

**2019 DRAFTING REQUEST****Assembly Amendment (AA-AB188)**

For: **David Bowen (608) 266-7671** Drafter: **ewheeler**  
 By: **Bryce** Secondary Drafters:  
 Date: **4/15/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Bowen@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Building code compliance for secured residential care centers for children and youth.

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**Instructions:**

Require variance from DOC rules for an SRCCCY, with grant committee approval, as long as SRCCCY will still comply with commercial building code.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 4/15/2019	kfollett 4/17/2019			
/P1	ewheeler 5/6/2019	kfollett 5/6/2019	dwalker 4/17/2019		
/1			dwalker 5/6/2019	dwalker 5/6/2019	

FE Sent For:

<END>

## **Wheeler, Elizabeth**

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**From:** Rep.Bowen  
**Sent:** Friday, April 12, 2019 3:15 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: Emergency rule

Hello Elizabeth,

Thank you,

David mentioned something about **DOC 347.09 Construction Plans (3) : All sites, plans, and specifications for construction or remodeling of a facility shall comply with the Wisconsin commercial building code under chs. SPS 361 to 366.**

Is there a way to draft an amendment to say that in order to mitigate costs to counties for the design and constructions of SRCCCYs, as long as they adhere to best practices, counties may be exempt from rules in **DOC 347.10** as long as they adhere to the Wisconsin commercial building code under chs. SPS 361 to 366.

Is this too vague? There also could be something regarding a process during the application where counties would need to submit in writing what rules they need exemption from and why they need this exemption to the Grant Committee.

Best,

**Bryce Dille**  
Research Assistant  
Office of State Representative David Bowen  
AD 10 : (608)237-9382  
Bryce.Dille@legis.wisconsin.gov

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**From:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Sent:** Friday, April 12, 2019 2:37 PM  
**To:** Rep.Bowen <Rep.Bowen@legis.wisconsin.gov>; Dille, Bryce <Bryce.Dille@legis.wisconsin.gov>  
**Subject:** Emergency rule

Hi,

The DOC 347 emergency rule is attached. See pp. 8-11 on the requirements for the facility design. Also note that there is a provision in the rule for variances to be granted by DOC – I do not know what type of variances would be entertained or approved but that may provide some flexibility in the rule.

Let me know what you would like an amendment to include.

Thanks,

**Elizabeth Wheeler**

Legislative Attorney  
Wisconsin Legislative Reference Bureau  
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EAW 1/21

M: 415 due: 416

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL (LRB-1117/1)**

1 At the locations indicated, amend the bill as follows:

2 1. Page 25, line 19: after that line insert:

3 (2) SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH; VARIANCE FOR  
4 COST-SAVING MEASURES. The department of corrections shall grant a variance from the  
5 rules promulgated under s. 301.37 for a secured residential care center for children  
6 and youth if all of the following apply:

7 (a) The variance is determined to be a necessary and reasonable cost-saving  
8 measure and is included as part of the juvenile corrections grant committee's  
9 recommendation for funding to the joint committee on finance under 2017 Wisconsin  
10 Act 185, SECTION 110 (4) (e).

11 (b) The proposed secured residential care center for children and youth,  
12 including the proposed variance, is part of the plan approved by the joint committee

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for finance and receives funding from the juvenile corrections grant program under  
2017 Wisconsin Act 185, SECTION 110 (4).

(c) The proposed secured residential care center for children and youth meets  
the minimum requirements of the commercial building code adopted under  
subchapter I of chapter 101 of the statutes.

(END)

## **Wheeler, Elizabeth**

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**From:** Dille, Bryce  
**Sent:** Friday, May 03, 2019 4:10 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: LRBa0140

Hello Elizabeth,

That language works. After talking with Rep. Goyke, he wants to tweak it a little bit to allow a variance not just for cost saving measures, but also to adhere to new evidence based, trauma informed care practices. So essentially a variance could be issued 1) for cost savings measures (as long as it does not compromise the quality or type of evidence-based, trauma informed programming), OR 2) to incorporate new practices of evidence based, trauma informed care. A rough draft would be below.

- (a) The variance is determined to be necessary to achieve a reasonable cost-saving measure, the variance will not compromise the quality or type of evidence-based, trauma-informed programming that is offered at the facility, and is included as part of the juvenile corrections grant committee's recommendation for funding to the joint committee on finance under 2017 Wisconsin Act 185, SECTION 110 (4) (e). Or The variance is determined to be necessary to incorporate new practices of evidence based, trauma informed care and is included as part of the juvenile corrections grant committee's recommendation for funding to the joint committee on finance under 2017 Wisconsin Act 185, SECTION 110 (4) (e).

Obviously you would work out the legalese but this would be the intent of both David and Rep. Goyke. If you have any questions about this let me know. I am also always available by phone and I know it is late on a Friday and this is not urgent enough where we can't wait until next week for a draft.

Best,

Bryce

**From:** Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>  
**Sent:** Friday, May 3, 2019 9:12 AM  
**To:** Dille, Bryce <Bryce.Dille@legis.wisconsin.gov>  
**Subject:** RE: LRBa0140

How about this:

"the variance will not compromise the quality or type of evidence-based, trauma-informed programming that is offered at the facility."

**Elizabeth Wheeler**  
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Direct: 608-504-5880

[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

**From:** Dille, Bryce <[Bryce.Dille@legis.wisconsin.gov](mailto:Bryce.Dille@legis.wisconsin.gov)>  
**Sent:** Thursday, May 02, 2019 10:34 AM  
**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Subject:** LRBa0140

Hello Elizabeth,

David was able to talk to Rep. Goyke and the only addition he wants is to make sure that the programming is still evidence based/trauma informed. Is there a way to add something to the Amendment to clarify that no costs can be cut if it mitigates the evidence based/trauma informed care of the facilities? I am also available today if you wish to talk on the phone.

Best,

**Bryce Dille**  
Research Assistant  
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State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0140/P1  
EAW:kjf

in 5/6  
today if pass.

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL (LRB-1117/1)**

188

1 At the locations indicated, amend the bill as follows:

2 1. Page 25, line 19: after that line insert:

3 "(2m) SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH; VARIANCE FOR  
4 COST-SAVING MEASURES. The department of corrections shall grant a variance from the  
5 rules promulgated under s. 301.37 requested by a county for a secured residential  
6 care center for children and youth if all of the following apply:

7 (a) The variance is determined to be necessary to achieve a reasonable  
8 cost-saving measure and is included as part of the juvenile corrections grant  
9 committee's recommendation for funding to the joint committee on finance under  
10 2017 Wisconsin Act 185, SECTION 110 (4) (e).

11 (c)(b) The proposed secured residential care center for children and youth,  
12 including the proposed variance, is part of the plan approved by the joint committee

that will not compromise the quality or type of evidence-based, trauma-informed care that is offered at the facility or determines that the variance is necessary to incorporate new practices of evidence-based, trauma-informed care at the facility.



1 on finance and receives funding from the juvenile corrections grant program under  
2 2017 Wisconsin Act 185, SECTION 110 (4).

3 (d) (c) The proposed secured residential care center for children and youth meets  
4 the minimum requirements of the commercial building code adopted under subch.  
5 I of ch. 101.”

6 (END)