Senator Darling
Representative Nygren

TRANSPORTATION/SPORTS AND ENTERTAINMENT DISTRICT

Omnibus Motion

1. *Pledge of Revenues for Payment of Revenue Bond Debt Service.* Adopt Alternative #A2 of LFB Issue Paper #631 to delete the Governor's recommendation to provide DOT the authority to pledge the revenue derived from 50% of the state's motor vehicle fuel tax to support the transportation revenue bond program.

2. *General Transportation Aid.* Take the following actions:

a. Adopt Alternative #1 of LFB Issue Paper #640 to approve the Governor's recommendation to increase SEG funding annually by $2,838,400 for counties and $6,178,100 for municipalities to fully fund the 4% calendar year 2015 increase provided in 2013 Act 20. The calendar year distribution would remain at the 2015 level ($98,400,200 for counties and $321,260,500 for municipalities) for calendar year 2016 and thereafter. The mileage aid rate ($2,202 per mile) would remain at the calendar year 2015 level for calendar year 2016 and thereafter.

b. Require the Department to make an aid payment of $24,800 SEG in 2015-16 to the Town of Kendall in Lafayette County, notwithstanding the statutory requirements of the general transportation aid program related to eligibility or aid amount. Specify that the funds would be provided from the existing sum sufficient appropriation that funds corrections to transportation aid payments made by the Department. This would increase the 2015 aid payment to the Town, which is $24,800 lower than it otherwise would have been due to an error in the Town's reporting of its costs used in the calculation of its aid payments.

c. Require the Department to make an aid payment of $168,700 SEG in 2015-16 to the Village of Lake Hallie in Chippewa County, notwithstanding the statutory requirements of the general transportation aid program related to eligibility or aid amount. Specify that the funds would be provided from the existing sum sufficient appropriation that funds corrections to transportation aid payments made by the Department. This would restore aid in 2015 to offset a $0 aid payment to the Village in 2014 that resulted from an erroneous inclusion of revenues received in the jurisdictional transfer of road miles related to the USH 53 bypass in the calculation of aid payments.

d. Create an appeals process within the general transportation aid program, such that any county or municipality that believes that information used to calculate the aid payment to the county or municipality was reported in error may submit to the Department a request that the information be corrected and the correct aid amount be paid. Require the Department to promulgate administrative rules establishing submission requirements and arbitration procedures for appeals. Specify that any correction payments made as a result of this process would be made from the existing, sum sufficient corrections of transportation aid payments appropriation.

3. *Mass Transit Operating Assistance.* Adopt Alternatives #A1 and #B1 of LFB Issue Paper #641 to approve the Governor's recommendations to do the following: (a) provide $3,194,300 SEG annually to fully fund the 4% calendar year 2015 increase in mass transit operating assistance provided in 2013 Act 20; and (b) fund mass transit operating assistance for Tier C systems at the current law level of $5,188,900 annually. No additional funding increase would be provided for mass transit operating assistance in calendar year 2016 and thereafter.

4. *Milwaukee County and Provision of Services or Funds for Fixed-Guideway Transit Systems.* Specify that a county containing a first class city could not incur any direct or indirect expenses, including the forfeiture of any revenue, relating to the operation or accommodation of a fixed-guideway transit system in the first class city, unless the expense incurred or the revenue lost would be fully reimbursed by the first class city.

5. *Transit Safety Oversight Program Modification.* Adopt the Modification in LFB Issue Paper #642 to modify the references to a "fixed guideway transit system" under the proposed transit safety oversight program created under the bill to refer instead to a "rail fixed guideway transportation system," to coincide with the federal term.

6. *Elderly and Disabled Capital Assistance Program Modifications.* Adopt the Modification in LFB Issue Paper #643 to modify the references to elderly and disabled in the county aids, federal capital assistance, and local capital assistance appropriations, as well as the program statutes, to refer instead to seniors and individuals with disabilities.

7. *Freight Rail Preservation Program.* Reduce the Governor's recommendation to provide $43,000,000 in transportation fund-supported, general obligation bonds for the freight rail preservation program (FRPP) by $13,200,000. Lapse $5,200,000 SEG from the unappropriated balance of the freight rail infrastructure improvement program's revolving loan fund to the transportation fund in 2015-16 and appropriate this amount in 2015-16 for FRPP (the net effect of these actions would provide total program resources of $35,000,000 in the biennium). Decrease estimated debt service by $83,900 SEG in 2016-17 to reflect the decreased bond authorization in this program.

8. *Harbor Assistance Program.* Authorize $13,200,000 in transportation fund-supported, general obligation bonds for the harbor assistance program (which would provide total program resources of $14,187,600 in the biennium when combined with base year funding of $493,800 SEG annually). Increase estimated debt service related to the issuance of bonds for the harbor assistance program by $384,000 SEG in 2016-17. Require the Department to provide a harbor assistance grant during 2015-16 to the City of Kewaunee in Kewaunee County for harbor infrastructure improvements and repair and restoration of harbor facilities, notwithstanding the eligibility and match requirements for the program. Specify that the amount of the grant shall be $4,220,000 or the total cost of the project, whichever is less.

9. *Transportation Facilities Economic Assistance and Development Program.* Adopt Alternatives #A4 and #B2 of LFB Issue Paper #646 to do the following: (a) delete the Governor's recommendation to provide $2,000,000 SEG annually for the TEA program (base funding of $3,402,600 SEG annually would be provided); and (b) delete the Governor's recommendation to

increase the state's maximum cost share percentage for this program to 80% (the 50% state cost share would remain).

10. *Local Roads Improvement Program -- Use of Tribal Government Funds for Local Match.* Specify that the minimum, 50% local match required of local governments under the local roads improvement program could be provided by federally recognized American Indian tribes or bands in this state using tribal funds. Require the Department to modify the program's administrative rules such that any source of tribal funds, to the extent allowed under federal law, may be used to meet this program's local match requirements.

11. *Funding for Replacement of Young Road Bridge in the Town of Seneca in Wood County.* Require that the Department, notwithstanding the eligibility requirements for receiving aid or the limitations on the amount and use of aid under the local bridge improvement assistance program, provide a grant in 2015-16 from the SEG appropriation for the program to the Town of Seneca in Wood County for the replacement of Young Road Bridge, equal to the Town's share of the total project costs or $85,000, whichever is less.

12. *Southeast Wisconsin Freeway Megaprojects Program -- Funding Level.* Modify funding for the program as follows: (a) delete $15,953,100 SEG and $292,646,900 SEG-S in 2015-16; (b) delete $22,500,000 SEG, $78,053,100 FED, and $99,446,900 SEG-S in 2016-17; and (c) provide $300,000,000 in transportation fund-supported, general obligation bonds, with expected use in 2015-16. With these changes, total funding would be reduced by $8,600,000 in 2015-16 and $200,000,000 in 2016-17, with remaining funding of $399,600,000 in 2015-16 and $15,000,000 in 2016-17. This would delete funding for work on the north leg of the Zoo Interchange, auxiliary lanes, and ancillary streets, while providing funding for the second phase of the core of the interchange.

Delete the Governor's recommendation to provide $392,093,800 in transportation revenue bonding for this program and to create a new, SEG-S appropriation to expend the bond proceeds (the SEG-S reductions described above reflect this change). Increase estimated transportation fund revenues by $8,121,000 in 2015-16 and $23,725,000 in 2016-17 to reflect decreased debt service on transportation revenue bonds due to this change. Increase estimated SEG debt service by $8,325,000 in 2015-16 and $21,495,000 in 2016-17 to reflect the use of general obligation bonds for this program.

13. *Southeast Wisconsin Freeway Megaprojects Program -- Project Enumeration.* Adopt Alternative #B2 of LFB Issue Paper #650 to delete the Governor's recommendation to enumerate the I-94 East-West freeway project as a southeast Wisconsin freeway megaproject.

14. *Southeast Wisconsin Freeway Megaprojects Program -- Fiscal Reports.* Adopt Alternative C1 of LFB Issue Paper #650 to require the Department to add southeast Wisconsin freeway megaprojects to the biannual report produced by the Department for the major highway development program. Specify that the report include the same information as is provided for the major highway development program for the southeast Wisconsin freeway megaprojects program.

15. *Major Highway Development Program -- Funding Level.* Modify funding for the

program as follows: (a) provide $34,799,300 SEG and $103,400 FED and delete $209,902,700 SEG-S in 2015-16; (b) provide $41,299,300 SEG and $29,317,600 FED and delete $245,616,900 SEG-S in 2016-17; and (c) reduce transportation revenue bond authorization by $455,519,600 to reflect the preceding SEG-S changes. This would decrease funding for the program by $175,000,000 annually. Increase estimated transportation fund revenues by $5,824,800 in 2015-16 and $21,855,400 in 2016-17 to reflect decreased debt service on transportation revenue bonds due to the reduced bonding.

16. *Major Highway Development Program -- Project Enumeration.* Adopt Alternatives #B2a, #B2b, and #B2c in LFB Issue Paper #651 to delete the following major highway project enumerations, as recommended by the Transportation Projects Commission: (a) the Beloit Bypass (STH 81/STH 213) project in Rock County, which has an estimated cost to complete of $9.3 million; (b) the STH 38 project from Racine CTH K to Oakwood Road, in Milwaukee and Racine counties, which has an estimated cost to complete of $123.9 million; and (c) the USH 14 project from Viroqua to Westby in Vernon County for which the estimated remaining cost to complete is $42.2 million.

17. *State Highway Rehabilitation Program.* Modify funding for the program as follows: (a) provide $68,547,700 SEG in 2015-16; (b) provide $25,000,000 SEG and $48,838,900 FED in 2016-17; and (c) delete the Governor's recommendation to authorize $242,386,600 in transportation fund-supported, general obligation bonds for the program. This would decrease funding for the program by $50,000,000 annually. Decrease estimated SEG debt service by $6,288,000 in 2016-17 to reflect the deletion of general obligation bonds for this program.

18. *Contingent Highway Bonding Authorization.* Provide $350,000,000 in general obligation bonding authorization that could be used for either major highway development or state highway rehabilitation projects, contingent upon the approval of the Joint Committee on Finance. Establish the following provisions related to the use of the bond authorization: (a) the approval process would be initiated by a request from DOT, followed by a 14-day passive review process; (b) debt service on the first $175,000,000 in approved bonding would be paid from the general fund; (c) debt service on any subsequent approved bonding would be paid from either the general fund or the transportation fund, as determined by the Committee; (d) no more than $200,000,000 could be approved by the Committee in 2015-16; (e) the total amount available for approval by the Committee would be reduced by the amount that actual transportation fund revenues in 2015-16 exceed the amounts projected in the budget, subject to a maximum reduction of $150,000,000; and (f) the ability of the Committee to approve the use of this bonding would sunset on June 30, 2017. Specify that the size of the reduction under "(e)," if any, would be determined by comparing the total annual transportation fund revenues for 2015-16 in the annual fiscal report for that year with the corresponding amount from the final fund condition statement for the biennial budget. Provide that if this calculation produces a reduction in the amount of contingent bonding that the Committee may approve, the Department may submit a request to the Committee, also under a 14-day passive review process, to supplement the SEG appropriations for either the major highway development or state highway rehabilitation programs, or both, by any combined amount up to the amount of the reduction in the amount of contingent bonding.

19. *Major Interstate Bridge Construction.* Adopt the Modification in LFB Issue Paper

#653 to decrease the transportation fund-supported, general obligation bond authorization to fund the completion of the St. Croix River Crossing project by $10,000,000. AB 21/SB21 would provide transportation fund-supported, general obligation bond authorization equal to $30,000,000, which is $10,000,000 more than the administration intended to include.

20. *Construction Manager/General Contractor Pilot Program.* Adopt Alternatives #A3 and #B2 of LFB Issue Paper #654 to do the following: (a) delete the Governor's recommendation to authorize the Department to engage in an alternative state highway project delivery and construction model through a construction manager/general contractor (CMGC) pilot program; and (b) delete $225,000 SEG in 2015-16 and $75,000 SEG in 2016-17 to delete funding for the Department's use of a consultant for CMGC program development.

21. *Environmental Impact Statement for East Arterial Highway and Bridge in Wood County.* Require the Department to begin an environmental impact statement (EIS) in the 2015-17 biennium for a major highway project involving a proposed east arterial highway running from the intersection of STH 54 and STH 73 in the Village of Port Edwards to the intersection of STH 54 and Wood County CTH W in the City of Wisconsin Rapids, including a new crossing of the Wisconsin River. Specify that the current law requirement that the Transportation Projects Commission provide prior approval of an EIS does not apply to this study. Provide $822,000 SEG in 2015-16 in the major highway development program appropriation for this purpose.

22. *Audit of the Department of Transportation's State Highway Program.* Request that the Joint Legislative Audit Committee direct the Legislative Audit Bureau to conduct a performance evaluation audit of the state highway program. Specify that if the Committee directs the Legislative Audit Bureau to conduct the audit, the Bureau would be required to file its reports by January 1, 2017. Provide that, if conducted, the audit would have to do all of the following:

a. Evaluate the Department's traffic forecasting methodologies, assess the accuracy of its forecasts as compared to those produced by other states, assess the conformity of the Department's traffic forecasting methodologies with relevant professional standards, and consider any other factor relevant to the assessment of the Department's traffic forecasting methodologies. Include within this evaluation a comparison of traffic forecasts provided by the Department from 1990 to 2014 during federal environmental project reviews with postconstruction traffic counts in corresponding completed project locations and include within this comparison a further comparison of the accuracy of the Department's traffic forecasts for projects in the state highway rehabilitation program, the major highway development program, the southeast Wisconsin freeway rehabilitation program, and the southeast Wisconsin freeway megaprojects program.

b. Evaluate the processes and factors that the Department uses to select the timing, type, and scope of highway improvements. Specify that the types of improvements evaluated would have to include lane additions, increasing highway shoulder width, purchase of additional right-of-way, construction of bicycle and pedestrian facilities, changes to roadway geometric alignments, use of dynamic and static messaging signs, and inclusion of ramp gates, barriers, roundabouts, diverging diamond intersections, or aesthetic design elements in projects. Include within this evaluation the total amount expended for each highway improvements type from 2005-06 to 2014-15 by fiscal year.

c. Assess whether the Department could reduce state highway program expenditures on safety-related improvements without significantly reducing public safety.

d. Evaluate the extent to which the Department has met, failed to meet, or exceeded minimum federal and state requirements for highway design and construction for 2005-06 to 2014-15 and the costs or savings associated with the Department's practices related to compliance with highway design and construction requirements.

e. Audit the Department's bidding practices related to the state highway program for 2005-06 to 2014-15 and assess the extent to which these practices have complied with state statutes.

f. Provide recommendations for the improvement or correction of practices of the Department related to the components of this audit.

23. *Conformity with Federal Weight Limits on I-41.* Modify chapter 348 of the statutes to implement the provisions of Title 23, Section 127(j), of the United States Code, which allows vehicles that were permitted to operate on the former USH 41 corridor, as described in Section 1105(c) (57) of the Intermodal Surface Transportation Efficiency Act of 1991, to continue to operate on that highway segment, which was designated as Interstate 41 on April 7, 2015, without regard to the requirements of Title 23, Section 127(a), of the United States Code.

24. *Highway Signs for the Wisconsin Basketball Coaches Association Hall of Fame.* Require the Department to erect and maintain two directional signs along the eastbound and westbound lanes of I-90/94 and two directional signs along the exit ramps of this highway that correspond to the signs along the main roadway for the Wisconsin Basketball Coaches Association Hall of Fame in Columbia County (located in the Wisconsin Dells), upon receipt of sufficient contributions from interested parties, including any county, city, village, or town, to cover the costs of fabricating, erecting, and maintaining these signs. Specify that no state funds could be used for fabricating, erecting, or maintaining these signs other than the contributions received from interested parties.

25. *Statutory Changes to Bicycle and Pedestrian Facilities on State Highway Projects.* Replace current law with a provision specifying that the Department would be required to give due consideration to establishing bikeways and pedestrian ways in all new highway construction and reconstruction projects funded in part or in whole with state or federal funds. Specify that the Department may not establish a bikeway or pedestrian way as part of a new highway construction or reconstruction project if either of the following apply: (a) bicyclists or pedestrians are prohibited by law from using the highway that is the subject of the project; or (b) the project is funded in whole or in part from state funds, unless the governing body of each municipality in which a portion of the project will occur has adopted a resolution authorizing the Department to establish the bikeway or pedestrian way, or if the federal government provides written notice to the Department that establishment of such facilities as a part of a project is a condition for the use of federal funds for that project. Repeal TRANS 75, which is the chapter of the administrative code that relates to the inclusion and exclusion of bikeways and pedestrian ways in highway projects. Specify that these provisions would first apply to a project that is not complete on the general effective date of the bill, except to the extent that funds for a project that has not been completed are encumbered on this date.

26. *Repeal of Statute Requiring Bicycle and Pedestrian Facilities -- Funding.* Adopt Alternative #B1 of LFB Issue Paper #655 to delete $190,500 SEG annually from the appropriation for the major highway development program to reflect anticipated savings from the modification of the law.

27. *Prohibiting the Use of State Moneys for Community Sensitive Solutions.* Adopt Alternatives #A1 and #B1 of LFB Issue Paper #656 to approve the Governor's recommendation that state moneys may not be expended on elements of highway improvement projects that the Department determines are primarily related to the aesthetic preferences of communities adjacent to the project, generally known as community sensitive solutions. Specify that this prohibition would first apply to a project for which an agreement between the state and a local government related to community sensitive solutions has not been entered into as of the general effective date of the bill. Reduce the appropriation for the major highway development program by $104,200 SEG in 2016-17 to reflect DOT's estimate of the funding in this program associated with agreements that will not be signed by the effective date of the bill.

28. *Study of Methods for Improving the Transportation Fund's Solvency.* Provide $300,000 SEG in 2015-16 and $700,000 SEG in 2016-17 in the departmental management and operations appropriation to be used by the Department to study methods of improving the transportation fund's solvency. Require the Department to submit a report to the Joint Committee on Finance by January 1, 2017, detailing the use of these funds, describing the study or studies conducted, providing a description of the results and conclusions of the study or studies, and making recommendations regarding any related statutory modifications that would be needed to improve the fund's solvency.

29. *Create Safe-Ride Program Surcharge.* Require that when a court imposes a fine or a forfeiture for a violation of operating while intoxicated laws that currently require a $435 driver improvement surcharge that it shall also impose a separate $50 surcharge, called the "safe-ride program surcharge," first applying to offenses committed on the effective date of the bill. Specify that all moneys received by the Secretary of Administration from this surcharge would be deposited to the existing safe-ride grant program appropriation for awarding grants to local governments and non-profit organizations for the purpose of covering the costs of transporting persons suspected of having a prohibited blood alcohol concentration. Increase estimated program revenue to this appropriation by $470,000 in 2015-16 and $940,000 in 2016-17. Stipulate that if a court imposes a safe ride program surcharge, and the person fails to pay this surcharge within 60 days after the date by which the court ordered this payment be made, the court may suspend the person's driver license until the surcharge is paid subject to a maximum suspension period of two years. Specify that the safe-ride program surcharge must be imposed regardless of whether a court has stayed all or part of a sentence for an individual ordered to perform community service.

30. *Treatment Alternatives and Diversion Programs.* Specify that the Department of Justice (DOJ) may not find a county ineligible for a treatment alternatives and diversion (TAD) grant because the county would allow persons who have committed a second operating while intoxicated (OWI) offense to participate in the county's TAD program. Specify that in determining county eligibility for this grant program, DOJ may not consider whether the county's TAD program that accepts second offense OWI offenders would either: (a) best promote public

safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, or improve the welfare of participants' families by meeting the needs of participants; or (b) provide services that would be consistent with evidence-based practices in substance abuse and mental health treatment.

31. *Freight Optimization Modeling Consultant Services.* Reallocate $1,600,000 from the unallocated portion of the funds transferred from the Wisconsin Economic Development Corporation (WEDC) in the Joint Committee on Finance's GPR supplemental appropriation in 2015-16 for the purpose of funding a consultant contract for freight optimization modeling services. Create a continuing, DOT appropriation from the general fund for the purpose of expending these moneys for contracting with a consultant for freight optimization modeling services. Specify that DOT and WEDC must conduct a study and prepare a report analyzing possible applications of freight optimization modeling for economic development and transportation infrastructure prioritization in the state. Specify that this report shall include: (a) a description of how the Department and WEDC would plan to use the freight optimization consultant services for economic development and transportation infrastructure prioritization; and (b) a recommendation regarding the use of available funding for contracting with one or more consultants for the provision of freight optimization modeling services. Stipulate that no later than June 30, 2016, the Department and WEDC shall complete the study and submit the report to the Committee.

Specify that the Department may submit together with the report a request under s. 13.10 of the statutes to supplement the new, DOT appropriation from the Committee's supplemental appropriation for the purpose of contracting with a consultant for freight optimization modeling. Stipulate that if funding is approved by the Committee, the Department may use these funds to contract with a consultant to procure freight optimization services by doing one of the following: (a) amending an existing contract with a consultant, without issuing a request for proposal; or (b) issuing a request for proposal.

32. *Pedestrians Crossing Railroads.* Include any person walking directly across the tracks or right-of-way of any railroad in the list of allowable activities to which the current law prohibition against persons walking, loitering, or being upon, or along, the track of any railroad would not apply. As a result, this activity would not be considered trespassing and could not be prevented by the railroad.

33. *Local Public Works Projects.* Delete a provision adopted earlier by the Committee that would have made the following modifications to current law relating to public works contracts entered into by a technical college district board, public library system board, county, town, village, or second-, third-, or fourth-class city: (a) to increase the statutory minimum dollar amount of a public works project that must be let by contract to the lowest responsible bidder from $25,000 to $100,0000 and specify that any contract for which the estimated cost is less than $100,000 need not be let to the lowest responsible bidder; and (b) to increase the estimated costs of a public work project that requires a Class 1 notice before the work can be contracted from the current range of $5,000 to $25,000 to a range of $15,000 to $100,000. The proposed changes would have first applied to contracts let on the effective date of the bill.

34. *Scrap Metal and Motor Vehicle Salvage Dealers.* Require that before acquiring a motor vehicle for ferrous scrap, nonferrous scrap, metal articles, or proprietary articles, a scrap metal dealer shall examine the certificate of title for the motor vehicle to determine whether there is a security interest in the motor vehicle. Specify that if the person transferring the motor vehicle is not in possession of the certificate of title, the scrap metal dealer shall examine the title records of the Department to determine whether there is any holder of a security interest in the motor vehicle. Specify that a scrap metal dealer who demonstrates that the dealer has acted in accordance with this subsection is not liable for any damages incurred by a person who asserts a security interest in a motor vehicle and who is not named on the certificate of title of the vehicle. Stipulate that a scrap metal dealer may not acquire a motor vehicle for ferrous scrap, nonferrous scrap, metal articles, or proprietary articles if the certificate of title identifies a holder of a security interest in the vehicle.

Specify that before acquiring a motor vehicle for the purpose of wrecking or junking it, a licensed motor vehicle salvage dealer shall examine the certificate of title for the motor vehicle to determine whether there is a security interest in the motor vehicle. Require that if the person transferring the motor vehicle is not in possession of the certificate of title, that the licensed motor vehicle salvage dealer shall examine the title records of the Department to determine whether there is any holder of a security interest in the motor vehicle. Specify that a licensed motor vehicle salvage dealer who completes this examination and is able to demonstrate that such an examination occurred is not liable for any claim for damages incurred by a person who asserts a security interest in the motor vehicle and who is not identified on the certificate of title. Stipulate that a licensed motor vehicle salvage dealer may not acquire a motor vehicle for the purpose of wrecking or junking it if the certificate of title identifies a holder of a security interest in the vehicle.

Specify that a scrap metal dealer or a licensed motor vehicle salvage dealer who knowingly violates these provisions may be fined as follows: (a) not more than $250 for a first offense; (b) not more than $750 for a second offense; and (c) not more than $1,500 for a third or subsequent offense. Stipulate that each day on which a scrap metal dealer or a licensed motor vehicle salvage dealer knowingly violates this section constitutes a separate violation.

Define a "motor vehicle scavenger" as a person who carries on or conducts the business of purchasing motor vehicles and reselling the vehicles to a motor vehicle salvage dealer or scrap metal processor. Stipulate that a motor vehicle scavenger may not acquire a motor vehicle by bill of sale for the purpose of wrecking or junking it. Amend current law such that the definition of a motor vehicle salvage dealer would include motor vehicle scavengers.

Specify that these provisions would take effect on the first day of the fourth month beginning after publication of the bill.

35. *24/7 Sobriety Programs.* Establish a pilot project for 24 hours per day, seven days per week (24/7) sobriety programs, ending June 30, 2021. Provide that all of the statutory modifications established as a result of the pilot project would sunset on June 30, 2021.

Allow the Department of Justice (DOJ) to authorize up to five counties to establish a 24/7 sobriety program to monitor 2nd offense and above operating a vehicle while intoxicated (OWI) offenders. Require DOJ to notify the Legislature of the counties that could establish a 24/7 sobriety

program, as well as the reasons why those counties were chosen, by June 30, 2016. If, during the time period of the pilot project, a county that has been authorized by DOJ to establish a 24/7 sobriety program decides that it no longer wishes to operate its program, provide that the county could discontinue its program and DOJ could select a new county to establish a 24/7 sobriety program. If a county discontinues its 24/7 sobriety program, require DOJ to notify the Legislature of the following: (a) the county's decision to discontinue its 24/7 sobriety program; and (b) if the Department has authorized another county to establish a 24/7 sobriety program, the county that DOJ has authorized to establish a program.

Provide that a 24/7 sobriety program would accept the following participants: (a) 2nd offense or above OWI offenders who are ordered by a court or by the Department of Corrections, as a condition of probation or deferred prosecution, release to extended supervision, or release to parole, to participate in a 24/7 sobriety program and refrain from using alcohol or a controlled substance; and (b) 2nd offense or above OWI offenders who voluntarily agree to participate in a 24/7 sobriety program and refrain from using alcohol or a controlled substance while he or she is on probation, extended supervision, parole, or participating in a deferred prosecution agreement.

Provide that 24/7 sobriety program participants would be required to submit to frequent testing for the use of alcohol or a controlled substance. Provide that, under statute, frequent testing for the use of alcohol would be defined as twice daily testing, approximately 12 hours apart, and frequent testing for the use of a controlled substance would be as often as practicable. Authorize DOJ to promulgate rules that would establish an alternative standard which would constitute frequent testing for the use of alcohol or a controlled substance for the purposes of a 24/7 sobriety program. Provide that, if the standard for frequent testing for the use of alcohol or a controlled substance established under statute would create a situation of unreasonable hardship for the county administering the 24/7 sobriety program, the county may utilize the alternative standard for frequent testing established by DOJ by rule.

Provide that if a 24/7 sobriety program participant fails a scheduled drug or alcohol test due to either a failure to appear for a scheduled test or test results indicating that the participant used alcohol or a controlled substance, the participant may be placed under immediate arrest and referred to the Department of Corrections or the appropriate prosecuting agency for violating a condition of his or her probation, deferred prosecution, or release to parole or extended supervision.

Provide that the 24/7 sobriety program would require participants to pay a fee that is established by the county, which the county determines would be sufficient to defray the operating costs of the program. Provide that the county would be authorized to waive the fee, subject the participant's ability to pay. Authorize DOJ to promulgate rules that would establish a fee setting standard for counties with 24/7 sobriety programs. Provide that the fee imposed on program participants by counties with a 24/7 sobriety program must be in keeping with the fee setting standard establish by DOJ, if such a standard has been promulgated by DOJ by rule. Provide that the fee setting standard established by DOJ may include a component that would allow the Department to recoup DOJ's costs of administering the 24/7 program.

Require counties that establish a 24/7 sobriety program to supply DOJ with information regarding the county's program, including: (a) the number of participants in the program; (b) the

costs associated with the program; (c) the failure or dropout rate among participants; and (d) other information requested by DOJ. Authorize DOJ to promulgate rules that would establish the time and manner in which counties with 24/7 sobriety programs must report the information to DOJ.

Require DOJ to analyze the information provided by counties with a 24/7 sobriety program and, beginning January 15, 2017, annually report to the Legislature on its analysis. Require that the report include, at a minimum, the following information: (a) the counties that DOJ has authorized to establish a 24/7 sobriety program in the previous calendar year; (b) the number of participants in each county's 24/7 sobriety program; (c) a description of each county's 24/7 sobriety program; and (d) the recidivism rate of participants of each county's 24/7 sobriety program. In addition, require the Department to include in its final report a recommendation as to whether 24/7 sobriety programs should be continued, discontinued, or modified. [As indicated above, the 24/7 sobriety program pilot project would sunset on June 30, 2021. As a result, the last annual report submitted by DOJ on 24/7 sobriety programs would be submitted by January 15, 2021.]

Authorize DOJ to enter into an agreement with each county that establishes a 24/7 sobriety program, under which the Department may request that the county provides DOJ a portion of the fee revenue generated from the program to support DOJ's actual costs of performing analysis and preparing annual reports on 24/7 sobriety programs.

Create a new PR annual appropriation to support DOJ's costs of analyzing data and preparing annual reports on 24/7 sobriety programs. Program revenue for the appropriation would be generated from monies received from agreements between DOJ and counties with 24/7 sobriety programs. Further, appropriate $0 annually to the appropriation during the 2015-17 biennium.

Authorize DOJ to promulgate emergency rules without a finding of an emergency in all instances in which DOJ is granted general rule making authority relating to the 24/7 sobriety program. [As indicated above, this motion authorizes DOJ to promulgate rules regarding: (a) the frequency with which 24/7 sobriety program participants must be tested for the use of alcohol or controlled substances; (b) the fee imposed on 24/7 sobriety program participants by the counties; and (c) the time and manner in which counties with a 24/7 sobriety program must report information to DOJ.]

36. *Sports and Entertainment District.* Delete the Governor's recommendation relating to the creation of a sports and entertainment arena district in its entirety, including the authority of the Department of Administration (DOA) to issue $220,000,000 in appropriation obligation bonds for the Milwaukee arena project. In addition, delete the $2,800,000 in net GPR expenditures associated with the bonds.

Note:

The following tables show the fiscal effect of the motion.

Transportation Appropriations

	2015-16	2016-17	Biennial Total
SEG	$99,818,900	$57,636,700	$157,455,600
SEG-S	-502,549,600	-345,063,800	-847,613,400
FED	103,400	103,400	206,800
Total	-$402,627,300	-$287,323,700	-$689,951,000

Transportation Revenues

	2015-16	2016-17	Biennial Total
SEG	$13,945,800	$45,580,400	$59,526,200
PR	470,000	940,000	1,410,000
Total	$14,415,800	$46,520,400	$60,936,200

Transportation Bonding

	Biennial Total
Revenue Bonds	-$847,613,400
General Obligation Bonds	397,613,400
Total	-$450,000,000

Sports and Entertainment District

	Biennial Total
General Obligation Bonds	-$220,000,000
GPR	-$25,234,500
GPR-Lapse	-$22,434,500
Net GPR Effect	-$2,800,000