

1 By Supervisor Romo West

2

3

4

**A RESOLUTION**

5

6

Supporting the passage of State Assembly Bill 445 relating to identification presentation and monitoring requirements for certain prescription drugs

7

8

9

10

WHEREAS, State Assembly Bill 445 relates to the identification presentation and monitoring of certain prescription drugs; requiring an identification card for picking up a Schedule II or Schedule III controlled substance prescription, and recording the names for whom the controlled substance is dispensed; and

11

12

13

14

15

WHEREAS, the provisions of the bill are aimed at helping address the growing number of prescription drug overdoses in Milwaukee County and throughout the State of Wisconsin; and

16

17

18

19

WHEREAS, prescription drug overdoses are affecting suburbs and cities throughout Wisconsin, and Assembly Bill 445 would take steps that many other states have already taken; now, therefore,

20

21

22

23

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby supports the passage of Wisconsin State Assembly Bill 445, which takes steps to address the growing number of prescription drug overdoses in Wisconsin; and

24

25

26

27

BE IT FURTHER RESOLVED, that Intergovernmental Relations staff is hereby authorized and directed to register Milwaukee County's support of this bill and communicate the contents of this resolution to State elected officials and any other interested stakeholders.

28

29

30

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** March 5, 2014

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution supporting the passage of State Assembly Bill 445 relating to identification presentation and monitoring requirements for certain prescription drugs

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact<br><input checked="" type="checkbox"/> Existing Staff Time Required<br><input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input type="checkbox"/> Absorbed Within Agency's Budget<br><input type="checkbox"/> Not Absorbed Within Agency's Budget<br><input type="checkbox"/> Decrease Operating Expenditures<br><input type="checkbox"/> Increase Operating Revenues<br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><input type="checkbox"/> Decrease Capital Expenditures<br><input type="checkbox"/> Increase Capital Revenues<br><input type="checkbox"/> Decrease Capital Revenues<br><input type="checkbox"/> Use of contingent funds |
|--|--|

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0
<b>Capital Improvement Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

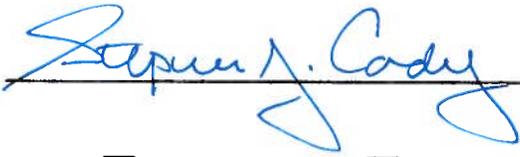
**DESCRIPTION OF FISCAL EFFECT**

**In the space below, you must provide the following information. Attach additional pages if necessary.**

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.<sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. Approval of this resolution would indicate Milwaukee County's support of Wisconsin State Assembly Bill 445 which relates to identification presentation and monitoring requirements of certain prescription drugs. The resolution would require Intergovernmental Relations staff to register Milwaukee County's support of this bill and communicate the contents of the resolution to State elected officials and any other interested stakeholders.
- B. Approval of this resolution would not require an expenditure of funds, but would require existing staff time to communicate its contents to the appropriate individuals.
- C. None.
- D. None.

Department/Prepared By Steve Cady, Research and Policy Director, Office of the Comptroller

Authorized Signature 

Did DAS-Fiscal Staff Review?  Yes  No  
Did CDBP Review?<sup>2</sup>  Yes  No  Not Required

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

<sup>2</sup> Community Business Development Partners' review is required on all professional service and public work construction contracts.

1 By Supervisor Romo West

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**A RESOLUTION**

Supporting the passage of State Assembly Bill 447 relating to the granting of immunity from certain criminal prosecutions for offenses relating to a controlled substance or a controlled substance analog

WHEREAS, State Assembly Bill 447 relates to the granting of immunity from certain criminal prosecutions for offenses relating to a controlled substance, granting immunity to someone (an aider) who brings another person to an emergency room or other health facility, or who summons police or emergency medical assistance, or who administers aid to another person because the aider believes the other person is suffering from an overdose; and

WHEREAS, State Assembly Bill 447 would also grant immunity to a person for possessing naloxone or for administering or delivering naloxone to another person if he or she administered naloxone to the other person with the good faith belief that the other person was suffering from an overdose or an adverse reaction to a controlled substance or a controlled substance analog; and

WHEREAS, the provisions contained in the bill are aimed at addressing the growing number of prescription drug and heroin overdoses in Milwaukee County and throughout the State of Wisconsin; and

WHEREAS, the *Milwaukee Journal Sentinel* reported in June 2013 that heroin overdose deaths had surpassed cocaine fatalities in Milwaukee County; that of 159 overdose deaths in 2012, 34 were caused by cocaine and 38 were caused solely by heroin; and

WHEREAS, heroin overdoses are affecting suburbs and cities throughout Wisconsin, and Assembly Bill 447 would take steps that many other states have already taken; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby supports the passage of Wisconsin State Assembly Bill 447, which takes steps to address the growing number of prescription drug and heroin overdoses in Wisconsin; and

BE IT FURTHER RESOLVED, that Intergovernmental Relations staff is hereby authorized and directed to register Milwaukee County's support of this bill and communicate the contents of this resolution to State elected officials and any other interested stakeholders.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** March 5, 2014

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution supporting the passage of State Assembly Bill 447 relating to the granting of immunity from certain criminal prosecutions for offenses relating to a controlled substance or a controlled substance analog

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact                                     | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required                                       | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0
<b>Capital Improvement Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

**DESCRIPTION OF FISCAL EFFECT**

**In the space below, you must provide the following information. Attach additional pages if necessary.**

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. Approval of this resolution would indicate Milwaukee County's support of Wisconsin State Assembly Bill 447 which relates to the granting of immunity from certain criminal prosecutions for offenses relating to a controlled substance or a controlled substance analog. The resolution would require Intergovernmental Relations staff to register Milwaukee County's support of this bill and communicate the contents of the resolution to State elected officials and any other interested stakeholders.
- B. Approval of this resolution would not require an expenditure of funds, but would require existing staff time to communicate its contents to the appropriate individuals.
- C. None.
- D. None.

Department/Prepared By Steve Cady, Research and Policy Director, Office of the Comptroller

Authorized Signature 

Did DAS-Fiscal Staff Review?  Yes  No  
Did CDBP Review?<sup>2</sup>  Yes  No  Not Required

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.  
<sup>2</sup> Community Business Development Partners' review is required on all professional service and public work construction contracts.

1 By Supervisor Romo West

2

3

4

**A RESOLUTION**

5

6

Supporting the passage of State Assembly Bill 448 that relates to the disposal of drugs,  
including controlled substances, and regulation of prescription drugs

7

8

9

10

WHEREAS, State Assembly Bill 448 relates to programs for the disposal of  
drugs, including controlled substances, and certain medical or drug-related items, as  
well as the regulation of prescription drugs, including the ability for the Department of  
Justice (DOJ) to authorize drug disposal programs in the state; and

11

12

13

14

15

WHEREAS, State Assembly Bill 448 prescribes regulations related to a drug  
disposal program and would allow a city, village, town or county (political subdivision) to  
operate or authorize another person to operate a drug disposal program within the  
political subdivision's borders; and

16

17

18

19

20

WHEREAS, the bill is aimed at helping address the growing number of  
prescription drug overdoses in Milwaukee County and throughout the State of  
Wisconsin; and

21

22

23

24

WHEREAS, prescription drug overdoses are affecting suburbs and cities  
throughout Wisconsin, and Assembly Bill 448 would take steps that many other states  
have already taken; now, therefore,

25

26

27

28

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
supports the passage of Wisconsin State Assembly Bill 448, which takes steps to  
address the growing number of prescription drug overdoses in Wisconsin; and

29

30

31

32

BE IT FURTHER RESOLVED, that Intergovernmental Relations staff is hereby  
authorized and directed to register Milwaukee County's support of this bill and  
communicate the contents of this resolution to State elected officials and any other  
interested stakeholders.

33

34

35

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** March 5, 2014

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution supporting the passage of State Assembly Bill 448 relating to the disposal of drugs, including controlled substances, and regulation of prescription drugs.

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact<br><input checked="" type="checkbox"/> Existing Staff Time Required<br><input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input type="checkbox"/> Absorbed Within Agency's Budget<br><input type="checkbox"/> Not Absorbed Within Agency's Budget<br><input type="checkbox"/> Decrease Operating Expenditures<br><input type="checkbox"/> Increase Operating Revenues<br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><input type="checkbox"/> Decrease Capital Expenditures<br><input type="checkbox"/> Increase Capital Revenues<br><input type="checkbox"/> Decrease Capital Revenues<br><input type="checkbox"/> Use of contingent funds |
|--|--|

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0
<b>Capital Improvement Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

## DESCRIPTION OF FISCAL EFFECT

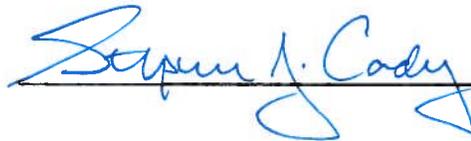
In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.<sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. Approval of this resolution would indicate Milwaukee County's support of Wisconsin State Assembly Bill 448 that relates to the disposal of drugs, including controlled substances, and regulation of prescription drugs. The resolution would require Intergovernmental Relations staff to register Milwaukee County's support of this bill and communicate the contents of the resolution to State elected officials and any other interested stakeholders.
- B. Approval of this resolution would not require an expenditure of funds, but would require existing staff time to communicate its contents to the appropriate individuals.
- C. None.
- D. None.

Department/Prepared By Steve Cady, Research and Policy Director, Office of the Comptroller

Authorized Signature



Did DAS-Fiscal Staff Review?  Yes  No

Did CDBP Review?<sup>2</sup>  Yes  No  Not Required

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

<sup>2</sup> Community Business Development Partners' review is required on all professional service and public work construction contracts.



## OFFICE OF CORPORATION COUNSEL

---

Date: April 8, 2014

To: Sup. Haas

cc: Members of IGR Committee  
Jodi Mapp  
Jamie Kuhn

From: Paul Bargren *PB*  
Corporation Counsel

Re: *McCutcheon v. Federal Election Commission*

You asked for my assessment of the April 2, 2014, decision of the United States Supreme Court in *McCutcheon v. Federal Election Commission*, dealing with the constitutionality of campaign contribution limits.

While the decision with its concurrence and dissent run some 92 pages, the basic holdings are easily stated:

- Aggregate limits on the amount of money an individual or corporation can donate to multiple political candidates or causes during a given election cycle violate First Amendment rights of expression. Therefore, aggregate limits are no longer valid.
- However, laws setting “base limits” on the amount an individual or corporation can give to a particular candidate during a given cycle are justified as anti-corruption measures. Base limits remain enforceable.

### *The Court’s rationale*

Given the constitutional protections for free expression, the Court stated that the only justification for limiting campaign contributions is to “combat[ ] corruption.... We conclude, however, that the aggregate limits do little, if anything, to address that concern, while seriously restricting participation in the democratic process.”

Large contributions to a single candidate might establish a corrupt *quid pro quo*. Therefore “base limits” are proper, the Court said. But that is the “only type of corruption that Congress may target” with contribution limits. “A restriction on *how many* candidates and committees an individual may support is hardly a ‘modest restraint’ on [First Amendment] rights. The

Government may no more restrict how many candidates or causes a donor may support than it may tell a newspaper how many candidates it may endorse.”<sup>1</sup>

The Court rejected the Government’s argument that aggregate limits also prevent *quid pro quo* corruption. “The difficulty is that once the aggregate limits kick in, they ban all contributions of *any* amount, even though Congress’s selection of a base limit indicates its belief that contributions beneath that amount do not create a cognizable risk of corruption.”

Interesting, only four of the nine justices joined in the opinion banning aggregate limits while upholding base limits. They were Chief Justice Roberts and Justices Scalia, Kennedy and Alioto. Justice Thomas concurred in that ruling but would have gone further and outlawed base limits as well. Dissenters were Justices Breyer, Ginsburg, Sotomayor and Kagan.

### ***Effect in Wisconsin, Milwaukee County***

Because the Court cast its decision in terms of the First Amendment of the US Constitution, it applies at all levels of government, including state and local government. Governments are no longer permitted to limit aggregate donations from one individual to multiple candidates. Only a donor’s support for a given candidate or cause can be capped.

### ***Available restrictions***

While banning aggregate limits, the Court did identify other steps that governments could take to address potential corruption in campaign giving, in addition to “base limits”:

- “Targeted restrictions on transfers among candidates and political committees.” This would prevent situations where a single donor’s contributions to a number of candidates were a front because the candidates then transferred all of those donations to a single recipient, exceeding the base limit.
- “Tighter earmarking rules.” Restrictions can limit donations to an umbrella or issue group that are really a pretext for channeling support to an individual candidate in excess of the base limit.
- “Disclosure of contributions.” The Court felt publicly disclosing contributions can “deter corruption by exposing large contributions and expenditures to the light of publicity.”

---

<sup>1</sup> For convenience, quotations are from the syllabus.