

SENATE AMENDMENT 29

TO ENGROSSED AB 100

1. *Executive Branch Agencies Subject to the Deletion of Attorney Positions.* Specify that the Department of Employee Trust Funds (ETF) and the State of Wisconsin Investment Board (SWIB) would not be deemed a "state agency" from which a total of 13.0 FTE attorney positions would have to be eliminated by June 30, 2007. As a result of this modification, neither ETF nor SWIB would be subject to any portion of a required lapse to the general fund of \$724,900 in 2006-07 from associated salary and fringe benefits savings. Under Engrossed AB 100, the University of Wisconsin System is the only executive branch state agency exempt from these requirements.

2. *AODA Certification Modifications.* Revise the new certification requirements under the bill for alcohol and other drug abuse (AODA) counselors by deleting references to AODA counselors and providing instead that certification would be provided by the Department of Regulation and Licensing (R&L) for the following three general categories of alcohol and drug rehabilitation specialists: (a) substance abuse counselors; (b) clinical supervisors; and (c) prevention specialists. The \$53 initial certification fee and the \$70 renewal fee established under the bill would continue to apply to these categories of specialists. Define a "substance abuse counselor" as a basic substance abuse counselor, an intermediate substance abuse counselor, or an independent substance abuse counselor. Define a "clinical supervisor" as a basic clinical supervisor, an intermediate clinical supervisor, or an independent clinical supervisor. No further definition of a "prevention specialist" is provided.

Specify that individuals currently holding the following certifications from the Department of Health and Family Services on the general effective date of the bill would continue to be certified by R&L under one of the following specialist classifications: (a) a registered alcohol and drug counselor I would be certified as a basic substance abuse counselor; (b) a certified alcohol and drug counselor II would be certified as a intermediate substance abuse counselor; (c) a certified alcohol and drug counselor III or a certified alcohol and drug counselor-D would be certified as a independent substance abuse counselor; (d) a certified registered clinical supervisor would be certified as a basic clinical supervisor; (e) a certified clinical supervisor I would become a certified intermediate clinical supervisor; (f) a certified clinical supervisor II or a certified clinical supervisor-G would become a certified independent clinical supervisor; and (g) a certified prevention professional would become a certified prevention specialist.

Specify that these new and transitional certification provisions would not apply to a licensed physician who specializes in psychiatry, a licensed clinical social worker, or a licensed psychologist who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

Direct R&L to promulgate rules establishing the minimum standards and qualifications for certification under each of the above seven specialist categories. Specify that the rules would have to include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence-based. Provide that R&L could not promulgate these rules until it had consulted on the proposed rules with a certification review committee. Require that a majority of members of the certification review committee represent alcohol and other drug abuse organizations in Wisconsin, as recommended by the Wisconsin Association on Alcoholism and Other Drug Abuse, Inc.

Prohibit an individual from representing himself or herself as any type of substance abuse counselor, clinical supervisor, or prevention specialist or using the applicable title or description of these types of specialists unless the individual has received the appropriate certification as a substance abuse counselor, clinical supervisor, or prevention specialist. The original language under the bill applied only to AODA counselors.

Authorize R&L to revoke, deny, suspend, or limit the certification of a substance abuse counselor, clinical supervisor, or prevention specialist or reprimand these individuals for the practice of fraud or deceit in obtaining the certification or any unprofessional conduct, incompetence, or professional negligence. The original language under the bill applied only to AODA counselors.

Newly authorize R&L to grant a reciprocal certification to an individual who pays the required fees and holds a similar, unexpired certification issued by another state for which the certification requirements are at least equivalent to those in Wisconsin.

Specify that no other entity in the state may certify substance abuse counselors, clinical supervisors, or prevention specialists. The original language under the bill applied only to AODA counselors.

Authorize R&L to adopt emergency rules for the regulation of substance abuse counselors, clinical supervisors, and prevention specialists without showing that an emergency exists. Provide that current DHFS rules for the regulation of substance abuse counselors, clinical supervisors, or prevention specialists would become void on January 1, 2006. The original language under the bill applied only to AODA counselors.

3. *Premier Resort Area Sales Tax.* Require the Department of Revenue to provide appropriate guidance to all holders of sales tax permits with respect to the application of the premier resort area tax. Specify that any retail outlet that would be subject to the premier resort tax, except for the fact that it is a retail outlet for a manufacturer or a wholesaler, would be considered a tourism-related retailer for purposes of the tax.

Assembly Bill 100, as passed by the Assembly, would expand the list of businesses whose sales could be taxed to include most retail-related businesses. This modification would extend the taxation of sales to retail outlets of manufacturers and wholesalers and would require DOR to provide guidance to all sales tax permit holders regarding the premier resort area tax. By expanding

the number of businesses whose sales could be taxed, the revenues of those municipalities currently collecting the tax would be increased. However, the provision would not expand the list of the types of businesses to be used in determining whether an area is eligible to declare itself a premier resort area. Therefore, no additional premier resort areas would be allowed by the modifications made under this provision.

4. *Veterans Tuition Program Funding for Fee Reimbursements.* Clarify that an additional \$175,500 SEG annually is provided under the Department of Veterans Affairs' appropriation that funds veterans tuition reimbursement payments to reflect the fact that such payments would include reimbursements for fees. The appropriations schedule under Engrossed AB 100 already includes these additional funds; however, the Assembly action providing for the reimbursement of fees did not actually direct that the appropriation schedule be adjusted by \$175,500 SEG annually. This provision would specifically recognize that adjustment. There is no net fiscal change to the bill.

5. *Military Funeral Honors Stipends.* Restore the statutory language authorizing the Department of Veterans Affairs to provide a \$50 stipend to a local veterans organization to reimburse it for the costs of providing military funeral honors for a deceased veteran. Clarify the appropriation from which the reimbursements would be made. Engrossed AB 100 inadvertently repealed the military funeral honors stipend program and failed to reflect that funding for the stipends was converted from the veterans trust fund to the general fund.

6. *Board of Commissioners of Public Lands.* Modify the engrossed bill to delete a reference to "for the acquisition" from language which would require that the Board of Commissioners of Public Lands to sell to the Department of Natural Resources all its public lands and provide that DNR must purchase these lands using stewardship funds available under the land acquisition and property development and local assistance subprograms.

7. *Limitation on HIRSP Rates.* Modify a provision in the bill relating to the conversion of the health insurance risk-sharing plan (HIRSP) to a private, nonprofit organization by prohibiting the new Board of Directors from establishing plan rates that exceed 200 percent of rates applicable to individual standard risks. Under Engrossed AB 100, the Board would be required to set premiums for coverage under the plan at a level that is sufficient to cover 60 percent of plan costs, but there would be no maximum rates the Board could establish as measured as a percentage of the rates applicable to individual standard risks. Under current law, HIRSP rates for certain enrollees that are not eligible for Medicare may not exceed 200 percent of rates applicable to individual standard risks.

Legislative Fiscal Bureau
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