



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

Assembly Committee on Corrections  
May 16, 2017

## AB 112: Grants for Treatment and Diversion Programs

State statute directs the Joint Legislative Council to create, in each biennium, a Special Committee on State-Tribal Relations. For the past several sessions, I have had the honor of serving as Chair of this committee.

This past fall, the committee approved 3 pieces of legislation that are now being considered by the legislature. AB 112 is before you today.

In 2005, Wisconsin created the Treatment Alternatives and Diversion program (also known as TAD) to give counties an opportunity to offer offenders a voluntary substance abuse treatment option as an alternative to serving time in jail or prison. Each county has the flexibility to create a program that meets the criminal justice needs in their community. Some counties offer adult drug courts, while others offer a mental health court or veterans' treatment court.

When the program began, it was piloted in 7 counties with a total budget of \$1 Million. After 5 years, the results were so positive that the legislature authorized funding for additional grants to counties to start their own program. Today, there are TAD programs operating in 46 Wisconsin counties and two tribes. Last session, the legislature expanded funding for the TAD program to over \$6 million.

Assembly Bill 112 is a very simple bill that specifies that grants given to counties for treatment and diversion programs, may also be given to tribes for the same purpose and with the same requirements. While the Department of Justice already does this "in practice" it isn't written in our statutes. AB 112 simply codifies this practice into law.

On behalf of the State and Tribal Relations Committee, I would appreciate the committees support for the bill. I am happy to answer any questions you may have. Legislative Council staff to the State and Tribal Relations committee, are also here to answer questions.

Scott Walker  
Governor



Matt Strittmater  
Chair

Mishelle O'Shasky  
Vice-Chair

Julie-Anne Braun  
Second Vice-Chair

State of Wisconsin

**Wisconsin Council on Mental Health**

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**Testimony on AB112**

**Wisconsin Council on Mental Health**

**Assembly Committee on Corrections**

**May 16, 2017**

The Wisconsin Council on Mental Health (WCMH) is the statutorily-mandated, Governor-appointed mental health advisory council for Wisconsin. The WCMH is authorized to advise the Governor, Legislature and state agencies on funding and policy the impact people with mental illnesses. It is in this capacity that we are writing with comments on AB112.

The WCMH has supported the expansion of the Treatment Alternatives and Diversion (TAD) grant program. Many individuals with mental illnesses and/or substance use disorders come into contact with the criminal justice system as a result of the impact of these disorders. TAD has demonstrated that providing the opportunity for treatment as an alternative to incarceration not only saves money but results in better long-term outcomes for the individuals.

As a result we offer our support for this bill to allow tribes to take advantage of this grant program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matt Strittmater", written over a light blue horizontal line.

Matt Strittmater  
Chair, Wisconsin Council on Mental Health

rized to make similar proportionate reductions in their support of such programs.

(9) **FEDERAL REVENUE SHARING.** Revenue received in July of any year under the federal state and local fiscal assistance act, relating to the revenue due for the quarter ending on the previous June 30, shall be deemed accrued receipts as of the close of the fiscal year.

(10) **EXCESS STATE MATCHING FUNDS.** If any appropriation that is made to match or secure federal funds is in excess of the amount required to match or secure federal funds, the state agency that is responsible for the administration of such funds shall promptly notify the federal aid management service of the department of administration which shall promptly notify the governor and the joint committee on finance. Such funds shall then be placed in unallotted reserve and may not be released unless the release is first approved by the joint committee on finance.

(11) **TEMPORARY REALLOCATION OF SURPLUS MONEYS.** (a) All appropriations, special accounts and fund balances within the general fund or any segregated fund may be made temporarily available for the purpose of allowing encumbrances of financing expenditures of other general or segregated fund activities which do not have sufficient moneys in the accounts from which they are financed but have accounts receivable balances or moneys anticipated to be received from lottery proceeds, as defined in s. 25.75 (1) (c), tax revenues, gifts, grants, fees, sales of service, or interest earnings recorded under s. 16.52 (2). The secretary of administration shall determine the composition and allowability of the accounts receivable balances and anticipated moneys to be received for this purpose in accordance with s. 20.903 (2) and shall specifically approve the use of surplus moneys from the general or segregated funds after consultation with the appropriate state agency head for use by specified accounts or programs. The secretary of administration shall reallocate available moneys from the budget stabilization fund under s. 16.465 prior to reallocating moneys from any other fund.

(b) 1. The secretary of administration shall limit the total amount of any temporary reallocations to a fund other than the general fund to \$400,000,000.

2. Except as provided in subd. 3, the secretary of administration shall limit the total amount of any temporary reallocations to the general fund at any one time during a fiscal year to an amount equal to 5% of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year.

3. In addition to the amount permitted for temporary reallocations in subd. 2., the secretary may permit an additional 3% of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year, to be used for temporary reallocations to the general fund but only if the reallocation is for a period not to exceed 30 days. Reallocations may not be made under this subdivision for consecutive periods.

4. This paragraph does not apply to reallocations from the budget stabilization fund to the general fund.

(c) The secretary may assess a special interest charge against the programs or activities utilizing surplus moneys within the same fund under this subsection in an amount not to exceed the daily interest earnings rate of the state investment fund during the period of transfer of surplus moneys to other accounts or programs. Except as provided in s. 16.465, the secretary shall assess a special interest charge against the fund utilizing surplus moneys under this subsection in an amount equal to the rate of return the state investment fund earnings would have created to the fund from which the reallocation was made. This interest shall be calculated and credited to the appropriate fund at the same time the earnings from the state investment fund are distributed and shall be considered an adjustment to those earnings.

(d) This subsection applies only to those funds participating in the investment fund for purposes of temporary reallocation

between funds or accounts and does not include the following funds or specified accounts in these funds:

1. The bond security and redemption fund under s. 18.09.
2. The capital improvement fund under s. 18.08.
3. The industrial building construction loan fund under s. 560.10.
4. All trust funds authorized under ch. 40.
5. The veterans trust fund under s. 25.36.
6. The state housing authority reserve fund under s. 25.41.
7. The fish and wildlife account within the conservation fund under s. 25.29 (3).

(e) The secretary of administration may not exercise the authority granted in this subsection if a temporary reallocation would jeopardize the cash flow of any fund or account from which a temporary reallocation would be made.

(f) If the secretary of administration exercises or proposes to exercise the authority granted in this subsection, he or she shall publish and transmit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on a monthly basis specifying the date, amount, source and use of any outstanding temporary reallocation or proposed reallocation of moneys for the period covered by the report.

(12) **SUSPENSION OF EXPENDITURES.** No moneys may be expended by any state agency, except the legislature or courts, for permanent, project, part-time or limited term employment if the funding for the position has been temporarily withheld under s. 16.50 (3).

(13) **INDIAN GRANTS.** Notwithstanding any statute to the contrary, wherever any law authorizes a grant of state funds to be made by a state agency to any county, city, village or town for any purpose, funds may also be granted by that state agency to any federally recognized tribal governing body for the same purpose. The grants are subject to the same conditions and restrictions as apply to grants to counties and municipalities, if any. This subsection shall not be construed to require any grant of state funds to be made to any federally recognized tribal governing body.

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39 s. 732 (1); 1975 c. 164, 198; 1977 c. 29, 196, 373, 418, 447; 1979 c. 34; 1981 c. 14, 20, 61, 93, 314; 1983 a. 3, 27, 192; 1985 a. 29, 120; 1985 a. 135 s. 85; 1985 a. 332 s. 253; 1987 a. 4, 27, 186; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 51, 269; 1993 a. 16, 437; 1997 a. 237; 1999 a. 9.

The continuing appropriation provided under s. 20.866 (2) (wr), 1969 Stats., was limited by its terms to \$40,300,000. Section 20.002 (1) does not provide additional bonding authority in the next biennium prior to the new budget to satisfy the requirements of s. 18.04 (2). Section 84.51 (2) is an expression of legislative intent, but does not constitute an appropriation and is not the basis for additional bonding authority. 60 Atty. Gen. 509.

**20.003 Appropriation acts and bills.** (2) **REVISOR'S AUTHORITY.** All appropriations made by the legislature shall be listed in this chapter. The revisor of statutes shall assign numbers in this chapter to any appropriation not so numbered and if appropriation laws are enacted which are not numbered to correspond with the numbering system of this chapter as outlined in sub. (3), the revisor of statutes shall renumber such laws accordingly.

(3) **NUMBERING SYSTEM.** (a) In the schedule of s. 20.005 and in the text in ss. 20.115 to 20.875, all state agencies shall be arranged within functional areas. Each functional area is assigned a subchapter and each state agency shall be assigned a section within that subchapter. Each subsection constitutes a program, and each paragraph constitutes an appropriation.

(b) Except as provided under par. (c), all appropriations are identified according to their source of funds, as defined in s. 20.001, by the paragraph letters assigned as follows:

1. Appropriations from general purpose revenues shall be assigned paragraph letters (a) to (fz).
2. To the extent feasible, appropriations from program revenues shall be assigned paragraph letters (g) to (jz) and (L) to (pz).
3. To the extent feasible, appropriations from program revenue service shall be assigned paragraph letters (k) to (kz).