in connection with a hospital~~.

SECTION 6. 101.123 (1) (b) of the statutes is amended to read:

101.123 **(1)** (b) "Inpatient health care facility" means a hospital, a county home established under s. 49.70, a county infirmary established under s. 49.72 ~~or~~, a community−based residential facility or a nursing home licensed under s. 50.03.

SECTION 7. 101.123 (1) (bn) of the statutes is created to read:

101.123 **(1)** (bn) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61 (1).

2. A hotel, as defined in s. 254.61 (3).

3. A tourist rooming house, as defined in s. 254.61 (6).

SECTION 8. 101.123 (1) (br) of the statutes is repealed.

SECTION 9. 101.123 (1) (c) of the statutes is repealed.

SECTION 10. 101.123 (1) (d) of the statutes is amended to read:

101.123 **(1)** (d) "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities ~~aboard a public conveyance or~~

~~within a place~~ at a location where smoking is prohibited or regulated under this section~~, regardless of the person's status as owner or lessee~~.

SECTION 11. 101.123 (1) (dg) of the statutes is repealed.

SECTION 12. 101.123 (1) (dj) of the statutes is created to read:

101.123 **(1)** (dj) Notwithstanding s. 101.01 (11), "place of employment" means any indoor area that employees normally frequent during the course of employment, including an office, a work area, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a vehicle, or a cafeteria that is provided by the employer.

SECTION 13. 101.123 (1) (dm) of the statutes is renumbered 77.51 (11m)

SECTION 14. 101.123 (1) (e) of the statutes is renumbered 101.123 (1) (cm) and amended to read:

101.123 **(1)** (cm) ~~"Public conveyance"~~ "Passenger vehicle" means a mass transit ~~vehicles~~ vehicle as defined ~~by~~ in s. 340.01 (28m), a motor bus as defined in s. 340.01 (31), and a school ~~buses~~ bus as defined ~~by~~ in s. 340.01 (56).

SECTION 15. 101.123 (1) (f) of the statutes is amended to read:

101.123 **(1)** (f) "Restaurant" means an establishment as defined in s. 254.61 (5) ~~with a seating capacity of more than 50 persons~~.

SECTION 16. 101.123 (1) (g) of the statutes is amended to read:

101.123 **(1)** (g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted~~, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license, and except bowling centers~~.

SECTION 17. 101.123 (1) (h) of the statutes is renumbered 101.123 (1) (h) (intro.) and amended to read:

101.123 **(1)** (h) (intro.) "Smoking" means ~~carrying~~ any of the following:

1. Burning or holding a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

SECTION 18. 101.123 (1) (h) 2. of the statutes is created to read:

101.123 **(1)** (h) 2. Inhaling or exhaling smoke from a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

SECTION 19. 101.123 (1) (i) of the statutes is amended to read:

101.123 **(1)** (i) "State institution" means ~~a prison,~~ a mental health institute as defined in s. 51.01 (12) or a center for the developmentally disabled as defined in s. 51.01 (3).

SECTION 20. 101.123 (1) (im) of the statutes is created to read:

101.123 **(1)** (im) "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.

SECTION 21. 101.123 (1) (j) of the statutes is repealed.

SECTION 22. 101.123 (2) (title) of the statutes is repealed and recreated to read:

101.123 **(2)** (title) PROHIBITION AGAINST SMOKING.

SECTION 23. 101.123 (2) (a) (intro.) of the statutes is amended to read:

101.123 **(2)** (a) (intro.) Except as provided in sub. (3), no person may smoke in any of the following indoor places:

SECTION 24. 101.123 (2) (a) 1. of the statutes is repealed and recreated to read:

101.123 **(2)** (a) 1. Passenger vehicles.

SECTION 25. 101.123 (2) (a) 2m. of the statutes is created to read:

101.123 **(2)** (a) 2m. Residence halls or dormitories of universities or colleges.

SECTION 26. 101.123 (2) (a) 2r. of the statutes is created to read:

101.123 **(2)** (a) 2r. Day care centers.

SECTION 27. 101.123 (2) (a) 4. of the statutes is repealed and recreated to read:

101.123 **(2)** (a) 4. Theaters.

SECTION 28. 101.123 (2) (a) 5. of the statutes is repealed.

SECTION 29. 101.123 (2) (a) 5m. of the statutes is created to read:

101.123 **(2)** (a) 5m. Lockup facilities, jails, or correctional facilities.

SECTION 30. 101.123 (2) (a) 5t. of the statutes is created to read:

101.123 **(2)** (a) 5t. State institutions.

SECTION 31. 101.123 (2) (a) 6. of the statutes is repealed and recreated to read:

101.123 **(2)** (a) 6. Elevators.

SECTION 32. 101.123 (2) (a) 7m. of the statutes is created to read:

101.123 **(2)** (a) 7m. Taverns.

SECTION 33. 101.123 (2) (a) 8g. of the statutes is created to read:

101.123 **(2)** (a) 8g. Lodging establishments except as provided in sub. (3m).

SECTION 34. 101.123 (2) (a) 9. of the statutes is repealed and recreated to read:

101.123 **(2)** (a) 9. Any indoor place, other than the places listed in subd. 1. to 8r., that is a place of employment or that is open to the public or to which members of the public may be invited or have lawful access.

SECTION 35. 101.123 (2) (a) 10. of the statutes is renumbered 101.123 (2) (a) 8r. and amended to read:

101.123 **(2)** (a) 8r. ~~Any enclosed, indoor area of a state,~~ State, county, city, village, ~~or~~ and town ~~building~~ buildings.

SECTION 36. 101.123 (2) (am) of the statutes is repealed.

SECTION 37. 101.123 (2) (ar) of the statutes is renumbered 101.123 (2) (d) 1. and amended to read:

101.123 **(2)** (d) 1. ~~Notwithstanding par. (a) and sub. (3), no person may smoke in the state capitol building or in~~ In the immediate vicinity of the state capitol.

SECTION 38. 101.123 (2) (b) of the statutes is repealed.

SECTION 39. 101.123 (2) (bm) of the statutes is renumbered 101.123 (2) (d) 2. and amended to read:

101.123 **(2)** (d) 2. ~~Notwithstanding par. (a) and sub. (3), no person may smoke~~ Outside on the premises~~, indoors or outdoors,~~ of a day care center when children who are receiving day care services are present.

SECTION 40. 101.123 (2) (br) of the statutes is renumbered 101.123 (2) (d) 3. and amended to read:

101.123 **(2)** (d) 3. ~~Notwithstanding par. (a) and sub. (3), no person may smoke in any enclosed, indoor area of a Type 1 juvenile correctional facility or on~~ On the grounds of a Type 1 juvenile correctional facility, as defined in s. 938.02 (19).

SECTION 41. 101.123 (2) (bv) of the statutes is renumbered 101.123 (2) (d) 4. and amended to read:

101.123 **(2)** (d) 4. ~~Notwithstanding par. (a) and sub. (3), no person may smoke in~~ A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System ~~or in any location that is 25 feet or less from such a residence hall or dormitory.~~

SECTION 42. 101.123 (2) (c) of the statutes is renumbered 101.123 (4m).

SECTION 43. 101.123 (2) (d) (intro.) of the statutes is created to read:

101.123 **(2)** (d) (intro.) No person may smoke at any of the following outdoor locations:

SECTION 44. 101.123 (2m) of the statutes is created to read:

101.123 **(2m)** RESPONSIBILITY OF PERSONS IN CHARGE. (a) No person in charge may allow any person to smoke in violation of sub. (2) at a location that is under the control or direction of the person in charge.

(b) No person in charge may provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.

(c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

2. Refusing to serve a person, if the person is smoking in a restaurant or tavern.

3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

(d) If a person refuses to leave a location after being requested to do so as provided in par. (c) 3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(e) A person in charge may take measures in addition to those listed in par. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

SECTION 45. 101.123 (3) (intro.) of the statutes is amended to read:

101.123 **(3)** EXCEPTIONS. (intro.) The ~~regulation of~~ prohibition against smoking in sub. (2) (a) does not apply to the following places:

SECTION 46. 101.123 (3) (a) to (gr) of the statutes are repealed.

SECTION 47. 101.123 (3) (h) of the statutes is created to read:

101.123 **(3)** (h) A private residence.

SECTION 48. 101.123 (3) (i) of the statutes is created to read:

101.123 **(3)** (i) A room used by a person in a retirement home as his or her residence.

SECTION 49. 101.123 (3) (j) of the statutes is created to read:

101.123 **(3)** (j) A room in a retirement home in which 2 or more persons reside if every person that lives in that room smokes and each of those persons has made a written request to the person in charge of the retirement home to be placed in a room where smoking is allowed.

SECTION 50. 101.123 (3) (k) of the statutes is created to read:

101.123 **(3)** (k) A room in a lodging establishment that has been designated as a room where smoking is allowed, as provided under sub. (3m).

SECTION 51. 101.123 (3m) of the statutes is created to read:

101.123 **(3m)** LODGING. The owner of a lodging establishment may designate not more than 25 percent of the guest rooms in the lodging establishment as guest rooms in which smoking is permitted.

SECTION 52. 101.123 (4) of the statutes is repealed.

SECTION 53. 101.123 (4m) (title) of the statutes is created to read:

101.123 **(4m)** (title) LOCAL REGULATION.

SECTION 54. 101.123 (5) of the statutes is repealed.

SECTION 55. 101.123 (6) (title) of the statutes is repealed.

SECTION 56. 101.123 (6) of the statutes is amended to read:

101.123 **(6)** UNIFORM SIGNS. The department shall, by rule, specify uniform dimensions and other characteristics of the signs ~~used to designate smoking areas~~ required under sub. (2m). These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.

SECTION 57. 101.123 (7) of the statutes is amended to read:

101.123 **(7)** SIGNS FOR STATE AGENCIES. The department shall arrange with the department of administration to have ~~the~~ signs prepared and made available to state agencies for use in state facilities that set forth the prohibition against smoking.

SECTION 58. 101.123 (8) (a) of the statutes is amended to read:

101.123 **(8)** (a) Any person who ~~willfully~~ violates sub. (2) ~~(a), (am) 1., (bm), (br), or (bv) after being advised by an employee of the facility that smoking in the area is prohibited or any person in charge or his or her agent who willfully fails to comply with sub. (5)~~ shall forfeit not less than $10 and not more than ~~$10~~ $100 per violation.

SECTION 59. 101.123 (8) (b) of the statutes is repealed.

SECTION 60. 101.123 (8) (c) of the statutes is repealed.

SECTION 61. 101.123 (8) (d) of the statutes is created to read:

101.123 **(8)** (d) Any person in charge who violates sub. (2m) shall be subject to a forfeiture as follows:

1. Not less than $50 nor more than $100 for the first violation.

2. Not less than $100 nor more than $200 for the 2nd violation.

3. Not less than $200 nor more than $500 for the 3rd or any subsequent violation.

SECTION 62. 101.123 (8) (e) of the statutes is created to read:

101.123 **(8)** (e) Each day that sub. (2m) is violated is a separate violation.

SECTION 63. 165.60 of the statutes is amended to read:

165.60 Law enforcement. The department of justice is authorized to enforce ss. 101.123 (2), ~~(5)~~, (2m), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers

of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.

SECTION 64. 165.755 (1) (b) of the statutes is amended to read:

165.755 **(1)** (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) ~~(a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b)~~ or (2m), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 65. 302.46 (1) (a) of the statutes is amended to read:

302.46 **(1)** (a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) ~~(a), (am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5)~~ (2m), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or $10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

SECTION 66. 460.01 (5) of the statutes is amended to read:

460.01 **(5)** "Physician's office" ~~has the meaning given in s. 101.123 (1) (dg)~~ means a place, other than a residence or a hospital, that is used primarily to provide medical care and treatment.

SECTION 67. 757.05 (1) (a) of the statutes is amended to read:

757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) ~~(a), (am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5)~~ (2m), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 68. 814.63 (1) (c) of the statutes is amended to read:

814.63 **(1)** (c) This subsection does not apply to an action for a violation of s. 101.123 (2) ~~(a), (am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5)~~ (2m), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m).

SECTION 69. Initial applicability.

(1) This act first applies to violations occurring on the effective date of this subsection.

SECTION 70. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

2007 SENATE BILL 193

May 25, 2007 − Introduced by Senators LEHMAN, MILLER, DARLING, ROESSLER, KEDZIE and LEIBHAM, cosponsored by Representatives STASKUNAS, POPE-ROBERTS, A. OTT, J. OTT, TURNER, BERCEAU, BLACK, SHERIDAN, GOTTLIEB and ALBERS. Referred to Committee on Judiciary and Corrections.

AN ACT ***to amend*** 346.65 (2) (g) 1., 346.65 (2) (g) 2. and 346.65 (2) (g) 3. of the statutes; **relating to:** drunken driving and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, drivers who are convicted of a third, fourth, fifth, or subsequent violation related to driving while intoxicated are subject to fines and terms of imprisonment. The amount of the fine and the length of imprisonment increase with each subsequent conviction. If a driver has an exceptionally high alcohol concentration at the time of his or her offense, any applicable fine is increased as follows:

1. If the person had an alcohol concentration of 0.17 to 0.199, the fine is doubled.
2. If a person had an alcohol concentration of 0.20 to 0.249, the fine is tripled.
3. If a person had an alcohol concentration at or above 0.25, the fine is quadrupled.

This bill applies the increased fines for having an exceptionally high alcohol concentration to people who commit a first or second violation related to driving while intoxicated.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.65 (2) (g) 1. of the statutes is amended to read:

346.65 **(2)** (g) 1. If a ~~person convicted~~ violator had an alcohol concentration of 0.17 to 0.199, the applicable minimum and maximum fines under par. (am) ~~3. to 5.~~ are doubled.

SECTION 2. 346.65 (2) (g) 2. of the statutes is amended to read:

346.65 **(2)** (g) 2. If a ~~person convicted~~ violator had an alcohol concentration of 0.20 to 0.249, the applicable minimum and maximum fines under par. (am) ~~3. to 5.~~ are tripled.

SECTION 3. 346.65 (2) (g) 3. of the statutes is amended to read:

346.65 **(2)** (g) 3. If a ~~person convicted~~ violator had an alcohol concentration of 0.25 or above, the applicable minimum and maximum fines under par. (am) ~~3. to 5.~~ are quadrupled.

(END)

2007 SENATE BILL 246

July 25, 2007 – Introduced by Senators MILLER, LEHMAN, ERPENBACH, DARLING, HANSEN, RISSER, ROESSLER, VINEHOUT and WIRCH, cosponsored by Representatives BIES, POPE–ROBERTS, ALBERS, BENEDICT, BERCEAU, BLACK, DAVIS, GUNDERSON, GRIGSBY, HAHN, HINTZ, HUBLER, KAUFERT, MURSAU, A. OTT, SHERIDAN, SOLETSKI, TOWNSEND, ZEPNICK and WASSERMAN. Referred to Committee on Health and Human Services.

AN ACT ***to amend*** 49.46 (2) (b) 6. (intro.) and 609.655 (3) (a); and ***to create*** 49.45 (30g), 49.46 (2) (b) 6. Lr., 632.89 (1) (dm) and 632.89 (1) (e) 4. of the statutes; **relating to:** mental health professionals who may provide outpatient services for the treatment of nervous and mental conditions and alcoholism and other drug abuse problems or who, under Medical Assistance, may provide psychotherapy and alcohol and other drug abuse services and exempting certain Medical Assistance benefits from physician prescription requirements.

Analysis by the Legislative Reference Bureau

Under current law, a group health insurance policy that provides coverage of any outpatient treatment is required to provide coverage for outpatient services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of $2,000, minus the applicable cost sharing, per insured per year. The outpatient services that must be covered are those provided by: 1) a program in an outpatient treatment facility, both of which must be approved by the Department of Health and Family Services (DHFS), and the program must be established and maintained according to rules promulgated by DHFS and the facility must be certified by DHFS; 2) a licensed physician who has completed a residency in psychiatry; or 3) a licensed psychologist who is listed in the national register of health service professionals in psychology or who is certified by the

American Board of Professional Psychology. This bill requires group health insurance policies to cover the services of clinical social workers, marriage and family therapists, and professional counselors for the outpatient treatment of nervous and mental disorders and alcoholism and other drug abuse problems. Under current law, the services of these types of providers are covered when provided as part of a program in an outpatient treatment facility, if both the program and facility are approved by DHFS. All three types of providers must be licensed to practice by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board in the Department of Regulation and Licensing. The bill also requires a defined network plan to cover the services of these three types of providers when such a provider conducts a clinical assessment of nervous or mental disorders or alcoholism or other drug abuse problems of a dependent student with coverage under the plan who is attending school in this state but outside the geographic service area of the plan.

Currently, under the Medical Assistance (MA) program, certain mental health services, alcohol and other drug abuse (AODA) services, and community−based psychosocial services, if prescribed by a physician, are provided as benefits to MA recipients. The psychosocial services may be provided only under certain supervision requirements and by a program that is certified by DHFS. This bill exempts certain MA mental health and AODA services from the requirement that, in order for reimbursement to the service provider, they first be prescribed by a physician. The bill also requires that licensed clinical social workers, marriage and family therapists, and professional counselors (licensed mental health professionals) and psychologists be included as providers of MA−reimbursable psychotherapy and AODA services. Lastly, the bill establishes psychotherapy and AODA services by licensed mental health professionals and psychologists as an MA benefit and prohibits DHFS from requiring that licensed mental health professionals be supervised, prohibits DHFS from requiring that clinical psychotherapy or AODA services be provided under a certified program, and prohibits DHFS from requiring that a physician or other health care provider first prescribe the psychotherapy or AODA services before the professional or psychologist provides the services to an MA recipient.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (30g) of the statutes is created to read:

2 49.45 **(30g)** PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The
3 department shall include licensed mental health professionals, as defined in s.
4 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers
5 of psychotherapy and of alcohol and other drug abuse services. Except for services

provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient.

SECTION 2. 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

49.46 **(2)** (b) 6. (intro.) The following services ~~if~~ that, other than under subd. 6. f., fm., k., and Lr., are prescribed by a physician:

SECTION 3. 49.46 (2) (b) 6. Lr. of the statutes is created to read:

49.46 **(2)** (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services, as specified under s. 49.45 (30g).

SECTION 4. 609.655 (3) (a) of the statutes is amended to read:

609.655 **(3)** (a) A clinical assessment of the dependent student's nervous or mental disorders or alcoholism or other drug abuse problems, conducted by a provider described in s. 632.89 (1) (e) 2. ~~or~~, 3., or 4. who is located in this state and in reasonably close proximity to the school in which the dependent student is enrolled and who may be designated by the defined network plan.

SECTION 5. 632.89 (1) (dm) of the statutes is created to read:

632.89 **(1)** (dm) "Licensed mental health professional" means a clinical social worker who is licensed under ch. 457, a marriage and family therapist who is licensed under ch. 457, or a professional counselor who is licensed under ch. 457.

SECTION 6. 632.89 (1) (e) 4. of the statutes is created to read:

632.89 **(1)** (e) 4. A licensed mental health professional.

SECTION 7. Initial applicability.

(1) If a group health insurance policy that is in effect on the effective date of this subsection contains a provision that is inconsistent with the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes, the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes first applies to that insurance policy on the date on which it is renewed.

(END)

2007 SENATE BILL 375

January 4, 2008 − Introduced by Senators HANSEN, LEHMAN, BRESKE, CARPENTER, ERPENBACH, HARSDORF, MILLER, RISSER, ROBSON, VINEHOUT and WIRCH, cosponsored by Representatives ALBERS, BENEDICT, BERCEAU, BLACK, BOYLE, CULLEN, FIELDS, GRIGSBY, HINTZ, KAUFERT, MASON, NELSON, A. OTT, POCAN, POPE–ROBERTS, SEIDEL, SHERIDAN, SHERMAN, SHILLING, SINICKI, SMITH, SOLETSKI, TOLES, TURNER, YOUNG and ZEPNICK. Referred to Committee on Health, Human Services, Insurance, and Job Creation.

AN ACT ***to repeal*** 632.89 (1) (em), 632.89 (2) (a) 2., 632.89 (2) (b), 632.89 (2) (c) 2., 632.89 (2) (d) 2., 632.89 (2) (dm) 2., 632.89 (3m), 632.89 (6) and 632.89 (7); ***to renumber*** 632.89 (2m) and 632.89 (5); ***to renumber and amend*** 632.89 (2) (a) 1., 632.89 (2) (c) 1., 632.89 (2) (d) 1., 632.89 (2) (dm) 1. and 632.89 (2) (e); ***to amend*** 40.51 (8), 40.51 (8m), 46.10 (8) (d), 46.10 (14) (a), 66.0137 (4), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.), 301.12 (8) (d), 301.12 (14) (a), 632.89 (title), 632.89 (2) (title) and 632.89 (5) (title); ***to repeal and recreate*** 632.89 (1) (b); and ***to create*** 111.91 (2) (qm), 609.86, 632.89 (1) (er), 632.89 (2p), 632.89 (3) and 632.89 (5) (a) (title) of the statutes; **relating to:** health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Analysis by the Legislative Reference Bureau

Under current law, a group health insurance policy (called a "disability insurance policy" in the statutes) that provides coverage of any inpatient hospital services must cover those services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems (mental health and substance abuse problems) in the minimum amount of the lesser of: 1) the expenses of 30 days of

inpatient services; or 2) $7,000 minus the applicable cost sharing under the policy or, if there is no cost sharing under the policy, $6,300 in equivalent benefits measured in services rendered. If a group health insurance policy provides coverage of any outpatient hospital services, it must cover those services for the treatment of mental health and substance abuse problems in the minimum amount of $2,000 minus the applicable cost sharing under the policy or, if there is no cost sharing under the policy, $1,800 in equivalent benefits measured in services rendered. If a group health insurance policy provides coverage of any inpatient or outpatient hospital services, it must cover the cost of transitional treatment arrangements for the treatment of mental health and substance abuse problems in the minimum amount of $3,000 minus the applicable cost sharing under the policy or, if there is no cost sharing under the policy, $2,700 in equivalent benefits measured in services rendered. Transitional treatment arrangements include services, specified by rule by the Commissioner of Insurance, that are provided in a less restrictive manner than inpatient services but in a more intensive manner than outpatient services. If a group health insurance policy provides coverage for both inpatient and outpatient hospital services, the total coverage for all types of treatment for mental health and substance problems is not required to exceed $7,000, or the equivalent benefits measured in services rendered, in a policy year.

This bill removes the specified minimum amounts of coverage that a group health insurance policy must provide for the treatment of mental health and substance abuse problems but retains the requirements with respect to providing the coverage. Except for group plans providing limited benefits, the bill specifically applies the requirements to all types of group health benefit plans, including defined network plans, insurance plans offered by the state, and self−insured health plans of the state and municipalities.

In addition, the bill requires group and individual health benefit plans and governmental self−insured plans that provide coverage for the treatment of mental health and substance abuse problems and that would cover at least one annual physical examination to cover at least one annual screening for a covered individual to determine the need for treatment of mental health and substance abuse problems and for a female covered under the plan at least one screening during a pregnancy for prepartum depression and at least one screening within six months after a live birth, stillbirth, or miscarriage for postpartum depression to determine the need for treatment. The bill also imposes a new requirement that the coverage under group health benefit plans and governmental self−insured health plans for the treatment of mental health and substance abuse problems must be the same as the coverage under those plans for the treatment of physical conditions. This requirement for equal coverage applies to such coverage components as deductibles, copayments, annual and lifetime limits, and medical necessity definitions. The bill does not require individual health benefit plans to cover the treatment of mental health and substance abuse problems but, if an individual health benefit plan does cover the treatment of any of those conditions, the individual health benefit plan must provide the same coverage for that treatment as it does for the treatment of physical conditions.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 40.51 (8) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

40.51 **(8)** Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to ~~(5)~~ (6), 632.89, 632.895 (5m) and (8) to (15), and 632.896.

SECTION 2. 40.51 (8m) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

40.51 **(8m)** Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.89, and 632.895 (11) to (15).

SECTION 3. 46.10 (8) (d) of the statutes is amended to read:

46.10 **(8)** (d) After due regard to the case and to a spouse and minor children who are lawfully dependent on the property for support, compromise or waive any portion of any claim of the state or county for which a person specified under sub. (2) is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by any other 3rd party.

SECTION 4. 46.10 (14) (a) of the statutes is amended to read:

46.10 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health

complex under s. 51.08, the centers for the developmentally disabled, the Mendota Mental Health Institute, and the Winnebago Mental Health Institute or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, treatment foster homes, subsidized guardianship homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost−based fee established under s. 46.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by other 3rd−party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other person terminates when the patient reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 5. 66.0137 (4) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

66.0137 **(4)** SELF−INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self−insured basis, the self−insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) ~~and~~, (5), and (6), 632.89, 632.895 (9) to (15), 632.896, and ~~767.25 (4m) (d)~~ 767.513 (4).

SECTION 6. 111.91 (2) (qm) of the statutes is created to read:

111.91 **(2)** (qm) The requirements under s. 632.89 relating to coverage of screening and treatment for nervous and mental disorders and alcoholism and other drug abuse problems.

SECTION 7. 120.13 (2) (g) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

120.13 **(2)** (g) Every self−insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) ~~and~~, (5), and (6), 632.89, 632.895 (9) to (15), 632.896, and ~~767.25 (4m) (d)~~ 767.513 (4).

SECTION 8. 185.981 (4t) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

185.981 **(4t)** A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), ~~and~~ (5), and (6), 632.89, 632.895 (10) to (15), and 632.897 (10) and chs. 149 and 155.

SECTION 9. 185.983 (1) (intro.) of the statutes, as affected by 2007 Wisconsin Act 36, is amended to read:

185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), ~~and~~ (5), and (6), 632.89, 632.895 (5) and (9) to (15), 632.896, and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association shall:

SECTION 10. 301.12 (8) (d) of the statutes is amended to read:

301.12 **(8)** (d) After due regard to the case and to a spouse and minor children who are lawfully dependent on the property for support, compromise or waive any portion of any claim of the state or county for which a person specified under sub. (2)

is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by any other 3rd party.

SECTION 11. 301.12 (14) (a) of the statutes is amended to read:

301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential, nonmedical facilities such as group homes, foster homes, treatment foster homes, child caring institutions, and juvenile correctional institutions is determined in accordance with the cost−based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by other 3rd−party benefits, subject to rules which include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

SECTION 12. 609.86 of the statutes is created to read:

609.86 Coverage of alcoholism and other diseases. Defined network plans are subject to s. 632.89.

SECTION 13. 632.89 (title) of the statutes is amended to read:

632.89 (title) **~~Required coverage of~~ Coverage of mental disorders, alcoholism, and other diseases.**

SECTION 14. 632.89 (1) (b) of the statutes is repealed and recreated to read:

632.89 **(1)** (b) "Health benefit plan" has the meaning given in s. 632.745 (11).

SECTION 15. 632.89 (1) (em) of the statutes is repealed.

SECTION 16. 632.89 (1) (er) of the statutes is created to read:

632.89 **(1)** (er) "Self−insured health plan" has the meaning given in s. 632.745 (24).

SECTION 17. 632.89 (2) (title) of the statutes is amended to read:

632.89 **(2)** (title) REQUIRED COVERAGE FOR GROUP PLANS.

SECTION 18. 632.89 (2) (a) 1. of the statutes is renumbered 632.89 (2) (a) and amended to read:

632.89 **(2)** (a) *Conditions covered.* A group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan and a self−insured health plan shall provide coverage of nervous and mental disorders and alcoholism and other drug abuse problems if required by pars. (c) to (dm) and as provided in pars. ~~(b)~~ (c) to ~~(e)~~ (dm) and subs. (2p) and (3).

SECTION 19. 632.89 (2) (a) 2. of the statutes is repealed.

SECTION 20. 632.89 (2) (b) of the statutes is repealed.

SECTION 21. 632.89 (2) (c) 1. of the statutes is renumbered 632.89 (2) (c) and amended to read:

632.89 **(2)** (c) ~~*Minimum coverage*~~ *Coverage of inpatient hospital services.* If a group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan or a self−insured health plan provides coverage of any inpatient hospital treatment, the ~~policy~~ plan shall provide coverage for inpatient hospital services for the treatment of conditions under par. (a) ~~1. as provided in subd. 2~~.

SECTION 22. 632.89 (2) (c) 2. of the statutes is repealed.

SECTION 23. 632.89 (2) (d) 1. of the statutes is renumbered 632.89 (2) (d) and amended to read:

632.89 **(2)** (d) ~~*Minimum coverage*~~ *Coverage of outpatient services.* If a group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan or a

self−insured health plan provides coverage of any outpatient treatment, the ~~policy~~ plan shall provide coverage for outpatient services for the treatment of conditions under par. (a) ~~1. as provided in subd. 2~~.

SECTION 24. 632.89 (2) (d) 2. of the statutes is repealed.

SECTION 25. 632.89 (2) (dm) 1. of the statutes is renumbered 632.89 (2) (dm) and amended to read:

632.89 **(2)** (dm) ~~*Minimum coverage*~~ *Coverage of transitional treatment arrangements.* If a group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan or a self−insured health plan provides coverage of any inpatient hospital treatment or any outpatient treatment, the ~~policy~~ plan shall provide coverage for transitional treatment arrangements for the treatment of conditions under par. (a) ~~1. as provided in subd. 2~~.

SECTION 26. 632.89 (2) (dm) 2. of the statutes is repealed.

SECTION 27. 632.89 (2) (e) of the statutes is renumbered 632.89 (5) (b) and amended to read:

632.89 **(5)** (b) ~~*Exclusion*~~ *Certain health care plans*. This ~~subsection~~ section does not apply to a health care plan offered by a limited service health organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).

SECTION 28. 632.89 (2m) of the statutes is renumbered 632.89 (4m).

SECTION 29. 632.89 (2p) of the statutes is created to read:

632.89 **(2p)** ADDITIONAL REQUIRED COVERAGE OF SCREENINGS. If a group health benefit plan, individual health benefit plan, or self−insured health plan that provides coverage for the treatment of nervous and mental disorders and alcoholism

and other drug abuse problems would provide coverage of at least one annual physical examination, the plan shall provide coverage of all of the following:

(a) For an individual who has coverage under the plan, at least one annual screening for nervous and mental disorders and alcoholism and other drug abuse problems to determine the individual's need for treatment.

(b) For a female individual who has coverage under the plan, with respect to any pregnancy at least one screening during the pregnancy for prepartum depression and at least one screening within 6 months after a live birth, stillbirth, or miscarriage for postpartum depression to determine the individual's need for treatment.

SECTION 30. 632.89 (3) of the statutes is created to read:

632.89 **(3)** EQUAL COVERAGE REQUIREMENT. (a) *Group plans.* A group health benefit plan or a self−insured health plan that provides coverage for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems shall provide the same coverage for that treatment that it provides for the treatment of physical conditions.

(b) *Individual plans.* If an individual health benefit plan provides coverage for the treatment of nervous or mental disorders or alcoholism or other drug abuse problems, the individual health benefit plan shall provide the same coverage for that treatment that it provides for the treatment of physical conditions.

(c) *All coverage components.* The requirements under this subsection apply to all coverage−related components, including rates; exclusions and limitations; deductibles; copayments; coinsurance; annual and lifetime payment limits; out−of−pocket limits; out−of−network charges; day, visit, or appointment limits; duration or frequency of coverage; and medical necessity definitions.

SECTION 31. 632.89 (3m) of the statutes is repealed.

SECTION 32. 632.89 (5) (title) of the statutes is amended to read:

632.89 **(5)** (title) ~~MEDICARE EXCLUSION~~ EXCLUSIONS.

SECTION 33. 632.89 (5) of the statutes is renumbered 632.89 (5) (a).

SECTION 34. 632.89 (5) (a) (title) of the statutes is created to read:

632.89 **(5)** (a) (title) *Medicare.*

SECTION 35. 632.89 (6) of the statutes is repealed.

SECTION 36. 632.89 (7) of the statutes is repealed.

SECTION 37. Initial applicability.

(1) This act first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), health benefit plans that are issued or renewed, and self−insured governmental health plans that are established, extended, modified, or renewed, on the effective date of this paragraph.

(b) Health benefit plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(c) Self−insured governmental health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

SECTION 38. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

2007 SENATE BILL 487

February 13, 2008 – Introduced by Senators ERPENBACH, DECKER, WIRCH, ROBSON, LEHMAN, VINEHOUT, LASSA, SCHULTZ, DARLING, OLSEN, RISSER, KREITLOW, JAUCH, SULLIVAN, HANSEN and KAPANKE, cosponsored by Representatives MOULTON, HIXSON, DAVIS, BENEDICT, SHERIDAN, PETERSEN, WOOD, MUSSER, OWENS, VAN ROY, BIES, BALLWEG, STRACHOTA, NEWCOMER, MOLEPSKE, NERISON, KERKMAN, A. OTT, SEIDEL, M. WILLIAMS, TURNER, SHILLING, TOWNSEND, HINES, POPE-ROBERTS, MURSAU, JORGENSEN, HINTZ, KESTELL, WIECKERT, RICHARDS, SINICKI, JESKEWITZ and A. WILLIAMS. Referred to Committee on Health, Human Services, Insurance, and Job Creation.

AN ACT ***to repeal*** 51.30 (4) (b) 8g. a., 51.30 (4) (b) 8g. b., 146.82 (2) (b), 146.82 (2) (d) and 146.82 (3) (c); ***to renumber and amend*** 51.30 (4) (b) 8g. (intro.); ***to amend*** 146.81 (4) and 655.275 (8); and ***to create*** 51.30 (4) (b) 8g. am., 146.82 (4) and 146.82 (5) of the statutes; **relating to:** treatment records and patient health care records.

Analysis by the Legislative Reference Bureau

Under current law, certain records related to the health of a patient that are prepared by or under the supervision of a health care provider (patient health care records) are confidential and may be released only with the written consent of the patient or of a person authorized by the patient. This consent (informed consent) must detail the patient's name; the type of information to be disclosed; the types of health care providers making the disclosure; the purpose of the disclosure; the individual or entity to which disclosure may be made; the patient's signature or that of the person authorized by the patient; the date of signature; and the time period during which the consent is effective. Current law has numerous exceptions to the confidentiality requirements that permit access to patient health care records without the informed consent of the patient or of a person authorized by the patient. A health care provider must record the name of the person or agency that receives access, the date and time of the release, and the identification of the patient health care records released. However, redisclosure of information obtained under one of the exceptions is prohibited, unless authorized by a court or under an insurance

transaction that authorizes the disclosure of personal medical information about an individual to an insurer.

This bill eliminates current restrictions on redisclosure of a patient health care record that is obtained under one of the exceptions to the requirements of confidentiality. The bill, instead, authorizes the redisclosure of a patient health care record, if made by a covered entity (as defined in the bill) for a purpose for which a release is otherwise permitted. The bill authorizes an entity that is not a covered entity to redisclose a patient health care record only if the patient or a person authorized by the patient provides informed consent, a court of record orders the redisclosure, or the redisclosure is limited to the purpose for which the patient health care record was initially received.

The bill permits a health care provider to release, without informed consent, a portion, but not a copy, of a patient health care record, as follows:

1. If the patient or a person authorized by the patient is not incapacitated, is physically available, and agrees to the release of that portion, to anyone.

2. If the patient and the person authorized by the patient are incapacitated or not physically available or if an emergency makes it impracticable to obtain agreement from the patient or person, and if the health care provider determines that release is in the best interest of the patient, to (1) a member of the patient's immediate family, another relative, a close personal friend, or an individual identified by the patient, that portion of the patient health care record that is directly relevant to involvement by the person in the patient's care; or (2) any person, that portion of the patient health care record that is necessary to identify, locate, or notify a member of the patient's immediate family or another person concerning the patient's location, general condition, or death.

Under current law, records that are created in the course of providing services to individuals for mental illness, developmental disabilities, alcoholism, or drug dependence (treatment records) are confidential and may be released only with the informed consent of the individual. The requirements for the informed consent are similar to the informed consent requirements for patient health care records. However, the confidentiality requirements for treatment records have numerous exceptions that permit access without informed consent. One of these exceptions is for release of treatment records to a health care provider in a related health care entity, or any person acting under the supervision of the health care provider who is involved with the individual's care, if necessary for the individual's current treatment. Information that may be released under this exception is limited to the individual's name, address and date of birth; the individual's treatment provider; the date of service provided; the individual's medications, allergies, and diagnosis; and other relevant demographic information necessary for the individual's current treatment.

This bill changes the exception to the confidentiality requirements for treatment records to allow access by any health care provider or person acting under the supervision of the health care provider who is involved with an individual's care, if necessary for the individual's current treatment. The bill expands information

that may be released under the exception to include diagnostic test results, as defined in the bill, and symptoms.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 51.30 (4) (b) 8g. (intro.) of the statutes is renumbered 51.30 (4) (b) 8g. bm. and amended to read:

51.30 **(4)** (b) 8g. bm. To ~~health care providers in a related health care entity,~~ a health care provider, or to any person acting under the supervision of ~~such a~~ the health care provider who is involved with an individual's care, if necessary for the current treatment of the individual. Information that may be released under this subdivision is limited to the individual's name, address, and date of birth; the name of the individual's ~~mental health treatment~~ provider of services for mental illness, developmental disability, alcoholism, or drug dependence; the date of ~~mental health service~~ any of those services provided; the individual's medications, allergies, ~~and~~ diagnosis, diagnostic test results, and symptoms; and other relevant demographic information necessary for the current treatment of the individual. ~~In this subdivision, "related health care entity" means one of the following:~~

SECTION 2. 51.30 (4) (b) 8g. a. of the statutes is repealed.

SECTION 3. 51.30 (4) (b) 8g. am. of the statutes is created to read:

51.30 **(4)** (b) 8g. am. In this subdivision, "diagnostic test results" means the results of clinical testing of biological parameters, but does not mean the results of psychological or neuropsychological testing.

SECTION 4. 51.30 (4) (b) 8g. b. of the statutes is repealed.

SECTION 5. 146.81 (4) of the statutes is amended to read:

146.81 **(4)** "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, ~~including the records required under s. 146.82 (2) (d) and (3) (c),~~ but not those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or (5), records related to sales of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125. "Patient health care records" also includes health summary forms prepared under s. 302.388 (2).

SECTION 6. 146.82 (2) (b) of the statutes is repealed.

SECTION 7. 146.82 (2) (d) of the statutes is repealed.

SECTION 8. 146.82 (3) (c) of the statutes is repealed.

SECTION 9. 146.82 (4) of the statutes is created to read:

146.82 **(4)** RELEASE OF A PORTION OF A RECORD TO CERTAIN PERSONS. (a) In this subsection:

1. "Immediate family" has the meaning given in s. 350.01 (8m).

2. "Incapacitated" has the meaning given in s. 50.94 (1) (b).

(b) Notwithstanding sub. (1), a health care provider may release a portion, but not a copy, of a patient health care record, to the following, under the following circumstances:

1. Any person, if the patient or a person authorized by the patient is not incapacitated, is physically available, and agrees to the release of that portion.

2. Any of the following, as applicable, if the patient and person authorized by the patient are incapacitated or are not physically available, or if an emergency

makes it impracticable to obtain an agreement from the patient or from the person authorized by the patient, and if the health care provider determines, in the exercise of his or her professional judgment, that release of a portion of the patient health care record is in the best interest of the patient:

a. A member of the patient's immediate family, another relative of the patient, a close personal friend of the patient, or an individual identified by the patient, that portion that is directly relevant to the involvement by the member, relative, friend, or individual in the patient's care.

b. Any person, that portion that is necessary to identify, locate, or notify a member of the patient's immediate family or another person that is responsible for the care of the patient concerning the patient's location, general condition, or death.

SECTION 10. 146.82 (5) of the statutes is created to read:

146.82 **(5)** REDISCLOSURE. (a) In this subsection, "covered entity" has the meaning given in 45 CFR 160.103.

(b) Notwithstanding sub. (1) and except as provided in s. 610.70 (5), a covered entity may redisclose a patient health care record it receives under this section without consent by the patient or person authorized by the patient if the redisclosure of the patient health care record is a release permitted under this section.

(c) Notwithstanding sub. (1), an entity that is not a covered entity may redisclose a patient health care record it receives under this section only under one of the following circumstances:

1. The patient or a person authorized by the patient provides informed consent for the redisclosure.

2. A court of record orders the redisclosure.

3. The redisclosure is limited to the purpose for which the patient health care record was initially received.

SECTION 11. 655.275 (8) of the statutes is amended to read:

655.275 **(8)** PATIENT RECORDS. The council may obtain any information relating to any claim it reviews under this section that is in the possession of the commissioner or the board of governors. The council shall keep patient health care ~~information~~ records confidential as required by s. 146.82 ~~(2) (b)~~.

SECTION 12. Effective dates. This act takes effect on the day after publication, except as follows:

(1) TREATMENT RECORDS. The treatment of section 51.30 (4) (b) 8g. (intro.), a., am., and b. of the statutes takes effect on the first day of the 7th month beginning after publication, or on January 1, 2009, whichever is earlier.

(END)

STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE

Diversity Committee Meeting Minutes
Friday, December 7, 2007

Location:
Howard Johnson Plaza Hotel
3841 East Washington Avenue
Madison, WI 53704

Attendees:
1. Dakai, Steven – via conference call
2. Gates, Harold
3. Hardie, Sandy
4. Kaye, Jerry
5. Johnson, Denise
6. Waupoose, Michael

Excused Members:
1. Andrews, Lissa
2. Berlinger, Alvita
3. Decoteau, Fredericka
4. del S. Ryan, Astrith
5. Crawford, James
6. Kinney, Gail
7. McAlister, Dara
8. White, Fayann
10. Wilton, Georgiana

Guests:
1. McAllister, Angel, Wisconsin Association of Alcohol and Other Drug Addiction (WAAODA)

Sign Language Interpreters:
2 interpreters attended to assist Denise Johnson.

State Staff:
Nahwahquaw, Gail - Committee Staff Person

Diversity Committee Meeting Minutes

I. Call to Order, Committee Issues and Review of Committee Meeting Minutes

Mr. Waupoose called the Diversity Committee Meeting to order at 1:10 PM. Total membership of the Committee is fifteen individuals, six members present including one member via conference call, nine members excused. Discussion of 2008 meeting schedule occurred. Members present decided that the 1st Thursday of the month will be the official Diversity Committee meeting day, from 1-3pm. The 2008 meeting schedule is as follows:

Thursday, **January 3, 2008,** DHFS 1 W. Wilson St, Room
Thursday, **February 7, 2008**
Thursday, **April 3, 2008** – Maehnowesekiyah Wellness Center, Menominee Nation
Thursday, **May 1, 2008**
Thursday, **July 3, 2008** * Do we want to consider another day given 4th of July?
Thursday, **August 7, 2008** – St. Agnes Hospital, Fond du Lac, WI
Thursday, **October 2, 2008** and
Thursday, **November 6, 2008**

The Diversity Committee member participation has greatly declined Michael asked Gail to prepare a letter and send it to the current committee members asking about their continued interest in participating on the committee.

Gail announced that a inquiry for committee membership has come from an individual in the Mental Health field who is located in the Madison area. Gail will follow-up.

Jerry made a recruitment announcement at a recent WADAC meeting, with little response.

Michael feels that at this point anyone interested in participating as a member is welcome, but the committee needs voice from Hispanic, Hmong and rural representation. And when making recruitment announcements we need to inform interested participants that teleconferencing is an option.

Committee members reviewed the minutes of the October 12, 2007- Denise noted that a letter to DRL was created and awaits supervisor approval. Motion to accept as amended-Sandy Hardie, seconded-Harold Gates. Approved as amended.

II. Committee Issues-Meeting Dates/Membership
Read I section notes.

III. WAAODA Minority Counselor Training Institute
Angela McAllister, WAAODA-Minority Counselor Training Institute Program Coordinator presented this update. Presentation attached. Angela shared that she has been in her current position for two years in November. MCTI-honored Lowell Jenkins-"Gooch" at a graduation celebration in Milwaukee on Saturday, December1, 2007. Given the inclement weather it was a great event. Mr. Jenkins wrote the first proposal for the MCTI-to the county in the late 1970's the proposal was sent to the state in the 1980's exact years unknown. Angela would like to get an advisory committee for the MCTI in

place. There has not been a MCTI-advisory committee since Yvonne and Kiah left WAAODA. MCTI has three career counselors for the trainees, one in Milwaukee, one in Madison and the third to help offer guidance to participants from the Northern region of the state. Currently recruiting for one more career counselor. Harold asked if Angela can get a position description to the committee so members can help with these recruitment efforts. Angela will send it to Gail to send out the committee.

Currently the largest trainee group comes form the African American community, there has been an increase in trainees from the Hispanic and Native American communities, but Angela continues to make in-roads to specific communities to help with recruitment efforts. Angela set-up a booth and attended the DHFS-Wisconsin Indian Tribes Healing Ourselves Conference this year. All of the application materials were picked-up, Angela is hopeful this will lend to a greater pool of Native American applicants in the coming year.

Angela reviewed the levels of training necessary to meet various Department of Regulation and Licensing (DRL) criteria for certification. The oral exam portion of certification requirements has been rescinded by the DRL and as a result the rules for recertification are up for review. MCTI has an opportunity to weigh-in on what the recertification rules will look like

Angela noted that the 2008 WAAODA Conference Planning committee is discussing how to incorporate workshops that will help fulfill-continuing education units (CEUs) for Substance Abuse Counselors (SAC). This is an ongoing issue because CEU's are difficult to identify in the substance abuse counselor field.

Denise-is the Deaf and Hard of Hearing identified as a minority group to possibly benefit from the MCTI? Angela expressed that the proposal defines minority as racial minority groups not disable or specifically deaf and hard of hearing. Denise asked does the MCTI offer any training in working with the deaf and hard of hearing community? The MCTI training does include a section on working with people with disabilities but not the deaf and hard of hearing community specifically. Diversity committee members suggest contacting the DRL to learn what training has been defined for SAC who will work with the deaf and hard of hearing community. Also to learn what accommodations are made if a Substance Abuse Counselor-In Training (SAC-IT) is testing for certification.

There are issues and Diversity committee members should take heed to share the rules for recertification are up for review. Especially considering the oral exam portion is no longer a requirement-what do folks do if English is not their first language.

Questions: Is there statistical information available about the MCTI trainees who entered and the number of trainee who become certified counselors? Angela can get this information for the committee, Gail will follow-up.

IV. <u>ADA Workgroup</u>

Denise reported that there is no update. The ADA has not anything around AODA Treatment issues. Denise noted that Independence First has a general accessibility survey, but the Deaf and Hard of Hearing issue will need to be added. Harold suggested Denise contact the Disability Rights Wisconsin to ask about other accessibility surveys. Denise will follow-up. results prior to going to SCAODA?

V. CLAS Standards

Michael has presented the CLAS to the SPF-SIG Advisory Committee, Intervention and Treatment Committee (ITC) and is on the agenda for the Planning and Funding Committee.

Michael shared one cultural competency assessment he has used before. The assessment comes out of the Portland State University and was created by James Mason University ultimately. It measures knowledge, skills and attitudes and both the organization and administration can be assessed. Upon completion of the survey or assessment the tool assigns a numeric score for strategic planning and self assessment. It has been tested for validity and reliability which lends credibility. It limitation is that the cultural competency measured is of racial-ethnic competencies only. Michael will send the letter and or the website to be included in the minutes here. Harold stated that the Georgetown University, National Center for Cultural Competency also has an assessment. www.wiphl.org has a link to this site.

Steve noted that SCAODA has adopted the Diversity committee's suggested definition of cultural competence and diversity, but no one knows about it. Steve has made this acknowledgement in various public forums and or conversations and folks aren't aware of SCAODA approving the definition. It seems that as the nation moves toward more achieving cultural competence that SCAODA can be more proactive in this area instead of reactionary.

Harold reminded the committee if you have the opportunity to participate in Georgetown University trainings, July 12-16, 2008 in Nashville, TN it is a wonderful experience. Harold will get the information to share with the committee.

Mr. Waupoose requested the following items be included on the January 3rd meeting agenda:

WIPHL Update

A motion to adjourn-Steve, Denise 2nd. Meeting adjourned at 2:40pm

Next meeting Thursday, January 3, 2008 1-3pm DHFS, 1 W. Wilson St.

National Standards on Culturally and Linguistically Appropriate Services (CLAS)

CLAS Standards - the collective set of culturally and linguistically appropriate services (CLAS) mandates, guidelines, and recommendations issued by the United States Department of Health and Human Services Office of Minority Health intended to inform, guide, and facilitate required and recommended practices related to culturally and linguistically appropriate health services (National Standards for Culturally and Linguistically Appropriate Services in Health Care Final Report, OMH, 2001).

The CLAS standards are primarily directed at health care organizations; however, individual providers are also encouraged to use the standards to make their practices more culturally and linguistically accessible. The principles and activities of culturally and linguistically appropriate services should be integrated throughout an organization and undertaken in partnership with the communities being served.

The 14 standards are organized by themes:

Culturally Competent Care (Standards 1-3)

Language Access Services (Standards 4-7)

Organizational Supports for Cultural Competence (Standards 8-14)

Within this framework, there are three types of standards of varying stringency: mandates, guidelines, and recommendations as follows:

CLAS **mandates** are current Federal requirements for all recipients of Federal funds (Standards 4, 5, 6, and 7).

CLAS guidelines are activities recommended by OMH for adoption as mandates by Federal, State, and national accrediting agencies (Standards 1, 2, 3, 8, 9, 10, 11, 12, and 13).

CLAS recommendations are suggested by OMH for voluntary adoption by health care organizations (Standard 14).

Standard 1
Health care organizations should ensure that patients/consumers receive from all staff member's effective, understandable, and respectful care that is provided in a manner compatible with their cultural health beliefs and practices and preferred language.

Standard 2
Health care organizations should implement strategies to recruit, retain, and promote at all levels of the organization a diverse staff and leadership that are representative of the demographic characteristics of the service area.

Standard 3
Health care organizations should ensure that staff at all levels and across all disciplines receive ongoing education and training in culturally and linguistically appropriate service delivery.

Standard 4
Health care organizations must offer and provide language assistance services, including bilingual staff and interpreter services, at no cost to each patient/consumer with limited English proficiency at all points of contact, in a timely manner during all hours of operation.

Standard 5
Health care organizations must provide to patients/consumers in their preferred language both verbal offers and written notices informing them of their right to receive language assistance services.

Standard 6
Health care organizations must assure the competence of language assistance provided to limited English proficient patients/consumers by interpreters and bilingual staff. Family and friends should not be used to provide interpretation services (except on request by the patient/consumer).

Standard 7
Health care organizations must make available easily understood patient-related materials and post signage in the languages of the commonly encountered groups and/or groups represented in the service area.

Standard 8
Health care organizations should develop, implement, and promote a written strategic plan that outlines clear goals, policies, operational plans, and management accountability/oversight mechanisms to provide culturally and linguistically appropriate services.

Standard 9
Health care organizations should conduct initial and ongoing organizational self-assessments of CLAS-related activities and are encouraged to integrate cultural and linguistic competence-related measures into their internal audits, performance improvement programs, patient satisfaction assessments, and outcomes-based evaluations.

Standard 10
Health care organizations should ensure that data on the individual patient's/consumer's race, ethnicity, and spoken and written language are collected in health records, integrated into the organization's management information systems, and periodically updated.

Standard 11
Health care organizations should maintain a current demographic, cultural, and epidemiological profile of the community as well as a needs assessment to accurately plan for and implement services that respond to the cultural and linguistic characteristics of the service area.

Standard 12
Health care organizations should develop participatory, collaborative partnerships with communities and utilize a variety of formal and informal mechanisms to facilitate community and patient/consumer involvement in designing and implementing CLAS-related activities.

Standard 13
Health care organizations should ensure that conflict and grievance resolution processes are culturally and linguistically sensitive and capable of identifying, preventing, and resolving cross-cultural conflicts or complaints by patients/consumers.

Standard 14
Health care organizations are encouraged to regularly make available to the public information about their progress and successful innovations in implementing the CLAS standards and to provide public notice in their communities about the availability of this information.

For more information, visit:

- National Standards on Culturally and Linguistically Appropriate Services (CLAS) in Health Care (Final Report)
- National Standards for Culturally and Linguistically Appropriate Services in Health Care (Executive Summary)
- Normas nacionales para servicios cultural y lingüísticamente apropiados en la atención sanitaria (Resumen ejecutivo)
- Cultural Competency Site

March 2008
State Council on Alcohol and Other Drugs of Abuse-Diversity Committee:

Motion:

The State Council endorse the use of the National Standards on Culturally and Linguistically Appropriate Services (CLAS) by organizations in their efforts to move toward a more culturally competent model of care.

Jim Doyle
Governor

State of Wisconsin

State Council on Alcohol and Other Drug Abuse
1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

Sen. Carol Roessler
Chairperson

Linda Mayfield
Vice-Chairperson

Mark Seidl, WCHSA
Secretary

INTERVENTION AND TREATMENT COMMITTEE (ITC)
Approved MEETING Minutes

Wednesday November 7, 2007
10:00AM-2:00PM
Department of Corrections
Region 1 Offices (ground floor)
3099 E. Washington Ave.
Madison, WI

AGENDA-REVISED 11/6/07

Present: Sally Tess (Chairperson), Lorie Goeser (Staff-DMHSAS), Norman Briggs, Linda Preysz, Dave Macmaster, Michael Waupoose, Mark Strosal, Joyce Allen (Guest-DMHSAS), Mark Seidl (Guest), Mary Jo Seidl (Guest), Dr. Richard Brown (Guest), Lily Irvin-Vitela (Guest), Jamie McCarville (Guest-DMHSAS)

Excused: Francine Feinberg, Marcia Larson, Scott Stokes

Chair person Sally Tess called the meeting to order at 10am. Minutes were reviewed, several typing errors to be revised by Lorie Goeser.

Motion: David Macmaster made the motion to approve the minutes with corrections made to typos. Motion seconded by Norman Briggs and Linda Preysz.

Update on Diversity Committee given by Michael Waupoose committee member of Diversity and ITC. Mr. Waupoose shared a challenge the Diversity committee is struggling with is a need for more committee members. He reported at the meetings there has been attendance of three out four of the same members when there are fourteen members signed up for the committee. Mr. Waupoose stated the Diversity committee is actively recruiting new members asking the ITC members to assist with recruiting. The Diversity committee would like to have members from the Hispanic and Hmong communities as well since these cultures are currently not represented on the committee.

Mr. Waupoose presented the CLAS standards for the ITC members to review requesting the ITC members to support the adoption of these standards at the full SCAODA council meeting in December. Mr. Waupoose explained the standards and to look at the specifics in each of the three categories. It was noted some of these standards are already mandated by federal regulations.

Mr. Waupoose shared Harold Gates will be doing a presentation on December 7th at the SCAODA meeting regarding the CLAS and a discussion regarding supporting these standards. Upon review of the handout from Mr. Waupoose discussion ensued by members. Concerns were expressed about the potential expense to providers to meet these standards such as having interpreters for a potentially large number of different languages, accessibility to physical settings, and training costs for staff.

Concerns expressed is this another federal mandate without funding, it was clarified the federal regulations in place need to be meet as part of the requirement for federal block grant funding. If a provider were to implement all of the standards at one time it could be very costly and time consuming.

Clarification was made that being culturally competent/sensitive can be an ongoing process and it is achievable if an agency does an assessment of their current status, needs and direction for increasing its cultural competency then setting short term goals for achieving this as well as long term. Examples were given such as simple adaptations to physical settings, use of language, having list of resources if needed readily available and ongoing staff training with specific plan on what is needed.
Harold Gates was suggested as a resource to assist agencies with this given one of his strengths knows what questions to ask and how to work out a plan to increase cultural competency within an agency. Also discussion included if providers are not cultural competent is this creating a self-fulfilling prophecy were it is known that in certain cultural communities that this particular provider is not aware of their cultural needs thus they do not access any type of services from this provider/ or similar providers. Recommendation was made to look at CLAS standards from an organizational viewpoint, consumer perspective, and staff perspective when looking at specific strategies for implementation. The discussion included how this should be implemented, which items to prioritize for implementation, how to do this, and how to make the plan to achieve this. Being able to acknowledge and recognize the needs to be cultural competent is a major factor of increasing cultural awareness and increasing cultural competence.

Ideas shared included having an organized way for identifying resources available throughout the state, how to pool resources, and promote education of what is available. Knowing how to access the language lines is being culturally competent. Discussion also on how the CLAS are a part of the ITC strategic plan in accessing treatment services.

Linda Preysz stated she will share the CLAS with the immigrant and refugee committee within DWD whom having been working with Somali and Hmong communities on accessing needed services prior to voting for further knowledge from her department.

Michael Waupoose was asked to submit a paragraph to ITC with specifics on clarification to support the CLAS as a specific motion. ITC members agree this is an area to address wanted a specific paragraph that summarizes the support in formal manner.

Motion made by Norman Briggs for this to be discussed further at the January ITC meeting, Mark Strosal seconded it. Motion carried with no dissent from committee members.

SBIRT/WIPHL and Act 292 Discussion:
Guest Mark Seidl-WCHSA shared this issue has been presented to the WCSHA-PAC committee and has been passed onto the Children/Family subcommittee, once these committees have reviewed it will be brought back to the Full WSCHA council for a vote to either support an amendment or not for ACT 292 with goal to increase access to healthcare and AODA screening services for pregnant women. Once this completed Mr. Seidl with represent the WSCHA decision at the full SCAODA.

It was clarified for the committee there are three options: First complete appeal of Act 292, Second amend Act 292 that would exclude healthcare professionals as listed in handout given out in October by Dr. Rich Brown/SBIRT project), and Third amend Act 292 to exclude only the clinics whom since September are implementing the SBIRT.

Information was shared that the Wisconsin Collaborative for Health Care Act is looking at full implementation of SBIRT, so this screening brief intervention referral and treatment can reach everyone in the state. It could then reach more pregnant women in the state. There is current evidence of a large number of pregnant women are not currently receiving appropriate services. Medicaid has approved two more billing codes to assist with reimbursement for SBIRT. The overall plan in the state would be to be able to screen all people at the front door of access to health services. Then if a person has a positive on the brief screen they could be referred to a health educator for a brief assessment and then could have an intervention and referral to treatment if indicated. Dr. Rich Brown shared with the committee to keep in mine the large number of mild alcohol/drug use disorders case more problems then the more severe or chronic addiction, and by not being able to implement SBIRT an opportunity is being missed to serve this population as well. Discussion on the implementation of informing patients of possible implications of Act 292 has become a barrier to implementing SBIRT in the most effective manner and leaving potential patients from having access to services they would otherwise have. There is a need for increased knowledge in all counties on the use of SBIRT.

Discussion on how this also affects other divisions and departments such as Public Health and Children and Family services. Joyce Allen-Director of BMHSAS will talk with Division of Children & Family services. Dr. Richard Brown and Lily Irvin-Vitela stated that would talk with Division of Public Health. Dr. Brown and Lily has volunteered to talk with WSHCA or other groups as needed to assist with the increasing the understanding of SBIRT and decreasing the barriers to implementation.

Committee members had a consensus of the earlier the intervention is the best practice verses waiting until there is addiction and or a chronic condition, support SBIRT becoming a standard practice.

Clarification by Joyce Allen was made the Governor's Policy Committee wants movement as soon possible on this issue to be able decrease barriers to a timely implementation of SBIRT/WIHPL.

Linda Preysz shared DWD was following DHFS's lead with this issue.

Motion was made by Norman Briggs to have ITC support the amendment to Act 292 as proposed by the UW to exclude healthcare professionals from Act 292 and recommend this to SCAODA to support.

Mark Strosal seconded the motion. The motion carried with no dissent, guest attendees did not vote.

Tobacco Information Update presented by David Macmaster:
Mr. Macmaster shared at the October-National Conference on Tobacco or Health the resolution was adopted as policy to have Integrated Evidence Based Practices of nicotine treatment into substance abuse/addiction treatment. Mr. Macmaster presented a handout with this and asked to the ITC committee to a support this with recommendation to the full SCAODA to adopt. (See attachment-Tobacco Update)

Mr. Macmaster shared Minnesota and Illinois have adopted state wide smoke-free policy, barriers to Wisconsin achieving this is the Tavern League at this time. Mr. Macmaster shared the fact has been shared a person whom is using nicotine is losing twenty-five years of their lifespan and this needs to be addressed in treatment services with substance abuse/addiction clients. Mr. Macmaster shared the Division of Public Health is being funded to continue its efforts to address tobacco prevention/treatment. Also there are resources available to learn from on how to implement EBP of nicotine treatment integrated services with addiction treatment given New York State has received

funding to do this for all of its substance abuse treatment services and is actively making progress on the integration of services.

Motion made by Mark Strosal for ITC to support policy changes that lead to the integration of evidence-based nicotine dependence treatment into substance abuse treatment and mental health services.
Motion seconded by Linda Preysz.
Motion carried with no dissent by all committee members, guest attendees did not vote.

Women's Treatment Capacity Survey presentation by Norman Briggs:
Norman Briggs shared a power point presentation on the women's treatment capacity survey. Additional information on this was submitted by Francine Feinberg see hand out from Meta House. There are 36 female gender specific treatment facilities in the state. WWEN had completed extensive phone interviews for this survey.

Discussion included need for clarification on presentation in terms of data and source. Also suggestions to break out treatment needs by regions as well, looking to see if there is more data on longer time periods for outcomes then 4-6months. Plan to have this presented with revisions and additions again to ITC. Goal for ITC is to look at specific treatment needs within ITC action plan to make a difference.

Adolescent and Child Subcommittee Update by Jamie McCarville:
Ms. McCarville presented for Susan Endres the outline of the structure and goals of the Adolescent and Child subcommittee and potential members list. It was suggested by the committee to include a representative if possible from Teen Connections if there were available. Also juvenile justice issues will be addressed in this committee. See attached handouts that were given at the meeting.

Other Issues by Chairperson Sally Tess:
Chairperson Sally Tess shared with ITC members she will no longer be involved in ITC as of January 2008 and Renne Chyba from DOC will be taking her place. Thus there was discussion on need to vote for a new chairperson this will need to be on the January agenda, also question if the chairperson needs to be a statuary member of the council? If yes, the only statuary member candidate for chairperson would be Linda Preysz. Linda Preysz confirmed she would continue to be a member representative of DWD. Location of ITC meetings will also be discussed at January meeting. The January meeting will be at DOC Sally Tess will arrange for a room.

Motion was made by Mark Strosal to have some recognition for Sally Tess, all committee members seconded this.

ITC meeting schedule for 2008 was tentatively set for the second Tuesday of the month, except when full council meets in March, June, September and December.

Next meeting is Tuesday January 8th @ DOC.

Minutes submitted by Lorie A. Goeser- DMHSAS staff member.
Minutes Approved at January 8th, 2008 ITC meeting.

Jim Doyle
Governor

State of Wisconsin

State Council on Alcohol and Other Drug Abuse
1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

Sen. Carol Roessler
Chairperson

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Vice-Chairperson

Mark Seidl, WCHSA
Secretary

INTERVENTION AND TREATMENT COMMITTEE (ITC)
Approved Meeting Minutes

Tuesday January 8th, 2008
10:00AM-2:00PM
Department of Corrections
Region 1 Offices (ground floor)
3099 E. Washington Ave.
Madison,WI

Committee Members Present: Norman Briggs, Renee Chyba, David Macmaster, Linda Preysz, Michael Waupoose, Lorie Goeser- BMHSAS staff
Excused members: Mark Stroshal, Scott Stokes, Francine Feinberg, Marica Larson
Guest Speakers: Rebecca Cohen-BMHSAS staff, Peggy Helm-Quest-DPH

Meeting Called to order by BMHSAS staff Lorie Goeser.

Committee members reviewed and approved minutes. Motion made by Norman Briggs to approve minutes, seconded by Linda Preysz passed with no assent.

CLAS follow up discussion and presentation led by Michael Waupoose.
Mr. Waupoose was asking for support from the ITC for the CLAS to be endorsed for organizations/agencies to use as standards to work towards and for self-evaluation. The long term goal would be for an organization/agency to obtain full adoption of the standards.

Discussion by committee members included suggestion for the state to have a central resource center with standard forms such as client rights, consents to treatment, etc available in different languages available for providers/agencies to access easily. A recommendation was made for having a central location for resources to be found for meeting the CLAS standards. Concerns expressed about mandating compliance with CLAS standards without funding to assist organizations/agencies to make changes to meet the standards. In addition to the positives for clients in meeting their individualized needs; use of the CLAS would be helpful for agencies/providers to assess their own biases would be a positive of adapting the CLAS. There was encouragement for various state agencies including the university system to have resources readily available for providers for meeting the CLAS such as translator resources, writing/development of documents in needed languages. There was acknowledgment there are different needs for resources in various regions of the state where there is larger concentrations of clients of different cultures, thus reinforcing the need for access to the needed resources to be readily accessible if needed. It was noted that many of the CLAS are federally mandated requirements with financial assistance or impact already in place.

Mr. Waupoose shared two resources for self-assessments for agencies/providers regarding the CLAS; one is "Cultural Competence Self-Assessment Questionnaire, A Manual for Users"- University of Washington. Contact rtcpubs@pdx.edu, and the second resource is the www.wiphl.com.

Motion- To support the Diversity Committee endorsement of the CLAS as appropriate standards for State of WI providers, but not to be mandated by the state onto providers without funding due to the valuable need of the CLAS for clients.
Motion made by David Macmaster, seconded by Linda Preyzs passed with no assent.

The committee had consensus to include the CLAS standards within the ITC work plan.

Tobacco Information Update presented by Dave Macmaster.
Mr. Macmaster shared WI would be the first Midwest state if it is able to complete the initiative to have tobacco cessation/treatment integrated with substance abuse treatment services and included with public health services. Mr. Macmaster stated the State of New York plan is the current model, being looked at to implement within WI. The plan for is to be completed within the next year.

SB150- Smoke Free WI is currently in committee and has a lot of support, but continues to struggle with opposition by the Tavern League in particular.

The 1-800-Quit-Line had an initial large surge of users in the first two weeks after the increase in the tobacco tax; please note the line is also available in Spanish.

ITC continues to support the integration of tobacco cessation and prevention with substance abuse prevention and treatment. There was discussion by committee members inquiring about Medicaid coverage for what type of tobacco cessation.

Adolescent/Child subcommittee update- re-scheduled for February meeting, staff not available, first subcommittee meeting is scheduled for end of January.

IDP subcommittee update- This committee is on hold until and the IDP coordinator position with BMHSAS is filled.

Selection of Chairperson:
Upon the resignation of Sally Tess from the ITC and as chairperson a request for a new chairperson was made. Nomination made of Linda Preysz by Norman Briggs. Committee members present in addition to absentee vote by Scott Stokes all supported Linda Preysz to be new chairperson effective immediately. Ms. Preysz accepted. There was no assent.

Meeting Location and Time Clarified for 2008:
Renee Chyba-DOC representative agreed to coordinate ongoing use of a meeting room at the DOC central offices for the ITC mtgs. in 2008.

Discussion ensued with members regarding if the second Tuesday of the month is acceptable for the ITC mtg. dates, there was consensus with members.

Discussion regarding changing meeting time from 10am-2pm to 10:30am to 3pm in order to accommodate committee members obligations and to ensure enough time at the ITC meetings to address agenda items. The new meeting times will be effective with the February 12th meeting.

Joint Statement for support of Screening for MH/SA Services Presentation:
The Joint statement information was presented by Rebecca Cohen-DMHSAS & Peggy Helm-Quest-DHP. Ms. Cohen and Ms. Helm-Quest presented the Joint Statement, list of supporters, and Action Guide for review by the ITC. ITC members were supportive of the Joint Statement and Action Guide but requested to defer final suggestions to the documents until the February meeting in order to have time to review and add inclusion of substance abuse services. This item will be forwarded to the February 12th meeting for final suggestions and a decision to be made if to make a recommendation to support to the full SCAODA meeting in March.

Added Agenda Item- SB#375-Mental Health Parity Bill:
There was brief discussion by the committee members and a request for a speaker whom is knowledgeable regarding this bill and more information for the committee to review.
Lorie Goeser-staff BMHSAS was asked to look for a presenter regarding this bill for ITC mtg. on February 12th.

Agenda Items forwarded to February 12th Mtg:
SB # 375-Mental Health Parity Bill- presenter for Questions/Answer
Strategic Plan review for ITC
Tobacco Information Update
Adolescent/Child Subcommittee update
Update on SCAODA bylaws workgroup
Review of Joint Statement from DMHSAS & DHP
Medicaid Benefit information

Minutes submitted by Lorie A. Goeser- Staff @ BMHSAS
Minutes approved by committee on February 12th, 2008.

March 2008

State Council on Alcohol and Other Drugs of Abuse-Intervention and Treatment Committee:

Motion regarding Senate Bill SB#375

Motion:
The Intervention and Treatment Committee would like to make a motion for the SCAODA council to send a letter in support of Senate Bill SB#375-Mental Health/SA Parity Bill to co-sponsors Senator Dave Hansen and Representative Sheryl Albers.

Submitted by ITC from 2/12/08 meeting.

March 2008

State Council on Alcohol and Other Drugs of Abuse-Intervention and Treatment Committee:

Motion regarding the Joint Statement

Motion:
The Intervention and Treatment Committee make a motion for the SCAODA council to support the Joint Statement which encourages the Integration of Physical Health, Mental Health, and Substance Abuse and to be an active member in the ongoing development of the Action Guide for the Joint Statement.

Submitted by ITC from 2/12/08 meeting.

STATE COUNCIL ON ALCOHOL & OTHER DRUG ABUSE
Planning and Funding Committee Meeting
November 8, 2007
ARC Center for Women and Children
Madison, WI

MEMBERS PRESENT: Joyce O'Donnell, William McCulley, Emanuel Scarbrough, Duncan Shrout

EXCUSED: Francine Feinberg, Terri Bucheger, Roger Johnson, Gary Sumnicht, Karen Kinsey

GUEST: Peggy Helm-Quest - Division of Public Health, Norman Briggs

STAFF: Lillian Radivojevich

I. Call to Order – Joyce O'Donnell:
Joyce O'Donnell called the meeting to order at 10:15 A.M.

II. Review of August 17, 2007 Meeting Minutes – Joyce O'Donnell:
Motion: The Planning and Funding Committee moved to approve the minutes of the August 17, 2007. **Motion carried.**

II. Joint Statement Presentation – Peggy Helm-Quest
Ms. Helm-Quest of the Division of Public Health, a consultant to the Maternal and Child Health Program Advisory Board and Children with Special Health Care Needs Health Promotion Program, provided information to the Committee regarding the following:

- joint statement
- action guide table
- partner endorsement and guide to action

The following is the joint statement and partner endorsement and guide to action presented to the Committee.

A Foundation for Collaboration between the Division of Public Health (DPH) and the Division of Mental Health and Substance Abuse Services (DMHSAS)

The Integration of Physical Health, Mental Health, and Substance Abuse

JOINT STATEMENT

We aspire to become a society that optimizes the mental, physical, social, emotional, and spiritual health of all persons. Prevention, screening, intervention, and treatment will be person and family-centered, accessible, and appropriate to the culture and language of the individuals. These principles build resiliency, facilitate recovery, and eliminate stigma.

The Joint Statement serves as a tool to build bridges of shared responsibility for support of optimum mental, physical, social, emotional, and spiritual health for children and families in our state.

To enhance collaboration our Divisions are working within a common framework; sharing values, principles, and priorities; and strengthening organizational efforts as a commitment to change. The framework includes Healthy People 2010, Transforming Mental Health Care in America, the Federal Action Agenda, and the Department of Health and Family Services Strategic Plan.

This information will promote system changes needed to improve health outcomes for individuals, children, families, and communities in Wisconsin.

Public Health (PH), Mental Health (MH), and Substance Abuse (SA) will work together to:

- Optimize and enhance PH and MH/SA workforce competencies and capacity through education, recruitment, retention;
- Assure recognition, screening, referral, and treatment for co-morbid existence of mental illness and/or substance abuse with physical illness across systems for MH/SA/Trauma;
- Enhance individual, family, and community protective factors; build strengths and assets;
- Prioritize maternal mental health, infant and early childhood mental health, and children and youth mental health;
- Identify, braid, and maximize funding opportunities to support desired outcomes; and
- Develop a comprehensive population-based methodology based upon needs assessment. Share technology, provide easily accessed health resource information, assure data at all levels (state, local, national), track health outcomes, and improve cross system services (capacity and delivery).
- Promote and provide factual data to the public and legislature of the economic and health population benefits to insurance coverage of mental illness and substance abuse services, which is equal to the coverage for physical illness. Such health insurance parity coverage offers the health benefits of preventive care, accessible and quality treatment services to all citizens.

Facts:

- According to the 2003 President's New Freedom Commission on Mental Health, mental illness ranked first among illnesses that cause disability in the United States, Canada, and Western Europe. This serious public health challenge is under-recognized as a public health burden.
- In a recent Mental Health America Publication, entitled "Mind Your Health" it was noted that untreated and mistreated mental illness costs the U.S. $150 billion in lost productivity and $8 billion in crime and welfare expenditures each year. (CHP, NMHA, 2001)
- One in five American families has at least one member who lacks health insurance coverage; this situation can place the entire family at risk for financial ruin and poor health. (USCB, 2004) The lack of affordable health insurance is especially problematic for children 0-18. In 2003, an estimated 85,000 Wisconsin children (7%) were without health insurance for at least part of the year. In 2004, the number increased to 91,000 children. (DHFS BadgerCare+ Report, 2006)
- On July 18, 2007, the House Education and Labor Committee voted 33 to 9 to approve legislation (HR 1424) that would require health insurers to provide equal insurance coverage levels for mental and physical illnesses. (CQ Today, 7/18/07)
- Presently 33+ states have enacted parity legislation and fiscal analyses show that such a policy is cost effective in states like Wisconsin that relay heavily on-managed care; our neighbor state, Minnesota, has had mental health parity legislation since 1995. (Lt. Governors' Task Force on Women and Depression in WI Report, 2006)

- Additionally, Minnesota, Blue Cross, /Blue Shield reduced its insurance premiums by five to six percent after one year's experience under the state's comprehensive parity law. (Levin et al., The Louis de la Parte Florida Mental Health Institute. (March 1998)
- A survey conducted from 10/12/06 - 11/1/06 reported, nearly all Americans (96%) think health insurance should include coverage of mental health care. The survey also reported a large majority (74%) believe that insurance plans should cover substance abuse treatments at the same levels as treatments for general health issues. 23% feel that they should not be covered equitably. (Mental Health America, January 2007)
- Children of Hispanic/Latino origin were 2.6 times less likely to have their mental health needs met than white or African-American children. (NCCIP, 2006)
- Mental health conditions are the second leading cause of workplace absenteeism (the leading cause is musculoskeletal conditions). (APF, 2005)
- The total health care costs for workers who receive treatment for depression and have complete remission of symptoms are two-thirds less than the medical costs of untreated individuals. (JOEM, 2005) A positive work environment can decrease stress, improve overall health, and boost productivity. (NMHA, 2006)
- Maternal depression is a risk factor for childhood anxiety, depression, and disruptive behaviors. Research shows that vigorous treatment of a mother's depression can reduce symptoms of depression in her child. This 2006 study found 33% remission among children with a baseline diagnosis for depression whose mothers' depression remitted, compared to 12% remission among children whose mothers' depression did not remit. (Weissman, et al., 2006: Remissions in Maternal Depression and Child Psychopathology: A STAR*D-Child report. Journal of the American Medical Association, March 2006; 295 (12):1389-1398)
- Suicide is a pressing problem for Wisconsin communities. According to the CDC, Wisconsin has the 12th highest youth suicide rate in the U.S. and suicide in Wisconsin is the second highest cause of death for youth behind motor vehicle accidents for children age 10-18 and well beyond all other illness combined. (DHFS WISH data for 2000-2004)
- Suicide victims were more often male (76%), in the 30-54 age group (52%) and used non-firearm methods (54%). (DHFS, BCHP, WI Violent Injuries and Deaths Annual Report, 2004)
- Each year in Wisconsin, there are over 2,160 deaths, 2,400 substantiated cases of child abuse, 8,500 traffic crashes resulting in 6,800 traffic injuries and 90,000 arrests, and economic costs totaling $4.6 billion, all attributed to substance abuse.
- Thirty-two percent of offenders booked into jail and nearly 65% of persons entering prison have substance abuse problems.
- Alcohol and other drug abuse is the fourth leading cause of death in Wisconsin behind heart disease, cancer, and stroke, and it is the fourth leading cause for hospitalization behind mental illness, heart disease, and cancer.
- There are an estimated 403,000 adults and 40,300 adolescents in need of treatment for substance use disorders, and yet surveys indicate that only 21% of those in need of treatment receive it.
- Wisconsin ranks high among states on indicators of substance abuse:
  - Acute, Episodic, or Binge Drinking rank #1 - 24.2% of those surveyed reported having five or more drinks on at least one occasion in the past month (Behavior Risk Factor Survey-BRFS). Wisconsin is the highest state in the country on this indicator.

- Alcohol Use During Pregnancy rank #1 - Wisconsin leads the nation in drinking by women of childbearing age (18-44 year olds). Thirty-two percent of pregnant women in the state report drinking alcohol during pregnancy. (BRFS)
- Binge Drinking and High School Students - In 2005, 31% of Wisconsin high school students reported binge use of alcohol. While the prevalence of binge drinking declined among high school students nationally from 1997 to 2005 (33% vs. 26%), there was no parallel decline in Wisconsin. (WI State Epidemiological Outcomes Workgroup, March 2007)
- Current Use - The prevalence of current alcohol use among adults and high school students in Wisconsin was consistently high between 1999 and 2005. In 2005, 68% of adults and 49% of high school students reported current alcohol use. (SEOW 2007)
- Heavy or Chronic Drinking rank #1 - 8.6% of those surveyed reported having 60 or more drinks in the past month (BRFS). Wisconsin is the highest state in the country on this indicator. (SEOW 2007)
- Intoxicated Driving rank #2 - Five percent of those surveyed reported driving after having too much to drink in the past month (BRFS). Wisconsin ranked second highest in the nation on this indicator. In 2005, 5,992 people were injured and 330 died in alcohol-related motor vehicle crashes. Approximately 41% of all motor vehicle fatalities were alcohol-related. (Alcohol Facts, WI Department of Transportation)

Background:

The key words that embody the underpinnings of this joint statement document are person-centered, family-centered, culture, resiliency, recovery, stigma, integration, and parity.

Person-Centered denotes the recognition that there are multiple pathways to recovery based upon an individual unique strengths and resiliencies, as well as his/her own needs, preferences, experiences, and cultural background.

Family-Centered denotes the recognition that the family is the principal caregiver and the center of strength and support for children. (Federal Maternal and Child Health Bureau)

Culture is the values, beliefs, and lessons that mold and shape us as unique individuals, groups, and communities. This concept is not limited to clients or patients but also to professionals. Our current and future demographics reflect an endless range of individual cultural variations that have a profound impact on those who are served in clinical settings. (Surgeon General's Supplemental Report on Mental Health, 2001)

Resiliency means the personal and community qualities that enable us to rebound from adversity, trauma, tragedy, threats, or other stresses and to go on with life with a sense of mastery, competence, and hope. (The President's New Freedom Commission on Mental Health, 2003)

Recovery refers to the process in which people are able to live, work, learn, and participate fully in their communities. For some, recovery is the ability to live a fulfilling and productive life. For others, recovery implies the reduction or complete remission of symptoms. Hope plays an integral role in recovery. (The President's New Freedom Commission on Mental Health, 2003)

Stigma refers to a cluster of negative attitudes and beliefs that motivate the general public to fear, reject, avoid, and discriminate against people with mental illness (Corrigan and Penn, 1999) p.29. (Cite: Mental Health: Culture, Race, and Ethnicity, 2001 A Supplement to Mental Health: A Report of the Surgeon General U.S. Dept. of Health and Human Service)

Integration is the creation of links between previously separate systems, services, resources, people, or processes. Making connections, for this statement, integration refers to the full acceptance and

incorporation of all individuals as equals within a social and community fabric such as jobs, housing, health insurance coverage, rights, and other opportunities accorded to all citizens.

Parity refers to mental health and alcohol/substance abuse coverage, which is no more restrictive than coverage of other illnesses, that is, to offer the same coverage equivalent to the coverage of all other disorders.

Sources:

The above statement includes key concepts derived from the following sources:

- BadgerCare+ Report, Health insurance for all kids, 2006
- Behavioral Risk Factor Survey (BRFS) www.cdc.gov/brfss
- Coalition for Fairness in Mental Health and Substance Abuse Insurance www.dawninfo.org/ea/index.cfm
- Congressional Quarterly Today (CQ), July 18, 2007 www.cq.com
- Federal Centers for Disease Control and Prevention (CDC)
- Federal Maternal and Child Health Bureau (MCHB) Five Guiding Principles
- Healthiest Wisconsin 2010
- Journal of the American Medical Association
- Lieutenant Governor's Task Force on Women and Depression in Wisconsin Report, May 2006 www.womenstudies.wisc.edu/wsrc/final%20report.pdf
- The Maternal and Child Health (MCH) Program Advisory Committee
- Mental Health America Attitudinal Survey 2006, (Mental Health America) www.nmha.org
- The National Center for Children in Poverty, Columbia University: Mailman School of Public Health, Challenges and Opportunities in Children's Mental Health, July 2006
- The National Survey on Drug Use and Health (NSDUH) https://nsduhweb.rti.org/
- The President's New Freedom Commission on Mental Health, Achieving the Promise: Transforming Mental Health Care in America, 2003
- The Substance Abuse Mental Health Services Administration (SAMHSA)
- U.S. Department of Health and Human Services, Transforming Mental Health Care in America, The Federal Action Agenda: First Steps, July 2005
- WI Department of Health and Family Services (DHFS)
  - Division of Mental Health and Substance Abuse Services (DMHSAS)
  - Division of Public Health (DPH), Bureau of Community Health Promotion (BCHP)
- WI Department of Health and Family Services, Division of Mental Health and Substance Abuse Services, WI State Epidemiological Outcomes Workgroup (SEOW), March 2007
- WI Department of Transportation (DOT)
- WI Violent Injuries and Deaths Annual Report, Summer 2006
- Youth Risk Behavior Survey (YRBS) www.dpi.state.wi.us/sspw/yrbsindx.html

A Foundation for Collaboration:
The Integration of Physical Health, Mental Health, and Substance Abuse

JOINT STATEMENT
PARTNER ENDORSEMENT AND GUIDE TO ACTION

We aspire to become a society that optimizes the mental, physical, social, emotional, and spiritual health of all persons. Prevention, screening, intervention, and treatment will be person and family-centered, accessible, and appropriate to the culture and language of the individuals. These principles build resiliency, facilitate recovery, and eliminate stigma.

1. My organization endorses the attached *Joint Statement* and agrees to be listed as a supporting partner: ☐ Yes ☐ No

2. I/We endorse the attached *Action Guide*: ☐ Yes ☐ No

3. I/We can work on the following activities in the *Integration of Physical Health, Mental Health, and Substance Abuse Action Guide* to help accomplish its goals:

4. The complete name of the organization or group is:

   _____

5. The type of organization(s) I represent [choose up to three]:
   - ☐ Business / Workplace
   - ☐ Child Care Provider
   - ☐ City / County Agency
   - ☐ Coalition
   - ☐ College / University
   - ☐ Communication / Media
   - ☐ Community Based Organization
   - ☐ Community Representative
   - ☐ Faith Community
   - ☐ Government - Local
   - ☐ Government - State
   - ☐ Health Care Delivery
   - ☐ Health Plan / Insurer
   - ☐ Mental Health / Substance Abuse
   - ☐ Professional Association
   - ☐ School
   - ☐ Other _____

Contact Information

Contact Name: _____ Title: _____

Organization (if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (___) _____ Fax: (___) _____

E-mail: _____ Web site: _____

Return completed form to Claude Gilmore, via fax 608-267-3824 or e-mail gilmoca@dhfs.state.wi.us

Motion: In order to build bridges of shared responsibility through enhanced collaboration for support of optimum mental, physical, social, emotional, and spiritual health for children and families in Wisconsin, the Planning and Funding Committee requests that the Council endorse the joint statement as a plan of action for providers and state/local agencies. The Committee supports implementation of the Joint Statement, the Action Plan, and the Partner Endorsement Guide to Action and requests that this information to be included in the SCAODA information booklet; moved by Mr. Shrout, seconded by Mr. McCulley. **Motion carried.**

Committee further requested allocation of 30 - 45 minutes at the March 2, 2007 SCAODA Meeting for Council approval for the Joint Statement, the Action Plan, and the Partner Endorsement Guide to Action and for the Council to formulize a plan to disseminate this information among partners in the field.

Committee also requested a representative from the Division of Public Health to become a member of the Planning and Funding Committee.

IV. Discussion – Review of Public Forum

The Committee requested the minutes of the Public Forum be included in the SCAODA Information Booklet for the December 7, 2007 SCAODA Meeting.

Members further determined that the time allocated for the Public Forum at the 2008 WAAODA Conference was not acceptable. The time originally allocated, 3:00- 5:00 P.M. on Monday was not acceptable because it was during conference workshop time. Committee members requested that the Forum be either before or after the workshops so that all WAAODA conference attendees could attend the Forum if they so desired, the time allocated for the Forum should not conflict with workshop times. The Committee further requested that Ms. Radivojevich speak to the conference planning committee regarding changing the time of the Forum and report finding at the next Committee meeting.

V. Discussion of Support Letters for Tobacco Tax

The Committee submitted support letters for the increase in the tobacco tax to the following legislative members (reference attached sample letter):

Speaker Mike Heubsch
Senator Judy Robson
Representative Kitty Rhoades
Senator Russ Decker
Senator Bob Jauch
Representative Jeff Fitzgerald
Representative Jim Kreuser
Senator Scott Fitzgerald

The Committee also sent a letter of support for passage of Senate Bill 150 to the following legislative members:

Senator Tim Carpenter
Senator Spencer Coggs
Senator Pat Kreitlow
Senator Dale Schultz
Senator Robert Cowles

Motion: Committee requested SCAODA send a thank you note to Governor Doyle for passage of the tobacco tax; moved by Mr. Shrout, seconded by Mr. McCulley. **Motion carried.**

Motion: Committee requested the development of a newsletter in 2007 – 2008 regarding mental health and substance abuse information/issues in order to provide a vehicle for the public to comment, to connect to the community, and to promote state programs, twice a year; moved by Mr. Scarbrough, seconded by Mr. Shrout. **Motion carried.**

Motion: The Committee would like to commend the Bureau for a positive Substance Abuse Prevention and Treatment Block Grant Federal review and request a presentation of findings when available. **Motion carried.**

VI. National Standards on Culturally and Linguistically Appropriate Services (CLASS)

The Committee did not take a position on CLASS Standards. Mr. Michael Waupoose will attend the January 10, 2008 meeting to discuss Standards and answer questions.

VII. Committee Updates

Committee updates not provided at this time due to time constraints.

VIII. Women's Specific Treatment Capacity Study – Norman Briggs

Mr. Norman Briggs will continue to work with Michael Quirke on the Women's Specific Treatment Capacity Study and report findings at the next Committee meeting.

Mr. Briggs also analyzed statistics from Impact of Alcohol and Illicit Drug Use in Wisconsin, The University of Wisconsin School of Medicine, and Public Health Population Health Institute. Page 9 of the publication reports the following:

"The reported number of alcohol and other drug abuse **clients** receiving services with public funds increased in Wisconsin from 57,349 in 1996 to 62,619 in 2005, **a relative increase of 9.2%.** The reported **public funds expended** for alcohol and other drug abuse treatment rose in Wisconsin from $58.47 million in 1996 to $78.44 million in 2005, **an increase of 34%.**"

Mr. Briggs found that the dollar amounts expended each year were not adjusted for inflation and information is misleading. Committee requests this information be revisited and adjusted for inflation where appropriate.

IX. Adjourn

The meeting adjourned at 3:00 P.M. The next meeting is scheduled for the following:

PLANNING AND FUNDING COMMITTEE MEETING
THURSDAY, January 10, 2007
10:00 A.M. – 3:00 P.M.
ARC CENTER FOR WOMEN & CHILDREN
1409 EMIL STREET
MADISON, WI
608/283-6426

STATE COUNCIL ON ALCOHOL & OTHER DRUG ABUSE
Planning and Funding Committee Meeting
January 10, 2008
ARC Center for Women and Children
Madison, WI

MEMBERS PRESENT:	Joyce O'Donnell, William McCulley, Karen Kinsey, Duncan Shrout
EXCUSED:	Francine Feinberg, Terri Bucheger, Roger Johnson, Gary Sumnicht, Emanuel Scarbrough
GUEST:	Michael Waupoose – Chairperson of Diversity Committee, SCAODA
STAFF:	Lorie Ludwig, Lillian Radivojevich

I. Call to Order – Joyce O'Donnell:
Joyce O'Donnell called the meeting to order at 10:08 A.M.

II. Review of November 8, 2007 Meeting Minutes – Joyce O'Donnell:
Motion: The Planning and Funding Committee moved to approve the minutes of the November 8, 2007 meeting; moved by Mr. McCulley, seconded by Mr. Shrout. **Motion carried.**

II. National Standards on Culturally and Linguistically Appropriate Services (CLAS) Presentation - Michael Waupoose, Diversity Committee Chairperson
Mr. Waupoose, chairperson of the Diversity Committee provided a presentation of the CLAS Standards regarding definition, implications, and guidelines. Mr. Waupoose stated there are three categories of Standards; mandates, guidelines and recommendations. Standards 4, 5, 6, and 7 are mandated for any entity receiving Federal funds. The mandated Standards require an organization to provide service in preferred language and for sign language interpreting.

Mr. Waupoose felt that across the State, Standards are met with mixed success. A significant strength of the Standards is that they serve to discouraged family members and friends from becoming interpreters. It has been Mr. Waupoose's experience that when family and friends provide interpreting services issues arise with treatment due to cultural norms and familial relationships. Patients self select treatment services based on what is available and not what is required for successful recovery. Situations develop where a small percentage of organizations provide treatment to specific groups of individuals and other treatment organizations in the area feel off the hook to provide services in a preferred language or with interpreters since they feel that those services are available elsewhere.

Mr. Waupoose further stated adopting the Standards is challenging, a slow process of incremental steps. The Standards provide organizations with a springboard to review and evaluate service delivery. An organization's role and responsibility regarding the Standards are for self-assessment, training, and collection and documentation of data such as, but no limited to, sex and ethnicity in order to provide optimal service. Mr. Waupoose felt that an assessment tool, for the Standards, should be available to organizations, optimally web-based for no cost. Mr. Waupoose provided an example of a self-assessment tool, Cultural Competence Assessment Questionnaire, Portland State University.

Mr. Shrout stated that SCAODA should attempt to understand what the needs of people of color were in Wisconsin. What is the status of cultural competency in terms of treatment in the State? Will the Diversity Committee investigate this issue? What is the best approach, mandate or motivate? Once SCAODA endorses the Standards, what does this mean for small treatment providers? Mr. Waupoose stated that the standards serve as a guide. Mr. Shrout further stated that to improve service delivery from a systems standpoint, information is available from the Robert Wood Johnson Foundation, David Gunderson.

Motion: Committee requests SCAODA to support the National Standards on Culturally and Linguistically Appropriate Services as a tool for organizations to use in furthering their efforts in cultural competence; moved by Mr. McCulley, seconded by Mr. Shrout. **Motion carried.**

Additional questions regarding CLAS Standards:

- Question - What is the impact on counselor certification regarding CLAS Standards? Response – No impact, rules are closed. When the rule is reopened will have opportunity to include ongoing education for cultural competency.
- Question - At the college level, could we incorporate education regarding cultural competence? Response – individual Universities have the ability to request however, not required. Currently, University of Wisconsin requires one course in cultural competence.
- Question - Has the Wisconsin Association on Alcohol and Other Drug Abuse (WAAODA) taken a position regarding CLAS Standards? Response – No, thus far only to various Committees of SCAODA.

Additional issues identified regarding CLAS Standards:

- Small nonprofits do not have the resources to implement CLAS Standards for rare languages.
- If standards are adopted by SCAODA what are the next steps?
- How do the CLAS Standards integrate with other mandates such as ADA regulations and affirmative action rules? Planning and Funding Committee requests Diversity Committee complete a crosswalk with existing regulations to evaluate impact.
- Who will monitor compliance to CLAS Standards?

Ms. Kinsey volunteered to participate in the SCAODA By-Laws Committee. The next meeting is scheduled for February 5, 2008 at 3:00.

IV. Discussion Planning and Funding Strategic Plan - Group

The following summary lists Committee goals established for the SCAODA 2006 – 2010 Strategic Plan:

Goal – Governmental agencies address trauma as it pertains to substance use and addiction treatment.

Goal – Reduction of tobacco use by Wisconsin residents.

Goal – Reduction of abuse/illegal use of prescription medications and over-the-counter drugs.

Goal – Build awareness regarding how/why women in Wisconsin are disproportionately represented in alcohol and other drug abuse treatment facilities; promote and advocate for quality, gender specific treatment.

Mr. Radivojevich will bring a summary of goals to the next Committee meeting for member discussion. The committee will investigate expanding goals to reflect Committee's fiscal responsibilities.

The Committee requested a fiscal and programmatic summary of the Strategic Prevention Framework State Incentive Grant (SPFSIG). Ms. Radivojevich will schedule the Grant Manager to attend the next meeting to provide update.

V. Discussion - Public Forum Dates

Ms. Radivojevich provided the Statewide Mental Health and Substance Abuse Services Conference Committee with the following concerns:

- the optimum time for the public forum would be prior to the start of the conference on the first day
- an alternative time for the public forum would be in the evening during the first day if the public forum could not be held in the morning
- Planning and Funding Committee did not want the public forum to compete with any other workshops or other forums so that attendance could be optimized

The Statewide Mental Health and Substance Abuse Conference Committee discussed the above referenced concerns and will schedule the public forum for the evening of the first night.

VI. Review of SCAODA December 7, 2007 Meeting

Committee members discussed the following information:

- joint statement – will be presented to SCAODA at March 7, 2008 meeting
- letters of support for tobacco tax included in previous booklet

- the Committee requested Ms. Radivojevich to draft a thank you note to Governor Doyle for passage of the tobacco tax
- what is the status of underage drinking and how will these concerns be addressed
- SCAODA felt that the newsletter was a good idea however no action was taken to assign who will author the newsletter and how and to whom will it be distributed

VII. Committee Updates

During this time, the Committee discussed the following:

- Impact of Alcohol and Illicit Drug Use in Wisconsin, The University of Wisconsin School of Medicine, and Public Health Population Health Institute, the report did not adjust for inflation – the Committee requested this information be revisited and adjusted for inflation where appropriate
- Status of "coast to continue" providing services - specifically for projects funded by the Substance Abuse Prevention and treatment Block Grant – what is being done and how can the Committee address this issue
- county funding - how is the Community Aids formula computed – Ms. Radivojevich to provide information at next meeting
- what is the status of tobacco tax revenue how will it be allocated and for what services – Ms. Radivojevich to provide information at next meeting
- what is the status of the beer tax legislation – is the intent to have a legislative public hearing
- Committee membership – Francine Feinberg, Terri Bucheger, Roger Johnson, Gary Sumnicht – Ms. O'Donnell will outreach to members above reverence members to determine their status on remaining on the Planning and Funding Committee

VIII. Thank You Letter to Governor Doyle for Passage of Tobacco Tax

Ms. Radivojevich will draft a thank you letter to Governor Doyle for passage of tobacco tax.

IX. Adjourn

The meeting adjourned at 2:40 P.M. The next meeting is scheduled for the following:

PLANNING AND FUNDING COMMITTEE MEETING
THURSDAY, February 14, 2007
10:00 A.M. – 3:00 P.M.
ARC CENTER FOR WOMEN & CHILDREN
1409 EMIL STREET
MADISON, WI
608/283-6426

Planning and Funding Committee Motions/Action Items for Friday, March 7, 2008 SCAODA Meeting

Monday, March 3, 2008 Committee Meeting Motions

- **MOTION:** The Planning and Funding Committee recommends the number of statutory members expand to 27; an additional five new members added to represent the substance abuse prevention and treatment field, both culturally and geographically, in the state of Wisconsin.

- **MOTION:** The Planning and Funding Committee recommends the Council through the Committees develop criteria for selection of five new members and provide this criteria information to the Planning and Funding Committee to consolidate information and present to the Council at the September 12, 2008 meeting.

- Committee recommends that the proposed by-laws do not allow Ex-Officio members to vote.

- **MOTION:** Planning and Funding Committee recommends the Council support Assembly Bill 474; related to increasing the tax on fermented malt beverages to fund law enforcement grants and alcohol and drug abuse treatment and prevention programs.

  Question: Has Assembly Bill 474 gone to public hearing (T. Carpenter)?

- **MOTION:** Planning and Funding Committee recommends the Council support Assembly Bill 54 and Senate Bill 116; related to repeat drunken driving offenders and providing a penalty.

  Senate Bill 116 provides that the Class H felony will apply to a person convicted a fifth or sixth time for operating a motor vehicle while under the influence of an intoxicant or other drug. A person convicted for a seventh, eighth, or ninth time, will be guilty of a Class G felony, which has a maximum punishment of a $25,000 fine, a term of imprisonment of five years, and a term of extended supervision of five years. A person convicted a 10th or subsequent time will be guilty of a Class F felony, which has a maximum penalty of a $25,000, a term of imprisonment of 7.5 years, and a term of extended supervision of five years.

  Current law provides that a person operating a motor vehicle while under the influence of an intoxicant or other drug will be guilty of a Class H felony for a fifth or subsequent conviction. The maximum punishment for this conviction is a $10,000 fine, a term of confinement of three years, and a term of extended supervision of three years. In addition, current law generally provides that a person convicted of this crime will be subject to a $355 drunk driving surcharge. This amount is distributed in the following approximate amounts: $218 to the county in which the conviction takes place; $137 to a state general appropriation

for drivers' services; and $5 to the Safe-Ride Program from the state appropriation.

- **MOTION:** Planning and Funding Committee recommends the Council support Senate Bill 150; related to prohibiting smoking in places of employment, restaurants, taverns, and other indoor areas and providing a penalty.

- **MOTION:** Planning and Funding Committee recommends the Council support Senate Bill 193; related to drunken driving and providing a penalty.

  Under current law drivers who are convicted of a third, fourth, fifth, or subsequent violation related to driving while intoxicated are subject to fines and terms of imprisonment. The amount of the fine and the length of imprisonment increases with each subsequent conviction. If a driver has an exceptionally high alcohol concentration at the time of his or her offense, any applicable fine is increased as follows:

  1. If the person had an alcohol concentration of 0.17 to 0.199, the fine is doubled.
  2. If a person had an alcohol concentration of 0.20 to 0.249, the fine is tripled.
  3. If a person had an alcohol concentration at or above 0.25, the fine is quadrupled.

  This bill applies the increased fines for having an exceptionally high alcohol concentration to people who commit a first or second violation related to driving while intoxicated.

- **MOTION:** Planning and Funding Committee recommends the Council support Senate Bill 127; relating to releasing persons arrested for certain offenses related to operating a vehicle while intoxicated.

  Current law provides that a person arrested for certain offenses related to driving a vehicle under the influence of an intoxicant or with a prohibited alcohol concentration may not be released from police custody until 12 hours have elapsed from the time of his or her arrest or unless a chemical test shows that the person has an alcohol concentration of less than 0.04 except that the person may be released to his or her attorney, spouse, relative, or other responsible adult at any time after arrest.

  Senate Bill 127 provides that a person may be released to his or her attorney, spouse, relative, or other responsible adult if the attorney, spouse, relative, or other responsible adult accepts legal responsibility for the actions of the arrested person for 12 hours after the time that the person was arrested. In addition, the bill requires a law enforcement officer to seize or immobilize the vehicle used in the incident that gave rise to the arrest for 12 hours, except that, if the vehicle is the only vehicle owned or leased by any member of the arrested person's household, the officer may release the vehicle to a member of the household.

- **MOTION:** Planning and Funding Committee recommends the Council support Assembly Bill 498; related to costs of administering tests for intoxication.

  Under Assembly Bill 498, a person convicted of an OWI-related violation must pay any cost charged to or paid by a law enforcement agency for the withdrawal, testing, or analysis of the person's blood.

  Assembly Amendment 1 includes within the coverage of the bill OWI-related convictions under local ordinances relating to all-terrain vehicles, motor vehicles, and snowmobiles. (Violations of local ordinances for intoxicated boating are already covered under the bill; see SECTION 2 of the bill and s. 30.80 (6) (a) 1., Stats.)

  Assembly Amendment 2: (1). Revises the required notice given by a law enforcement officer to a person who has been requested to provide a chemical test specimen to reflect that, if convicted, the person may be required to pay for an alternate test when that test is a blood test (see p. 2, lines 7 to 10). (2). Provides an initial applicability clause (item 2).

- **MOTION:** The Planning and Funding Committee recommends the Council oppose proposed cuts in Presidents Bush's FY 2009 budget plan, which slashes $198 million from the Substance Abuse and Mental Health Services Administration (SAMSHA), and call for elimination of the Recovery Community Support Programs and the STOP underage Drinking program.

- The Planning and Funding Committee would like to distribute the booklet Ask The Candidates to statutory members at the March 7, 2008 meeting (30 pamphlets available for distribution).

Jim Doyle
Governor

State of Wisconsin

State Council on Alcohol and Other Drug Abuse
1 West Wilson Street, P.O. Box 7851
Madison, Wisconsin 53707-7851

Sen. Carol Roessler
Chairperson

Linda Mayfield
Vice-Chairperson

Mark Seidl, WCHSA
Secretary

Prevention/SPF SIG Advisory Committee Meeting Minutes
November 7, 2007
9:30 am – 2:30 pm
Training Room
Department of Corrections
3099 East Washington Avenue
Madison, Wisconsin 53707

Members Present: Ronda Kopelke, Acting Chair; Chris Wardlow; Francie McGuire Winkler; Julia Sherman; Rick Peterson; Doug Merrill; Emanuel Scarbrough; Kathryn Wolf Susan Crowley; Phil Collins; Joan Lerman (for Gary Sumnicht); Carol Hanneman-Garuz Carlos Morales (Ex Officio); Greg Levenick (Ex Officio); and Olivia Byron Cooper (Ex Officio)

Members Absent: Blinda Beason; Al Castro; Heidi Foster; Claude Gilmore; Tonia Gray; Tracy Herlitzke; Gerald Huber; Brenda Jennings; Jane Larson; Kathleen Marty; Mary Miceli-Wink; Candace Peterson; Scott Stokes; and Mark Warpness

Others Present: Amanda Jovaag, UW Population Health Institute
Kathy Thomas, Staff, BMHSAS
Lou Oppor, Staff, BMHSAS
Raina Zwadzich, Prevention Fellow, BMHSAS
Sarah Linnan, UW Population Health Institute
Robin LeCoanet, UW Population Health Institute
Gail Nahwahquaw, Staff, BMSAS

Call to Order, Welcome, and Review of Agenda

Acting Chair Kopelke called the meeting to order at 10:05 a.m. and reviewed the meeting agenda. Approval of the Minutes was added. Members and attendees introduced themselves.

Approval of Minutes

The minutes of September 19 were considered. The following corrections were proposed: Raina Zwadzich was listed as present, but was not at the meeting; Gail Nahwahquaw and Carol Hanneman-Garuz should be listed as present. **Motion by Francie Winkler to approve the September 19th minutes with the aforementioned corrections. Motion was seconded by Manny Scarbrough and passed unanimously.**

November 7, 2007
(Approved 2/28/09)

Subcommittee Reports

Kathy Wolf reported on the activities of the Workforce Development Subcommittee

The Workforce Development Committee is reviewing results from online survey to examine workforce capacity, as it addresses training needs. About 285 responses have been received. The Committee is reviewing training opportunities for prevention specialist. Currently there are 44 certified Prevention Specialists in Wisconsin, with 26 Prevention Specialists in training. Planning for the annual prevention conference is beginning and it will contain tracks that can be used for prevention specialist certification. Manny Scarbrough expressed concern was that we need to make sure that the programs work for special populations. Francie Winkler expressed concern the number of minority prevention specialists we have in Wisconsin and the need to increase these area of the workforce. Kathy Wolf said we will see major demographic changes and we need to address this, as well as the way management addresses the workforce.

Lou Oppor brought up issues related to HFS 75, which addresses certifying prevention agencies. There is currently a moratorium on certifying prevention agencies. Following is in response to a request to include minutes, a link to HFS 75:
http://dhfs.wisconsin.gov/dsl_info/NumberedMemos/DSL/CY_2001/NMemo2001-04.htm). Chris Wardlow raised a number of questions and said the rules need to be cleaned up. For example, do staff need to demonstrate competency or be certified. Acting Chair Kopelke asked state staff work to provide a report to the Workforce Development Committee and for the Committee to review this issue and provide a report to the committee.

Discussion was held about the prevention conference and attendance by grantees who receive substance abuse prevention funding. **Motion by Ronda Kopelke, seconded by Chris Wardlow, that the state should require all SPF SIG grantees to use a portion of their grant to attend the state Prevention Conference; and that each county should send a representative to the Prevention Conference with funding from the Substance Abuse Block Grant. Motion passed unanimously.**

Julia Sherman reported on the activities of the Underage Drinking Subcommittee.
She handed out a report and said that the Subcommittee plans to complete its work by the end of the year. After examining available epidemiological data, the Subcommittee has focused on broad-based community actions to reduce underage drinking among high school youth and children. Committee members will prepare draft recommendations in the following areas:

- Alcohol age compliance checks
- Teen court/judicial action
- Keg registration
- Community (municipal) action to reduce youth access and the appeal of alcohol to youth
- Youth and after-school programming
- Public information campaigns.

Subcommittee recommendations will include the specific goal of the action (for example, reduce access), sustainability of the action, essential steps and available evidence of effectiveness.

Ms Sherman presented a recommendation of the subcommittee to request a Legislative Council to direct a study of underage alcohol use. She handed out a draft letter to be sent to Senator Risser requesting the study. **Motion by Julia Sherman, seconded by Rick Peterson to recommend to SCAODA that request a Legislative Council study in 2008 to direct a study of underage alcohol use and the appropriate state and local steps to prevent and reduce underage drinking. Motion passed unanimously.**

Cultural Competency Standards

Mike Waupoose, Chair of the Diversity Committee, presented the "National Standards on Culturally and Linguistically Appropriate Services (CLAS). These standards relate to the goals and values that organizations can adopt to promote and support cultural competence. The standards have a three-pronged approach, addressing customer service, staffing and organizational structure and values.

The Diversity Committee is working toward SCAODA adoption of the Standards, not as a mandate, but rather to serve as guidelines and provide a framework and direction to organizations. There was a discussion of providing an assessment tool and technical assistance to agencies. Mike Waupoose said that the Diversity Committee will work with agencies to assist them and facilitate organization discussion. **Motion by Manny Scarbrough, seconded by Kathy Wolf that the Prevention Committee support the Diversity Committee's efforts to have SCAODA adopt the National Standards on Culturally and Linguistically Appropriate Services as guidelines. Motion passed unanimously.**

State Report on D.C. Grantees Meeting

Kathy Thomas reported that the meeting which was for Cohort III grantees and provided clarification in many areas. She said that Wisconsin received good information from other states that can be applied to our grants. Greg Levenick, Kathy Thomas, Robin Lecoanet and Amanda Jovaag attended the meeting. They provided the following highlights from the meeting:

- The federal government is more interested in seeing an impact at the local level, not at the state level. They acknowledged that for most states there is not sufficient funding to have statewide impact.
- The federal representatives also recommended avoiding an RFP, if possible, because of the time requirements and other limitations. (In Wisconsin, it would be nearly impossible to avoid a competitive process.)
- Addressing three priorities is complicated and challenging and it was recommended that states implement no more than two priorities
- Most states are doing a combination of planning and implementation grants.
- For most states, obtaining local data can be challenging. Some states such as Colorado have comprehensive AODA data collection systems and that provides a real advantage to them in doing their SPF SIG.
- There is still uncertainty about what will be required for the evaluation
- Providing training and onsite technical assistance to grantees is critically important.
- Most states have developed a logic model with priorities and causal factors and grantees are to provide the strategies they will implement. (Wisconsin intends to do this and give grantees a "shopping basket" of strategies to choose from.)

SPF SIG Priorities

Greg Levenick said that after learning of the concerns at the Washington meeting about states having more than two priorities for the SPF SIG, the state Bureau of Mental Health and Substance Abuse

Services revisited Wisconsin's three SPF SIG priorities. Based on the rationale listed below, DHFS decided to eliminate "Drug Related Deaths for individuals between the ages of 0-death. Before making a final decision, Mr. Levenick reported that he met with Claude Gilmore to discuss this proposal and that Claude understood the need to remove the drug related deaths priority. The Wisconsin SPF SIG will address two priorities:

- "Risky drinking" (binge or underage among ages 12-25)
- Alcohol Related Motor Vehicle Fatalities, Injuries and Crashes for individuals between the ages of 16-34."

The decision was made based of the following rationale:

- It was strongly recommended at the recent SPF SIG Cohort III meeting in Washington that states limit themselves to no more than two priorities.
- Having priorities that address both alcohol and other drugs creates complexity in evaluation
- Having priorities that address both alcohol and other drugs creates complexity in training and technical assistance
- Original data showed underage drinking in Milwaukee was much less than in other parts of the state. However, the National Household Survey shows that there is an underage drinking problem in Milwaukee
- Addressing two priorities would allow resources to be more focused and would likely lead to better results in addressing Wisconsin's alcohol abuse problems.

Motion by Rick Peterson, seconded by Chris Wardlow to accept the DHFS proposal to reduce Wisconsin's SPF SIG proposal from three priorities to two priorities by removing the priority, *Drug Related Deaths for Individuals between the ages of 0-Death.* Motion passed unanimously.

Alliance for Wisconsin Youth Regional Centers - Update

Lou Oppor provided an update on the establishment of five new Alliance for Wisconsin Youth (AWY) Regional Resource Centers. Four entities were selected through a Request for Proposals to receive funding to provide training and technical assistance to Alliance for Wisconsin Youth Coalitions located within their region of the state. These new sites include those found on table below. AWY Regional Centers and State staff is meeting monthly to develop an annual workplan, product development, response to training needs and AWY infrastructure development.

ALLIANCE FOR WISCONSIN YOUTH REGIONAL CENTER CONTACT LIST

Alliance Regional Center	Regional Area	Counties Within Regional Area
Mr. Martin Schaller Executive Director Northeastern Wisconsin Area Health Education Center, Inc. 925 S. 15th Street Manitowoc, WI 54220-5051 Phone: (920) 652-0238 Email: martys@newahec.org	Northeastern Region	Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, Winnebago
Ms. Tasha Jenkins Director Fighting Back, Inc. 315 W. Court Street, Suite 204 Milwaukee, WI 53212 Phone: (414) 270-2883 Email: Tasha_fightingback@tds.net	Southeastern Region	Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, Waukesha

Genevieve Kirchman Columbia County Connects Coalition/CESA 5 P.O. Box 564 626 East Slifer Street Portage, WI 53901-0564 Phone: (608) 742-8811 Email: kirchmang@cesa5.k12.wi.us	Southern Region	Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Juneau, Lafayette, Richland, Rock, Sauk, Vernon
Ms. Ronda Kopelke Director Marshfield Clinic Center for Community Outreach 1000 N. Oak Avenue Marshfield, WI 54449 Phone: (715) 221-8401 Email: Kopelke.ronda@marshfieldclinic.org	Western Region	Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Washburn
	Northern Region	Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood

Review/Provide Input—Local Logic Model Template

Wisconsin will be providing a logic model template with priorities and causal factors to local grantees. In addition, DHFS will include a listing of strategies for grantees to use. They are to select strategies from this list. If grantees wish to use strategies not included on the list, they will need to provide a rationale and their proposed strategies must be evidence based. Staff from BMHSAS and the Population Health Institute are working on the logic model. Amanda Jovaag presented a copy of the document that staff had developed and provided an explanation on why various items were chosen and how the model was developed. Julia Sherman said that it is now more appropriate to use the term "non-commercial access" instead of "social access". The committee provided input and suggested that state staff look at the Rand report for additional strategies. Staff will continue to refine the model.

Miscellaneous Business

The next meeting of the Prevention SPF SIG Advisory will be on January 17 in Madison. The location of the meetings was discussed. It was the consensus that the Committee would like to hold their meetings at the Department of Corrections Training Center.

Meeting adjourned at 2:30.

Minutes approved 2/28/09

Women-Specific Treatment Capacity Survey

Presented to the Wisconsin State Council on Alcohol and Other Drug Abuse

by

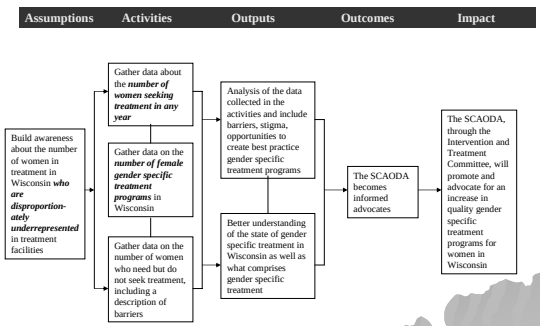
Norman Briggs, ARC Community Services
Member of the Intervention and Treatment Committee

Why Women-Specific Treatment?

- Women-focused treatment has higher success rates than mixed-gender treatment (Blume 1998)
- Trauma, co-occurring disorders, parenting training needs, job training needs, medical care and need for domestic violence intervention services are common in substance abusing women (Finkelstein 1993)
- Women who are allowed to retain custody of their children during treatment are more successful (Drug Strategies 1998, Coletti et al. 1997)

Planning and Funding Committee

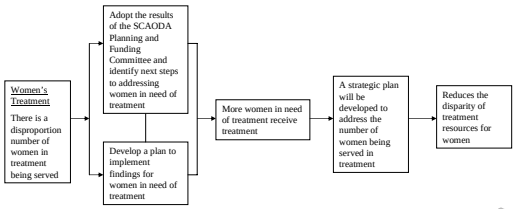
SCAODA Goal 3: Support and encourage recovery in communities by reducing stigma, discrimination, barriers and promoting healthy lifestyles.



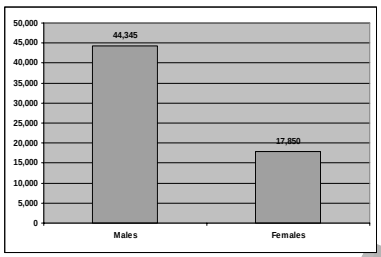
Intervention and Treatment Committee

SCAODA Goal 3: Support and encourage recovery in communities by reducing stigma, discrimination, barriers and promoting healthy lifestyles.

Assumptions	Activities	Outputs	Outcomes	Impact

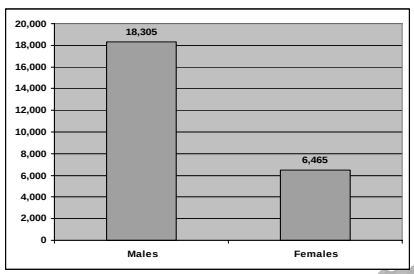


Prevalence of Substance Abusers Needing Publicly Subsidized Treatment Annually



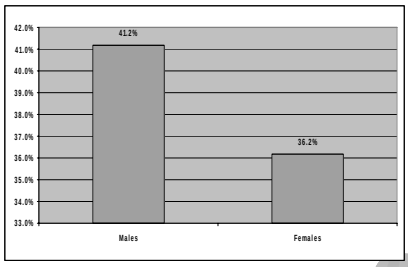
Source: Mike Quirk, Bureau of Substance Abuse Services (Personal Correspondence, 9/22/06)

Number Admitted Annually for Publicly Subsidized Treatment



Source: Mike Quirk, Bureau of Substance Abuse Services (Personal Correspondence, 9/22/06)

Percentage Admitted Annually for Publicly Subsidized Treatment



Source: Mike Quirk, Bureau of Substance Abuse Services (Personal Correspondence, 9/22/06)

Women-Specific Treatment Facilities

- WWEN identified 36 women-specific treatment facilities
- 35 responded to a survey of capacity for residential/inpatient, day treatment and outpatient services
- 23 reported they accept publicly-funded clients

Beds or Treatment Slots by Level of Care Non-Corrections Facilities

Level of Care	# Beds or Slots	Length of Stay	% of Total Beds/Slots	# Beds/Slots for Children
Residential/IP	111	8 days-4 mos.	25.5	31 beds
Day Treatment	80	12 days-4 mos.	18.4	20 slots
Outpatient	244	10 wks-18 mos.	56.1	28 slots
Total	**435**		**100.0**	**79 beds/slots**

Beds or Treatment Slots by Level of Care Corrections Facilities

Level of Care	# Beds or Slots	Length of Stay	# Beds/Slots For Children	% of Total Beds/Slots
Residential	83	30 days-4 mos.	0 beds	83.0
Day Treatment	10	4 mos.	0 slots	10.0
Outpatient	7	4 mos.	0 slots	7.0
Total	**100**		**0 beds/slots**	**100.0**

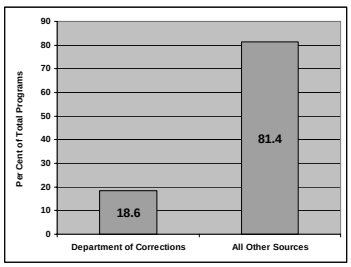
Annual Capacity of Primary Care Women-Specific Services – Non-Corrections Facilities

Level of Care	Annual Capacity	% of Total Receiving Treatment
Residential	800	12.4
Day Treatment	529	8.2
Outpatient	1,159	17.9
Total	**2,488**	**38.5**

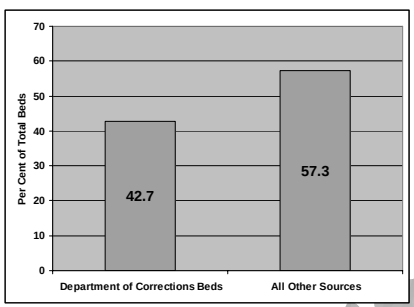
Annual Capacity of Primary Care Women-Specific Services –Corrections Facilities

Level of Care	Annual Capacity	% of Total Receiving Treatment
Residential	461	7.1
Day Treatment	35	0.5
Outpatient	24	0.4
Total	**520**	**8.0**

Funding Source

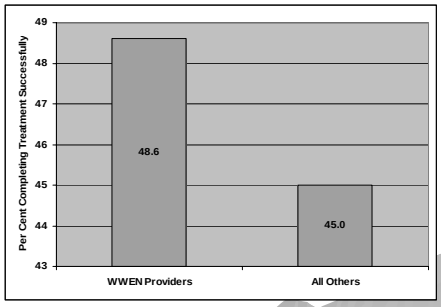


Residential Bed Funding



Rate of Female Treatment Completion

Source: Mike Quirk, Bureau of Substance Abuse Services



Why a Difference?

Women-Specific Programming addresses:

- Trauma treatment and containment techniques
- Co-occurring disorders
- Parenting training needs
- Job training needs
- Medical care
- Domestic violence intervention services

Length of Stay

Level of Care	# Beds or Slots	Length of Stay
Residential/IP	111	8 days-4 mos.
Day Treatment	80	12 days-4 mos.
Outpatient	244	10 wks-18 mos.

Statewide Urban/Rural Women's Alcohol and Other Drug Abuse Treatment Project

Client Characteristics:

- Three or four previous treatment attempts
- An unsafe or abusive living environment
- Poor physical health
- Poor or no work history
- A co-occurring mental illness (80%)
- A probation or parole officer (65%)
- A Child Welfare or CPS Social Worker (45%)
- Experienced trauma (over 90%)

Source: Susan Gadacz, DHFS Women's Treatment Coordinator, Summary Report, 2006

Statewide Urban/Rural Women's Alcohol and Other Drug Abuse Treatment Project

Core Values:

- Family-Centered
- Consumer Involvement
- Build on Natural and Community Supports
- Strength-Based
- Unconditional Care
- Collaboration Across Systems
- Team Approach Across Agencies

Statewide Urban/Rural Women's Alcohol and Other Drug Abuse Treatment Project

Core Values:

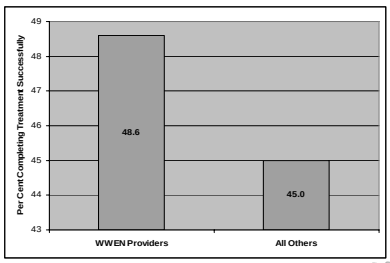
- Ensuring Safety
- Gender/Age/Culturally Responsive Treatment
- Self-Sufficiency
- Education and Work Focus
- Belief in Growth, Learning and Recovery
- Outcome-Oriented

Statewide Urban/Rural Women's Alcohol and Other Drug Abuse Treatment Project

- Outcomes of the eight projects four to six months post-discharge:
  - Abstinence or reduced use – 69% to 87%
  - No arrests since discharge – 64% to 88%
  - Self-sufficient and productive – 55% to 74%
  - Recovery-appropriate living – 58% to 72%

Source: Susan Gadacz, DHFS Women's Treatment Coordinator, Summary Report, 2006

Rate of Female Treatment Completion



Summary

- Publicly-funded women-specific treatment facilities can accommodate 46.5% of the total number of women admitted annually for publicly-subsidized treatment.
- Urban/Rural grant women-specific treatment facilities can accommodate 11.1% of the total number of women admitted annually for publicly-subsidized treatment.
- Women-specific treatment facilities report successful completions at a statistically significant higher rate than women completing treatment in other facilities

Summary

- Childcare
  - 3 of the 13 residential facilities offer childcare beds
  - 3 of the 8 day treatment facilities offer childcare
  - 4 of the 10 outpatient facilities offer childcare

SCAODA Participant Feedback Survey
Summary of Findings
December 7, 2007

At the June 1, 2007 SCAODA meeting members and participants were asked to complete a short survey concerning their experience with SCAODA. The questionnaire was administered anonymously. Sixteen completed surveys were returned.

Respondents:

Of the sixteen completed surveys that were returned, 14 respondents identified themselves as SCAODA members, while two indicated they were not members. Of the members, three (3) indicated that they had been members for "less than a year", with the rest split between "1 to 2 years" (N=5 or 36%) and "3 or more years" (N=6 or 43%).

Satisfaction with SCAODA Accomplishments:

When asked to rate on a scale from "1" (Very Satisfied) to "4" (Very Dissatisfied) how satisfied they were with the accomplishments of SCAODA, the mean rating was 2.31—or a little less than "somewhat satisfied."

Suggestions to Improve SCAODA Effectiveness:

While there were 26 separate suggestions, they can be roughly combined into seven topic areas (and a miscellaneous category) as follows:

1) Advocate for and provide input into **legislation**. Need agenda and documents ahead of time. (N=5)
2) Involve **more providers** in SCAODA/increase their awareness of SCAODA (N=4)
3) Clarify the **role** of SCAODA (N=3)
4) Need more **action**; attack problems; action plans across agency boundaries (N=3)
5) Pick one or two goals and all subgroups **focus** on them; too many presentations (N=2)
6) Need more information on budget and **how dollars are allocated**; advocate for **increased funding**. (N=2)
7) Ask the **Governor** for direction/support; position papers should be sent to Governor; should be regular reports from the Governor's Office in reaction to SCAODA positions. (N=2)
8) Miscellaneous: "Need to do more to make the public aware." "Decentralize meetings." "Help members see the outcomes of their work." "Use the strategic Plan." "Need time allowed for open discussion." (N=5)

Change Membership to increase SCAODA effectiveness:

When asked, 10 respondents indicated "yes," that a change in membership would improve the effectiveness of SCAODA. Only 2 indicated "no," 2 more "weren't sure". Suggestions: fewer state people, more rural representation, attendance policy to remove dead weight, more citizen, Association, NA and provider members.

SCAODA as an open forum for the discussion of a variety of viewpoints:

Twelve (12 or 86%) indicated that, "yes" they felt SCAODA did provide an open forum for discussion of a variety of viewpoints. Only 2 disagreed. Those who disagreed felt that there

are too many political restrictions on the part of Department representatives—they should be able to vote; the Chair monopolizes the communication; and that –as an example--despite overwhelming statistics, the Committee did not put forth a statement of support (for a bill). Those who agreed added that the Committee needs to be informed of pending legislation before meetings; agendas are politically driven; and too much happens in committees.

Should more time be devoted to subcommittee reports?

Ten (10 or 71%) indicated "yes," while 4 (28%) indicated "no." Suggestions: Minutes should be distributed earlier; subcommittee chairs should have a conference call prior to the meetings; press releases; reports in the beginning of the meeting; all subcommittees should have equal time so members feel valued.

SCAODA's Progress Toward Long Range Goals:

Respondents were asked to indicate on three long-range goals their opinions on whether major, moderate, some, little or no progress has been made toward each goal. Response choices were weighted and scored utilizing a Likert-type scale with "major progress" rated 4 and "little or no progress" rated 1. This method allows for comparison across items with regard to the overall progress made according to respondents' perceptions. The scores are summarized below by goal:

SCAODA Goal	Making Major Progress 4	Making Moderate Progress 3	Making Some Progress 2	Making Little or No Progress 1	Total Score
7. Support, promote and encourage the implementation of a system of substance abuse services that are evidence-based, gender and culturally competent, population specific, and ensure equal and barrier-free access.	N=2	N=3	N=8	N=1	N=34
8. Support the prevention and reduction of alcohol, tobacco, and other drug use and abuse through evidence-based practice with special emphasis on underage use. No support for the beer tax as example	N=0	N=3	N=5	N=4	N=23
9. Support and encourage recovery in communities by reducing stigma, discrimination, barriers and promoting healthy lifestyles.	N=0	N=1	N=5	N=7	N=20

Suggestions: Link subcommittee reports to progress on goals; web page development; members only page; Links to Assembly and Senate bills; revise minutes; pre-meeting packet.

Efforts Made So Far:

SCAODA Staff have already begun to implement many of the suggestions. They are:

- Providing More Time for Public Input
- Committee Reports Moved Up on the Agenda
- Agenda Items with Legislation Distributed Earlier
- Indicating "Action Items" on the Agenda

STATE OF WISCONSIN

JIM DOYLE
GOVERNOR

Wednesday, February 20, 2008
Contacts: Jessica Erickson, Office of the Governor, 608-261-2162
Stephanie Marquis, Department of Health & Family Services, 608-266-1683

Governor Doyle Announces Tobacco Sales to Wisconsin Minors at All-Time Low

MADISON – Wisconsin continues to reduce illegal sales of tobacco products to minors throughout the state, with tobacco sales reaching an all-time low, Governor Jim Doyle announced today. The state's 2007 Synar sales compliance survey, which determines the number of retail outlets that are selling tobacco illegally to minors, shows a noncompliance rate of 4.5 percent – the lowest rate ever recorded for Wisconsin.

"As Attorney General, I fought the big tobacco companies to help protect children from the health hazards of tobacco use, and as Governor, I am very pleased we have made amazing progress in preventing the sale of tobacco to minors in Wisconsin," Governor Doyle said. "I thank our retailers for their support of this program. Working together, we can continue to keep these numbers low."

The new results surpassed the previous record of 5.5 percent set by the 2006 survey results, and demonstrate significant improvement compared with rates from previous years. In 2003, a sample of randomly selected retailers sold to underage youth at a rate of 18.5 percent statewide. The 2002 rate was 20.4 percent, and the rate in 2001 was 33.7 percent.

The annual Synar survey randomly selects retail outlets from across the state to determine a reliable estimate of the rate of illegal tobacco sales to minors. Named after the Congressman who sponsored the federal legislation, the Synar legislation requires all states to monitor and reduce the rate of illegal tobacco sales to minors at retail establishments.

Wisconsin's federally established target rate for retail tobacco sales to minors is 20 percent, and failure to meet this rate can result in a 40 percent cut in a state's federal block grant funds for substance abuse prevention and treatment. In Wisconsin, this would amount to approximately $10 million in lost funds.

The state's Wisconsin Wins program provides the framework for reducing tobacco sales to youth. The program is managed by the Wisconsin Department of Health and Family Services (DHFS), which works with local partners, including health departments and other human service agencies, to conduct investigations to determine retailer compliance. Wisconsin Wins also provides retailer training, media and community outreach, and education.

"The Wisconsin Wins program is crucial to ensuring Wisconsin youth are tobacco-free," said DHFS Secretary Kevin Hayden. "Since tobacco addiction has been shown to be stronger when the user begins as a minor, it's critical that we make restricting youth access to tobacco products a statewide priority."

For more information about the Synar report and tobacco control efforts in Wisconsin, please visit http://dhfs.wisconsin.gov/tobacco.

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BY-LAWS
of the
State of Wisconsin
State Council on Alcohol and Other Drug Abuse
As Approved
<insert date when approved>

<please note: lines underlined below are taken directly from statute.>

ARTICLE I

Purpose and Responsibilities

Section 1. Authority

The Council is created in the Office of the Governor pursuant to sec. 14.017 (2), Wis. Stats. Its responsibilities are specified under sec. 14.24, Wis. Stats.

Section 2. Purpose

The purpose of the State Council on Alcohol and Other Drug Abuse is to enhance the quality of life of Wisconsin citizens by preventing alcohol and other drug abuse and its consequences through prevention, treatment, recovery, and enforcement and control activities by:

a. Supporting, promoting and encouraging the implementation of a system of substance abuse services that are evidence-based, gender and culturally competent, population specific, and that ensure equal and barrier-free access;

b. Supporting the prevention and reduction of alcohol, tobacco, and other drug use and abuse through evidence-based practice with a special emphasis on underage use; and

c. Supporting and encouraging recovery in communities by reducing discrimination, barriers and promoting healthy lifestyles.

Section 3. Responsibilities

The State Council on Alcohol and Other Drug Abuse shall:

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a. Provide leadership and coordination regarding alcohol and other drug abuse issues confronting the state.

b. Meet at least once every 3 months.

c. By June 30, 1994, and by June 30 every 4 years thereafter, develop a comprehensive state plan for alcohol and other drug abuse programs. The state plan shall include all of the following:

   i. Goals, for the time period covered by the plan, for the state alcohol and other drug abuse services system.

   ii. To achieve the goals in par. (a), a delineation of objectives, which the council shall review annually and, if necessary, revise.

   iii. An analysis of how currently existing alcohol and other drug abuse programs will further the goals and objectives of the state plan and which programs should be created, revised or eliminated to achieve the goals and objectives of the state plan.

d. Each biennium, after introduction into the legislature but prior to passage of the biennial state budget bill, review and make recommendations to the governor, the legislature and state agencies, as defined in s. 20.001 (1), regarding the plans, budgets and operations of all state alcohol and other drug abuse programs.

e. Provide the legislature with a considered opinion under s. 13.098.

f. Coordinate and review efforts and expenditures by state agencies to prevent and control alcohol and other drug abuse and make recommendations to the agencies that are consistent with policy priorities established in the state plan developed under sub. (3).

g. Clarify responsibility among state agencies for various alcohol and other drug abuse prevention and control programs, and direct cooperation between state agencies.

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h. Each biennium, select alcohol and other drug abuse programs to be evaluated for their effectiveness, direct agencies to complete the evaluations, review and comment on the proposed evaluations and analyze the results for incorporation into new or improved alcohol and other drug abuse programming.

i. Publicize the problems associated with abuse of alcohol and other drugs and the efforts to prevent and control the abuse.

j. Issue reports to educate people about the dangers of drug abuse.

k. The Council also recommends legislation, and provides input on state alcohol and other drug abuse budget initiatives.

l. Form committees and sub-committees for consideration of policies or programs, including but not limited to, legislation, funding and standards of care, for persons of all ages to address substance abuse problems.

ARTICLE II

Membership

Section 1. Authority

Membership is in accordance with Section 14.017(2), Wis. Stats.

Section 2. Members

2.1 The 22-member council includes 6 members with a professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4-year terms, and one of them must be a consumer representing the public. It was created by Chapter 384, Laws of 1969, as the Drug Abuse Control Commission. Chapter 219, Laws of 1971, changed its name to the Council on Drug Abuse and placed the council in the executive office. It was renamed the Council on Alcohol and Other Drug Abuse by Chapter 370, Laws of 1975, and the State Council on Alcohol and Other Drug Abuse by Chapter 221, Laws of 1979. Its appointments, composition and duties are

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prescribed in Sections 15.09 (1)(a), 14.017 (2), and 14.24 of the statutes, respectively.

The Council strives to have statewide geographic representation, which includes urban and rural populated areas, to have representation from varied stakeholder groups, and shall be a diverse group with respect to age, race, religion, color, sex, national origin or ancestry, disability or association with a person with a disability, arrest or conviction record, sexual orientation, marital status or pregnancy, political belief, or affiliation, or military participation.

2.2 There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4-year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin County Human Service Association, Inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

2.3 Selection of Members

From Wis. Stats. 15.09 (1)(a); Unless otherwise provided by law, the governor shall appoint the members of councils for terms prescribed by law. Except as provided in par. (b), fixed terms shall expire on July 1 and shall, if the term is for an even number of years, expire in an odd-numbered year.

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2.4 Ex-Officio Members

a. Ex-officio members may be appointed by a majority vote of the Council to serve on the Council, special task forces, technical subcommittees and standing committees. Other agencies may be included but the following agencies shall be represented through Ex-officio membership: The Wisconsin Departments of Revenue, Work Force Development, Regulation and licensing, Veteran Affairs and Children and Family Services, the Office of Justice Assistance, the Wisconsin Area Technical Colleges and University Health Service.

b. Ex-officio members of the Council may participate in the discussions of the Council, special task forces, technical subcommittees, and standing committees except that the chairperson may limit their participation as necessary to allow full participation by appointed members of the Council subject to the appeal of the ruling of the chair.

c. Ex-officio members will serve four-year terms.

d. An Ex-officio member shall be allowed to sit with the Council and participate in discussions of agenda items, but shall not be allowed to vote on any matter coming before the Council or any committee of the Council, or to make any motion regarding any matter before the Council.

e. An Ex-officio member may not be elected as an officer of the Council.

f. An Ex-officio member shall observe all rules, regulations and policies applicable to statutory members of the Council, and any other conditions, restrictions or requirements established or directed by vote of a majority of the statutory members of the Board.

2.5 Selection of Officers

Unless otherwise provided by law, at its first meeting in each year the council shall elect a chairperson, vice chairperson and secretary from among its members. Any officer may be reelected for successive terms. For any council created under the general authority of s. 15.04 (1) (c), the constitutional officer or secretary heading the department

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or the chief executive officer of the independent agency in which such council is created shall designate an employee of the department or independent agency to serve as secretary of the council and to be a voting member thereof.

2.6 Terms of Voting Members

a. Voting members shall remain on the Council until the effective date of their resignation, term limit or removal by the Governor, or until their successors are named and appointed by the Governor.

b. Letter of resignation shall be sent to the Governor and Council Chairperson.

c. Each voting member or designee of the Council is entitled to one vote. Voting by written proxy shall be allowed as per section 4.2.

2.7 Code of Ethics

All members of the Council are bound by the Code of Ethics for State Public Officials, Chapter 19, Wis. Stats., except that they are not required to file a statement of economic interest. Ex-officio members are not required to file an oath of office. As soon as reasonably possible after appointment or commencement of a conflicting interest and before voting on any grant, members shall reveal any actual or potential conflict of interest and abstain from voting on that item and any other item of conflict of interest, including any affiliation with an applicant or recipient of state and/or federal substance abuse funds other than residence in a county.

2.8 Nondiscrimination

The Council will not discriminate because of age, race, religion, color, sex, national origin or ancestry, disability or association with a person with a disability, arrest or conviction record, sexual orientation, marital status or pregnancy, political belief, or affiliation, or military participation.

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2.9 Nomination Process

As per Article II, Section 2.1, the Governor is required to appoint six citizen members. The Council will follow this process when making recommendations to the Governor:

a. The Council, along with the Office of the Governor and Department staff, will monitor when Council terms will expire. It will also monitor the composition of the Council with respect to the factors specified in Article II, Section 2.1.

b. Nominating Committee. The Vice-chair of the Council shall convene a Nominating Committee as needed to co-ordinate the process for all appointments to the Council as outlined in Article II, Section 2. In consultation with the Council Vice-chair who shall serve as Nominating committee chair, the Council Chairperson shall appoint other members, including at least one consumer. The Nominating committee shall make recommendations to the Council regarding nominations and have such other duties as assigned by the Council.

c. The Nominating Committee of the Council, with support of Bureau staff, will publicize upcoming vacancies, ensuring that publicity includes interested and underrepresented groups, including substance abuse agencies, substance abuse stakeholder groups, consumers, and providers. Publicity materials will clearly state that Council appointments are made by the Governor. Materials will also state that the Governor normally considers the Council's recommendations in making Council appointments.

d. While any person may apply directly to the Governor according to the procedures of that Office, all applicants will be asked to provide application materials to the Council as well. Bureau staff will make contact with the Office of the Governor as necessary to keep the committee informed regarding applicants, including those that may have failed to inform the committee of their application.

e. Applicants shall provide a letter of interest or cover letter, along with a resume and any other materials requested by the Office of the Governor. The Nominating Committee, in consultation with Department staff, may request additional materials. The

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Committee, with support of Bureau staff, will collect application materials from nominees, including nominees applying directly to the Governor. The Committee or staff will acknowledge each application, advising the applicant regarding any missing materials requested by the Committee. The Committee or staff will review each application to ensure that all required nomination papers have been completed.

f. The Committee may establish questions to identify barriers to attendance and other factors related to ability to perform the function of member of the State Council on Alcohol and Other Drug Abuse and to identify any accommodations necessary to overcome potential barriers to full participation by applicants. The Committee may interview applicants or designate members and/or staff to call applicants. Each applicant shall be asked the standard questions established by the Committee.

g. The Nominating Committee shall report to the full Council regarding its review of application materials and interviews. The report shall include the full roster of applicants as well as the Committee's recommendations for appointment.

h. The Council shall promptly act upon the report of the Nominating Committee. Council action shall be in the form of its recommendation to the Governor. Department staff shall convey the Council's recommendation to the Office of the Governor.

2.10 Removal from Office

The Governor may remove appointed members from the Council. The Council may recommend removal for cause but the Governor makes the final decision regarding removal.

Section 3. Officers

3.1 Chairperson

The chairperson is the presiding officer and is responsible for carrying out the Council's business in an orderly and expeditious manner and assuring that the rights of the members are recognized. The chairperson may appoint a designee to preside at a meeting if the vice-chairperson is unable to preside in their absence. The chairperson is also responsible for organizing the work of the Council

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through its committee structure, scheduling Council meetings and setting the agenda. The chairperson may serve as an ex-officio member of each Council committee. The chairperson shall represent the positions of the Council before the Legislature, Governor and other public and private organizations, unless such responsibilities are specifically delegated to others by the Council or Chairperson.

3.2 Vice-Chairperson

The vice-chairperson shall preside in the absence of the chairperson and shall automatically succeed to the chair should it become vacant through resignation or removal of the chairperson until a new chairperson is elected. The vice-chairperson shall also serve as the Council representative on the Governor's Committee for People with Disabilities (GCPD). If unable to attend GCPD meetings, the vice-chairperson's designee shall represent the Council.

3.3 Secretary

The secretary is a member of the Executive Committee as per Article IV, Section 5. The secretary is also responsible for carrying out the functions related to attendance requirements as per Article III Section 6.

3.4 Past Chairperson

The immediate past chairperson shall serve as a member of the Council until expiration of their appointed term, and may serve as an ex-officio member during the term of her or his successor if the term of office as member of the Council has expired.

ARTICLE III

Council Meetings

Section 1. Council Year

The Council year shall begin at the same time as the state fiscal year, July 1.

Section 2. Meetings

2.1 Regular and special meetings

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Regular meetings shall be held at least four times per year at dates and times to be determined by the Council. Special meetings may be called by the chairperson or shall be called by the chairperson upon the written request of three members of the Council.

2.3 Notice of meetings

The Council chairperson shall give a minimum of seven days written notice for all Council meetings. An agenda shall accompany all meeting notices. Public notice shall be given in advance of all meetings as required by Wisconsin's Open Meetings Law. If a meeting date is changed, sufficient notice shall be given to the public.

2.3 Quorum

A simple majority of the membership qualified to vote shall constitute a quorum to transact business.

Section 3. Public Participation

Consistent with the Wisconsin Open Meetings law, meetings are open and accessible to the public.

Section 4. Conduct of Meetings

4.1 Meetings shall be conducted in accordance with the latest revision of Robert's Rules of Order, unless they are contrary to Council By-laws or federal or state statutes, policies or procedures.

4.2 Voting by proxy is permitted, although written proxy authorization and instructions must be provided to the Council chairperson.

4.3 The Council, or any committee or task force, may authorize participation by telephone conference or similar medium that allows for simultaneous communication between members as permitted by law.

Section 5. Agendas

5.1 Agendas shall include approval of minutes from prior meetings, any action items recommended by a committee, an opportunity for public comment, and other appropriate matters.

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5.2 Requests for items to be included on the agenda shall be submitted to the chairperson two weeks prior to the meeting.

Section 6. Attendance Requirements

6.1 All Council members are expected to attend all meetings of the Council. Attendance means presence in the room for more than half of the meeting.

6.2 Council members who are sick, hospitalized or who have some other important reason for not attending should notify the Chairperson or the Chairperson's designee at least a week before the meeting. If that is not possible, notice should be given as soon as possible.

6.3 Any member of the Council who is absent from two meetings within a year will be contacted by the Secretary of the Council to discuss the reasons for absence and whether the member will be able to continue serving. Appointed members who do not believe that they can continue should tender their resignation in writing to the Chairperson of the Council. Any resignations will be announced to the Council and forwarded to the appointing authority.

6.4 At any time the Secretary of the Council, after consultation with appointed the member, believes that a member will not be able to fulfill the duties of membership, he or she should bring the matter to the Chairperson. When the Chairperson confirms that recommendation, he or she shall place the matter on the next Council agenda. The Chairperson shall ensure that the member at issue is given notice that the Council will consider a recommendation to the appointing authority regarding the membership. When the Council, after the member at issue is given the opportunity to be heard, agrees with the recommendation, it shall recommend to the appointing authority that the member be removed from the Council and a replacement appointed to fulfill the member's term.

6.5 If statutory members or their designees are absent from two meetings within a year, they will be contacted by the Secretary of the Council to discuss the reasons for absence and whether the member will be able to continue serving. In the event that a statutory member believes they are unable to continue, the Secretary of the Council shall inform the Council Chairperson and upon confirmation the Chairperson will provide written notice to the Governor of the need for an alternate or replacement.

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Section 7. Staff Services

The Bureau of Mental Health and Substance Abuse Services shall provide staff services. Staff services shall include: recording of attendance and minutes of meetings, preparation of draft agendas, arrangements for meeting rooms, preparation of correspondence for signature of the chairperson, providing information and assistance to Council committees and task forces, analysis of pending legislation and current policy and program issues, preparation of special reports, and other materials pertinent to Council business.

Section 8. Reimbursement of Council and Committee Members

Voting members may be reimbursed for expenses in accordance with Section 15.09, Wis. Stats.

ARTICLE IV

Section 1. Committees

1.1 There shall be an executive committee as provided below. The Executive Committee is a standing committee of the Council.

1.2 The Council may establish other standing committees, (ad hoc committees, workgroups and task forces) as necessary or convenient to conduct its business. These committees may make recommendations to the Council and perform such other duties as designated by the Council. These committees may not act on behalf of the Council except when given such authority with respect to a specific matter and within specific limitations designated by the full Council.

1.3 Committees may determine their own schedules subject to direction from the full Council.

Section 2. Composition of Committees

2.1 Council committees may include members of the public as well as Council members.

2.2 The Council Chairperson may appoint a chairperson and vice-chairperson or co-chair person, who must be a member of the Council, for each committee. The Council Chairperson, with the advice of the Committee Chairperson may appoint other committee members.

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2.3 Committees may designate other officers and subcommittees including ad hoc committees, workgroups or task forces, as necessary or convenient subject to limitation by the full Council.

Section 3. Requirements for all Committees

3.1 A motion or resolution creating a committee shall designate the mission and duties of the committee. The Council may also specify considerations for the Chairperson to follow in appointing committee chairpersons and members and such other matters as appropriate.

3.2 All Committee members are expected to attend all meetings of the Committee. Attendance means presence in the room for more than half of the meeting.

3.3 Committee members who are sick, hospitalized or who have some other important reason for not attending should notify the Chairperson or the Chairperson's designee at least a week before the meeting. If that is not possible, notice should be given as soon as possible.

3.4 Any Committee member who is absent from two meetings within a year will be contacted by the Committee Chairperson to discuss the reasons for absence and whether the member will be able to continue serving. Members who do not believe that they can continue should tender their resignation in writing to the Committee Chairperson. Any resignations will be announced to the Council Chairperson and to the committee.

3.5 The Committee Chairperson may remove Committee members, other than Executive Committee members, after notice of proposed removal to and an opportunity to be heard by the member consistently with this process.

Section 4. Requirements for Committee Chairpersons

The chairperson of each committee is responsible for:

a. Ensuring that the Bylaws and every applicable directive of the Council are followed by the committee;

b. Ensuring that recommendations of the committee are conveyed to the full Council;

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c. Submitting meeting minutes in the approved format to the Council; and

d. Coordinating work with other committees where items could be of mutual interest.

Section 5. Executive Committee

5.1 The Executive Committee shall be comprised of at least three members, including the Council Chairperson, Vice-chair and Secretary. The immediate past Chairperson of the Council may also be invited by the Council Chairperson to be a member of the Executive committee, although the past Chairperson shall be an ex-officio member of the Executive Committee. If there is a resignation, an additional member will be appointed by the Chair.

5.2 The Executive Committee will have the following responsibilities:

a. Provide policy direction to and periodically evaluate the performance of the Council and its activities relating to direction from the Bureau of Mental Health and Substance Abuse Services and the Bureau Director;

b. Meet as needed;

c. Provide for annual review of the by-laws;

d. Act on behalf of the Council when a rapid response is required, provided that any such action is reported to the Council at its next meeting for discussion and ratification; and

e. Other duties designated by the Council.

5.3 Rapid Response

The Executive Committee may act on behalf of the full Council only under the following circumstances:

a. When specifically authorized by the Council;

b. When action is needed to implement a position already taken by the Council;

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c. Except when limited by the Council, the Executive Committee may act upon the recommendation of a Committee, other than the Executive Committee, if such action is necessary before a Council meeting may reasonably be convened, provided that if more than one committee has made differing recommendations concerning the subject, the Executive Committee may not act except to request further study of the subject; or

d. Except when limited by the Council, the Executive Committee, by unanimous consent, may take such other action as it deems necessary before a Council meeting may reasonably be convened.

ARTICLE V

Amendments

The by-laws may be amended, or new by-laws adopted, after thirty days written notice, to Council members by a two-thirds vote of the Council members present at a regularly scheduled meeting at which a quorum is present.

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June 6, 2008
PROPOSED SCAODA AGENDA ITEMS
9:30 a.m. – 3:30 p.m.
American Family Insurance Conference Center
6000 American Parkway Madison, WI 53783
Room A3151

I. Secretary Hayden

II. Department of Regulation and Licensing Report

III. SYNAR Report

IV. Project Fresh Light Report

V. STAR – SI Report

VI. SCAODA By-Laws Approval

Underscored, stricken, and vetoed text may not be searchable.

Date of enactment: **April 6, 1994**
1993 Senate Bill 207 Date of publication*: **April 20, 1994**

1993 WISCONSIN ACT 210

AN ACT ***to repeal*** 14.017 (2m) and 14.245; ***to amend*** 14.017 (2), 15.01 (4), 134.66 (2) (a) and 134.66 (3) (intro.); ***to repeal and recreate*** 14.24; and ***to create*** 13.098 of the statutes, **relating to:** modifying the sale of cigarettes to persons under the age of 18, the membership of and expanding the duties of the state council on alcohol and other drug abuse, eliminating the citizens council on alcohol and other drug abuse and authorizing positions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.098 of the statutes is created to read:

13.098 Review of legislation relating to alcohol and other drug abuse. When legislation that relates to alcohol and other drug abuse policies, programs or services is introduced or offered in the legislature, the state council on alcohol and other drug abuse shall consider the legislation at the soonest meeting of the state council after introduction or offer and shall, if the standing committee of the legislature to which the legislation is referred has not taken action on the legislation, provide the chairperson of the standing committee with a considered opinion of the effect and desirability as a matter of public policy of the legislation.

SECTION 2. 14.017 (2) of the statutes is amended to read:

14.017 **(2)** STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and social services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, ~~who shall be elected by the citizens council on~~ with demonstrated professional, research or personal interest in alcohol and other drug abuse ~~under s. 14.245~~ problems, appointed for 4–year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin county human service association, inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

SECTION 3. 14.017 (2m) of the statutes is repealed.

SECTION 4. 14.24 of the statutes is repealed and recreated to read:

14.24 State council on alcohol and other drug abuse. The state council on alcohol and other drug abuse shall:

(1) Provide leadership and coordination regarding alcohol and other drug abuse issues confronting the state.

(2) Meet at least once every 3 months.

(3) By June 30, 1994, and by June 30 every 4 years thereafter, develop a comprehensive state plan for alcohol and other drug abuse programs. The state plan shall include all of the following:

(a) Goals, for the time period covered by the plan, for the state alcohol and other drug abuse services system.

Underscored, stricken, and vetoed text may not be searchable.

(b) To achieve the goals in par. (a), a delineation of objectives, which the council shall review annually and, if necessary, revise.

(c) An analysis of how currently existing alcohol and other drug abuse programs will further the goals and objectives of the state plan and which programs should be created, revised or eliminated to achieve the goals and objectives of the state plan.

(4) Each biennium, after introduction into the legislature but prior to passage of the biennial state budget bill, review and make recommendations to the governor, the legislature and state agencies, as defined in s. 20.001 (1), regarding the plans, budgets and operations of all state alcohol and other drug abuse programs.

(5) Provide the legislature with a considered opinion under s. 13.098.

(6) Coordinate and review efforts and expenditures by state agencies to prevent and control alcohol and other drug abuse and make recommendations to the agencies that are consistent with policy priorities established in the state plan developed under sub. (3).

(7) Clarify responsibility among state agencies for various alcohol and other drug abuse prevention and control programs and direct cooperation between state agencies.

(8) Each biennium, select alcohol and other drug abuse programs to be evaluated for their effectiveness, direct agencies to complete the evaluations, review and comment on the proposed evaluations and analyze the results for incorporation into new or improved alcohol and other drug abuse programming.

(9) Publicize the problems associated with abuse of alcohol and other drugs and the efforts to prevent and control the abuse.

SECTION 5. 14.245 of the statutes, as affected by 1993 Wisconsin Act 27, is repealed.

SECTION 6. 15.01 (4) of the statutes is amended to read:

15.01 **(4)** "Council" means a part–time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2) ~~and~~, the privacy council has the powers specified in s. 19.625 and the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24.

SECTION 6g. 134.66 (2) (a) of the statutes is amended to read:

134.66 **(2)** (a) No retailer, manufacturer or distributor may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in s. 48.983 (3). A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

SECTION 6i. 134.66 (3) (intro.) of the statutes is amended to read:

134.66 **(3)** (title) DEFENSE OF RETAILER, MANUFACTURER AND DISTRIBUTOR. (intro.) Proof of all of the following facts by a retailer, manufacturer or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (2) (a):

SECTION 7. Nonstatutory provisions; health and social services. (1) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE; MEMBERSHIP. (a) Of the 6 members of the state council on alcohol and other drug abuse with demonstrated professional, research or personal interest in alcohol and other drug abuse problems under section 14.017 (2) of the statutes, as affected by this act, the initial members shall be as follows:

1. Five members shall be appointed from the membership on July 2, 1993, of the citizens council on alcohol and other drug abuse under section 14.017 (2m), 1991 stats.

2. One member shall be a consumer representing the public at large who shall have been elected by the citizens council on alcohol and other drug abuse under section 14.245 (1) (f), 1991 stats., and who is serving in that capacity as a member of the state council on alcohol and other drug abuse on the effective date of this subdivision.

(b) Notwithstanding the length of terms specified for the 6 members of the state council on alcohol and other drug abuse with demonstrated professional, research or personal interest in alcohol and other drug abuse problems under section 14.017 (2) of the statutes, as affected by this act, the initial members shall be appointed by the first day of the 3rd month beginning after the effective date of this paragraph for the following terms:

1. Three of the members specified in paragraph (a) 1., for terms expiring on July 1, 1997.

2. Two of the members specified in paragraph (a) 1. and the member specified in paragraph (a) 2., for terms expiring on July 1, 1999.

SECTION 8. Nonstatutory provisions; health and social services. (1) SERVICES FOR THE STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. The authorized FTE positions for the department of health and social services are increased by 2.0 FED positions on January 1, 1994, to be funded from the appropriation under section 20.435 (6) (mc) of the statutes, for the performance of services for the state council on alcohol and other drug abuse.

CHAPTER 14

CONSTITUTIONAL OFFICES AND INTERSTATE BODIES

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SUBCHAPTER I

OFFICE OF THE GOVERNOR

14.01 Office of the governor; creation. There is created an office of the governor under the direction and supervision of the governor.

History: 1977 c. 29 s. 1649.

14.015 Same; attached boards and commissions. (1) DISABILITY BOARD. There is created a disability board which is attached to the office of the governor under s. 15.03. Where not in conflict with s. 17.025, s. 15.07 applies to the disability board. The disability board shall consist of the governor, the chief justice of the supreme court, the speaker of the assembly, the president of the senate, the minority leader of the assembly, the minority leader of the senate, and the dean of the University of Wisconsin Medical School. In case of the absence or disability of any of the members to serve for a particular meeting of the board, the lieutenant governor, a justice of the supreme court designated by the chief justice, the deputy speaker of the assembly, the majority leader of the senate, the assistant minority leader of the assembly, the assistant minority leader of the senate, or an associate dean of the University of Wisconsin Medical School designated by the dean shall serve, respectively, in place of the officers.

History: 1977 c. 9; 1977 c. 29 s. 1649; 1977 c. 203; 1979 c. 34, 110, 221, 361; 1981 c. 256; 1983 a. 27; 1985 a. 29; 1991 a. 269; 1995 a. 27 s. 209s; 1995 a. 216; 1997 a. 27; 1999 a. 186.

14.017 Same; councils. (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4−year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin County Human Service Association, Inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

NOTE: Sub. (2) is shown as amended eff. 7−1−08 by 2007 Wis. Act 20, section 9121 (6) (a). Prior to 7−1−08 it reads:

(2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and family services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4−year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin County Human Service Association, Inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

(3) STANDARDS DEVELOPMENT COUNCIL. (a) There is created in the office of the governor a standards development council consisting of all of the following:

1. The lieutenant governor, who shall serve as chairperson of the council.

2. A representative of the department of public instruction appointed by the state superintendent of public instruction.

3. The chairpersons of the committees in the assembly and senate whose subject matter is elementary and secondary education or members of those committees designated by the chairpersons.

4. The ranking minority member of each of the committees under subd. 3. or members of those committees designated by the ranking minority members.

5. One member appointed by the governor to serve at the pleasure of the governor.

(b) Section 15.09 applies to the standards development council.

(4) COUNCIL ON MILITARY AND STATE RELATIONS. There is created in the office of the governor a council on military and state relations. The council shall assist the governor by working with the state's military installations, commands and communities, state agencies, and economic development professionals to develop and implement strategies designed to enhance those military installations. The council shall advise and assist the governor on issues related to the location of military installations in this state. The council shall assist and cooperate with state agencies to determine how those agencies can better serve military communities and military families. The council shall assist the efforts of military families and their support groups regarding quality−of−life issues for service men and women, their spouses, and their dependents. The chairperson of the council shall be elected by the members of the council. The council shall consist of the following:

(a) A representative of the department of military affairs.

(b) A representative of Fort McCoy, Monroe County.

(c) Two members of each house of the legislature, representing the majority party and minority party in each house, chosen as are members of the standing committees of that house.

(d) A representative of the office of the governor.

History: 1971 c. 219 s. 4; 1973 c. 90; 1975 c. 39, 370; 1977 c. 29 s. 1649; 1977 c. 325, 418; 1979 c. 34 s. 16; 1979 c. 221; 1983 a. 27; 1987 a. 339, 399; 1987 a. 403 s. 256; 1991 a. 211; 1993 a. 210; 1995 a. 27 ss. 48, 9116 (5); 1997 a. 27, 252; 2005 a. 26; 2007 a. 20 s. 9121 (6) (a).

14.019 Governor's nonstatutory committees. (1) CREATION; TENURE; ABOLITION. Under the general powers of the office of the governor the governor may, by executive order, create nonstatutory committees in such number and with such membership as desired, to conduct such studies and to advise the governor in such matters as directed.

(a) Persons appointed to a nonstatutory committee may be removed or replaced, or the committee may be abolished, by the governor at pleasure.

(b) Any nonstatutory committee shall expire on the 4th Monday of January of the year in which a new gubernatorial term of office begins unless the new governor, by executive order, provides for its continued existence and in that case persons then serving on such committee remain members until they resign or until they are removed or replaced by action of the new governor.

(2) EFFECT OF APPROPRIATION. Subsection (1) continues to apply to any nonstatutory committee created by the governor even if a part of its expenses is later defrayed from state funds, whether under the general appropriation of s. 20.505 (1) (ka) or under an appropriation enacted specifically for the purposes of such committee.

(3) COORDINATION. The governor shall designate an employee of the office of the governor or of the department of administration to serve as coordinator for the activities of the nonstatutory committees created by the governor. The coordinator shall keep a record of all appointments to, or resignations or removals from, such committees. The coordinator shall also provide for the retention and preservation of the records and reports of such committees and shall, when appropriate, cause the duplication of such reports for public distribution.

(4) PROGRAM FEES. The governor may authorize any committee created under this section to charge a fee for materials and services provided by it in the course of carrying out its responsibilities. The fee may not exceed the actual cost of the materials or services provided. All fees shall be credited to the appropriation account under s. 20.505 (4) (h).

(5) FINAL REPORT; DEPOSIT. Any nonstatutory committee created by the governor and in existence at the time of the general election for a new gubernatorial term shall prepare a final written report on its activities to be submitted to the governor and, if the incumbent governor is not reelected, to the governor−elect prior to the first Monday of January of the year in which the new gubernatorial term begins. The number of copies prepared of such final reports shall be determined by the coordinator under sub. (3). The governor shall deposit sufficient copies of every final report required under this subsection with the reference and loan library under s. 43.05 (11) for distribution under s. 35.83 (3).

History: 1977 c. 29 s. 1649; 1977 c. 273; 1979 c. 34; 1981 c. 20 s. 2202 (1) (b); 1991 a. 285, 316; 1993 a. 335; 2001 a. 16; 2005 a. 25.

14.02 Governor may appoint employees. Except as provided in s. 14.26 (5g), the governor may appoint and fix the compensation of such employees as he or she deems necessary for the execution of the functions of the office of the governor and for the domestic service of the executive residence. The governor may remove any of the appointees appointed under this section at pleasure.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1979 c. 221; 1995 a. 216.

14.03 Governor to coordinate state services. The governor is directed to coordinate and insure the provision of services required by more than one state agency, including without limitation because of enumeration, the use of state communication facilities, business equipment and related personnel so as to permit more efficient and economical operation of state agencies. The cost of such services shall be charged according to s. 20.904.

14.035 Governor may enter into Indian gaming compacts. The governor may, on behalf of this state, enter into any compact that has been negotiated under 25 USC 2710 (d).

History: 1989 a. 196.

Cross Reference: See also ch. Game 3, Wis. adm. code.

Committing the state to policy choices negotiated in compacts constitutes a legislative function. Because the purpose of this section is ascertainable, and in most situations there are safeguards available to alter the policy choices made by the governor, the delegation of power to the governor is not an unconstitutional violation of the separation of powers doctrine. However, the legislature did not delegate to the governor the authority to agree to a compact of indefinite duration, which circumvents the procedural safeguards that sustain the legislature's ability to delegate that power in the first place: the power to curtail or reclaim the delegated power by future legislative action. Panzer v. Doyle, 2004 WI 52, 271 Wis. 2d 295, 680 N.W.2d 666, 03−0910.

The governor acted contrary to the public policy embodied in state law and therefore acted without authority by agreeing to a compact allowing the conduct of games prohibited by Art. IV, s. 24, and criminal statutes. Panzer v. Doyle, 2004 WI 52, 271 Wis. 2d 295, 680 N.W.2d 666, 03−0910.

The governor exceeded his authority by agreeing in a compact to waive the state's sovereign immunity, an act which he had no inherent or delegated power to undertake. Panzer v. Doyle, 2004 WI 52, 271 Wis. 2d 295, 680 N.W.2d 666, 03−0910.

Panzer v. Doyle: Wisconsin Constitutional Law Deals the Governor a New Hand. Wawrzyn. 89 MLR. 221 (2005).

14.04 Reports to legislature. At the commencement of each regular session of the legislature, the governor shall communicate to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), the reports of all state officers, commissions, boards, and departments required by law to report to the governor, including the reports of state officers whose terms of office have expired covering the transactions in their respective offices from June 30 in the last year of their terms, and, at the time of communicating said reports, shall render to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a statement of all expenditures

made by the governor out of any contingent fund appropriated for the contingent expenses of the office of the governor. Biennially, the governor shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the condition of each of the public institutions of this state which are supported in whole or in part by appropriations by the state with such recommendations as deemed proper.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1987 a. 186.

14.05 Inspection and investigation of institutions. The governor may visit and inspect at any time any public institution of this state which is supported in whole or in part by appropriations by the state; and, in the case of state institutions, the governor may also cause an investigation to be made of any thereof, or of any matter connected with or of any employee in any such institution, and may appoint a suitable person therefor, and shall require a written report thereof. Such investigator shall be paid not to exceed $6.50 a day for each day actually and necessarily required in performing the duties imposed, and shall be reimbursed all actual expenses thereby incurred. The cost of any such investigation shall be charged to the appropriation for the state institution under investigation.

History: 1991 a. 316.

14.06 Gifts, grants and bequests. The governor may accept gifts, grants and bequests, and may expend the proceeds to carry out the purposes for which received.

History: 1999 a. 9.

14.065 Expenditure of federal oil overcharge funds. **(1)** In this section, "oil overcharge funds" means any oil overcharge restitution funds which the federal government disburses to this state under any act of congress, court order or administrative action.

(2) Notwithstanding s. 16.54, the governor may not authorize the expenditure of any oil overcharge funds unless a proposal for that expenditure under sub. (3) has been approved by the joint committee on finance.

(3) The governor shall submit to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution under s. 13.172 (3) to the appropriate legislative standing committees generally responsible for legislation related to state energy issues, a proposal for the expenditure of oil overcharge funds. Within 30 days after receipt of the proposal, each such standing committee may submit in writing recommendations on the proposal to the joint committee on finance.

(4) Thirty days after receipt of the proposal under sub. (3) or upon receipt of the recommendations of the standing committees under sub. (3), whichever is sooner, the joint committee on finance shall schedule a meeting under s. 13.10 to approve, modify or disapprove the proposal.

(5) The governor may not make any amendment to any proposal for the expenditure of oil overcharge funds which has been approved by the joint committee on finance unless that amendment is approved or modified and approved by the joint committee on finance under s. 13.10.

History: 1987 a. 27, 186.

14.07 Records and documents; executive privy seal. **(1)** The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the office of the governor.

(2) The executive privy seal, a written description of which is deposited in the office of the secretary of state, is the seal of the private secretary to the governor, with which all the private secretary's official certificates shall be authenticated.

History: 1977 c. 29 s. 1649; 1991 a. 316.

14.08 Deposit of acts; notice. The governor shall deposit each legislative act enacted by the governor's approval in the office of the secretary of state under s. 35.095 (2) (b), and shall so inform the house of origin.

History: 1981 c. 372.

14.09 Executive orders. The governor shall cause all executive orders issued to be deposited in the office of the secretary of state.

History: 1975 c. 252, 421.

Executive orders of the Wisconsin governor. 1980 WLR 333.

14.11 Legal actions and proceedings. **(1)** STATE PROPERTY; LEGAL PROTECTION OF. The governor, whenever in the governor's opinion the rights, interests or property of the state have been or are liable to be injuriously affected, may require the attorney general to institute and prosecute any proper action or proceeding for the redress or prevention thereof; and whenever the governor receives notice of any action or proceeding between other parties by which the rights, interests or property of the state are liable to be injuriously affected, the governor shall inform the attorney general thereof and require the attorney general to take such steps as may be necessary to protect such rights, interests, or property.

(2) EMPLOYMENT OF SPECIAL COUNSEL. (a) The governor, if in the governor's opinion the public interest requires such action, may employ special counsel in the following cases:

1. To assist the attorney general in any action or proceeding;

2. To act instead of the attorney general in any action or proceeding, if the attorney general is in any way interested adversely to the state;

3. To defend any action instituted by the attorney general against any officer of the state;

4. To institute and prosecute an action or proceeding which the attorney general, by reason of the attorney general's opinion as to the validity of any law, or for any other reason, deems it the duty of the attorney general to defend rather than prosecute.

(b) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the special counsel appropriation in s. 20.455 (1) (b).

(c) Upon employment of special counsel, the governor shall certify the maximum amount provided in the employment contract to the secretary of administration, and direct the department to pay special counsel bills related to that case within the certified figure.

History: 1971 c. 164; 1981 c. 20 s. 2202 (17) (a); 1985 a. 332 s. 253; 1991 a. 316.

14.12 Execution of releases and satisfactions. Unless otherwise provided by law, the governor and attorney general may release or satisfy any lien or other obligation in favor of the state, upon payment by the obligor of the full amount due thereon or of the amount provided in any compromise settlement duly entered into and approved as provided by law. When such release or satisfaction is required to be under seal, the secretary of state shall affix the great seal of the state and authenticate the signatures of said officers.

14.13 Land claims against United States; receipt of payment. The governor may receive from the U.S. treasury department, from time to time, as the governor sees fit to draw for the same, the 5% of the net proceeds of sales of the public lands to which this state is or shall be entitled, pursuant to the act of congress approved August 6, 1846, and execute the proper vouchers therefor. When received the governor shall pay the same into the state treasury to the credit of the school fund.

History: 1991 a. 316.

14.14 Patents to railroad lands. Whenever the governor shall have executed and delivered to any railway or other corporation a patent from this state of any land inuring to such corporation

under or through any grant from the United States and the laws of this state, and subsequent to the delivery of any such patent the United States shall patent or certify said land or any part thereof to this state as inuring under such grant, the governor may in the governor's discretion execute and deliver to such corporation a new patent of said land by way of further assurance of title to the same, reciting the fact of the execution and delivery of said prior patent and the subsequent issue by the United States of a patent or certified list of the said land, and that the said new patent is made by virtue of this section and for the purposes aforesaid; and the additional patent shall be entitled to the same force and effect as a conveyance and as evidence as other state patents have by law.

History: 1991 a. 316.

14.15 Rewards. Whenever any person convicted of or charged with any felony escapes, or whenever any heinous crime has been committed, the governor may offer a reward of not to exceed $500 for the apprehension and delivery of such person or the conviction of the perpetrator of such crime. If such reward is claimed, whether by one or more persons, the governor shall finally determine to whom the same shall be paid, and, if to more than one person what portion to each, and shall certify the determination to the secretary of state. No such offer of a reward by the governor shall impose any actionable liability on the state.

History: 1991 a. 316.

14.16 Holiday proclamations. (1) ARBOR AND BIRD DAY. The governor, by proclamation, may set apart one day each year to be designated as Arbor and Bird Day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

(2) CITIZENSHIP DAY. The governor may also set aside, by proclamation, the 3rd Sunday in May in each year to be designated as Citizenship Day, and shall request its observance by all circuit court judges, county boards, municipalities, colleges and other institutions, by suitable exercises for all those persons who have recently become enfranchised either by naturalization or by reaching their majority on the necessity of exercising responsible, vigilant and intelligent citizenship to safeguard and maintain our inalienable American liberties, freedom of person, stability, strength, endurance of our democratic institutions, ideals and leadership.

(3) LABOR DAY. The governor may also set apart, by proclamation, one day in each year to be observed as Labor Day.

(4) ARMISTICE DAY. The governor shall annually issue a proclamation calling attention to the fact that November 11 is the anniversary of Armistice Day, and requesting the people throughout the state to observe by appropriate exercises the hour at which the armistice following World War I was concluded.

(5) MOTHER'S DAY. The governor may annually proclaim the 2nd Sunday in May as Mother's Day and urge the people and organizations to display the American flag as a public expression of love and reverence for the mothers of our state and as a symbol of a united effort to inspire better homes and closer union between the state, its homes and its sons and daughters.

(6) GOLD STAR MOTHER'S DAY. The governor may annually proclaim the last Sunday in September as Gold Star Mother's Day and call upon the people and organizations to display the American flag and hold appropriate meetings in their homes, churches and other suitable places as a public expression of love, sorrow and reverence for the gold star mothers of our state.

(7) AMERICAN HISTORY MONTH. To emphasize the spirit of America and Americanism and to remind the citizens of this state of the history of our nation and its free institutions, the month of February in each year is designated "American History Month" and the governor is directed to annually issue a suitable proclamation for the observance thereof.

(8) WONDERFUL WISCONSIN WEEK. To emphasize this state's great assets which make it such a desirable place to live and work, to give all citizens a greater knowledge and appreciation of this state and to salute every important activity of the state, from agriculture to industry to tourism, from business to labor to recreation and from education to good government to the state's varied products, the 3rd week in September of each year is designated "Wonderful Wisconsin Week". The governor shall issue annually a suitable proclamation for the observance of "Wonderful Wisconsin Week".

(9) HIRE A VETERAN WEEK. To recognize the contribution veterans have made to our society and the special needs of unemployed veterans and to encourage the hiring of unemployed veterans, the week of November that starts on Sunday and ends on Saturday and in which November 11 falls is designated "Hire a Veteran Week." The governor shall issue annually a suitable proclamation for the observance of "Hire a Veteran Week" encouraging all employers to hire veterans.

(9m) VETERAN RECOGNITION WEEK. To recognize the contribution and sacrifices veterans have made to our society, including those who have given their lives in service, the 7−day period that ends on November 11 is designated "Veteran Recognition Week." The governor shall issue annually a suitable proclamation for the observance of "Veteran Recognition Week" encouraging all citizens to honor veterans during the week, emphasizing educational efforts directed at teaching students concerning the contributions and sacrifices of veterans.

(10) PRISONERS OF WAR REMEMBRANCE DAY. To recognize the sacrifices of those persons who suffered captivity in foreign countries while in active service with the U.S. armed forces, April 9 of each year is designated "Prisoners of War Remembrance Day." The governor shall issue annually a suitable proclamation for the observance of "Prisoners of War Remembrance Day" and request that some portion of the day be used for solemn contemplation on the plight of members of the U.S. armed forces who have been held prisoners of war.

(10m) POW−MIA RECOGNITION DAY. To recognize the sacrifices of those persons who suffered or suffer captivity in foreign countries while in active service with the U.S. armed forces or who are or were missing in action, the 3rd Friday of September of each year is designated "POW−MIA Recognition Day." The governor shall issue annually a suitable proclamation for the observance of "POW−MIA Recognition Day" and request that some portion of the day be used for solemn contemplation on the plight of members of the U.S. armed forces who are or have been held prisoners of war and members of the U.S. armed forces who are or have been missing in action.

(11) PURPLE HEART DAY. The governor shall annually proclaim August 7 as Purple Heart Day and urge the people and organizations of the state to display the American flag on that day as a public expression of the recognition of those individuals who have been wounded or killed in action preserving the freedoms that all United States citizens cherish.

(12) ALDO LEOPOLD WEEKEND. The governor shall annually proclaim the first full weekend in March as Aldo Leopold Weekend to honor the author of A Sand County Almanac, an internationally respected scientist and conservationist who is widely considered the father of wildlife ecology.

(12m) AFRICAN AMERICAN HISTORY AND CULTURAL HERITAGE MONTH. The governor shall annually proclaim February as African American History and Cultural Heritage Month as a way to recognize and celebrate the contributions and achievements of African Americans.

(14) GULF WAR ILLNESSES RECOGNITION DAY. The governor shall annually proclaim January 17 as Gulf War Illnesses Recognition Day as a public expression in recognition of the members

of the U.S. armed forces who develop illnesses from exposure to Gulf War−related risk−substances. The governor shall include in the proclamation a request that part of the day be used for quiet contemplation to honor those brave members of the U.S. armed forces who suffer illnesses as the result of their patriotic service to our nation.

History: 1971 c. 307; 1973 c. 140; 1979 c. 23; 1993 a. 255; 2001 a. 20, 99, 100, 105; 2003 a. 137, 147; 2005 a. 37, 254; 2007 a. 22.

14.165 Governor's energy awards. (1) AWARDS. The governor may issue awards to recognize outstanding accomplishments or efforts related to energy conservation or renewable energy systems. Awards may be made for all of the following:

(a) Public and private sector activities.

(b) New building design, building renovation or upgrading and maintaining existing equipment.

(c) Demand−side management programs.

(d) Contributions by engineers, architects and other professionals.

(e) Industrial applications.

(2) RECOMMENDATIONS. The department of administration, department of commerce and public service commission shall make recommendations to the governor for awards under sub. (1).

History: 1993 a. 414; 1995 a. 27 s. 9116 (5).

NOTE: 1993 Wis. Act 414, which created this section, contains extensive explanatory notes.

14.17 Conferences of governors. The governor may attend and represent the state at all conferences of governors, and make such arrangements as deemed necessary for this state to bear its share of the expenses of such conferences. All expenses incurred under this section shall be charged to the proper appropriation for the office of the governor.

History: 1977 c. 29 s. 1649; 1977 c. 273.

14.18 Assistance from department of children and families. The governor may enter into a cooperative arrangement with the department of children and families under which the department assists the governor in providing temporary assistance for needy families under 42 USC 601 et. seq.

NOTE: This section is shown as amended eff. 7−1−08 by 2007 Wis. Act 20. Prior to 7−1−08 it reads:

14.18 Assistance from department of workforce development. The governor may enter into a cooperative arrangement with the department of workforce development under which the department assists the governor in providing temporary assistance for needy families under 42 USC 601 et. seq.

History: 1999 a. 9; 2001 a. 16 ss. 4045, 4060; 2007 a. 20.

14.19 Advocacy activities. (1) The governor may authorize advocacy activities to be conducted in the office of the governor concerning problems of members of ethnic minority groups, women and the family.

(3) Advocacy activities may include investigation of complaints, service as an adviser or a mediator in resolving disputes or promotion of public education and planning to resolve problems.

(4) The governor shall appoint an employee of the office of the governor as the family literacy advocate to establish a statewide program to improve family literacy.

History: 1979 c. 221; 1981 c. 20; 1995 a. 27.

14.20 Literacy improvement aids. (1) In this section:

(a) "Local governmental unit" has the meaning given in s. 16.97 (7).

(b) "Nonprofit organization" has the meaning given in s. 108.02 (19).

(2) From the appropriation under s. 20.525 (1) (f), the governor may provide a grant to any local governmental unit or nonprofit organization for support of a literacy improvement program.

History: 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33.

14.23 Standards development council. (1) By October 14, 1997, the governor shall submit to the standards development council pupil academic standards in mathematics, science, reading and writing, geography and history. The council shall review the standards and may modify them. Within 30 days after October 14, 1997, the council shall transmit its recommended standards to the governor.

(2) The governor shall approve or disapprove the recommended standards within 30 days after receiving them under sub. (1). If the governor approves the standards, he or she may issue the approved standards as an executive order.

(3) The council shall periodically review the standards issued under sub. (2) and may recommend changes to the governor. If the governor approves the changes he or she may issue them as an executive order.

History: 1997 a. 27, 252.

14.24 State council on alcohol and other drug abuse. The state council on alcohol and other drug abuse shall:

(1) Provide leadership and coordination regarding alcohol and other drug abuse issues confronting the state.

(2) Meet at least once every 3 months.

(3) By June 30, 1994, and by June 30 every 4 years thereafter, develop a comprehensive state plan for alcohol and other drug abuse programs. The state plan shall include all of the following:

(a) Goals, for the time period covered by the plan, for the state alcohol and other drug abuse services system.

(b) To achieve the goals in par. (a), a delineation of objectives, which the council shall review annually and, if necessary, revise.

(c) An analysis of how currently existing alcohol and other drug abuse programs will further the goals and objectives of the state plan and which programs should be created, revised or eliminated to achieve the goals and objectives of the state plan.

(4) Each biennium, after introduction into the legislature but prior to passage of the biennial state budget bill, review and make recommendations to the governor, the legislature and state agencies, as defined in s. 20.001 (1), regarding the plans, budgets and operations of all state alcohol and other drug abuse programs.

(5) Provide the legislature with a considered opinion under s. 13.098.

(6) Coordinate and review efforts and expenditures by state agencies to prevent and control alcohol and other drug abuse and make recommendations to the agencies that are consistent with policy priorities established in the state plan developed under sub. (3).

(7) Clarify responsibility among state agencies for various alcohol and other drug abuse prevention and control programs and direct cooperation between state agencies.

(8) Each biennium, select alcohol and other drug abuse programs to be evaluated for their effectiveness, direct agencies to complete the evaluations, review and comment on the proposed evaluations and analyze the results for incorporation into new or improved alcohol and other drug abuse programming.

(9) Publicize the problems associated with abuse of alcohol and other drugs and the efforts to prevent and control the abuse.

History: 1971 c. 219; 1975 c. 370; 1979 c. 221; 1983 a. 27; 1985 a. 328; 1993 a. 210.

14.26 Wisconsin sesquicentennial commission. (1) The Wisconsin sesquicentennial commission shall make appropriate plans and preparations for the commemoration of the 150th anniversary of Wisconsin statehood.

(2) The commission shall submit an annual report to the governor and to the legislature under s. 13.172 (2) regarding its activities on each March 1 until March 1, 1998.

(3) Upon request of the commission, all state agencies, as defined in s. 20.001 (1), shall cooperate with the commission in the performance of its functions.

(4) The commission shall ensure full participation by the University of Wisconsin System in the sesquicentennial and shall make appropriate arrangements to coordinate commemorative activities with activities conducted to commemorate the sesquicentennial of the University of Wisconsin System.

(5) In making appointments to the commission, the governor shall designate a chairperson. The commission shall elect a vice chairperson and secretary from its membership.

(5g) The commission may:

(a) Subject to authorization under s. 16.505, employ staff outside of the classified service and consultants and fix their compensation.

(b) Enter into contracts, leases or other agreements.

(d) Assume such other functions authorized by law as may be necessary to carry out the purposes of this section.

(5r) The commission may appoint such committees as may be required to carry out its functions.

(6) The commission shall complete its activities and submit a final report regarding its activities to the governor, and to the legislature under s. 13.172 (2) no later than June 1, 1999. The commission shall cease to exist on July 1, 1999.

History: 1991 a. 269; 1995 a. 27; 1995 a. 216 s. 40g; 1995 a. 445; 1997 a. 27; 1999 a. 9; 2001 a. 16.

SUBCHAPTER II

OFFICE OF THE LIEUTENANT GOVERNOR

14.31 Office of lieutenant governor; creation. There is created an office of the lieutenant governor under the direction and supervision of the lieutenant governor.

14.32 Service as acting governor. (2) When acting as governor because of a vacancy in the office of governor created by the happening of any contingency specified in s. 17.03, the lieutenant governor shall receive the annual salary and all other rights, privileges and emoluments of the office of governor. The annual salary paid in such instance shall be in lieu of all other compensation provided for the lieutenant governor.

(3) Compensation for service by the lieutenant governor under this section shall be paid from the appropriation in s. 20.525 (1) (a).

History: 1971 c. 42; 1971 c. 125 s. 522 (1); 1975 c. 39 s. 734; 1977 c. 29 s. 1656 (15); 1989 a. 31.

14.33 Employees. The lieutenant governor may employ within the limits of the appropriations under s. 20.540 such staff as he or she deems necessary outside the classified service for such period and upon such terms as the lieutenant governor determines.

History: 1971 c. 125; 1977 c. 196 s. 131; 1977 c. 273; 1979 c. 34; 1987 a. 27.

14.34 Additional executive duties. As the second ranking executive officer of the state, the lieutenant governor shall have such additional duties as are assigned by the governor in writing. These may include:

(1) The designation by the governor of the lieutenant governor as the governor's representative on any statutory commission, board or committee on which the governor is entitled to membership. Under such designation, the lieutenant governor shall perform in the place of the governor and shall have all authority and responsibility granted by law to the governor with regard to such membership.

(2) The designation by the governor of the lieutenant governor as the governor's representative on any nonstatutory committee created by the governor under s. 14.019.

(3) The designation by the governor of the lieutenant governor to coordinate state services and programs under s. 14.03 and such other statutory responsibility of the governor for this purpose. The governor shall specify in writing to state agencies the nature, areas and extent of such designated authority.

(4) The designation by the governor of the lieutenant governor as the governor's representative on any intergovernmental body created for the purpose of maintaining relationships with the federal government, state government, regional agencies or local government.

History: 1973 c. 90; 1991 a. 316.

14.35 Authorized activities. The lieutenant governor may:

(1) Accept gifts, grants, bequests or devises, or federal moneys authorized by the governor under s. 16.54, to be used for the authorized functions of the office of lieutenant governor.

(2) Conduct conferences or prepare and sell publications or promotional materials related to the authorized functions of the office of lieutenant governor.

History: 1987 a. 27.

SUBCHAPTER III

OFFICE OF THE SECRETARY OF STATE

14.36 Office of secretary of state; creation. There is created an office of the secretary of state under the direction and supervision of the secretary of state.

14.38 Secretary of state, duties. The secretary of state shall:

(1) RECORD EXECUTIVE ACTS. Keep a record of the official acts of the executive department and, when required, lay the same and all matters relative thereto before either house of the legislature.

(2) AFFIX GREAT SEAL; REGISTER COMMISSIONS. Affix the great seal to and countersign all commissions issued and other official acts done by the governor, the governor's approbation of the laws excepted; and make a register of such commissions in a book provided by the governor therefor, specifying the person to whom issued, the office conferred, and the date and term of the commission.

(3) HAVE CUSTODY OF BOOKS, RECORDS, ETC. Have the custody of all books, records, deeds, bonds, parchments, maps, papers and other articles and effects belonging to the state, deposited or kept in the secretary of state's office, and make such provision for the arrangement and preservation thereof as is necessary, and keep the same, together with all accounts and transactions of the office open at all times to the inspection and examination of the governor or any committee of either or both houses of the legislature.

(4) BIENNIAL REPORT. Report biennially in accordance with s. 15.04 (1) (d) all matters pertaining to the office and, when required, furnish the governor or either house of the legislature, in writing, any information relative to the performance of the duties of the office.

(5) KEEP ENROLLED LAWS, ETC. Safely keep all enrolled laws and resolutions, and not permit any of them to be taken out of the secretary of state's office or inspected except in the presence of the secretary of state, unless by order of the governor or by resolution of one or both houses of the legislature. For any violation of this subsection the secretary of state shall forfeit the sum of $100.

(6) COMPILE ORIGINAL LAWS AND RESOLUTIONS. Cause the original laws enacted and joint resolutions adopted at each session of the legislature, together with the index containing the titles of the same, to be bound in suitable volumes in a substantial manner, and in the order in which they are enacted or adopted, with the title thereof and the session at which they are enacted or adopted to be written or printed on the spine of the volumes.

(8) RECORD FEES. Keep a record of all fees received by the office and include a summary of such record in the biennial report under s. 15.04 (1) (d).

(9) FURNISH CERTIFIED COPIES; FEES. Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his or her office, upon request therefor, attach thereto his or her certificate, with the greater or lesser seal affixed, and collect therefor 50 cents per page and $5 for such certificate; if a copy is

not to be certified and if the reproduction is performed by the office of the secretary of state, then collect a fee to cover the actual and necessary cost of reproduction and actual and necessary cost of transcription required to produce the copy or $2, whichever is greater; also to record any document authorized or required by law to be recorded in his or her office, and to charge therefor a fee of $1 per page. The fee for certified copies and for certificates as to results of searches of the records and files of his or her office, when a printed form is used, shall be $5, but when a specially prepared form is required the fee shall be $10. Telegraphic reports as to results of record searches shall be $5 plus the cost of the telegram. The secretary of state shall charge and collect for preparing any record or certificate under this subsection in an expeditious manner, an expedited service fee of $25 in addition to the fee otherwise required under this subsection.

(9m) SIGNATURES. Receive and file the signature and an impression of the official seal or rubber stamp of all county clerks and registers of deeds, and upon request certify to the authenticity of that signature and official seal or rubber stamp and charge therefor the statutory fee.

(10) NOTICES OF PROPOSED CONSTITUTIONAL AMENDMENTS AND ENACTMENTS. (a) No later than the next working day following the deposit of an act in his or her office, provide written notice to the legislative reference bureau of the act number and date of enactment, and the designated date of publication of the act under s. 35.095.

(b) Publish in the official state paper, on the first Tuesday of August, September and October immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding the election.

(c) Publish in the official state newspaper within 10 days after the date of publication of an act a notice certifying the number of each act, the number of the bill from which it originated, the date of publication and the relating clause. Each certificate shall also contain a notice of where the full text of each act can be obtained. Costs under this paragraph shall be charged to the appropriation under s. 20.765 (1) (d).

(11) OTHER DUTIES. Perform such other duties as are imposed upon the secretary of state by the constitution or by law.

History: 1975 c. 93, 198, 224, 421; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 328; 1981 c. 124, 372; 1983 a. 27; 1983 a. 36 s. 96 (2); 1985 a. 29, 303, 338; 1989 a. 123, 303; 1991 a. 32, 39, 316; 1993 a. 112, 214, 452; 1995 a. 27, 225; 2003 a. 33; 2005 a. 25.

14.39 Conditional acceptance of filing fees. Before actually filing any document by making an endorsement on that document, the secretary of state may accept and deposit the filing fee submitted with that document upon the condition that if subsequent examination of the document establishes that it does not meet the requirements for filing, the fee may be refunded and upon the condition that if a discrepancy in the amount of the fee is subsequently discovered the secretary of state may then demand further payment of a shortage or refund an overpayment subject to s. 20.905 (3).

History: 1977 c. 418.

14.40 Record of positions, appointments. (1) Annually not later than July 1, each legislative, administrative and judicial agency of the state government shall submit to the secretary of state a list of all positions within that agency outside the classified service and above the clerical level, excluding the faculties under the jurisdiction of the board of regents of the University of Wisconsin System and the department of public instruction, which are filled by appointment, and the term if there is one, together with the name of the incumbent and the date of his or her appointment.

(2) The secretary of state shall keep a record of all positions reported under sub. (1), the names of the incumbents and the dates of their appointments.

(3) The appointment officer shall promptly notify the secretary of state of any vacancy occurring in any such position because of resignation, disability or death as well as any appointments made to fill such vacancies.

(4) Any officer or agency of the state authorized to select any officer of the state or member of a board, commission or committee outside the classified service, whether judicial, military or civil, shall report such selection to the secretary of state who shall record and file such selection for information of the public. The department of administration shall not approve any payroll or expense voucher for such position until the notice of appointment has been filed with the secretary of state.

History: 1971 c. 100 s. 23; 1979 c. 34; 1995 a. 27 s. 9145 (1); 1997 a. 27.

14.43 Custodian of deeds, securities, oaths and bonds. All deeds, conveyances, abstracts of title, options and leases of land; and, unless otherwise directed by law, all bonds, mortgages and other securities, for money, belonging to this state, and all official oaths and bonds shall be deposited and preserved in the office of the secretary of state and be open to public inspection.

14.45 Great and lesser seals. (1) The state shall have a great seal and a lesser seal both of which shall be kept in the office of the secretary of state.

(2) The great seal of the state consists of a metallic disc, 2 3/8 inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in s. 1.07 described; above the arms, in a line parallel with the border, the words, "Great Seal of the State of Wisconsin;" in the exergue, in a curved line, 13 stars.

(3) A lesser seal, 1 3/4 inches in diameter, engraved with the device of the great seal, with the words, "Seal of the Secretary of State," in a curved line above, and the words, "State of Wisconsin," in a curved line below such device, is the seal of the secretary of state, and may be used to authenticate all papers and documents issued by the secretary of state, except the official acts of the governor, and such copies of the laws and records in the office of said secretary as may be required for use as evidence in any other state, territory or country.

History: 1991 a. 316.

14.46 Assistant secretary of state. The secretary of state may appoint, in writing, an assistant secretary of state who may perform and execute any of the duties of the secretary of state, except as a member of the board of commissioners of public lands. The assistant secretary shall take and subscribe the oath of office prescribed by article IV, section 28, of the constitution and shall give bond to the secretary of state in the sum and with the conditions as the secretary of state prescribes, conditioned for the faithful discharge of the duties. The oath shall be filed and preserved in the office of the governor.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1983 a. 192.

14.47 Cashier in secretary of state's office bonded. The cashier and assistant cashiers in the office of the secretary of state shall give bonds to the secretary of state in such sum and with such conditions as the secretary of state may prescribe, conditioned for the faithful discharge of their duties. Said bonds shall be furnished by a surety company authorized to do business in this state and the cost thereof shall not exceed one−fourth of one per cent per year on the amount of said bond or obligation by said surety executed and shall be payable from the appropriation to the secretary of state.

History: 1979 c. 110 s. 60 (13); 1991 a. 316.

SUBCHAPTER IV

OFFICE OF THE STATE TREASURER

14.56 Office of state treasurer; creation. There is created an office of the state treasurer under the direction and supervision of the state treasurer.

14.57 Same; attached boards. There is created a college savings program board that is attached to the office of the state treasurer under s. 15.03 and that consists of all of the following members:

(1) The state treasurer or his or her designee.

(2) The president of the board of regents of the University of Wisconsin System or his or her designee.

(3) The president of the Wisconsin Association of Independent Colleges and Universities or his or her designee.

(4) The chairperson of the investment board or his or her designee.

(5) The president of the technical college system board or his or her designee.

(6) Six other members, appointed for 4−year terms.

History: 1999 a. 44.

14.58 Duties of state treasurer. The state treasurer shall:

(1) SIGN CHECKS, SHARE DRAFTS, AND OTHER DRAFTS. Sign checks, share drafts, and other drafts on depositories in which moneys may be deposited in one of the following methods:

(a) By the state treasurer personally;

(b) By an assistant state treasurer, appointed as provided in s. 14.62, in the name of the state treasurer;

(c) In the name of the state treasurer, by any clerk in the treasurer's office designated by the treasurer; or

(d) By placing on a check, share draft or other draft the facsimile signature of the state treasurer adopted by him or her as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile notwithstanding that the facsimile may have been placed on the check, share draft or other draft without the state treasurer's authority.

(7) PERMIT EXAMINATION OF BOOKS. Permit at all times inspection and examination of the books, papers and transactions of the treasurer's office by the governor, secretary of state, attorney general, department of administration or state auditor, or by the legislature, any committee thereof or either house thereof.

(11) MAKE CERTIFIED COPIES. Make a certified copy of any deed, bond, document or paper filed in the treasurer's office, and transcripts from the books and records kept therein, when required by any person so to do; and collect therefor 25 cents per folio, and $1 for such certificate.

(14) OTHER DUTIES. Perform all other duties imposed upon the state treasurer by law.

(20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate certified under s. 7.08 (2) (c) or (cm) by the government accountability board as eligible to receive moneys from the Wisconsin election campaign fund.

NOTE: Sub. (20) is shown as amended by 2007 Wis. Act 1 eff. the initiation date as set forth in section 209 (1) of that Act. Prior to that date it reads:

(20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to receive moneys from the Wisconsin election campaign fund.

History: 1971 c. 164 s. 90; 1973 c. 333; 1975 c. 180, 189, 198, 421; 1977 c. 107; 1977 c. 196 s. 131; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1983 a. 36 s. 96 (2); 1983 a. 51; 1983 a. 189 s. 329 (21); 1983 a. 368, 408, 524, 538; 1985 a. 29; 1989 a. 31; 1991 a. 39, 189, 299, 316; 1995 a. 201; 2003 a. 33, 139; 2007 a. 1.

14.59 Training conferences. The state treasurer may conduct conferences for the purpose of training county and municipal clerks and treasurers, and employees of their offices, in their official responsibilities. The treasurer may charge participants in any conference a fee for participation which shall not exceed the proportionate cost of conducting the conference. The treasurer shall credit all revenues from fees assessed under this section to the appropriation account under s. 20.585 (1) (h).

History: 1995 a. 27.

14.60 State treasurer's bond. The bond of the state treasurer shall extend to the faithful execution of the duties of the office of state treasurer until a successor is elected and fully qualified. If the treasurer elects to give bond guaranteed by a surety company, the cost thereof and of any additional bond required of and furnished by the treasurer and so guaranteed shall be borne by the state and shall be paid out of the appropriation to the office of the state treasurer; if the annual cost thereof does not exceed 0.25% of the amount of said bond.

History: 1991 a. 316.

14.62 Assistant state treasurer; oath; bond; powers. The state treasurer may appoint, in writing, an assistant state treasurer to perform any of the duties of the state treasurer, except to serve as a member of the board of commissioners of public lands. The assistant state treasurer shall take and subscribe the oath of office prescribed by article IV, section 28, of the constitution and shall give bond to the state treasurer in the sum and with the conditions the state treasurer prescribes, conditioned for the faithful discharge of the duties. The oath of the assistant state treasurer and the certificate of appointment shall be filed and preserved in the office of the secretary of state. The state treasurer may require any employee to give bond to the state in the amount and with the conditions the state treasurer prescribes, conditioned for the faithful discharge of their duties. The cost of the bonds shall be charged to the appropriations under s. 20.585.

History: 1983 a. 192, 538.

14.63 College tuition and expenses program. (1) DEFINITIONS. In this section:

(a) "Board" means the board of regents of the University of Wisconsin System.

(b) "Institution of higher education" means an eligible educational institution, as defined under 26 USC 529.

(2) WEIGHTED AVERAGE TUITION; TUITION UNIT COST. Annually, the state treasurer and the board jointly shall determine all of the following:

(a) The weighted average tuition of bachelor's degree−granting institutions within the University of Wisconsin System for the academic year that begins on or after the first day of August of the current year. The amount shall be calculated as follows:

1. For each such institution, multiply the tuition charged a full−time undergraduate who is a resident of this state by the number of full−time equivalent resident undergraduates attending the institution.

2. Add the products under subd. 1.

3. Divide the sum under subd. 2. by the total number of full−time equivalent resident undergraduates attending such institutions.

(b) The price of a tuition unit, which shall be valid for a period determined jointly by the state treasurer and the board. The price shall be sufficient to ensure the ability of the state treasurer to meet his or her obligations under this section. To the extent possible, the price shall be set so that the value of the tuition unit in the anticipated academic year of its use will be equal to 1% of the weighted average tuition for that academic year plus the costs of administering the program under this section attributable to the unit.

(3) COLLEGE TUITION AND EXPENSES CONTRACTS. (a) An individual, trust, legal guardian, or entity described under 26 USC 529 (e) (1) (C) may enter into a contract with the state treasurer for the sale of tuition units on behalf of a beneficiary.

(b) The contract shall specify the anticipated academic year of the beneficiary's initial enrollment in an institution of higher education.

(c) The state treasurer may charge a purchaser an enrollment fee.

(d) The state treasurer shall promulgate rules authorizing a person who has entered into a contract under this subsection to change the beneficiary named in the contract.

(4) NUMBER OF TUITION UNITS PURCHASED. A person who enters into a contract under sub. (3) may purchase tuition units at any time and in any number, except that the total number of tuition

units purchased on behalf of a single beneficiary may not exceed the number necessary to cover tuition, fees and the costs of room and board, books, supplies and equipment required for enrollment or attendance of the beneficiary at an institution of higher education.

(5) PAYMENT OF TUITION. (a) Except as provided in sub. (7m), if an individual named as beneficiary in a contract under sub. (3) attends an institution of higher education in the United States, each tuition unit purchased on his or her behalf entitles that beneficiary to apply toward the payment of tuition, fees and the costs of room and board, books, supplies and equipment required for enrollment or attendance at the institution an amount equal to 1% of the anticipated weighted average tuition of bachelor's degree−granting institutions within the University of Wisconsin System for the year of attendance, as estimated under sub. (2) in the year in which the tuition unit was purchased.

(b) Upon request by the beneficiary, the state treasurer shall pay to the institution or beneficiary, whichever is appropriate, in each semester of attendance the lesser of the following:

1. An amount equal to the value of each tuition unit, as determined under par. (a), multiplied by the number of tuition units purchased on behalf of the beneficiary and not used.

2. An amount equal to the sum of the institution's tuition, fees and the costs described in par. (a) for that semester.

(6) TERMINATION OF CONTRACT. (a) A contract under sub. (3) may be terminated by the person entering into the contract if any of the following occurs:

1. The beneficiary dies or is permanently disabled.

2. The beneficiary graduates from high school but is unable to gain admission to an institution of higher education after a good faith effort.

3. The beneficiary attended an institution of higher education but involuntarily failed to complete the program in which he or she was enrolled.

4. The beneficiary is at least 18 years old and one of the following applies:

a. The beneficiary has not graduated from high school.

b. The beneficiary has decided not to attend an institution of higher education.

c. The beneficiary attended an institution of higher education but voluntarily withdrew without completing the program in which he or she was enrolled.

5. Other circumstances determined by the state treasurer to be grounds for termination.

(b) The state treasurer may terminate a contract under sub. (3) if any of the tuition units purchased under the contract remain unused 10 years after the anticipated academic year of the beneficiary's initial enrollment in an institution of higher education, as specified in the contract.

(7) REFUNDS. (a) Except as provided in sub. (7m), the state treasurer shall do all of the following:

1. When a beneficiary completes the program in which he or she is enrolled, if the beneficiary has not used all of the tuition units purchased on his or her behalf, refund to the person who entered into the contract an amount equal to 1% of the anticipated weighted average tuition in the academic year in which the beneficiary completed the program, as estimated under sub. (2) in the year in which the tuition units were purchased, multiplied by the number of tuition units purchased by the person and not used by the beneficiary.

2. If a contract is terminated under sub. (6) (a) 1., 2. or 3., refund to the person who entered into the contract an amount equal to 1% of the anticipated weighted average tuition in the academic year in which the contract is terminated, as estimated under sub. (2) in the year in which the tuition units were purchased, multiplied by the number of tuition units purchased by the person and not used by the beneficiary.

3. If a contract is terminated under sub. (6) (a) 4. or (b), refund to the person who entered into the contract an amount equal to 99% of the amount determined under subd. 2.

4. If a contract is terminated under sub. (6) (a) 5., refund to the person who entered into the contract the amount under subd. 2. or under subd. 3., as determined by the state treasurer.

5. If the beneficiary is awarded a scholarship, tuition waiver or similar subsidy that cannot be converted into cash by the beneficiary, refund to the person who entered into the contract, upon the person's request, an amount equal to the value of the tuition units that are not needed because of the scholarship, waiver or similar subsidy and that would otherwise have been paid by the state treasurer on behalf of the beneficiary during the semester in which the beneficiary is enrolled.

(b) The state treasurer shall determine the method and schedule for the payment of refunds under this subsection.

(7m) TUITION UNIT VALUE ADJUSTMENT; REFUND ADJUSTMENT. (a) The state treasurer may adjust the value of a tuition unit based on the actual earnings attributable to the tuition unit less the costs of administering the program under this section that are attributable to the tuition unit if any of the following applies:

1. The individual named as the beneficiary in a contract under sub. (3) wishes to use the tuition unit for the payment of tuition in a year other than the anticipated academic year of attendance, as specified in the contract.

2. The individual named as the beneficiary in a contract under sub. (3), or the person who entered into the contract, wishes to receive a refund under sub. (7) in a year other than the anticipated academic year of the beneficiary's attendance, as specified in the contract.

(b) The state treasurer may not increase the value of a tuition unit under par. (a) to an amount that exceeds the value of a tuition unit that was purchased at a similar time, held for a similar period and used or refunded in the anticipated academic year of the beneficiary's attendance, as specified in the contract.

(c) The state treasurer may promulgate rules imposing or increasing penalties for refunds under sub. (7) (a) if the state treasurer determines that such rules are necessary to maintain the status of the program under this section as a qualified state tuition program under section 529 of the Internal Revenue Code, as defined in s. 71.01 (6).

(8) EXEMPTION FROM GARNISHMENT, ATTACHMENT AND EXECUTION. Moneys deposited in the tuition trust fund and a beneficiary's right to the payment of tuition, fees and the costs described in sub. (5) (a) under this section are not subject to garnishment, attachment, execution or any other process of law.

(9) CONTRACT WITH ACTUARY. The state treasurer shall contract with an actuary or actuarial firm to evaluate annually whether the assets in the tuition trust fund are sufficient to meet the obligations of the state treasurer under this section and to advise the state treasurer on setting the price of a tuition unit under sub. (2) (b).

(10) REPORTS. (a) Annually, the state treasurer shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3), on the program under this section. The report shall include any recommendations for changes to the program that the state treasurer determines are necessary to ensure the sufficiency of the tuition trust fund to meet the state treasurer's obligations under this section.

(b) The state treasurer shall submit a quarterly report to the state investment board projecting the future cash flow needs of the tuition trust fund. The state investment board shall invest moneys held in the tuition trust fund in investments with maturities and liquidity that are appropriate for the needs of the fund as reported by the state treasurer in his or her quarterly reports. All income derived from such investments shall be credited to the fund.

(11) CONSTRUCTION. (a) Nothing in this section guarantees an individual's admission to, retention by or graduation from any institution of higher education.

(b) The requirements to pay tuition, fees and the costs of room and board, books, supplies and equipment under sub. (5) and to make refunds under sub. (7) are subject to the availability of sufficient assets in the tuition trust fund.

(11m) FINANCIAL AID CALCULATIONS. The value of tuition units shall not be included in the calculation of a beneficiary's eligibility for state financial aid for higher education if the beneficiary notifies the higher educational aids board and the institution of higher education that the beneficiary is planning to attend that he or she is a beneficiary of a contract under this section and the contract owner agrees to release to the higher educational aids board and the institution of higher education information necessary for the calculation under this subsection.

(12) ADDITIONAL DUTIES AND POWERS OF THE STATE TREASURER. (a) The state treasurer shall do all of the following:

1. Annually publish a list of the institutions of higher education located in this state and the number of tuition units necessary to pay for one year of full−time attendance as a resident undergraduate at each institution.

2. Actively promote the program under this section.

3. Promulgate rules to implement and administer this section.

(b) The state treasurer may do any of the following:

1. Contract with any person for the management and operation of the program or any part of the program under this section.

2. Keep personal and financial information pertaining to a purchaser of tuition units or a beneficiary of tuition units closed to the public.

(13) PROGRAM TERMINATION. If the state treasurer determines that the program under this section is financially infeasible, the state treasurer shall discontinue entering into contracts under sub. (3) and discontinue selling tuition units under sub. (4).

History: 1995 a. 403; 1997 a. 27, 158; 1999 a. 9 ss. 52 to 62; Stats. 1999 s. 14.63; 1999 a. 44; 2001 a. 7, 16.

14.64 College savings program. (1) DEFINITIONS. In this section:

(a) "Account owner" means a person who establishes a college savings account under this section.

(b) "Board" means the college savings program board.

(2) DUTIES OF THE BOARD. The board shall do all of the following:

(a) Except as provided in s. 16.255, establish and administer a college savings program that allows an individual, trust, legal guardian, or entity described under 26 USC 529 (e) (1) (C) to establish a college savings account to cover tuition, fees, and the costs of room and board, books, supplies, and equipment required for the enrollment or attendance of a beneficiary at an eligible educational institution, as defined under 26 USC 529.

(b) Ensure that the college savings program meets the requirements of a qualified state tuition plan under 26 USC 529.

(c) Establish investment guidelines for contributions to college savings accounts and pay distributions to beneficiaries and eligible educational institutions.

(d) Provide to each account owner, and to persons who are interested in establishing a college savings account, information about current and estimated future higher education costs, levels of participation in the college savings program that will help achieve educational funding objectives and availability of and access to financial aid.

(e) Promulgate rules to implement and administer this section, including rules that determine whether a withdrawal from a college savings account is a qualified or nonqualified withdrawal, as defined under 26 USC 529, and that impose more than a de minimis penalty, as defined under 26 USC 529, for nonqualified withdrawals.

(f) Seek rulings and guidance from the U.S. department of the treasury, the internal revenue service and the securities and exchange commission to ensure the proper implementation and administration of the college savings program.

(g) Ensure that if the department of administration changes vendors, the balances of college savings accounts are promptly transferred into investment instruments as similar to the original investment instruments as possible.

(h) Keep personal and financial information pertaining to an account owner or a beneficiary closed to the public, except that the board may release to the appropriate state agency information necessary in determining a beneficiary's eligibility for state financial aid for higher education.

(3) ACCOUNT OWNERS; BENEFICIARIES; CONTRIBUTIONS; TERMINATION OF SAVINGS ACCOUNTS. (a) An account owner may do all of the following:

1. Contribute to a college savings account

2. Select a beneficiary of a college savings account.

3. Change the beneficiary of a college savings account to a family member, as defined under 26 USC 529, of the previous beneficiary.

4. Transfer all or a portion of a college savings account to another college savings account whose beneficiary is a member of the family.

5. Designate a person other than the beneficiary as a person to whom funds may be paid from a college savings account.

6. Receive distributions from a college savings account if no other person is designated.

(b) An individual may be the beneficiary of more than one college savings account, and an account owner may be the beneficiary of a college savings account that the account owner has established.

(c) The board shall establish a minimum initial contribution to a college savings account that may be waived if the account owner agrees to contribute to a college savings account through a payroll deduction or automatic deposit plan. The board shall ensure that any such plan permits the adjustment of scheduled deposits because of a change in the account owner's economic circumstances or a beneficiary's educational plans.

(d) An account owner under this section may terminate his or her college savings account if any of the following occurs:

1. The beneficiary dies or is permanently disabled.

2. The beneficiary graduates from high school but is unable to gain admission to an institution of higher education after a good faith effort.

3. The beneficiary attended an institution of higher education but involuntarily failed to complete the program in which he or she was enrolled.

4. The beneficiary is at least 18 years old and one of the following applies:

a. The beneficiary has not graduated from high school.

b. The beneficiary has decided not to attend an institution of higher education.

c. The beneficiary attended an institution of higher education but voluntarily withdrew without completing the program in which he or she was enrolled.

5. Other circumstances determined by the board to be grounds for termination.

(e) The board may terminate a college savings account if any portion of the college savings account balance remains unused 10 years after the anticipated academic year of the beneficiary's initial enrollment in an eligible educational institution.

(4) CONTRACTS WITH PROFESSIONALS. The board may enter into a contract for the services of accountants, attorneys, consultants and other professionals to assist in the administration and evaluation of the college savings program.

(5) REPORT. Annually, the board shall submit a report to the governor, and to the appropriate standing committees of the legis-

lature under s. 13.172 (3), on the performance of the college savings program, including any recommended changes to the program.

(6) CONSTRUCTION. Nothing in this section guarantees an individual's admission to, retention by or graduation from any institution of higher education; a rate of interest or return on a college savings account; or the payment of principal, interest or return on a college savings account.

(7) EXEMPTION FROM GARNISHMENT, ATTACHMENT AND EXECUTION; SECURITY FOR LOAN. (a) A beneficiary's right to qualified withdrawals under this section is not subject to garnishment, attachment, execution or other process of law.

(b) No interest in a college savings account may be pledged as security for a loan.

(8) FINANCIAL AID CALCULATIONS. The balance of a college savings account shall not be included in the calculation of a beneficiary's eligibility for state financial aid for higher education if the beneficiary notifies the higher educational aids board and the eligible educational institution that the beneficiary is planning to attend that he or she is a beneficiary of a college savings account and if the account owner agrees to release to the higher educational aids board and the eligible educational institution information necessary for the calculation under this subsection.

History: 1999 a. 44; 2001 a. 7, 38.

Cross Reference: See also ch. Treas 1, Wis. adm. code.

14.65 Repayment to the general fund. (1) The secretary of administration shall transfer from the tuition trust fund, the college savings program trust fund, the college savings program bank deposit trust fund, or the college savings program credit union deposit trust fund to the general fund an amount equal to the amount expended from the appropriations under s. 20.505 (9) (a), 1995 stats., s. 20.585 (2) (a), 2001 stats., and s. 20.585 (2) (am), 2001 stats., when the secretary of administration determines that funds in those trust funds are sufficient to make the transfer. The secretary of administration may make the transfer in installments.

(2) Annually, by June 1, the state treasurer shall submit a report to the secretary of administration and the joint committee on finance on the amount available for repayment under sub. (1), the amount repaid under sub. (1), and the outstanding balance under sub. (1).

History: 2001 a. 16; 2003 a. 33; 2005 a. 478.

SUBCHAPTER V

INTERSTATE BODIES AND AGREEMENTS

14.76 Interstate compacts. (1) This section shall apply to the establishment of agreements not affecting the sovereignty of the United States.

(2) Any state agency may agree by compact with other states to apply existing standards for residents to nonresidents if the laws or regulations of the states with which such compacts are made are similarly applied to Wisconsin residents. The compact shall be effective when approved by joint resolution adopted by the legislature.

(3) Any state agency may negotiate compacts with similar agencies in other states relating to the treatment of nonresidents on subjects within its delegated powers but on which no legislation providing standards has been enacted. Such compacts shall be submitted to the legislature and shall be effective when approved as are bills.

(4) Each compact shall as nearly as possible set forth:

(a) The statutory authority for the delegated power under which the agency is proceeding.

(b) The legal effect of the compact as shown by the amendments to statutes and rules in the applicable states required to accomplish the objectives of the compact.

(c) The objectives of the compact.

(d) The precise reasons for the compact.

(e) The standards established by the compact.

(f) The procedures contemplated by the compact.

(g) The effective date of the compact.

(h) The effect of the compact upon:

1. Public finances.
2. Public policy.

History: 1971 c. 62; 1983 a. 308.

14.78 Great Lakes compact commission. (1) MEMBERS; TERMS. There is created a Great Lakes compact commission consisting of 3 commissioners appointed by the governor. The commissioners shall be persons having knowledge of and interest in problems of the Great Lakes basin. One commissioner, appointed for an indefinite term, shall be a state officer or employee and shall serve as secretary of the Great Lakes compact commission. The other commissioners shall be appointed for terms of 4 years. The commissioners shall receive no salaries but shall be reimbursed for actual and necessary expenses.

(2) DUTIES. It is the duty of the Wisconsin Great Lakes compact commission:

(a) To represent this state on the Great Lakes commission created by the Great Lakes basin compact ratified and enacted by chapter 275, laws of 1955, and through such representation to perform the functions of the Great Lakes commission in conjunction with the commissioners of other party states. Whenever a vote is required by the terms of the Great Lakes basin compact, each member of the Wisconsin Great Lakes compact commission is authorized to cast the same proportion of the 3 votes to which the state of Wisconsin is entitled under the compact as each of the other members of the Wisconsin Great Lakes compact commission.

(b) To maintain a continuing investigation of the project of connecting the Great Lakes with the Atlantic ocean by means of the Welland canal and the St. Lawrence River and to urge upon congress the enactment of additional appropriate legislation to enable the full development of such waterway, the commission to work in conjunction with similar commissions in other states and with other interested groups and agencies in the promotion of such project.

(c) To direct and execute a program of education in such form as the commission may determine, in support of the projects for development of the St. Lawrence seaway and the deepening of the Great Lakes connecting channels, using not to exceed the amount of funds appropriated for that purpose.

(d) To report biennially in accordance with s. 15.04 (1) (d), and to make such other reports as are requested by the governor or which it deems appropriate.

(3) FINANCING COMMISSION. The Great Lakes compact commission may annually contribute to the Great Lakes commission not to exceed the amount appropriated for that purpose.

(4) STATE OFFICERS TO AID COMMISSION. It is the policy of the state to carry out the Great Lakes basin compact and to accomplish the purposes thereof, and all officers of the state shall do all things falling within their respective jurisdictions necessary or incidental to carrying out such compact. Officers, agencies and employees of the state government shall, at reasonable times and upon the request of the Great Lakes commission, furnish such commission with information and data within their possession and aid such commission by loan of personnel and other means lying within their respective legal powers.

History: 1975 c. 39, 198; 1977 c. 196 s. 131.

14.81 Midwest interstate low−level radioactive waste commission. (1) There is created a midwest low−level radioactive waste commission as specified under s. 16.11 (3) (a). The member of the commission representing this state shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The commission member representing this state shall receive a per diem of

$25, unless he or she is a salaried full−time employee of this state, and shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties on the commission. Per diem payments and expenses of the commissioner shall be paid from the appropriation under s. 20.505 (1) (g). The commission has the powers and duties granted and imposed under s. 16.11.

(2) In discharging his or her responsibilities under s. 16.11, the commission member representing this state shall:

(a) Designate an alternate commission member and notify the governor and legislature of this designation within 30 days after being appointed.

(b) Request the commission to conduct a public hearing on the draft disposal plan under s. 16.11 (4) (d).

(c) Notify the governor and legislature if:

1. The commission proposes to designate this state as a host state for a facility, as defined in s. 16.11 (2) (h).

2. The commission proposes to impose any liability on the state under s. 16.11.

3. He or she has reason to believe that the state should withdraw from the midwest interstate low−level radioactive waste compact specified in s. 16.11.

(3) In negotiating and developing the bylaws, disposal plan and other appropriate documents as a member of the commission, the commission member representing this state shall:

(a) Promote this state's interest in including insurance requirements and an extended care and long−term liability fund as a part of the disposal plan or other appropriate documents.

(b) Encourage the pursuit of sound low−level radioactive waste management practices including minimizing the dependence on the shallow burial of this type of waste.

(c) Promote this state's interest in an equitable distribution and rotation of responsibilities among member states under the compact.

(d) Encourage, to the fullest extent of his or her influence and authority, actions and procedures which permit and encourage full and meaningful public access and participation in the commission's proceedings including informal meetings and meetings of committees and subcommittees of the commission and full and meaningful public access to commission records and documents.

(e) Encourage the establishment of a fee system which provides for adequate compensation to local units of government which are affected by the siting of a regional low−level radioactive waste disposal facility.

(f) Promote the right of this state under s. 16.11 (5) (b) to have all low−level radioactive wastes generated within its borders, including low−level radioactive wastes generated at the La Crosse boiling water reactor constructed under section 109 of P.L. 87−315, disposed of at compact facilities, as defined in s. 16.11 (2) (d), or any noncompact facility made available by an agreement entered into under s. 16.11 (3) (h) 6.

History: 1983 a. 393; 1995 a. 115.

14.83 Interstate insurance receivership commission. There is created an interstate insurance receivership commission as specified in s. 601.59 (3). The member of the commission representing this state shall be the commissioner of insurance or his or her designated representative. The commission member shall serve without compensation but shall be reimbursed from the appropriation under s. 20.145 (1) (g) 1. for actual and necessary expenses incurred in the performance of his or her duties. The commission has the powers and duties granted and imposed under s. 601.59.

History: 1995 a. 462; 2007 a. 20.

14.84 Great Lakes protection fund. (1) The governor may provide for the participation of this state in the formation and operation of the Great Lakes protection fund on behalf of this state if all of the following apply to the fund:

(a) The fund is established to advance the principal goals and objectives of the Great Lakes toxic substances control agreement and the water quality agreement signed by the United States and Canada.

(b) The fund is established to finance and support state and regional projects related to the protection, research and cleanup of the Great Lakes.

(c) Earnings and interest from the fund will be available to this state for all of the following purposes:

1. To ensure a stable and predictable funding commitment for Great Lakes water quality.

2. Data collection and analysis of the economic, environmental and human health effects of contamination in the Great Lakes.

3. Development of new or improved environmental clean−up technologies applicable to the Great Lakes.

4. Research to assess the effectiveness of pollution control policies affecting the Great Lakes.

5. Assessment of the health of Great Lakes fish, waterfowl and other organisms.

(d) The fund will be operative when it is executed by this state and at least 3 other states under the articles of incorporation of the fund.

(2) The governor shall nominate 2 persons to represent this state on the board of directors of the Great Lakes protection fund. Those persons shall be appointed with the advice and consent of the senate.

History: 1989 a. 31.

14.85 Mississippi River parkway commission. (1) There is created a Mississippi River parkway commission consisting of the following members:

(a) One member from each of the counties of Buffalo, Crawford, Grant, La Crosse, Pepin, Pierce, Trempealeau and Vernon.

(b) Two senators and 2 representatives to the assembly. The 2 major political parties shall be represented in the membership from each house.

(2) The secretary of commerce, the secretary of tourism, the secretary of natural resources, the secretary of transportation and the director of the historical society, or their designees, shall serve as nonvoting members of the commission.

(3) Each member under sub. (1) shall be appointed by the governor for a 4−year term. Any vacancy shall be filled for the balance of the unexpired term by the governor as soon as practicable.

(4) The commission shall elect its own chairperson and officers other than a chairperson from among its members as its work requires. The commission chairperson shall:

(a) Be the sole voting representative of this state at meetings of the national Mississippi River parkway commission.

(b) Report to the commission on the activities of the national Mississippi River parkway commission.

(c) Serve as commission secretary, designate a member of the commission to serve as commission secretary or require an election by the commission of a commission secretary.

(d) Notify the members of meetings of the commission and keep a record of its proceedings, or delegate these responsibilities to the commission secretary.

(5) The commission shall:

(a) Assist in coordinating the development and preservation of the Great River Road in Wisconsin and its embellishments, such as scenic easements, roadside parks and scenic overlooks.

(b) Assist other state agencies in all efforts to create a unified development of the Great River Road in Wisconsin and any of its collateral features.

(c) Cooperate with similar committees or commissions in other states and Canadian provinces in the furtherance of the ultimate development of the Great River Road from Canada to the gulf of Mexico.

(d) Consult with the appropriate regional planning commissions regarding the Mississippi River parkway.

(e) Assist in promoting as an attractive travel destination the Great River Road in Wisconsin and the unique historical, cultural, aesthetic and recreational features along the route of the Great River Road, such as local communities, off−road parks and forests, and water−oriented facilities.

(6) The commission shall meet quarterly and may meet at other times on the call of the chairperson.

(7) The departments and agencies of this state shall, within existing appropriations and to the best of their respective abilities, cooperate with the commission in the execution of its functions.

(8) (a) The annual membership dues for the commission shall be paid from the appropriation under s. 20.395 (4) (aq).

(b) The members of the commission shall serve without compensation but, except as provided in par. (c), shall be reimbursed from the appropriation under s. 20.395 (4) (aq) for 75% of actual and necessary expenses incurred in performing their duties under guidelines for reimbursement established by the department of transportation.

(c) The chairperson of the commission shall be reimbursed from the appropriation under s. 20.395 (4) (aq) for all actual and necessary expenses incurred in performing his or her duties under guidelines for reimbursement established by the department of transportation.

(d) If permitted by law, any state agency or local public body, board, commission or agency may allocate funds under its control to fund programs recommended by the commission. If the department of commerce determines that a program recommended by the commission to undertake activities relating to the promotion of economic development is consistent with the department's statewide economic development plans, priorities and resources, the department shall have primary responsibility to support the activities of the program. If the department of tourism determines that a program recommended by the commission to undertake activities relating to the promotion of tourism is consistent with the department's statewide tourism marketing plans, priorities and resources, the department shall have primary responsibility to support the activities of the program.

(9) The commission may establish a technical committee to advise the commission. The members of the committee shall include at least one employee each from the department of transportation, the department of tourism and the department of commerce. The commission shall request the department of transportation, the department of tourism and the department of commerce to designate employees to serve on the committee and may request any other state agency to designate an employee to serve on the committee.

(10) Unless specifically provided otherwise by the commission with respect to committees or other similar bodies, a majority of the voting members constitute a quorum to do business.

History: 1975 c. 39, 199; 1977 c. 418; 1979 c. 34 s. 2102 (52) (a); 1985 a. 29 s. 3202 (51); 1991 a. 39; 1995 a. 27 ss. 66 to 68, 9116 (5).

14.90 Midwestern higher education commission. **(1)** There is created a midwestern higher education commission as specified under s. 39.80 (2) (a) consisting of the following members representing this state:

(a) The governor or his or her designee.

(b) One representative to the assembly appointed by the speaker to the assembly for a 2−year term.

(c) One senator appointed by the president of the senate for a 2−year term.

(d) One member representing higher education appointed by the governor for a 4−year term.

(e) One member representing higher education appointed by the governor for a 2−year term.

(2) The members of the commission shall serve without compensation but shall be reimbursed from the appropriation under s. 20.505 (1) (ka) for actual and necessary expenses incurred in the performance of their duties. The commission has the powers granted and the duties imposed under s. 39.80.

History: 1993 a. 358, 491; 1997 a. 27; 2001 a. 16; 2005 a. 25; 2007 a. 20.

14.92 Interstate Commission for Juveniles. There is created an Interstate Commission for Juveniles as specified in s. 938.999 (3). The member of the commission representing this state shall be the compact administrator, as defined in s. 938.999 (2) (c), the deputy compact administrator, as defined in s. 938.999 (2) (f), or a designee, as specified in s. 938.999 (3) (b). The commission member shall serve without compensation but shall be reimbursed from the appropriation account under s. 20.410 (3) (a) for actual and necessary expenses incurred in the performance of the commission member's duties. The commission shall have the powers, duties, and responsibilities set forth in s. 938.999.

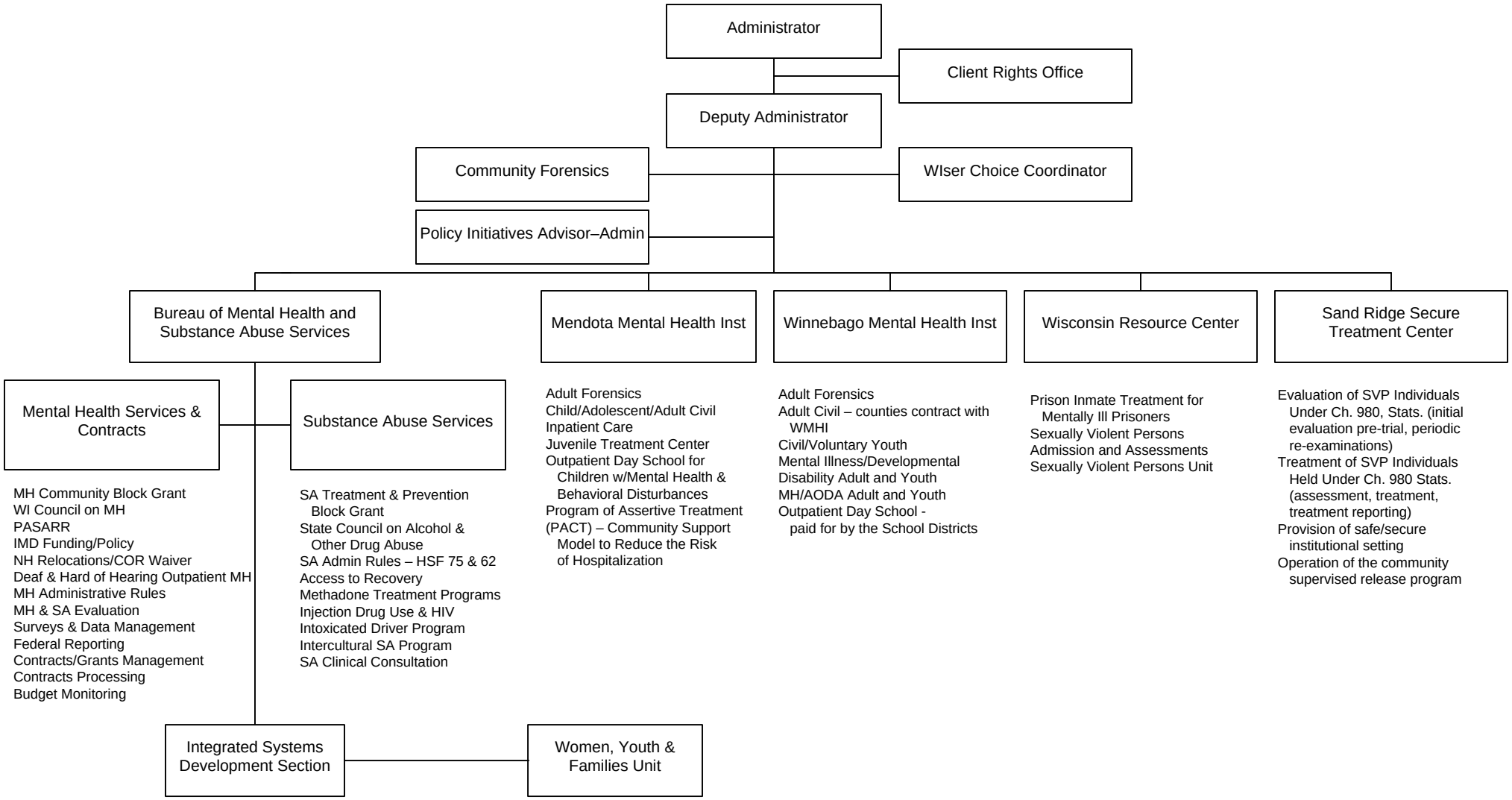
History: 2005 a. 234.

Department of Health and Family Services

June 2007

Division of Mental Health and Substance Abuse Services

Functions



SCAODA Organization Chart

March 4, 2008

1. **Cultural Diversity Committee**
    a. **Americans with Disabilities Act (ADA) For Deaf, Deafblind and Hard of Hearing Sub-Committee**
    b. **Cultural Competency Sub-Committee**
    c. **Voices of Youth Sub-Committee**
2. **Interdepartmental Coordinating Committee**
3. **Intervention and Treatment Committee**
    a. **Intoxicated Driver Program Sub-Committee**
    b. **Child and Youth Treatment Sub-Committee**
4. **Planning and Funding Committee**
5. **Prevention / SPF-SIG Advisory Committee**
    a. **Underage Drinking Sub-Committee**
    b. **Workforce Development Sub-Committee**
    c. **EPI Workgroup Sub-Committee**

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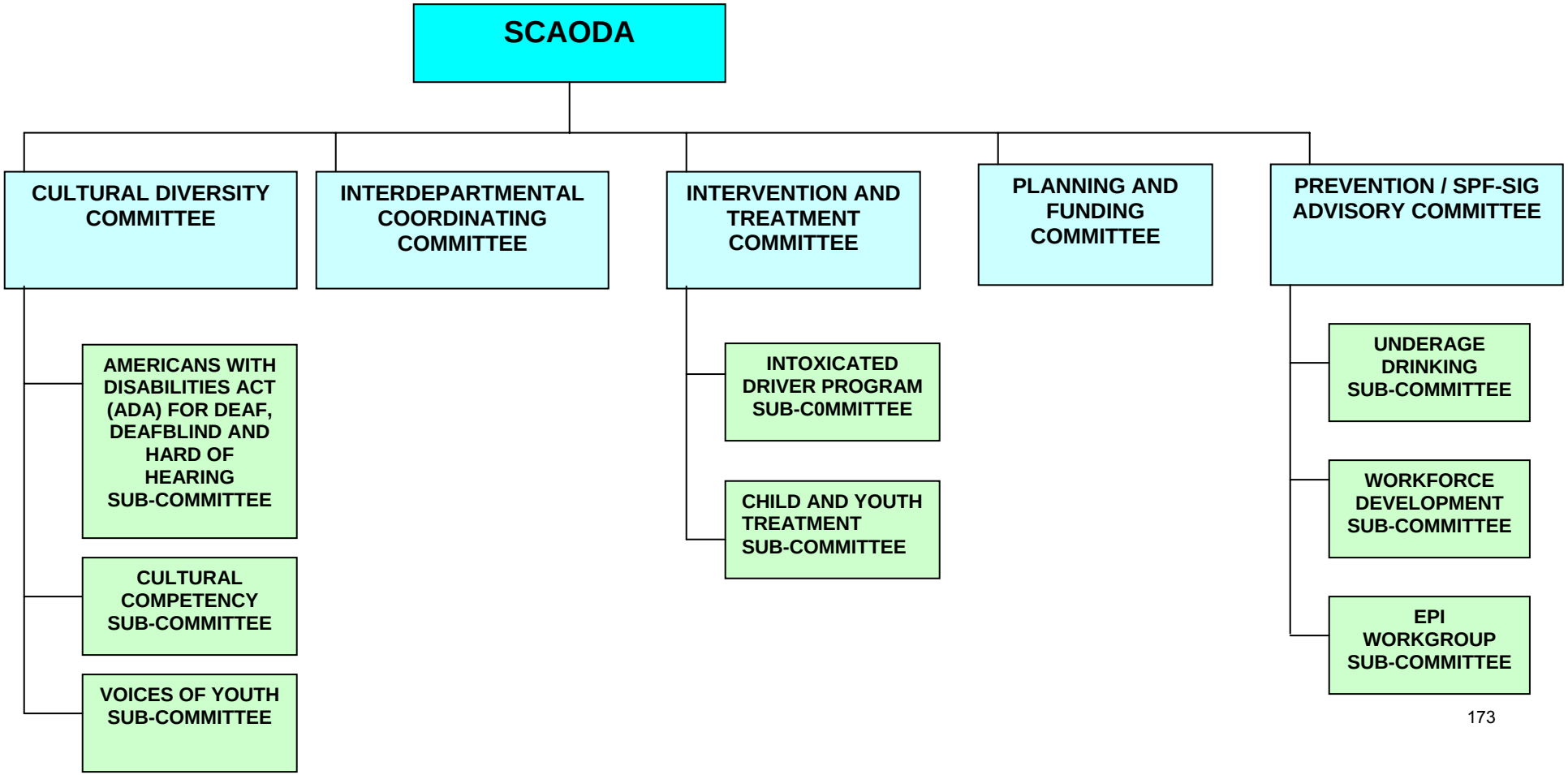


Membership of the State Council on Alcohol and Other Drug Abuse, (SCAODA)
1 W. Wilson St., Room 434 Madison, WI 53702 (608) 266-3977

STATUTORY MEMBERS *

Key	Statutory Members	Member	Designee	Term
S	1. The Governor	Jim Doyle	Angela Russell	NA
S	2. The Attorney General	J. B. Van Hollen	Michael G. Myszewski *or* Gregory Phillips	NA
S	3. The State Superintendent of Public Instruction	Elizabeth Burmaster	Gary Sumnicht	NA
S	4. The Secretary of Health Services	Kevin Hayden	Alternate: John Easterday	NA
S	5. The Commissioner of Insurance	Sean Dilweg	Eileen Mallow	NA
S	6. The Secretary of Corrections	Rick Raemisch	Renee Chyba	NA
S	7. The Secretary of Transportation	Frank Busalacchi	David Collins *or* Blinda Beason *or* Janet Nordorft	NA
S	8. the chairperson of the pharmacy examining board	Dr. Pamela Phillips		NA
S	9. A representative of the controlled substances board	Douglas Englebert		NA
S	10. Governor's Law Enforcement and Crime Commission	Vacant		NA
S	11. A consumer representing the public at large	Vacant		4 years
S C	12. Citizen Member	Sandy Hardie appointed 5-7-04		4 years
S C	13. Citizen Member	Mary Rasmussen appointed 9-16-05		4 years
S C	14. Citizen Member	Scott Stokes appointed 7-28-05		4 years
S C	15. Citizen Member	Joyce O'Donnell appointed 6-13-94		4 years
S C	16. Citizen Member	Linda Mayfield appointed 6-3-04		4 years
S P	17. Provider of services to alcoholics and other drug abusers	Michael Waupoose appointed 5-5-04		4 years
S	18. A member of the Wisconsin county human service association, inc.	Mark Seidl		Appointment determined by WCHSA
S R M	19. State Representative Majority Party	John Townsend	Minette Lawrence	NA
S D m	20. State Representative Minority Party	Joe Parisi		NA
S R M	21. State Senator Majority Party	Carol Roessler		NA
S D m	22. State Senator Minority Party	Tim Carpenter		NA

S = Statutory Member M = Majority Party m = Minority Party
R = Republican D = Democrat C = Citizen Member
P = Provider G = Serves at the Pleasure of the Governor

* Statutory Members are appointed by the Governor, vote, and serve voluntarily as advisors to the Governor.

Membership of the State Council on Alcohol and Other Drug Abuse, (SCAODA)
1 W. Wilson St., Room 434 Madison, WI 53702 (608) 266-3977

EX OFFICIO MEMBERS * (Non-Voting Members)

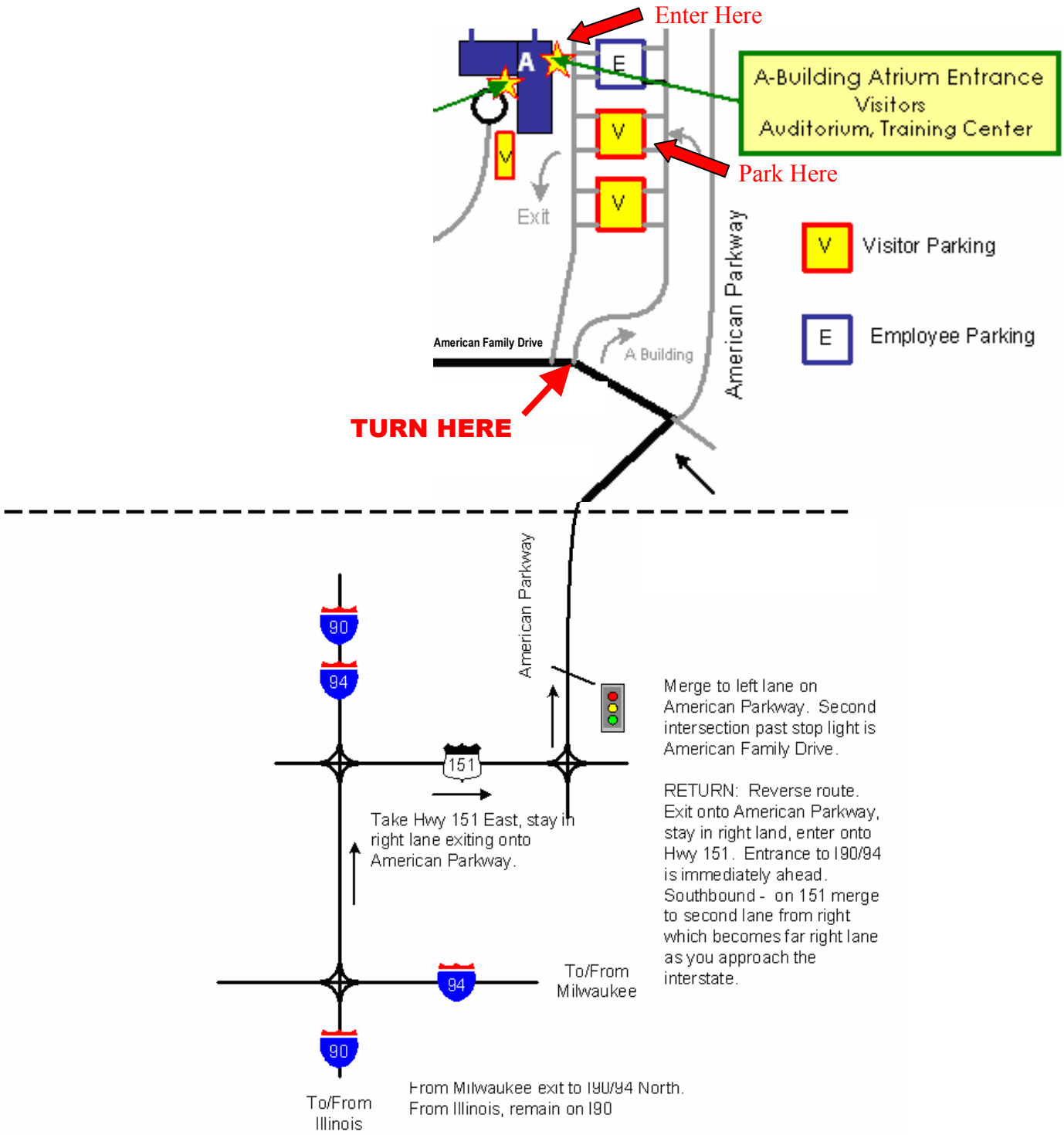
Ex Officio Members	Member	Designee
1. Director of Prevention Services, University Health Services	Susan Crowley	
2. Secretary, Department Of Revenue	Roger Ervin	Roger Johnson
3. Secretary, Department Of Workforce Development	Roberta Gassman	Linda Preysz
4. Secretary, Department Of Regulation And Licensing	Celia Jackson	Peggy Wichmann
5. Wisconsin Technical College System	Thomas Heffron	
6. Department Of Veterans Affairs	Larry Kleinsteiber	
7. Office Of Justice Assistance	David Steingraber	Ray Luick
8. Liaison to the Mental Health Council	Judith Wilcox	
9. Liaison to the Developmentally Disabled Council	Vacant	

* Ex Officio members, not appointed by the Governor, are non-voting, and voluntarily serve the State Council.

The State Council consists of 22 statutory members and seven Ex Officio members and has five standing committees:

1. Cultural Diversity Committee
2. Interdepartmental Coordinating Committee
3. Intervention and Treatment Committee
4. Planning and Funding Committee
5. Prevention / SPF-SIG Advisory Committee

Directions to American Family's Training Center and Auditorium



Highway Directions to AF-NHQ Campus