

1995-96 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 95hrJC-Fi_Misc_pt47

➤ Record of Comm. Proceedings ... RCP

➤ **



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Consideration of the Governor's Partial Veto of the Joint Committee on Finance
Actions Adopted at its July 10, 1996, s. 13.10 Meeting -- Agenda Item I

On July 31, 1996, the Joint Committee on Finance received the signed minutes from the Governor for the Committee's July 10, 1996, meeting under s. 13.10 of the statutes. In forwarding the signed minutes, the Governor indicated that he had vetoed, in its entirety, Agenda Item XVIII which provided \$87,200 GPR and 1.0 GPR position in 1996-97 to assist the Chief Justice of the Wisconsin Supreme Court in performing the administrative duties associated with that office.

Pursuant to s. 13.10(4) of the statutes, the Co-chairs have included this item on the agenda to be considered at this meeting, to determine whether the position of the Committee on this item should be upheld, notwithstanding the objections of the Governor.

On the matter of the Governor's veto of Agenda Item XVIII, the question before the Committee at this time is as follows:

Shall the July 10, 1996, action of the Joint Committee on Finance on Agenda Item XVIII authorizing \$87,200 GPR and 1.0 GPR position in 1996-97 to assist the Chief Justice in performing administrative duties associated with that office be upheld, notwithstanding the objection of the Governor?

To uphold the original actions of the Committee, eleven affirmative votes are required.

In order to assist the Committee members in deciding this question, copies of the following documents are attached to this memorandum: (1) the Governor's veto message to the Committee; (2) the portion of the minutes of the Committee's July 10, 1996, actions showing the vetoed

language along with the signature page of those minutes; and (3) the Legislative Fiscal Bureau's June 27, 1996, paper originally prepared on Agenda Item XVIII.

Prepared by: Carri Jakel
Attachments



TOMMY G. THOMPSON

**Governor
State of Wisconsin**

July 30, 1996

**The Honorable Brian B. Burke, Co-Chair
The Honorable Ben Brancel, Co-Chair
Members, Joint Committee on Finance
119 Martin Luther King, Jr. Blvd.
P. O. Box 7882
Madison, WI 53707-7882**

Dear Senator Burke, Representative Brancel and Members:

Attached are the signed minutes of the July 10, 1996 s. 13.10 meeting, continued from June 27, 1996.

Pursuant to the provisions of s. 13.10(4), I am objecting to the Committee's action under Item XVIII of the minutes.

Under Item XVIII, the Joint Committee on Finance authorized \$87,200 GPR (including one-time funding of \$5,700) and 1.0 GPR position beginning in 1996-97 to assist the Chief Justice of the Supreme Court in performing the administrative duties of that office. I am vetoing this item entirely because it should more appropriately be addressed in the 1997-99 biennial budget process where the resource needs of the court can be fully evaluated. Given the critical fiscal pressures facing the courts and the rest of Wisconsin's justice system (including the present demands on district attorneys, the Department of Corrections, law enforcement and the State Public Defender), the Supreme Court should look to reallocate existing staff to perform administrative duties as has been done in the past.

Sincerely,


**TOMMY G. THOMPSON
Governor**

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XV. Department of Development

Moved by Representative Brancel and seconded by Senator Burke to transfer \$8,500 GPR from the DOD general operations appropriation under s. 20.143(1)(a) to the appropriation under s. 20.143(1)(fd) to increase funding for the DOD contract with the Office of Rural Health.

Ayes, 13; Noes, 2 (Jauch, Weedon); Absent, 1 (George)

XVI. Wisconsin Conservation Corps

[The co-chair placed this item on the table subject to future recall by the co-chairs.]

XVII. Supreme Court

Moved by Representative Brancel and seconded by Senator Burke to approve the Director of State Court's request for a supplement from the Committee's appropriation of \$27,000 GPR in 1995-96 and \$17,700 GPR in 1996-97 for court interpreter reimbursement.

Ayes, 14; Noes, 1 (Covles); Absent 1 (George)

Secretary's Note: The appropriation receiving the supplement is under s. 20.625(1)(c) from the Committee's appropriation under s. 20.865(4)(a).

XVIII. Supreme Court

Moved by Senator Burke and seconded by Senator Decker to approve the Director of State Court's request for \$87,200 GPR (including one-time funding of \$5,700) and 1.0 GPR position beginning in 1996-97 to assist the Chief Justice in performing the administrative duties of the office.

Ayes, 13; Noes, 2 (Covles, Brancel); Absent, 1 (George)

Secretary's Note: The appropriation increase and position are authorized under s. 20.680(1)(a).

XX. Department of Administration

Moved by Representative Brancel and seconded by Senator Burke to approve the Chapter 20 schedules and corresponding summaries, as prepared by the Department of Administration and the Legislative Fiscal Bureau, subject to final approval by the Co-chairs of the Joint Committee on Finance.

Ayes, 15; Noes, 0; Absent, 1 (George)

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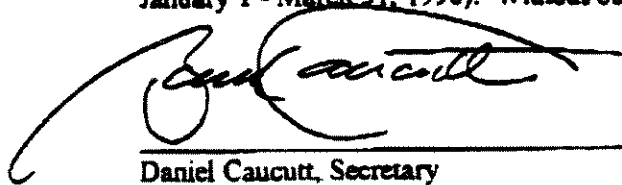
Educational Technology Board

Shall the April 16, 1996 action of the Joint Committee on Finance on Agenda Item XVII-E directing the Educational Technology Board to seek a statutory change as part of its next biennial budget request to permit the waiver of the 25% local match requirement for Pioneering Partners grants be upheld, notwithstanding the objection of the Governor?

Ayes, 10; Noes, 5 (Weeden, Cowles, Foti, Schneiders and Ourada); Absent, 1 (George)

Secretary's Note: The Governor's vetoes were sustained.

The presiding Co-chair made a unanimous consent request to receive the report submitted (as required under s. 16.50 showing the number of federally funded positions approved during January 1 - March 31, 1996). Without objection, it was so ordered.



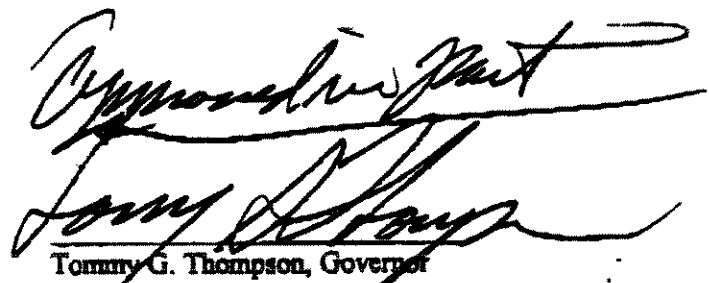
Daniel Caucutt, Secretary

Date: July 18, 1996



Brian Burke, Co-Chair

Date: July 22, 1996



Tommy G. Thompson, Governor

Date: July 30, 1996



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 27, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Supreme Court--Section 13.10 Request for 1.0 Full-Time Position--Agenda Item XVIII

The Director of State Courts, on behalf of the Supreme Court, requests 1.0 GPR position beginning in 1996-97 to perform administrative functions for the Chief Justice of the Supreme Court. The position would be funded from the Supreme Court's sum sufficient GPR appropriation.

BACKGROUND

As provided in Article VII of the Wisconsin Constitution, the Supreme Court consists of seven justices elected to ten-year terms. The justice with the longest seniority serves as Chief Justice, unless he or she chooses otherwise. The Chief Justice of the Supreme Court is the administrative head of the Wisconsin judicial branch. The Constitution provides that the Chief Justice shall exercise administrative authority pursuant to procedures adopted by the Supreme Court. Chief Justice Roland Day is retiring on July 30, 1996, and Justice Shirley Abrahamson will become Chief Justice on August 1, 1996.

Under s. 751.02, each justice has the authority to appoint and prescribe the duties of a secretary and a law clerk to assist the justice in performing his or her duties. In addition, the Supreme Court has authority to allocate court employees as it considers necessary for the execution of functions of the Supreme Court as well as the state court system as a whole.

ANALYSIS

While there is no formal job description for the new position, Court officials indicate that the person would be directly assigned to, hired by and serve at the pleasure of the Chief Justice to assist in the additional administrative duties associated with the office. The position would

perform duties as prescribed by the Chief Justice which may include: (a) staffing special committees, commissions, task forces and programs the new Chief Justice is developing including one that involves bringing community volunteers into the courts; (b) coordinating special events such as conferences and symposia; (c) representing the Chief Justice at meetings and other public events; and (d) drafting and editing speeches and other correspondence. No salary level has been set, however court officials currently anticipate approximately \$60,000 annually (\$87,200 including fringe benefits, supplies and one-time costs of \$5,700).

Court officials indicate that the new position is needed because the Chief Justice, unlike the heads of other agencies, does not employ any personal staff whose primary responsibility is to assist him or her with the duties associated with being the administrator of the judicial branch of government. The Supreme Court's sum sufficient appropriation funds the seven justices, their law clerks and secretaries, in addition to three court commissioners and two legal secretaries assigned to them, two marshals and the office of the clerk of the Supreme Court. However, also funded from that appropriation is a position referred to as an administrative assistant to the Chief Justice and an executive secretary for the administrative assistant.

The Wisconsin Supreme Court Internal Operating Procedures describes the administrative assistant to the Chief Justice position as an attorney licensed to practice law in Wisconsin who is hired by and serves at the pleasure of the Chief Justice and who, under the direction of the Chief Justice: (a) serves as a liaison between the Chief Justice and the court offices and staff, court boards, committees, State Bar and governmental agencies; (b) is a legal advisor to the office of the clerk and Director of State Courts; (c) performs research, analyzes information and makes recommendations to the Chief Justice regarding court operations and procedures; (d) performs court commissioner duties; (e) assists the Chief Justice in the exercise of the court's administrative authority; and (f) assists the court and individual justices as directed by the Chief Justice.

While previous Chief Justices have not had any additional staff to assist in administrative duties associated with that position, Court officials indicate that past justices were able to use the existing administrative assistant position to assist with such duties on a one-quarter time to one-third time basis. However, over the past ten years the number of cases filed in the Supreme Court has increased 32% (1,124 cases filed in 1995 compared to 852 cases filed in 1985). Further, case filings are expected to rise to 1,300 cases this year. As a result, a majority of the administrative position's time (approximately 95%) is required to attend to legal duties related to the increased number of cases presented to the Court.

It should be noted that the Supreme Court also funds, under separate sum certain appropriations, the Director of State Courts' Office which, by Supreme Court Rule, is charged with the responsibility of the overall management of the judicial system. The Director is referred to as the chief nonjudicial officer of the state court system and is responsible for development of the budget, hiring and salary establishment of court personnel (except for the personal staffs of the justices and judges), acting as a legislative liaison, providing public information, providing a court information system, coordinating judicial education, providing planning and research for

the court system and staffing various judicial committees. The Office of the Director of State Courts employs 62.5 GPR positions to assist in the administration of the state courts. The Director serves at the pleasure of the Supreme Court, under the direction of the Chief Justice.

While the Director of State Courts is responsible for day-to-day administration of the state court system, Court officials indicate that due to the often confidential matters of the Court, the Director cannot act as a personal assistant to the Chief Justice. Therefore, the request for such a position was advanced.

On the other hand, according to the Court's preliminary position description, a predominant number of the responsibilities that would be associated with the new position are already either assigned to the Director of State Courts by Supreme Court Rule (such as staffing committees), performed by the administrative assistant (on a part-time basis) or could be assigned to other justices (such as representing the Chief Justice at various events). However, Court officials indicate that the new Chief Justice requires assistance to pursue a variety of new initiatives that will improve the relationship between courts and communities and the quality of justice in Wisconsin.

It could be argued that the request for additional position authority would be more appropriately addressed in 1997-99 budget deliberations. If a personal assistant is an overriding priority at this time the Court could (a) assign these duties to the current administrative assistant position; and/or (b) use existing staff within the Director of State Courts' Office to perform research and staff committees as provided under Supreme Court Rule. However, Court officials argue that existing staff cannot be diverted for this purpose due to increasing workload demands in the Director of State Courts' Office over recent biennia. Further, since the new Chief Justice will begin her term on August 1, 1996, with new programs that may be ready to be implemented (such as "Volunteers in the Courts" and a number of other community outreach initiatives being developed), it is argued that the request should be approved at this time in order to allow her to adequately discharge the duties of Chief Justice.

Since the requested position would be funded from a sum sufficient appropriation, no funds were requested. However, there would be a cost to the state for the position of approximately \$81,500 annually in addition to one-time costs of \$5,700.

ALTERNATIVES

1. Approve the Director of State Courts' request for \$87,200 GPR (including one-time funding of \$5,700) and 1.0 GPR position beginning in 1996-97 to assist the Chief Justice in performing the administrative duties of the office.
2. Deny the request.

Prepared by: Carri Jakel



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Wisconsin Sesquicentennial Commission -- Section 13.10 Request to Authorize 4.0 FTE Project Positions for Commission Operations -- Agenda Item II

The Wisconsin Sesquicentennial Commission is requesting that the Joint Committee on Finance authorize 1.0 GPR unclassified project position and 3.0 PR unclassified project positions (and associated expenditure authority for the PR-funded positions) to staff Commission operations. The Commission requests that these project positions be authorized through March 31, 1999.

BACKGROUND

The Wisconsin Sesquicentennial Commission is a 29-member body which is responsible for planning activities associated with the 150th anniversary of Wisconsin's admission as a state in 1848. The Commission is attached administratively to the Office of the Governor.

As a result of the enactment of 1995 Wisconsin Acts 27, 216 and 445, the following appropriations have been created and funded to support the Commission's activities:

- \$150,000 GPR has been appropriated in 1995-96 in a biennial appropriation [s. 20.525(1)(e) of the statutes] to support its general program operations. Funds appropriated in a biennial appropriation are available during both fiscal years of the biennium. Any unencumbered balance on June 30 of the second fiscal year lapses to the source fund.

- \$250,000 GPR has been appropriated in 1995-96 in a continuing appropriation [s. 20.525(1)(em) of the statutes] as a supplement to support its general program operations. Funds appropriated in a continuing appropriation are expendable until fully depleted or repealed by subsequent laws and do not lapse.

- \$1,250,000 GPR has been appropriated in 1995-96 in a new, continuing appropriation under the Committee's supplemental appropriations [s. 20.865(4)(c) of the statutes] for the purpose of supporting the Commission's general program operations. These funds may be released by the Committee to the Commission on a dollar-for-dollar matching basis once the Commission provides documentation that it has received the gift and grant seed monies. However, this matching release mechanism does not apply for the first \$250,000 of gifts and grants received by the Commission.

- The Commission also has three PR-funded gifts and grants appropriations: one for all monies received from general gifts, grants and bequests received by the Commission [s. 20.525(1)(g) of the statutes]; one for all monies received from the supplementation transfers made to the Commission by the Committee [s. 20.525(1)(k) of the statutes]; and an annual appropriation [s. 20.525(1)(h)] for expenditure license fee revenues received from the sale of Commission-licensed products relating to the sesquicentennial observance.

- The Commission has a SEG-funded continuing appropriation [s. 20.525(1)(qr) of the statutes] to which the net proceeds from the sale of special sesquicentennial motor vehicle registration plates will be deposited, beginning in 1997.

None of the acts establishing the above appropriations included any position authority for the Commission. Under s. 14.26(5g)(a) of the statutes, subject to receiving the necessary position authorization, the Commission may appoint staff outside the classified service and fix their compensation.

ANALYSIS

The Commission is requesting that the Committee authorize 1.0 GPR unclassified project position through March 31, 1999, to function as executive director. The Commission proposes that this position be authorized under the agency's s. 20.525(1)(e) biennial general program operations appropriation. The Commission is also requesting that the Committee authorize 3.0 PR unclassified project positions through March 31, 1999, to function, respectively, as assistant director for merchandising and marketing, administrative assistant/office manager, and office receptionist. The Commission proposes to fund these positions from the agency's s.20.525(1)(g) general gifts and grants appropriation.

As identified by the Commission, the types of positions and the responsibilities of each position functions and characteristics of the positions are as follows:

Executive Director. An executive director would provide overall direction to the planning, funding, coordination and promotion of sesquicentennial events over the life of the Commission. Initially, the executive director will play an important role in securing private sector gifts and grants for the Commission. The executive director would initially be paid \$70,000 GPR annually (with fringe benefits, a cost of \$91,700 GPR annually). Since only nine months of funding for

the position would be required for the remainder of the 1996-97 fiscal year, a total of \$68,800 GPR would be expected to be expended for the position for that period.

Assistant Director for Merchandising and Marketing. An assistant director would coordinate the Commission's motor vehicle registration plate marketing effort as well as any other authorized merchandising activities. The assistant director would serve as the Commission's publicity liaison, coordinate Commission grant programs and oversee interagency coordination efforts. The assistant director would initially be paid \$45,000 PR annually (with fringe benefits, a cost of \$59,000 PR annually). Since only nine months of funding for the position would be required for the remainder of the 1996-97 fiscal year, a total of \$44,200 PR would need to be authorized for the position for that period.

Administrative Assistant/Office Manager. An administrative assistant/office manager would provide direct administrative support to the executive director, members of the Commission and other Commission staff. This person would oversee the daily operation of the office, coordinate research and correspondence, staff Commission meetings and assist with budget oversight. The office manager would initially be paid \$25,000 PR annually (with fringe benefits, a cost of \$32,800 PR annually). Since only nine months of funding for the position would be required for the remainder of the 1996-97 fiscal year, a total of \$24,600 PR would need to be authorized for the position for that period.

Receptionist. The Commission's request indicates that when its activities and the overall level of public interest are sufficient to necessitate an office receptionist, the Commission will consider hiring such a receptionist. Currently, the Commission assumes that the position would likely be required by early 1997. The position would handle and route public enquiries, provide clerical assistance, provide computer data base support and assist with other routine office activities. When hired, the receptionist would initially be paid \$18,000 PR annually (with fringe benefits, a cost of \$23,600 PR annually). If the receptionist position would be filled on or about January 1, 1997, a total of \$11,800 PR would need to be authorized for the position for the remainder of the 1996-97 fiscal year.

In reviewing these position requests, it may be noted that the Commission has the statutory responsibility to plan and prepare the state's sesquicentennial observance and to report annually to the Governor and the Legislature on its activities. With the 1998 observance year soon approaching, the Commission must begin a systematic effort to attract private sector donors, begin the operation of series of grant programs targeted to four different publics, and undertake marketing efforts to license sesquicentennial-related products and to promote the sesquicentennial motor vehicle registration plate which first becomes available January 1, 1997. All of these considerations tend to support the need to authorize the executive director, assistant director and administrative assistant project staff positions to enable the Commission to carry out its duties.

With respect to the receptionist position, the Commission indicates that it would likely hire a receptionist once there is sufficient office activity to warrant such a position. The Commission believes that this level of office activity would most probably be reached during early 1997.

However, given the uncertainty as to when the level of office activity will justify such a position and because the Commission currently has the authority to seek future position authorizations under s. 16.505(2) passive review procedures, the Committee could consider not authorizing the receptionist project position until the Commission has a better assessment of its future office staffing workload needs.

As noted above, if the Committee acts to provide the position authority for some or all of the requested positions, funding for the nine remaining months in 1996-97 would be required for three of the four positions. (If the receptionist position is also authorized, no more than six months of funding in 1996-97 would be required for that position.) There is currently more than sufficient GPR funding appropriated to support the requested executive director position. While the Commission currently has only \$35,000 in program revenues on hand, it indicates that it has in excess of \$400,000 in firm pledge commitments. Thus, the total of the available funding plus firm pledge commitments indicates that there would be more than sufficient revenues in 1996-97 to support the requested positions funded from the s. 20.525(1)(g) appropriation.

The Commission has proposed that the executive director position be authorized under the agency's s. 20.525(1)(e) GPR biennial appropriation. As a technical consideration, however, it may be noted that unless the Governor and the Legislature act to provide base level funding for this appropriation in the 1997-99 biennium, there will be no funding available in the appropriation to support the continuation of the executive director position after June 30, 1997. Therefore, it would appear to be more appropriate to fund the executive director position from the Commission's s. 20.525(1)(em) GPR continuing appropriation since the position could then be supported from the continuing resources available in that appropriation during both 1996-97 and also the 1997-99 biennium.

ALTERNATIVES

1. Approve the Wisconsin Sesquicentennial Commission's request to authorize through March 31, 1999, 1.0 GPR unclassified project position (executive director) under s. 20.525(1)(e) of the statutes and 3.0 PR unclassified project positions (assistant director for merchandising and marketing, administrative assistant/office manager, and office receptionist) and associated expenditure authority of \$80,600 PR in 1996-97 under s. 20.525(1)(g) of the statutes to provide staff support for the Commission.

2. Modify the Wisconsin Sesquicentennial Commission's request by authorizing through March 31, 1999, 1.0 GPR unclassified project position (executive director) under s. 20.525(1)(em) of the statutes *[rather than under s. 20.525(1)(e)]* and 3.0 PR unclassified project positions (assistant director for merchandising and marketing, administrative assistant/office manager, and office receptionist) and associated expenditure authority of \$80,600 PR in 1996-97 under s. 20.525(1)(g) of the statutes to provide staff support for the Commission. *[This alternative funds the executive director position from the Commission's GPR continuing appropriation rather than its GPR biennial appropriation.]*

3. Modify the Wisconsin Sesquicentennial Commission's request by authorizing through March 31, 1999, 1.0 GPR unclassified project position under s. 20.525(1)(em) of the statutes *[rather than under s. 20.525(1)(e)]* and 2.0 PR unclassified project positions (assistant director for merchandising and marketing and administrative assistant/office manager) and associated expenditure authority of \$68,800 PR in 1996-97 under s. 20.525(1)(g) of the statutes to provide staff support for the Commission. *[This alternative funds the executive director position from the Commission's GPR continuing appropriation rather than its GPR biennial appropriation and denies authorization at this time for the Commission's receptionist position.]*

4. Deny the request.

Prepared by: Tony Mason



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections -- Increased GPR Funding for Supplies and Services -- Agenda Item III

INTRODUCTION

The Department of Corrections requests the transfer of \$2,925,800 GPR from the Joint Committee on Finance's appropriation under s. 20.865(4)(a) to Corrections general program operations appropriation under s. 20.410(1)(a) to provide funding for supplies and services.

BACKGROUND

The private business/prison employment program was created in 1995 Act 27. Under the program, up to three private businesses may utilize inmate labor and prison space to manufacture products or components or to provide services for sale on the open market. A portion of inmate wages is retained by Corrections to offset state costs. Corrections estimated that the retained inmate wages would generate \$3.2 million in 1996-97. During the agency's biennial budget briefing before the Committee, the Department of Corrections indicated that it was confident that the estimated revenue could be realized. As a result, the Legislature created a PR general program operations appropriation in Corrections, provided an additional \$3.2 million in PR expenditure authority in 1996-97 and reduced the Department's GPR appropriation for supplies and services by a corresponding amount.

The Joint Committee on Finance is required to hold a public hearing before a private industry/prison employment project may begin. On April 2, 1996, Corrections requested that the Committee hold a public hearing related to two private industry/prison employment projects. This hearing was held on April 16, 1996. Subsequent to the Committee's meeting, Corrections established the two projects. The third project is currently being developed.

SUMMARY OF REQUEST

Corrections estimates that the program revenue generated from the private business/prison employment program will only generate \$274,200 in 1996-97, instead of \$3,200,000. The Department is, therefore, requesting supplemental GPR funding of \$2,925,800 GPR in 1996-97 to replace the program revenue.

ANALYSIS

The Department of Corrections has \$5,123,600 budgeted in 1996-97 for supplies and services in the adult correctional institutions. These costs are funded from GPR (\$1,923,600) and PR (\$3,200,000). Supplies and services budgets are allocated by Corrections to each correctional institution. Costs funded from supplies and services include security supplies, telephone costs, educational supplies, law library costs and travel expenses. In addition to these costs, each institution receives a general allocation based on projected inmate populations to fund general administrative expenses and some program activities. These costs include insurance, data processing, printing, office supplies, housekeeping supplies, and employe uniforms and glasses.

The Department is not able to provide current information on how its supplies and services budget is divided between items for 1996-97, but has indicated that, in general, the distribution has not changed in recent years. Based on prior budgets, the Department's supplies and services for 1996-97 would be as follows:

Security Supplies	\$192,200
Telephone	438,100
Educational Supplies	292,900
Law Library	111,300
Travel	816,700
General Supplies and Services	<u>3,272,400</u>
Total	\$5,123,600

Under s. 13.101 of the statutes, the Committee may supplement an agency's appropriation if any emergency exists, no funds are available and the purpose is authorized or directed by the Legislature. The Department indicates that an emergency exists because the \$3.2 million in revenue previously estimated by Corrections is now not expected to be received. According to the Department, if the revenue shortfall is not addressed, costs for supplies and services will need to be "pooled" with costs associated with food, clothing, inmate wages and other supplies for prisoners. To the extent that supplies and services costs cannot be funded through "pooling", the Department indicates that it would delay making payments to the Department of Administration and some vendors. Delayed payments would need to be addressed in future fiscal years.

In addition to revenue generated from inmate wages from the private business/prison employment, the PR general program operations appropriation created by the Legislature in Act

27 for correctional institutions also receives revenue from: (a) room and board charges to inmates on work release; (b) third-party medical and dental insurance collections; and (c) a \$2.50 fee charged to inmates requesting medical services. For 1996-97, budgeted revenues and expenditures from the appropriation are as follows:

<u>Purpose</u>	<u>Source</u>	<u>Appropriation</u>
Institutional Supplies	Private Business/Prison Employment	\$3,200,000
Other		
Center System Supplies	Work Release Room and Board	425,000
Physician Supervisor (0.5 FTE)	Medical and Dental Service Fees	65,000
Health Services and Third Party Collection (0.5 FTE)	Third Party Medical Insurance	<u>100,000</u>
Subtotal		590,000
Total		\$3,790,000

As shown in the table, revenue sources other than the private business initiative are budgeted to generate \$590,000 in 1996-97. While Corrections officials are currently estimating revenues from these sources of approximately \$475,000 for the year, no additional funds have been requested to address a potential shortfall in this area. The Department indicates that it will address part of this shortfall by not filling the 0.5 PR position associated with third party medical insurance collections. Consequently, authorization for this position could be deleted by the Committee.

The Department's estimate of \$274,200 in program revenue for 1996-97 related to the private business/prison employment program appears to be reasonable based on the current private ventures and the Department's assumptions regarding the start of increased employment of inmates. To the extent, however, that startup is slower than anticipated or fewer inmates are employed, revenues could be lower.

In 1995-96, supplies and service funding for the Adult Institutions was budgeted at approximately \$5.1 million GPR, while expenditures were approximately \$6.1 million GPR. The Department indicates that it reallocated monies internally. The \$3,200,000 GPR reduction in 1996-97 was to be replaced by program revenue. Since PR revenues are now estimated to be significantly less, the effect is a significant reduction to base resources for institutional supplies and services. Therefore, in order to maintain base funding the Committee could approve the Department's request.

On the other hand, during deliberations on the 1995-97 biennial budget, the Department had expressed confidence that \$3.2 million from the private business/ prison employment program could be generated in 1996-97. Subsequent to the budget, no proposal was forwarded to the Legislature during subsequent legislative floor periods indicating that these revenue levels would not be obtained. During the January to March, 1996, legislative floor period, the Department was selecting participating businesses and should have had an indication of the number of businesses

that would be operating for a full year and the number of inmates that would participate. The Department should have, at that time, been able to determine that the original revenue estimates would not be realized. It could be argued, therefore, that the revenue shortfall is due not to a current emergency situation but rather the Department's initial estimate of potential revenues and subsequent lack of action in making timely requests to the full Legislature to correct the initial estimate.

Further, the appropriation for which the Department is requesting supplemental funding (s. 20.410(1)(a)) is funded at \$234,584,000 GPR in 1996-97. This appropriation funds salaries and fringe benefits for personnel in the prisons and central administration, and inmate food and supplies, as well as departmental supplies and services. The Committee should note that for the previous three fiscal years, Corrections has lapsed between 1% and 3% from this appropriation. If this appropriation lapsed 1.25% in 1996-97, this lapse would be sufficient to cover the additional funds requested. Corrections, with the approval of DOA, may reallocate any excess funds that can be identified (such as salary or permanent property) to meet supply costs.

Given questions that could be raised about the emergency nature of the request and the potential for a lapse from the appropriation, the Committee could deny the Department's request. If, prior to the end of 1996-97, the anticipated lapse and revenue from the PR appropriation are not sufficient to fund supplies and services, a new request could be submitted for the June, 1997, s. 13.10 meeting based on actual experience.

In its original request, the Department asked that funding be provided from the Committee's supplemental appropriation under s. 20.865(4). However, because the unreserved balance in that appropriation is only \$474,300 another funding source needs to be identified.

Subsequent to its request, Corrections officials estimated that approximately \$5.0 million in 1996-97 may be available to address its request under s. 13.10, through a transfer from the serious juvenile offender appropriation under s. 20.410(3)(cg). The purpose of the serious juvenile offender (SJO) appropriation is to provide reimbursement for correctional costs for certain violent juvenile offenders and additional juveniles adjudicated as serious offenders after July 1, 1996. Under 1995 Act 416, the Corrections budget adjustment act, the SJO appropriation is set at \$14,056,700 GPR in 1996-97. Based on updated estimates of average daily populations and certain assumptions concerning how juveniles will transition from institutional care to various types of community programming, the Department now projects that SJO expenditures for 1996-97 will be \$9.0 million.

The number of new serious juvenile offender dispositions that will be made in 1996-97 is a critical consideration in projecting any potential surplus. The SJO disposition option (available for juveniles committing an offense on or after July 1, 1996) is new and no historical data is available at this time. Further, to the extent that additional juveniles receive SJO dispositions, counties will retain a greater proportion of their youth aids allocation; this financial incentive may result in counties seeking SJO dispositions whenever possible. Due to these factors, the DOC estimate of SJO dispositions in 1996-97 is speculative. It does appear, however, that there will

be sufficient funding in the serious juvenile offender appropriation available for transfer to fund this request.

As a technical matter, since the PR general program operations appropriation was generally used in Act 27 to offset GPR on a dollar-for-dollar basis, any GPR supplement should be reflected in a corresponding PR authority reduction.

ALTERNATIVES

1. Approve the Department's request to transfer \$2,925,800 GPR in 1996-97 from the Committee's appropriation under s. 20.865(4)(a) to the Department's general program operation appropriation under s. 20.410(1)(a) for supplies and services costs. In addition, reduce PR funding by a corresponding amount and delete 0.5 PR position.

2. Transfer \$2,925,800 GPR in 1996-97 from the Serious Juvenile Offender appropriation under s. 410(3)(cg) to the Department's general program operation appropriation under s. 20.410(1)(a) for supplies and services costs. In addition, reduce PR funding by a corresponding amount and delete 0.5 PR position.

3. Deny the request. Under this alternative, the Department could submit a request to the Committee at the June, 1997, s. 13.10 meeting if a funding supplement is required.

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September 26, 1996

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Corrections -- Texas Jail Contracts and Staffing Increases -- Agenda Item IV

INTRODUCTION

The Department of Corrections requests increased funding of \$7,563,400 GPR in 1996-97 with an additional 102.5 GPR positions for contracting with county jails in Texas and for increased staffing associated with projected population increases. In addition, Corrections requests the Committee's approval to use up to \$1,000,000 GPR in 1996-97 currently appropriated for contracts with Wisconsin county jails to instead contract with Texas counties. The Committee should note that the Department has identified an error in its original request for \$7,760,200 which reduced the total request by \$196,800. This paper uses the revised funding request.

In addition to the Department's s. 13.10 request, the Committee is also required under s. 302.26 to approve any contract to transfer 10 or more inmates in any fiscal year to any one state or any one political subdivision of another state. The Department of Corrections has submitted a contract with four Texas counties for the Committee's approval.

BACKGROUND

In 1995 Act 416 (the Corrections budget adjustment act), budgeted populations for the adult correctional institutions were increased for 1996-97 from 12,006 (estimated in Act 27) to 12,728. During deliberations in the budget adjustment bill, the Department requested additional funding for inmate food, clothing and medical care, but did not request increased staffing to address the increased populations. In part to accommodate the increased populations, Act 416 provided funding to support 455 contract jail beds (\$9,718,900 GPR in 1996-97) and placed \$2,073,800

GPR in the Committee's appropriation for release to Corrections for additional jail contracts with Wisconsin counties or other states. The \$2,073,800 GPR represents sufficient funding for an additional 102 Wisconsin jail beds, at \$58 per day.

In its s. 13.10 request, Corrections has reestimated its 1996-97 average prison population to 13,242, with a June 30, 1997, population estimated at 13,948. This population estimate includes state prisoners held in Wisconsin county jails, but does not include any reduction for prisoners sent to Texas or for increased participation in the intensive sanctions program (ISP).

In order to address the increase in inmate populations, Corrections plans to increase the number of inmates being released to ISP by up to 600, contract with Texas counties for up to 700 beds, add an additional 398 beds in existing institutions and construct a 150-bed dormitory for female offenders. The Department will utilize existing resources to accommodate more ISP inmates. Inmates released to ISP will either be placed in the program after review by the Parole Commission or as an alternative to having their probation or parole revoked.

SUMMARY OF REQUEST

The Department's request consists of four parts: (a) the requested approval of the Texas contract; (b) the release of funding in the Committee's appropriation which has been reserved for jail contracts and increased funding to support additional contracted jail beds; (c) increased staffing at the correctional institutions associated with increased prison populations; and (d) increased staffing for the Taycheedah Correctional Institution associated with the construction of a 150-bed dormitory unit. The funding and positions requested are shown in the following table:

<u>Item</u>	<u>FTE Positions</u>	<u>Amount Requested</u>
Jail Contracts	2.0	\$6,154,800
Increased Staff	80.3	2,215,200
Taycheedah Dormitory	<u>20.2</u>	<u>193,400</u>
Total	102.5	\$8,563,400

<u>Funding Sources</u>	<u>Amount</u>
(a) Committee Reserve Funds	\$3,011,700
(b) Committee Unallocated Balance	4,551,700
(c) Base Resources for Jail contracts	1,000,000

ANALYSIS

Contract with Texas Counties

Under 1995 Act 344, any contract involving the transfer of more than 10 prisoners in any fiscal year to any one state or to any one political subdivision of another state must first be approved by the Legislature by law or the Joint Committee on Finance. Consequently, the Department is submitting its unsigned agreement with four Texas counties for the Committee's review and approval. Note that the agreement submitted by the Department as part of its s. 13.10 request was revised on September 20, 1996. The major provisions of the revised agreement are summarized below. A complete summary can be found in Attachment I.

Parties, Terms, Number of Beds and Reimbursement. The agreement calls for the housing of up to 700 Wisconsin inmates in four Texas county jails at a cost of \$39.96 per day per inmate. The agreement would be in effect from October 15, 1996, through June 30, 1997, and could be amended or extended in one-year increments upon the written agreement of the parties.

While the Sheriff of Hood County Texas would be administering the agreement with the Department, there are three additional counties which are parties to this agreement: Johnson, Palo Pinto and Comanche Counties. These neighboring counties are located southwest of Fort Worth. Both the Department and the Hood County Sheriff indicated that the four counties identified in the current agreement could accommodate approximately 350 to 400 Wisconsin inmates, and that other counties would need to be added to the agreement to reach the 700 inmate level. The Sheriff indicated that he did not want to begin the process of identifying additional counties until the agreement was approved by the Committee, but stated there would be no problem in securing the additional beds. The Department believes that because the agreement is with Hood County, and that subsequent counties would in effect be subcontractors and not contractors, that once the agreement is approved by the Committee, subsequent Committee approval would not be required to add counties to the agreement.

However, all four counties are clearly party to the agreement and any additional counties would be added as parties and would be required to sign an amended contract. Therefore, to the extent any county outside the four currently named would contract to accept more than 10 Wisconsin inmates, approval by the Finance Committee or passage of legislation would be required prior to the transfer of the inmates. Corrections argues the time required to meet the statutory requirement may delay the transfer of inmates to Texas. To respond in a timely fashion and fulfill the statutory requirement, the Committee could allow a 14-day passive review process for approving the addition of counties to the current contract proposal.

Selection of Inmates. The criteria for inmate selection would be: male, medium custody inmates who, at the time of transfer, have been cleared by Correction's health, dental and medical services as having no health concerns. Inmates with a history of institutional violence, escape or attempted escape from secure custody would not be eligible. The Texas counties would have the right to reject any inmate for medical or behavior problems. While not in the agreement, the

Department states that it would not transfer inmates whose transfer would have a negative effect on the likelihood of parole. (This means that if a prisoner requires a certain type of program to become eligible for parole and that program is not available in Texas, that inmate would not be transferred.) The Department further states that those prisoners volunteering for transfer to Texas would be considered. Finally, in determining transfer, the Department would give higher priority to newly admitted inmates.

While not stated in the agreement, the Department's plan, pending 1997-99 funding, is to transport inmates for one-year stays in Texas. After one year, inmates would be returned to Wisconsin to serve the remainder of their sentences, to be replaced in Texas with other inmates.

Programming and Medical Services. The Texas counties would be responsible for confining the inmates in appropriate penal surroundings but would not be required to provide additional treatment, facilities or programs to Wisconsin inmates which they do not provide to other similar inmates. The counties would provide: (a) lodging facilities; (b) programs; (c) constant monitoring of the premises; (d) three nutritious meals a day (at least two of which would be hot); and (e) basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates would also have access to all volunteer programs/activities, chaplaincy directed programs and crisis intervention and social services treatment available to other jail inmates. The counties would provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Inmates would receive medical, optometric, psychiatric and dental diagnosis and treatment necessary to safeguard their physical and mental health, and not less than that provided to other inmates. These costs would be paid by the counties if the services are provided by the jail. The cost of any special care would be paid by the Department. The Hood County Sheriff indicates that his county would be willing to provide additional programming if the Department would pay for it. The current proposal would provide for funds for additional medical expenses, but no additional programming.

Liability Issues. It should be noted that inmates transported to Texas under this agreement would remain in the custody of the Department. While there is a provision in the agreement to require the counties to defend themselves at their expense in any action or proceeding arising out of confinement in the county jails which involves conditions of confinement action of county employes, this would not, according to legislative attorneys, relieve the Department of potential liability.

Department officials personally inspected three of the four county jails included in this agreement, and conducted a phone interview and watched a videotape concerning the fourth county jail. The Department indicates that the s. 13.10 request includes funding for monthly monitoring visits by Corrections officials for the first six months of the agreement and visits

every other month for the remainder of the fiscal year to assure that the conditions in the four jails and in any additional jails meet Wisconsin standards.

Impact on Wisconsin Prisons. Higher inmate population projections, based on most recent admission trends, indicate a need for accommodating more inmates this fiscal year. The Department indicates that virtually all available Wisconsin county jail beds will be used in 1996-97 and in subsequent years. If the Texas jail agreement is not approved, crowding would become more severe. The Department indicates serious concerns regarding the safety of institution staff and inmates would result without the agreement.

Funding for Texas County Jail Bed Contracts

Current funding in 1996-97 for contract county jail beds is \$9,718,900 GPR. This funding allows the Department to purchase an estimated 455 beds per day to house state prisoners. In 1995 Act 416, an additional \$2,073,800 GPR in 1996-97 was placed in the Committee's appropriation for possible release to Corrections if the Department was able to contract for additional jail beds space in Wisconsin or with another state. Currently, only Wisconsin county jails are utilized and the daily cost averages \$58. In 1995-96, the Department contracted for an average of 407 jail beds per day; the Department estimates the same level for 1996-97.

In its s. 13.10 request, the Department plans to transport inmates to Texas beginning October 15 in groups of 80, twice a month until 700 beds are filled (by February 5, 1997). To fund the Texas contract, the Department requests the release of the funding currently in the Committee's appropriation for jail contracts (\$2,073,800 GPR) and an additional \$3,081,000 GPR and 2.0 GPR positions to support the contract with Texas county jails from October, 1996 to June, 1997. In addition, Corrections has indicated that it would use \$1,000,000 GPR from its current jail contracts appropriation to fund the Texas jail beds. In total, the \$6,154,800 would support 700 county jail beds in Texas, with an average daily population for 1996-97 of 391 inmates. The Department's request for the Texas jails contract is divided as follows:

	<u>FTE Positions</u>	<u>Amount Requested</u>
Jail Contract		\$5,711,200
Transportation and Contract Administration		191,100
Medical Services		195,600
Records Administration	<u>2.0</u>	<u>56,900</u>
Total	2.0	\$6,154,800

Subsequent to its s. 13.10 submission, the Department has indicated that the plan to transport all 700 inmates to Texas by the beginning of February may be optimistic. Since the current agreement with the four counties would not provide all 700 beds, other Texas counties

need to be identified, inspected, and submitted for Committee review before inmates could be transported to additional counties. An alternative plan which would transport 360 inmates to Texas by the end of the calendar year, and have all 700 inmates transported by early May, 1997, would require additional funding of \$3,881,500 GPR. Another alternative would be to provide funding at this time only for the 360 inmates to be transferred to the four counties by December, 1996. Additional funding could be released upon identification of additional beds and submission of additional agreements to the Committee for review. This alternative would require \$2,553,200 GPR and 2.0 GPR positions.

The \$191,100 GPR requested for transportation and contract administration would pay for inmate transportation costs and the expenses of Department monitoring visits to Texas. These costs would not change with an alternative transportation schedule.

Medical services (\$195,000) are budgeted at \$500 per inmate, calculated from the average daily population. This is slightly less than half of the current annual average of \$1,082 per inmate for medical service expenses. The lower budget estimate for the Texas contract assumes that inmates will be healthy when transported, and that medical services for approximately 30% of the medical costs will be provided in the jails and therefore payable by the counties. If the alternative transportation schedule is approved, costs for medical services would be reduced to \$153,400.

Finally, 2.0 GPR positions (1.0 program assistant and 1.0 institutions registrar) are requested for the Dodge Correctional Institution at a cost of \$56,900 GPR in 1996-97 (\$63,100 GPR annually) to handle the paperwork associated with the Texas inmates. This request appears reasonable given the numbers of inmates, the logistics needed to conduct program review and parole interviews by phone and conduct off-site file reviews, and the annual turnover of inmates.

Increased Staffing at Existing Correctional Institutions

The following table indicates the estimated 1996-97 inmate populations under Act 416 and the Department's s. 13.10 request.

	Total Institution Population	Wisconsin Prisons	Wisconsin Jail Contracts	Texas Jail Contracts
Current Law (Act 416)				
Average Daily Population	12,728	12,171	557*	0
June 30, 1997	13,530	12,973	557*	0
S. 13.10 Request				
Average Daily Population	12,992**	12,194	407	391
June 30, 1997	13,348**	12,241	407	700

* Includes funding for additional jail beds held in the Committee's appropriation.
 ** Deducts s. 13.10 estimate of additional releases to Intensive Sanctions.

Since submitting its s. 13.10 request, the Department has indicated that a more realistic estimate of increased intensive sanctions program inmates is 300, rather than 600. This would result in a projected June 30, 1997, institution population of 13,648, with an average daily population in 1996-97 of 13,117.

Using Corrections' revised population estimates (13,117 in 1996-97 when the revised intensive sanctions program increases are deducted) and assuming the Department places 700 inmates in Texas jails under the alternative plan, the average daily inmate population in Wisconsin prisons in 1996 will be 12,403, 232 inmates higher than estimated in Act 416 and 817 higher than estimated in Act 27. Current institutional staffing levels were allocated based on the Act 27 estimates. It should be noted that in Act 416, the Department did not request additional staff to deal with higher population levels.

In order to support the increased inmate population in Wisconsin prisons, the Department is requesting \$2,215,200 GPR and 80.3 GPR positions. On an annualized basis, the cost of these positions is \$2,688,900 GPR.

Corrections plans to add 398 beds to existing institutions. The requested positions would provide increased security staffing, additional inmate support services (social services, education and health), inmate work crew staffing and general institutional support. Attachment II details by institution the requested number and type of positions.

The Department argues that an emergency currently exists within the institutions concerning understaffing resulting from overcrowding. The Department argues that all positions requested, which include security staff (officers for the housing units), work crew staff (officers and facility repair workers), and other staff (food production assistants, social workers, nurse clinicians, teacher assistants, program assistants and officers for laundry supervision, patrol and transportation) provide essential services in maintaining the safety of an institution, and that the increased inmate populations warrant funding of the requested positions through the s. 13.10 process. Alternatively, the Committee could determine that safety concerns are related to security staffing in inmate housing units only, and provide staff and funding for 47.27 officer positions at a cost of \$1,293,600 GPR in 1996-97. Annualized costs would be \$1,526,900 GPR for these positions. While other increased staffing may be warranted, security officers in housing units can be considered as being more urgent and other positions may be addressed in the 1997-99 biennial budget.

Another alternative that the Committee could consider would be to provide increased staffing based on staffing ratios that would result from the Department's increased number of beds. Under this alternative, Corrections request could be reduced by \$592,500 GPR and 21.86 GPR positions in 1996-97. The alternative would provide security housing staff at all institutions except Green Bay. The Department has indicated that the staffing request at Green Bay is not directly related to the increased number of inmates, but rather a change in the scheduling of school and work assignments for inmates. This need could be addressed in the 1997-99 biennial

budget. In addition the alternative would provide: (a) work crew staffing at medium security institutions and minimum security correctional centers; (b) teacher assistants at Green Bay and Waupun Correctional Institutions; (c) social workers at Waupun and Jackson County Correctional Institutions and at the Burke Correctional Center; and (d) nurse clinicians at Waupun and Kettle Moraine Correctional Institutions. Total funding provided would be \$1,622,700 GPR and 58.44 GPR positions in 1996-97. On an annualized basis, the cost of the increased staffing would be \$1,934,500 GPR.

It should be noted that while the above alternative would not provide work crew staffing at Waupun, Green Bay and Oakhill, based primarily on current staffing ratios and the relative inmate population increases, in Act 416 the Legislature placed \$183,800 GPR in the Committee's appropriation for costs associated with secured inmate work programs ("chain gangs"). The Department could request, at a later s. 13.10 meeting, the release of the reserved funding, either for implementation of chain gangs or for other work crew staff positions.

Staffing of Taycheedah Correctional Institution Dormitory

The Department requests that \$193,400 GPR be transferred from the Committee's supplemental appropriation and that 20.2 GPR positions be created for three months to operate a new 150-bed dormitory at the Taycheedah Correctional Institution. These positions include security staff (13.3 positions), work crew supervisors (2.4 positions), a unit supervisor (1.0 position), and health, social service and other support staff (3.5 positions). According to the Department, the dormitory would be constructed using \$900,000 from a federal grant and a 10% state match from general fund support borrowing. On an annualized basis, staffing of the dormitory would cost \$539,200 GPR.

The Committee should note that Corrections has not yet received any federal funding but expects to be informed of the receipt of any grant by the end of September. While the Department indicates that the facility would be similar to dormitories at Kettle Moraine and Oshkosh and could be constructed quickly, the Building Commission has not approved the project or the state match. Timing of action by the Commission is uncertain. Construction delays could also be encountered during the winter months. Given these issues the Department's request for staffing appears to be premature.

Funding Options Identified by the Department

In addition to the funding appropriated for jail contracts (\$2,073,800 GPR in the Committee's appropriation for additional jail contracts and \$1,000,000 GPR currently appropriated for contracts with Wisconsin county jails), the Department has identified the following additional options for funding this request. Only the first option was included in the s. 13.10 request.

Committee Appropriation for Increased Intensive Sanctions Population (s. 20.865(4)(a)). As a result of Corrections' revised estimates concerning the ISP population in 1996-97, the \$937,900 GPR originally placed in the Committee's appropriation for possible intensive sanction population increases could be released to provide partial funding for this request.

Intensive Sanctions Appropriation (s. 20.410(1)(ai)). In its s. 13.10 request, the Department planned to increase efforts to utilize the intensive sanctions program, with an additional 600 inmates released to the program over current levels by the end of the year. Since submitting its request, the Department now indicates that an increase of 300 inmates to ISP is a more realistic estimate. Act 416 provided funding for an intensive sanctions population of 2,220; 300 additional inmates would bring the population to 1,858. As a result, the Department has identified \$1,216,300 GPR in appropriation s. 20.410(1)(ai) which could be transferred to fund this request.

Serious Juvenile Offender Appropriation (s. 20.410(3)(cg)). As outlined in the Fiscal Bureau paper concerning agenda item III, Corrections officials now estimate that approximately \$5.0 million in 1996-97 may be available to address its request under s. 13.10, through a transfer from the serious juvenile offender appropriation under s. 20.410(3)(cg). The purpose of the serious juvenile offender (SJO) appropriation is to provide reimbursement for correctional costs for certain violent juvenile offenders and additional juveniles adjudicated as serious offenders after July 1, 1996. The SJO appropriation is provided \$14,056,700 GPR in 1996-97.

Corrections officials have now projected 1996-97 SJO expenditures at approximately \$9 million, based on updated estimates of average daily populations and certain assumptions concerning how juveniles will transition from institutional care to various types of community programming. The Department's new projection would result in a surplus of approximately \$5 million in 1996-97.

The number of new serious juvenile offender dispositions that will be made in 1996-97 is a critical consideration in projecting any potential surplus. The SJO disposition option (available for juveniles committing an offense on or after July 1, 1996) is new and no historical data is available at this time. Further, to the extent that additional juveniles receive SJO dispositions, counties will retain a greater proportion of their youth aids allocations; this financial incentive may result in counties seeking SJO dispositions whenever possible. Due to these factors, the Department's estimate of SJO dispositions in 1996-97 is speculative.

The uncertainty regarding the actual number of SJO admissions in 1996-97 could mean that the \$5.0 million projected surplus could vary to some extent. For example, if the average number of SJO admissions vary from the DOC estimates of 14 per month by three juveniles (to 11 or 17 per month), the cost to the SJO appropriation would vary by about \$672,000.

Additional data on continuing costs under the appropriation and on the number of SJO dispositions being ordered will be available later in the fiscal year. A more accurate estimate of

a surplus in the appropriation, which would be available to transfer or to lapse to the general fund, would be possible at a later date.

The following table summarizes the potential Corrections funds which could be used to fund the Department's requests (Agenda items III and IV).

Committee Reserve Funds for Jail Contracts	\$2,073,800
Wisconsin Jail Contract Funds	1,000,000
Committee Reserve Funds for Intensive Sanctions	937,900
Intensive Sanction Funds	1,216,300
Serious Juvenile Offender Funds	<u>5,000,000</u>
Total	\$10,228,000

Inmate Expenses

Inmate food, wages, clothing, health care, and other inmate supplies and services are budgeted on an annual per inmate cost of \$3,347. In its s. 13.10 request, the Department did not request additional funds for these inmate expenses because the projected increase in the institutional population would largely be handled through the increased releases to intensive sanctions and the Texas jail contract. With the revised projections, there will be an average daily population of 232 more prison inmates than budgeted in Act 416. This represents a \$776,500 GPR shortfall in the amount budgeted for inmate expenses. The Department has not requested these funds and indicates that there are no additional funds available for reallocation beyond that identified in their revised request. The Department may manage within its current appropriation, or return under s. 13.10 at a later point. However, the Committee may wish to provide funding for this increase at this time. If the Committee provides full funding for the Department's requests under the revised estimates, there would be \$236,800 GPR remaining from the potential \$5 million surplus identified in the serious juvenile offender appropriation. If the Committee adopts any other alternatives, more than \$776,500 GPR would be remaining from the potential \$5 million surplus in serious juvenile offender appropriation for reallocation. Alternatively, the Committee could take no action at this time in order to determine if: (a) current projections are accurate; and (b) the Department can manage within its current appropriation.

ALTERNATIVES

A. Approval of Contracts for Use of County Jail Beds in Texas

1. Approve the agreement between the Texas counties of Hood, Johnson, Palo Pinto and Comanche and the Department which would provide up to 700 beds for Wisconsin inmates in Texas county jails between October 15, 1996 and June 30, 1997.

2. In addition to alternative A1, allow the Department to submit to the Committee for a 14-day passive review the names of any additional counties to be added as parties to this agreement and copies of the proposed agreements.

B. Funding for Contracts with Texas County Jails

1. Approve the Department's request for an additional \$5,154,800 GPR and 2.0 GPR positions (\$5,097,900 under appropriation 20.410(1)(ab) and \$56,900 and 2.0 positions under appropriation 20.410(1)(a)) to provide funding to transfer 700 Wisconsin prisoners to Texas jails by February, 1997. Funding sources for this request would be: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$2,143,100 from the Committee's appropriation (s. 20.865(4)(a)).

2. Provide \$3,881,500 GPR and 2.0 GPR positions (\$3,824,500 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to appropriation s. 20.410(1)(a)) to provide funding for the transfer of 360 inmates by December, 1996, and a total of 700 Wisconsin prisoners to Texas jails by May, 1997. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; (b) the release of \$937,900 from the Committee's appropriation (s. 20.865(4)(a)) for intensive sanctions funding; and (c) the transfer of \$869,800 from the intensive sanctions appropriation (s. 20.410(1)(ai)).

3. Provide \$2,553,200 GPR and 2.0 GPR positions (\$2,496,300 to appropriation s. 20.410(1)(ab) and \$56,900 and 2.0 positions to s. 20.410(1)(a)) to provide funding for the transfer of 360 Wisconsin prisoners to Texas jails by December, 1996. Provide the funding from: (a) the release of \$2,073,800 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts; and (b) the release of \$479,400 from the Committee's appropriation (s. 20.865(4)(a)) for intergovernmental jail contracts. Under this alternative, the Department could request funding for the additional beds, when additional county contracts are submitted to the Committee for approval.

4. Deny the Department's request.

C. Increased Staffing at Existing Correctional Institutions

1. Approve the Department's request to transfer \$2,215,200 GPR from the Committee's appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation (s. 20.410(1)(a)) to provide funding for 80.3 GPR positions at existing correctional institutions.

2. Provide \$1,622,700 GPR and 58.44 GPR positions in 1996-97 for the Department of Corrections based on staffing ratios that would result from an increased number of inmate beds in existing correctional institutions. Transfer \$346,500 from the intensive sanctions appropriation

(20.410(1)(ai) and \$1,276,200 from the serious juvenile offender appropriation (20.410(3)(cg) to s. 20.410(1)(a).

3. Provide \$1,293,600 GPR and 47.27 positions for security staffing only in housing units at existing institutions. Transfer \$346,500 from the intensive sanctions appropriation (20.410(1)(ai)) and \$947,100 from the serious juvenile offender appropriation (20.410(3)(cg)) to s. 20.410(1)(a).

4. Deny the request.

D. Staffing of Taycheedah Correctional Institution Dormitory

1. Approve the Department's request to transfer \$193,400 GPR from the Committee's supplemental appropriation (s. 20.865(4)(a)) to the Department's general program operations appropriation under s. 20.410(1)(a) for the operation of a 150-bed dormitory at the Taycheedah Correctional Institution. Provide an additional 20.2 staff positions for the dormitory.

2. Deny the request.

E. Inmate Expenses

1. Provide \$775,900 GPR for inmate expenses to cover the projected increase in the average daily population of prison inmates in 1996-97. Transfer \$775,900 from the serious juvenile offender appropriation under s. 20.410(3)(cg) to s. 20.410(1)(a). [Note: If the Department's requests are fully funded, this alternative would reduce the serious juvenile offender appropriation by \$539,100 more than is estimated to be available. Thus, an additional funding source would need to be identified.]

2. Take no action.

ATTACHMENT I

Summary of Major Provisions of the Agreement Between Four Texas Counties and Wisconsin Department of Corrections for the Temporary Housing of Inmates

Parties. Hood County Texas and associated Texas counties of Johnson, Palo Pinto and Comanche (Counties), and the Wisconsin Department of Corrections (Department).

Terms. In effect from October 15, 1996 through June 30, 1997; may be terminated upon 30 days written notice to the other party, and may be amended or extended in one-year increments upon the written agreement of the parties. The Department will remove its inmates within 30 days of termination of the agreement.

Number of Beds. Up to 700 inmate beds, dependent on bed space availability.

Selection of Inmates. The criteria for inmate selection is medium custody males who, at the time of transfer, are cleared by health, dental and medical services. Inmates with a history of institutional violence, escape or attempted escape from secure custody will not be eligible for transfer. The counties have the right to reject any inmate due to medical or behavior problems which county Sheriff determines to be unacceptable. The Department can return any inmate to Wisconsin at any time and replace or not replace the inmate with another.

Responsibility for Inmate Custody, Services and Discipline. The counties will be responsible for confining the inmates in appropriate penal surroundings consistent with applicable federal and state laws and regulations, but the counties will not be required to provide additional treatment, facilities or programs to Department inmates which they do not provide to other similar inmates. Inmates will not be permitted or required to participate in any training or work program contrary to Department rules. The counties will have physical control over and power to exercise disciplinary authority over inmates, but counties are not authorized to permit punishment prohibited by Department rules.

Right of Inspections. The Department will have the right to inspect the county jails at all reasonable times to determine that appropriate standards of care and discipline are being met.

Medical Services. The Department will provide appropriate medical information prior to transfer, including certification of tuberculosis screening or treatment. Inmates will receive medical, optometric, psychiatric and dental diagnosis and treatments as necessary to safeguard their physical and mental health and comply with federal, Wisconsin and Texas law. These services will not be less than that provided to other inmates. These costs will be paid by the counties if the services are provided by the jail and the inmate requires no special care in addition to that commonly provided by the jail. The cost of any special care will be paid by the Department. Except in an emergency, the counties will contact the Department for prior written approval for medical, psychiatric or dental expenses for which the Department is responsible.

In an emergency, the counties will notify the Department as soon as practicable. If required mental health treatment is not available in the counties, the Department will transfer the inmate to its own facility. Dental services payable by the Department will not exceed services necessary for the relief of continuous pain or acute infection. Copies of health care and related records will be provided by the Department upon request to the counties health care providers. These remain the property of the Department and may not be altered, and will be returned to the Department when the inmate is removed from the jail.

Laws and Regulations for Inmate Conduct. Inmates will be subject to all provisions of law and regulations applicable to similar county jail inmates. When an inmate would be subject to discipline under the Department's Administrative code and the counties want the inmate removed, the Department may discipline the inmate under its rules.

Inter-Institutional Transfer. The counties may transfer an inmate between facilities under this agreement with written notification to the Department.

Escape. The counties will have the primary responsibility and authority to direct the pursuit, retaking and prosecution of escaped inmates within their own territories. Any associated costs will be borne by the counties.

Retaking of Inmates. The decision to retake an inmate is the Department's and is not reviewable by the counties, unless there is a pending criminal charge or if the inmate is suspected of having committed a criminal offense, the inmate will not be taken without the consent of the Sheriff until discharged from prosecution or imprisonment for the offense. All inmates will be returned to Wisconsin; no inmates will be released in Texas.

Cost and Reimbursement. The Department will pay the counties \$39.96 per day per inmate for the term of this agreement (October 15, 1996 through June 30, 1997). The counties will invoice the Department monthly, and the Department will pay within 30 days of receipt of the invoice. Payment will be made for the day of the inmate's arrival but not the day of his departure.

The counties will provide: lodging facilities; programs; constant monitoring of the premises; three nutritious meals a day (two will be hot); and basic necessities including but not limited to beds, clean bedding, personal hygiene items, toilet facilities, recreational facilities as may be available, canteen facilities, visiting facilities, library/law library and other program services that may be available. Inmates will have access to all volunteer programs/activities and chaplaincy directed programs, crisis intervention and social services treatment available to other jail inmates.

The counties will provide necessary program space required to conduct any supplemental treatment programs arranged by the Department.

The counties will provide the inmates an institution account and institution needs pay of \$3.20 per week (5 days at \$.64/day) when in general population status.

Responsibility for Legal Proceedings. The Department will defend any action or proceeding involving the legality of revocations or sentence computations of its inmates or the placement or removal of inmates in county jails. The counties will be reimbursed for any expense connected with such actions or proceedings.

The counties will defend, at their expense, any action or proceeding arising out of confinement in the county jails which involves the conditions of confinement or the actions of county employees.

Disputes. Any disputes arising from this agreement which cannot be settled by contract administrators will be subject to arbitration as provided under Wisconsin statutes.

Rights or Benefits. This agreement does not provide or create any rights or benefits to any of the inmates.

ATTACHMENT II

DOC Positions Requested by Institutions

<u>Correctional Facility</u>	<u>Position</u>	<u>Number</u>
Dodge Correctional Institution	Food Production Assistant	1.0
	Correctional Officer-Laundry	0.4
	Correctional Officer-Housing	5.0
John Burke Correctional Center	Correctional Officer-Housing	5.0
	Social Worker	0.5
Jackson County Correctional Institution	Correctional Officer-Housing	5.0
	Correctional Officer-General Projects/Work Crews	5.0
	Social Worker	1.0
	Nurse Clinician	1.0
Oakhill Correctional Institution	Correctional Officer-Work Crews	1.2
	Correctional Officer-Patrol & Trans.	5.0
Black River Correctional Center	Correctional Officer-Housing	1.6
	Correctional Officer-Work Crews	1.2
	Social Worker	0.5
Waupun Correctional Institution	Correctional Officer-Housing	10.0
	Facility Repair Worker-Work Crews	2.0
	Teacher Assistant	1.0
	Social Worker	1.0
	Program Assistant	0.5
	Nurse Clinician	1.0
Kettle Moraine Correctional Institution	Correctional Officer-Housing	5.0
	Correctional Officer-Housing AODA Unit	1.6
	Correctional Officer-Work Crews	2.4
	Nurse Clinician	1.0
St. Croix Correctional Center	Correctional Officer-Housing	5.0
Thompson Correctional Center	Correctional Officer-Housing	5.0
	Correctional Officer-Work Crews	1.2
	Supervising Officer	1.0
	Food Production Assistant	1.0
	Program Assistant	0.5
	Social Worker	0.5
Green Bay Correctional Institution	Correctional Officer-Housing	5.0
	Correctional Officer-Work Crews	1.2
	Teacher Assistant	<u>1.0</u>
Total		80.3