

Fiscal Estimate Narratives

DHS 1/13/2016

LRB Number	15-3301/1	Introduction Number	AB-0597	Estimate Type	Original
Description Alcohol and other drug assessments in counties and correctional institutions and making an appropriation.					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, individuals convicted of an OWI are required to receive an assessment and develop a driver safety plan at an approved public treatment facility. Assessments and treatment plans are developed, overseen, and monitored by the driver's tribe or county of residence. DHS approves both treatment facilities and assessment standards to ensure they meet the Department's statutory requirements.

Revenue for assessments is generated through two sources. Assessment fees are paid to counties and range from \$200-375, depending on the number of assessments the county performs and the staff available to complete and monitor them. These fees cover the cost of the assessment, staff, and monitoring of the individual and are paid to the county treasurer. Driver improvement program revenue is generated through a \$435 surcharge paid by drivers convicted for operating their vehicles while intoxicated. The surcharge is split between the state and county or tribe, with 50.3% given to the county or tribal treasurer and used to provide assessment and treatment services for drivers referred to the program. The remaining 49.7% is sent to the secretary of administration and used by DOC, DPI, DHS, DOJ, and the UW system to fund activities addressing drug and alcohol issues. In FY 15, Wisconsin collected \$4,923,700 in driver improvement surcharge revenue.

This bill allows DOC to establish and maintain its own treatment facilities and develop driver safety assessments for inmates. It also requires counties, tribes, or facilities to adhere to assessments and treatment plans developed by a different county, tribe, or correctional facility. The bill requires DOC treatment facilities and assessments to comply with DHS's standards and requirements for the facilities. DHS will need to monitor and assess these facilities. DOC maintains 40 facilities that potentially could require review: 21 prisons, 16 correctional centers, and 3 juvenile facilities.

This bill does not provide funding to implement the provisions of this bill. The Department estimates it needs 1.5 FTE and \$96,750 GPR to implement the bill, if all DOC facilities became treatment facilities. .5 FTE and \$28,950 GPR is required to approve treatment services at the facilities. Treatment approval involves reviewing programs for court-ordered assessments and driver safety plans, monitoring entities for compliance with regulations, conducting background checks for caregivers, and providing technical assistance. The Department would also travel to inspect the treatment programs at least once during the first two years. 1.0 FTE and \$67,800 GPR is needed approve assessment capabilities at the facilities. Assessment approval involves revising rules to work within DOC guidelines, inspect facilities, monitor facilities' compliance, and evaluate the DOC assessment programs. The actual Department workload will depend on the actual number of DOC treatment facilities.

The bill will reduce revenue received by counties and tribes for assessments developed at DOC facilities. Counties' treatment and assessment costs may be reduced as more assessments are performed at DOC facilities. Under the bill, the county treasurer must forward to DOC 50.3% of the surcharge collected from inmates it treats, and would not collect the assessment fees paid by these inmates. However, once the individual is released from the program, counties and tribes would still be responsible for monitoring and ensuring the individual adheres to the treatment plan. The revenue loss to counties would depend on the number of individuals treated by DOC; it is not possible to project that number at this time.

The bill identifies s. 20.435 (5)(hy) as a funding source for the treatment facilities. The funding appropriation, s. 20.435 (5)(hy) provides DHS up to \$1,000,000 PR annually provide grants to counties and tribes to help fund intoxicated driver programs, with actual awards amounts based on a projection of PR revenue through the year. The bill authorizes DHS to pay DOC for treatment facilities from this appropriation, reducing the amount of aid which can be provided to counties using these grants.

Long-Range Fiscal Implications