

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/22/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**

Extra Copies: **JK**

Pre Topic:

SDC:.....Walter - Caucus # 2134,

Topic:

County operating levy rate limit exception

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/24/99	ygeller 06/25/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		
/2	shoveme 06/29/99	ygeller 06/29/99	mclark 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

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/1	shoveme 06/24/99	ygeller 06/25/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

12 MES 6/29
FE Sent For: 12 6/29 jlg

MRC 6/29
MRC/KJF 6/29
<END>

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Subject: **Counties**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus # 2134,

Topic:

County ^g operating tax ₁ levy rate ^{limit} exception for ^e mandated jail construction.

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme	1 6/25 jlg		_____			
/1 NCS 6/24							
FE Sent For:							

<END>

yes

SDC

6104

Agency: General Fund Taxes

caucus number 2134

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Tax Levy Rate Limits. Proposal to create a narrow exception to tax levy rate. No fiscal impact.

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2732

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1403	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Adopt FM 1403 which provides a sales and use tax exemption for the gross receipts from the sale of and the storage, use or other consumption of materials in the maintenance of railroad tracks and rights of way.

other notes Modifications to above: change effective date to 1/1/01

drafting instructions: Adopt freestanding motion 1403 (see above)

more instructions:

NOTE CHANGE

Already Sent in previous batch

caucus number 2762

duplicate flag:
duplicate with:

Other reference numbers:	Paper 120	LFB Sum #:
	FM 1177	
	bill number/amendment number:	
	LRB draft #	LRB P-draft:

description: Paper 120. Cigarette Tax Refunds. Maintain current law, directing DOR to refund 70% of cigarette taxes from sales on reservations that were designated such by 1/1/83. Allow refund of 1005 of cigarette tax collections from those sales to tribal members.

other notes

drafting instructions: See above and attached.

more instructions:

caucus number 2765

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1383	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Adopt FM 1383 re: Wisconsin Fair Dealership Law.

other notes

drafting instructions: Include FM 1383.

more instructions:

LOCAL REVENUE SOURCES

Tax Levy Rate Limits – Exceptions (No Motion Paper)

CN 2134

Pierce County is under a mandate from the Department of Corrections to build a new jail facility for the county. This has become an "unfundable mandate" due to the fact that with a low tax levy rate (i.e. 5.5) the county cannot raise sufficient funds through property taxes to pay the \$1.6 M/year in operating costs associated with the new jail.

Amendment would create a narrow exception to levy limits when: a) the county's levy rate is below the state average and b) when there has been a significant increase in the cost of services which has occurred either as a result of population growth or state/federal mandates. *NOTE: Drafting instructions have been provided to Marc Shovers at LRB.*

GEN FUND TAX
FISCAL ϕ

6/2

Bill Wentzel

sen. Clausen -

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION

(608-266-3561)

drafting instructions

allow an exception to the county levy limits if: see D. 66.77 - CP 66.77(3)(d)

1) if the county's operating levy is less than the average of levy of all counties

2) The county's population growth rate of board adopts a resolution that certifies

the need to exceed the levy limit is caused by: a) population growth in the county

b) the need to comply w/ a state mandate, which must be specified in the resolution

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



State of Wisconsin
Department of Corrections

Office of Detention Facilities
718 W. Clairemont Ave.
P.O. Box 780
Eau Claire, WI 54702-0780
(715) 836-5289
FAX (715) 836-2331

July 1, 1998

Sheriff James Hines
Pierce County Sheriff Dept.
432 W. Main Street
Ellsworth, WI 54011

Dear Sheriff Hines:

On June 24, 1998, the annual inspection of the Pierce County Jail was conducted pursuant to Wisconsin Statute 301.37(3). The inspection compared the facility and its operation to applicable state statutes and Department of Corrections' Administrative Rule Chapter DOC 350. This report will summarize my findings including any statutory or administrative code violations, the progress made following last year's inspection, and an overall summary of facility operations.

Summary of Progress from Previous Year

In the 1997 inspection, the facility was cited for failing to comply with Wisconsin Statute 302.36 "Segregation of Prisoners." The facility continues to be operated at or above rated capacity on a frequent basis preventing compliance with this requirement. Inmates are now housed in surrounding county jails on a routine basis. In addition, the overcrowded condition creates increased tension and deteriorating conditions for inmate housing. The Pierce County Jail remains noncompliant.

Planning for a new jail/judicial center has continued. During this evaluation period, a needs assessment study, including pre-architectural programming, was completed by Voorhis Associates, Inc. Korsunsky-Krank-Erickson Architects (KKE) was selected to design a county justice center and, at the time of the inspection, currently working on the design development of the new facility.

Operational changes during the preceding year include, in part, the following:

- An improved system of handling medical records has been implemented which should ensure confidentiality as required by DOC 350.09(3).
- Jail health care personnel have implemented a "pass on log" to improve communications with jail staff. Another health care system improvement is the practice of having the medical/mental health inmate screening reports reviewed by the jail nurse to screen medical conditions and the need for follow-up care.

COPY

Sheriff James Hines

2

July 1, 1998

- The bar code tour scan system continues to undergo refinement to improve automation of documenting jail activities.
- Staff members have received training on suicide prevention including review of policy and procedure.
- Jail rules and regulations have been revised and rewritten requiring additional accountability of inmate activities. The positive results of the program were evident during the inspection. Positive response by staff has improved consistency of inmate supervision.

The 1998 inspection identified the following administrative code and statutory violations:

Wisconsin Statute 302.36 "Segregation of Prisoners." (1) All jails shall be provided with suitable wards or buildings or cells in the case of jail extensions under s.59.68(7) for the separation of criminals from noncriminals, persons of different sexes, and persons alleged to be mentally ill. All prisoners shall be kept segregated accordingly.

* Review of jail records indicates the facility is frequently at or over rated capacity. Significant increases are noted in female inmate population totals. Overcrowding limits administration ability to separate juvenile offenders from adults by sight and sound. Continued overcrowding will lead to rescinding Department of Corrections' approval for juvenile incarcerations regulated by Administrative Code DOC 346 "Juveniles."

Compliance Plan

It is important the design development phase of the justice center project continue on designated timelines to avoid program delays. It has been previously recommended by the Office of Detention Facilities during the 1997 inspection evaluation that the construction timeline be moved up to correct deficiencies and safety concerns.

Comment

The problems associated with inmate overcrowding and related jail deficiencies has been discussed and reviewed during the preceding four years. The quality of the planning process to date is commendable. Jail deficiencies, including safety and security concerns, however, remain unresolved.

* The issues associated with overcrowding have been documented in numerous correspondences. In addition, appearances before the law enforcement committee, jail study committee, and full county board have further outlined and provided clarification of correctional issues.

A summary of operational and facility concerns addressed during meeting presentations and written correspondence has included, in part, the following:

- Overcrowding will prevent the jail from being certified to house juvenile offenders due to the inability to provide sight and sound separation.
- Central control and dispatch are located together. This situation creates a distracting environment as well as creating a security issue. Noncorrectional staff constantly enter the jail to retrieve information only available through the emergency communications center.
- Storage areas in the facility are unable to accommodate the maximum capacity of inmates, supplies, or staff. Storage deficiencies are so severe; secure hallways are used for storage of filing cabinets,

COPY

Sheriff James Hines

3

July 1, 1998

supplies, and library materials creating unnecessary safety risks for staff and impeding emergency exits.

- The jail is not in compliance to accommodate inmates who may be confined to a wheelchair. No housing exists to comply with current requirements of the Americans with Disabilities Act.
- There is a lack of secure interview rooms necessary for lawyers, district attorneys, probation agents, or law enforcement personnel to conduct interviews.
- The dormitory currently used for work release inmates is severely overcrowded and showing signs of excess wear.
- Lack of a secure booking area creates additional security risks for staff due to the limited ability to provide separation and confined spaces. Conditions are cramped and confined, especially during multiple bookings, negatively affecting staff safety.
- There is no secure medical examination room for use by medical personnel. Currently, medical staff use the interview room which compromises security and reduces efficiency. Medical personnel do not have adequate equipment or facilities for exams or for maintaining hygiene.
- No inmate housing exists to properly segregate inmates with contagious disease by use of negative airflow rooms and wards.
- The remote location of the holding cells limits supervision of high-risk inmates.
- The jail does not have either a multipurpose room or recreation room to support exercise or programs such as alcohol counseling, religious services, or educational services which may be necessary. This deficiency is noteworthy due to the increase length of inmate sentences up to one year. This deficiency presents the ability to have meaningful programming.
- The kitchen area of the jail is small and outdated. The oven, cooking surfaces, dishwasher, and related equipment should be upgraded to commercial grade to improve efficiency and accommodate an increasing average daily population.
- There is no library for storage of books or periodicals. Currently, all library materials are stored in the hallway which compromises security and emergency exits.
- The facility is not equipped with the appropriate level of security doors or locks to the jail entrance.

* The conditions listed above are noted, in part, and have become acute deficiencies due to continual overcrowding.

Maintenance items in need of prompt attention to ensure a healthful condition as outlined in Wisconsin Statute 302.37 include the following:

Most maintenance deficiencies are responded to in a timely manner. Frequency of maintenance required has increased due to the high volume of inmates and age of the facility.

The facility met standard.

Summary of Jail Operations

The overall appearance of the jail on the day of inspection noted marked improvement. All inmate housing areas were clean and well kept. New facility rules require increased accountability on the part of inmates, a program supported by staff with positive results. The new rules require inmates to demonstrate discipline on a daily basis in assigned housing units.

COPY

Sheriff James Hines

4

July 1, 1998

A review of health care requirements as outlined in DOC 350.09 indicated your staff is diligent in updating medical and prescription medication records. Supervisory review of medical screening forms and related reports should continue on a daily basis to ensure accuracy and completeness. Medical records have been separated from inmate files and are stored in a confidential medical file as required by DOC 350.09(3) "Health Care."

During the inspection, I found all doors and locks to be in good working order. Required lock and fire safety inspections were complete and up-to-date. Members of your staff were able to effectively demonstrate use of the Scott Air Pak System.

Staff members are doing a good job of documenting significant jail incidents. Reports reviewed were detailed and well written. The bar code tour scan system has been upgraded. Security checks reviewed were timely. The jail daily log, however, is lacking important information: inmate movement to court, medical, inmate directives and activities, attorney/probation officer visits, etc. The daily log in essence is a diary of jail activities. Please see that staff are directed to increase the documentation of jail activities on the daily log.

Juvenile Code Review

A review of the juvenile custody issues related to Chapter DOC 346 was also conducted. No violations were noted. Staff members are doing a good job of documenting juvenile incarcerations. The juvenile operational plan has been updated and received Department of Corrections' approval.

The Pierce County Jail is approved by the Department for the detention of adult offenders with a maximum rated capacity of 29. Inmate count on the day of inspection was 28. The jail is also approved for the detention of juvenile offenders for up to 24 hours, exclusive of weekends and holidays. This approval is contingent on correction of the violations cited.

I wish to express my appreciation to Lt. Mike Knoll and his staff for their courtesy and cooperation. If you or your staff have any questions relative to this inspection or other jail matters, please feel free to contact me.

Sincerely,

Scott Morris
Detention Facilities Specialist

SM/pt

cc: Richard Wilhelm, County Board Chairperson
Judith Clement-Lee, Law Enforcement Committee Chairperson
Dr. John Berggren, Judicial Study Committee
Michael Leighton, County Administrator
Capt. Neil Gulbranson
Lt. Mike Knoll, Jail Administrator
Marty Ordinans, ODF

COPY

MAR 29 1999

RESOLUTION 98-44
Requesting the State of Wisconsin Exclude
County Jail Operating Costs from the Tax Levy Rate Limit

WHEREAS, the State of Wisconsin did enact ss. 66.77 Wis. Stats. to impose a property tax levy rate limit on Wisconsin Counties; and

WHEREAS, the cost of staffing, supplying, and operating county jail facilities is subject to the levy rate cap; and

WHEREAS, the State mandates standards for county jails facilities, services, equipment, and capacity, and the county is obligated by the state to improve or construct jails to meet these standards; and

WHEREAS, the cost of complying with state standards increases operation costs at a rate faster than general county expenditures; and

WHEREAS, the conflict between state mandated standards for jails and state imposed limits on the ability to comply with these standards places the county in an unreasonable and untenable financial situation; and

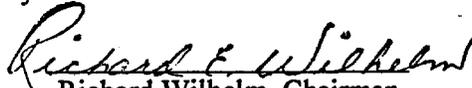
WHEREAS, for Pierce County, the increase in additional operating expenses to comply with state standards for improved jail facilities would push the county \$1.5 million over the levy rate limit exclusive of state penalties for exceeding the cap;

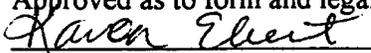
NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors requests the State of Wisconsin to exclude jail operating costs from the property tax levy rate limit to provide counties the necessary means to comply with state jail standards.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Governor Tommy Thompson, State Senator Alice Clausung, Assemblywoman Kitty Rhoades, Revenue Secretary Cate Zeuske, and Attorney General James Doyle.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to all Wisconsin counties and the Wisconsin Counties Association to seek their support for excluding jail operating costs from the tax levy rate limit.

DATED this 23rd day of March 1999.

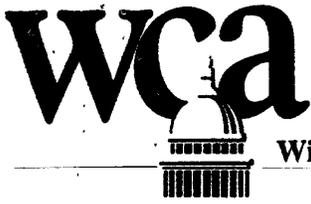

Richard Wilhelm, Chairman

Approved as to form and legality:

Karen Ebert, Corporation Counsel

Attested to: 
Jamie Feuerhelm, Clerk

I, Jamie Feuerhelm, as county clerk do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the County of Pierce at the meeting held March 23, 1999.





Wisconsin Counties Association

MAR 29 1999

March 26, 1999

Cate Zeuske, Secretary
Wisconsin Department of Revenue
125 S. Webster/P.O. Box 8933
Madison, Wisconsin 53708-8933

Dear Secretary Zeuske:

I am writing to you to ask for your help in resolving an issue that is increasingly becoming problematic on a statewide basis. We are hopeful that some administrative relief may be granted to counties under the Department of Revenue's administrative rules governing the county tax rate limit or the Department may provide options to assist us in solving this problem through the passage of state legislation.

As you are aware, under the tax rate limit, county tax rates are divided into two categories: operating levy rate and debt levy rate. Counties are afforded the opportunity to exceed their debt levy rate by one of two mechanisms: referendum or a three-quarters vote of the county board. Counties may only exceed their operating levy rate through the referendum process.

Counties have been operating under the limits imposed by the tax rate limit since 1993. Since that time, counties, much like the state, have been forced to deal with the issue of increasing inmate populations. The Department of Corrections has adopted administrative rules governing county jails and has the authority to cease operation of a county jail if such rules are not complied with. For example, the Department of Corrections (DOC) has threatened to close portions of the Pierce County jail if certain corrective actions are not taken. DOC continues to allow the Pierce County jail to operate due to the fact that the county is undertaking action to construct a new jail facility.

However, in the case of Pierce County, along with several other counties, Wisconsin state statutes and DOC administrative rules governing jails conflicts with state statutes and DOR rules governing the county tax rate limit. Pierce County, due to the exceptions created in statute, can exceed the tax rate limit for debt issuance by a three-fourths vote of the county board and build their new jail. Yet, the statutes provide no viable exceptions to exceed the operating levy limit, thereby making it impossible for the county to staff and operate the new jail according to DOC standards. Pierce County, to complicate matters further, significantly reduced their tax rate the year prior to the enactment of the tax rate limit.

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716-4016
608/224-5330 ♦ 800/922-1993 ♦ Fax: 608/224-5325

Mark M. Rogacki, Executive Director
Darla M. Hium, Deputy Director

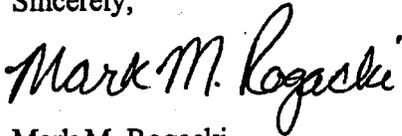
Mark D. O'Connell, Legislative Director
Lynda L. Bradstreet, Administrative Director

Page 2
WCA Letter to Cate Zeuske
March 26, 1999

I write to ask for your assistance, as well as the assistance of the Department of Corrections, in developing legislation and/or administrative rules to assist counties in dealing with this dilemma. A response to this letter, outlining potential legislative or rule changes that would assist counties facing such a dilemma, would be most beneficial.

Thank you for your assistance in developing solutions to this problem currently facing county government.

Sincerely,



Mark M. Rogacki
Executive Director

MMR/blb

cc: Senator Alice Clausing
Representative Kitty Rhoades
Pierce County Board of Supervisors
Mark Schroeder, Pierce County Administrative Coordinator

Schmeder

4/14/99

**PIERCE COUNTY JUDICIAL CENTER
Financial Summary**

1. Estimated cost of proposed facility:

Operations cost per year (see next page):	\$2,804,851
Debt cost per year (\$17 million/ 5%/ 20 years):	<u>\$1,346,309</u>
Total	\$4,151,160

2. Tax Levy Cap Implications:

New debt cost: \$1,346,309 (Not subject to tax levy cap, would increase levy by .983 mills)

Proposed operations:	\$2,804,851
Current operations:	<u>\$1,125,428</u>
New operations cost:	\$1,679,423 (Subject to tax levy cap)

Maximum levy rate: 5.478828
 Anticipated next year increase in levy due to new valuation: \$700,000
 Committed additional expenditures: wage increases: \$260,000
 health insurance cost: \$120,000

3. General Fund Status:

Fund Balance:	\$6,134,026
Committed:	\$2,326,326
Reserve:	\$1,000,000
Available:	\$2,807,700

4. Revenue potential:

Jail capacity:	General male:	48
	General female:	16
	Special mgmt.:	16
	Huber:	<u>40</u>
	Total:	120

County prisoner population (general and Huber) is expected to be approximately 40 at start-up.

Board-in 20 prisoners/day @ \$65 = gross revenue of	\$474,500
Board-in 40/day, less increased staff =	\$650,000
Board-in 60/day, less increased staff =	\$1,135,000

**PIERCE COUNTY JUDICIAL CENTER
Operations Cost Summary**

4/14/99
8:45 AM

STAFFING

	Proposed	Current	Additional Cost
Jail			
Jail Administrator	1	1	
Receptionist	1	0	1
Food Service Mgr.	1	1	
Cook	2	1	1
Shift Supervisor	3	2	1
Jailers	20	8	12
	28	13	15
Subtotal salary, benefit, OT	\$1,498,818	\$695,880	\$802,938
Dispatch			
Supervisor	1	0	1
Dispatchers	10.25	4	6.25
	11.25	4	7.25
Subtotal salary, benefit, OT	\$527,020	\$231,960	\$295,060
Judicial Center			
Building Manager	1	0	1
Custodian	1	0	1
	2	0	2
Subtotal salary, benefit, OT	\$85,102	\$0	\$85,102
Total salary, benefit, OT	\$2,110,940	\$927,840	\$1,183,100

OPERATING COSTS

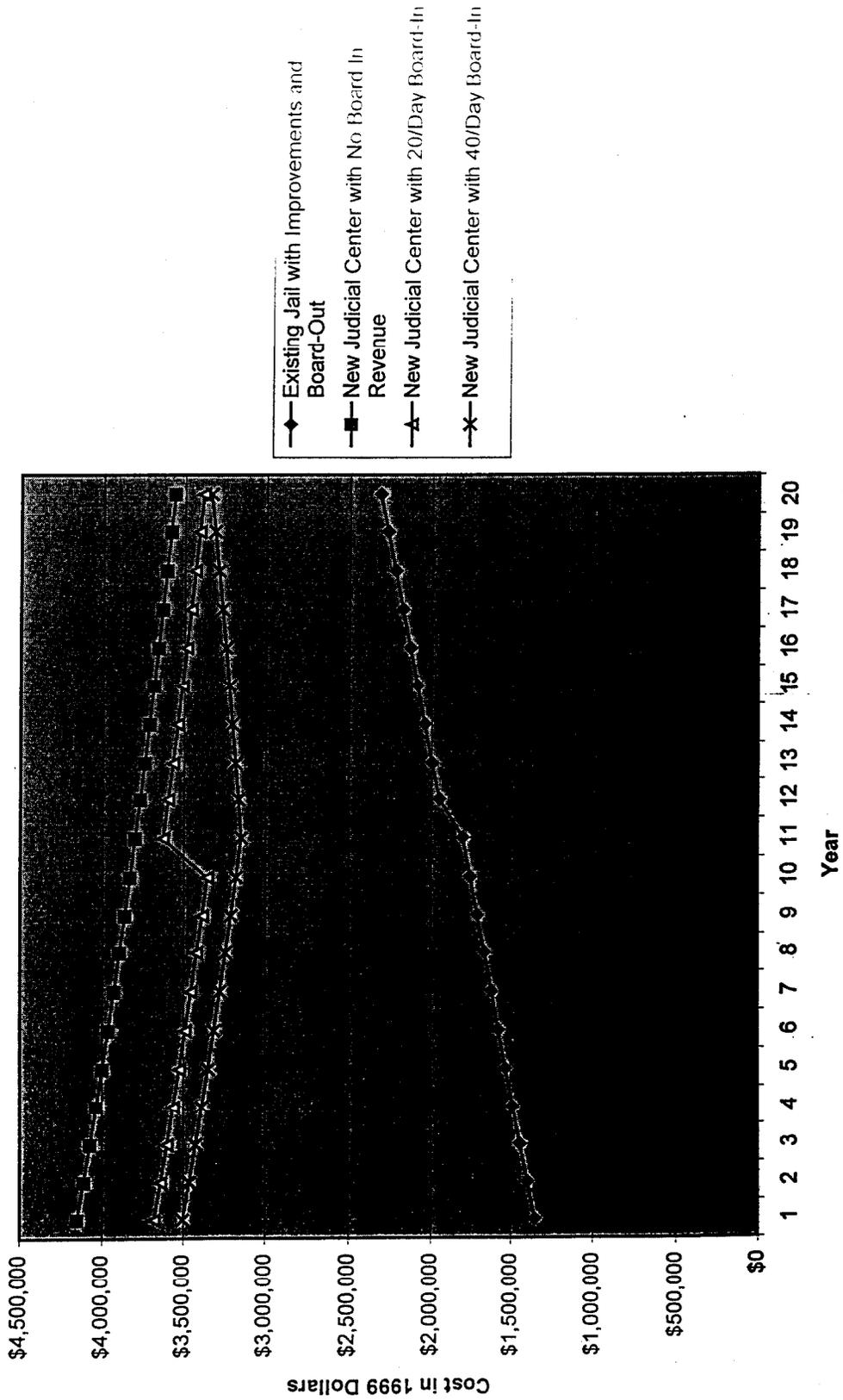
	Proposed	Current	Additional
Jail	\$299,411	\$99,153	\$200,258
Dispatch	\$98,435	\$98,435	\$0
Judicial Center	\$296,065	\$0	\$296,065
Total operating	\$693,911	\$197,588	\$496,323

STAFFING AND OPERATING TOTAL

	Proposed	Current	Additional
Jail Staffing	\$1,498,818	\$695,880	\$802,938
Jail Operating	\$299,411	\$99,153	\$200,258
Jail Subtotal	\$1,798,229	\$795,033	\$1,003,196
Dispatch Staffing	\$527,020	\$231,960	\$295,060
Dispatch Operating	\$98,435	\$98,435	\$0
Dispatch Subtotal	\$625,455	\$330,395	\$295,060
Jud. Cen. Staffing	\$85,102	\$0	\$85,102
Jud. Cen. Operating	\$296,065	\$0	\$296,065
Jud. Cen. Subtotal	\$381,167	\$0	\$381,167
TOTAL	\$2,804,851	\$1,125,428	\$1,679,423

1/4/99

Judicial Center Cost Comparisons: Operations and Debt



4/13/99

New Justice Center with 20 Per Day Board-In

Year	debt¹	operations²	(revenue)³	total
2000	1,349,000	2,804,851	474,500	\$ 3,679,351
2001	1,308,530	2,804,851	474,500	\$ 3,638,881
2002	1,269,274	2,804,851	474,500	\$ 3,599,625
2003	1,231,196	2,804,851	474,500	\$ 3,561,547
2004	1,194,260	2,804,851	474,500	\$ 3,524,611
2005	1,158,432	2,804,851	474,500	\$ 3,488,783
2006	1,123,679	2,804,851	474,500	\$ 3,454,030
2007	1,089,969	2,804,851	474,500	\$ 3,420,320
2008	1,057,270	2,804,851	474,500	\$ 3,387,621
2009	1,025,552	2,804,851	474,500	\$ 3,355,903
2010	994,785	3,104,851	474,500	\$ 3,625,136
2011	964,942	3,104,851	474,500	\$ 3,595,293
2012	935,993	3,104,851	474,500	\$ 3,566,344
2013	907,914	3,104,851	474,500	\$ 3,538,265
2014	880,676	3,104,851	474,500	\$ 3,511,027
2015	854,256	3,104,851	474,500	\$ 3,484,607
2016	828,628	3,104,851	474,500	\$ 3,458,979
2017	803,769	3,104,851	474,500	\$ 3,434,120
2018	779,656	3,104,851	474,500	\$ 3,410,007
2019	756,267	3,104,851	474,500	\$ 3,386,618

¹\$17million borrowed at 5% for 20 years

²From Voorhis with adjustments

³ Based on \$65/day

4/13/99

Existing Jail with Improvements and Board-Out¹

Year	operations ²	board-out ³	transport ⁴	debt ⁵	total ⁶
2000	1,125,428	47,450	100,000	80,000	\$ 1,352,878
2001	1,125,428	94,900	100,000	77,600	\$ 1,397,928
2002	1,125,428	142,350	100,000	75,272	\$ 1,443,050
2003	1,125,428	189,800	100,000	73,014	\$ 1,488,242
2004	1,125,428	237,250	100,000	70,823	\$ 1,533,501
2005	1,125,428	284,700	100,000	68,699	\$ 1,578,827
2006	1,125,428	332,150	100,000	66,638	\$ 1,624,216
2007	1,125,428	379,600	100,000	64,639	\$ 1,669,667
2008	1,125,428	427,050	100,000	62,699	\$ 1,715,177
2009	1,125,428	474,500	100,000	60,818	\$ 1,760,746
2010	1,125,428	521,950	100,000	58,994	\$ 1,806,372
2011	1,125,428	569,400	200,000	57,224	\$ 1,952,052
2012	1,125,428	616,850	200,000	55,507	\$ 1,997,785
2013	1,125,428	664,300	200,000	53,842	\$ 2,043,570
2014	1,125,428	711,750	200,000	52,227	\$ 2,089,405
2015	1,125,428	759,200	200,000	50,660	\$ 2,135,288
2016	1,125,428	806,650	200,000	49,140	\$ 2,181,218
2017	1,125,428	854,100	200,000	47,666	\$ 2,227,194
2018	1,125,428	901,550	200,000	46,236	\$ 2,273,214
2019	1,125,428	949,000	200,000	44,849	\$ 2,319,277

¹Assumes jail improvements, no new court, no DA or Sheriff Offices

²1999 budget

³From Voorhis, adjusted to 1998 level

⁴Assumes 2 officers w/van to yr 10, 2 more w/van yr 11

⁵Borrow \$1 million @ 5% for 20 years to upgrade present jail,

⁶All values in 1999 dollars. Debt value reflects 3% inflation.

4/13/99

New Justice Center with No Board-In

Year	debt¹	operations²	(revenue)³	total
2000	1,349,000	2,804,851	-	\$ 4,153,851
2001	1,308,530	2,804,851	-	\$ 4,113,381
2002	1,269,274	2,804,851	-	\$ 4,074,125
2003	1,231,196	2,804,851	-	\$ 4,036,047
2004	1,194,260	2,804,851	-	\$ 3,999,111
2005	1,158,432	2,804,851	-	\$ 3,963,283
2006	1,123,679	2,804,851	-	\$ 3,928,530
2007	1,089,969	2,804,851	-	\$ 3,894,820
2008	1,057,270	2,804,851	-	\$ 3,862,121
2009	1,025,552	2,804,851	-	\$ 3,830,403
2010	994,785	2,804,851	-	\$ 3,799,636
2011	964,942	2,804,851	-	\$ 3,769,793
2012	935,993	2,804,851	-	\$ 3,740,844
2013	907,914	2,804,851	-	\$ 3,712,765
2014	880,676	2,804,851	-	\$ 3,685,527
2015	854,256	2,804,851	-	\$ 3,659,107
2016	828,628	2,804,851	-	\$ 3,633,479
2017	803,769	2,804,851	-	\$ 3,608,620
2018	779,656	2,804,851	-	\$ 3,584,507
2019	756,267	2,804,851	-	\$ 3,561,118

¹\$17million borrowed at 5% for 20 years

²From Voorhis with adjustments

4/13/99

New Justice Center with 40 Per Day Board-In

Year	debt¹	operations²	(revenue)³	total
2000	1,349,000	3,104,851	949,000	\$ 3,504,851
2001	1,308,530	3,104,851	949,000	\$ 3,464,381
2002	1,269,274	3,104,851	949,000	\$ 3,425,125
2003	1,231,196	3,104,851	949,000	\$ 3,387,047
2004	1,194,260	3,104,851	949,000	\$ 3,350,111
2005	1,158,432	3,104,851	949,000	\$ 3,314,283
2006	1,123,679	3,104,851	949,000	\$ 3,279,530
2007	1,089,969	3,104,851	949,000	\$ 3,245,820
2008	1,057,270	3,104,851	949,000	\$ 3,213,121
2009	1,025,552	3,104,851	949,000	\$ 3,181,403
2010	994,785	3,104,851	949,000	\$ 3,150,636
2011	964,942	3,104,851	901,550	\$ 3,168,243
2012	935,993	3,104,851	854,100	\$ 3,186,744
2013	907,914	3,104,851	806,650	\$ 3,206,115
2014	880,676	3,104,851	759,200	\$ 3,226,327
2015	854,256	3,104,851	711,750	\$ 3,247,357
2016	828,628	3,104,851	664,300	\$ 3,269,179
2017	803,769	3,104,851	616,850	\$ 3,291,770
2018	779,656	3,104,851	569,400	\$ 3,315,107
2019	756,267	3,104,851	521,950	\$ 3,339,168

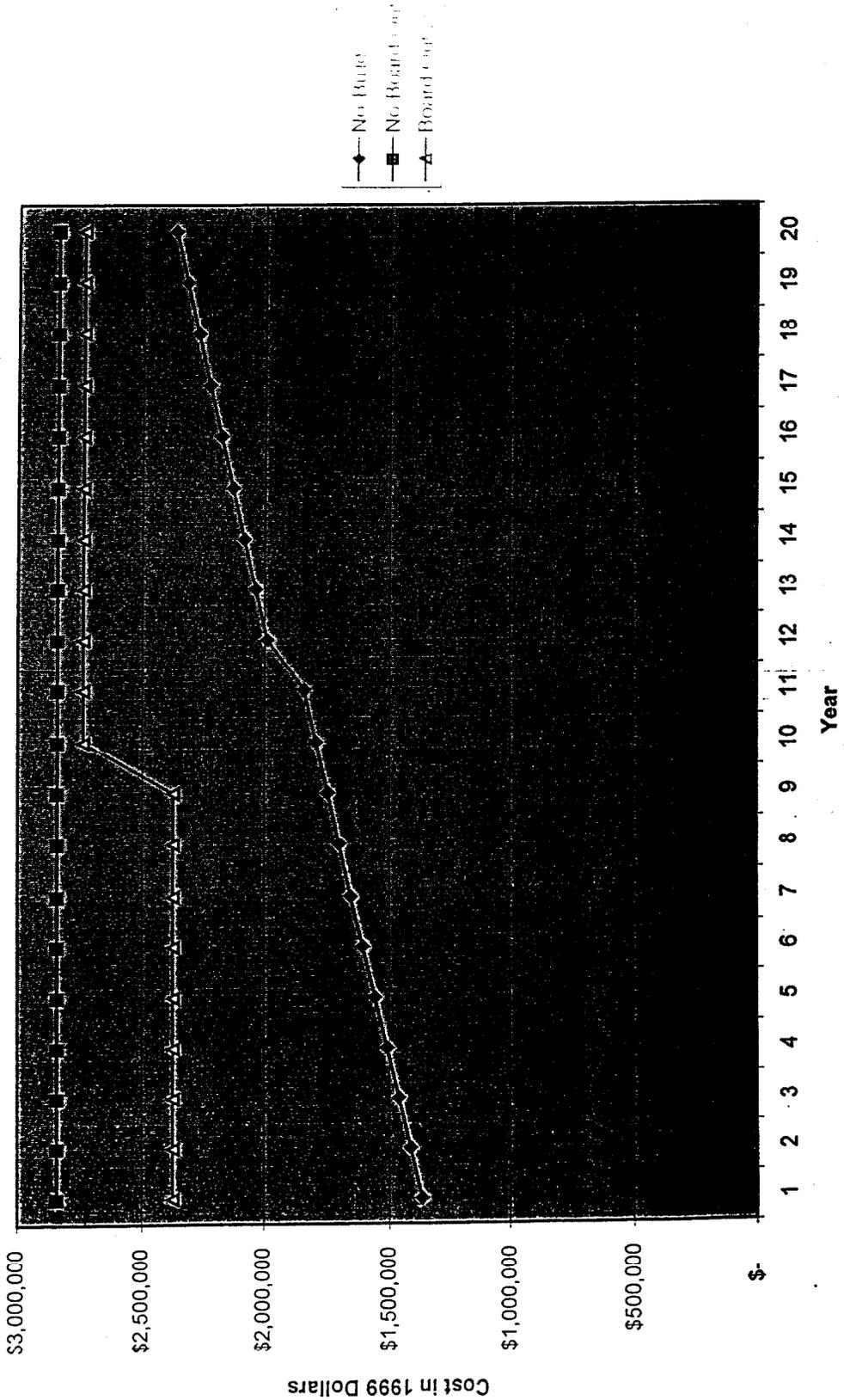
¹\$17million borrowed at 5% for 20 years

²From Voorhis with adjustments

³Based on \$65/day. Capacity reduced after 2010 due to increase i

4/03

Judicial Center Cost Comparisons: Operation Cost Only



4/13/99

Operation Costs Only

Year	No-Build	No Board-Out	Board-Out 20
2000	\$ 1,366,312	\$2,846,267	\$2,371,767
2001	\$ 1,413,762	\$2,846,267	\$2,371,767
2002	\$ 1,461,212	\$2,846,267	\$2,371,767
2003	\$ 1,508,662	\$2,846,267	\$2,371,767
2004	\$ 1,556,112	\$2,846,267	\$2,371,767
2005	\$ 1,603,562	\$2,846,267	\$2,371,767
2006	\$ 1,651,012	\$2,846,267	\$2,371,767
2007	\$ 1,698,462	\$2,846,267	\$2,371,767
2008	\$ 1,745,912	\$2,846,267	\$2,371,767
2009	\$ 1,793,362	\$2,846,267	\$2,743,252
2010	\$ 1,840,812	\$2,846,267	\$2,743,252
2011	\$ 1,988,262	\$2,846,267	\$2,743,252
2012	\$ 2,035,712	\$2,846,267	\$2,743,252
2013	\$ 2,083,162	\$2,846,267	\$2,743,252
2014	\$ 2,130,612	\$2,846,267	\$2,743,252
2015	\$ 2,178,062	\$2,846,267	\$2,743,252
2016	\$ 2,225,512	\$2,846,267	\$2,743,252
2017	\$ 2,272,962	\$2,846,267	\$2,743,252
2018	\$ 2,320,412	\$2,846,267	\$2,743,252
2019	\$ 2,367,862	\$2,846,267	\$2,743,252



State of Wisconsin • DEPARTMENT OF REVENUE

APR 09 1999

125 SOUTH WEBSTER STREET • P.O. BOX 8933 • MADISON, WISCONSIN 53708-8933 • 608-266-6466 • FAX 608-266-5718 • <http://www.dor.state.wi.us>

Tommy G. Thompson
Governor

Cate Zeuske
Secretary of Revenue

April 7, 1999

The Honorable Alice Clausing
State Senator
Wisconsin State Senate
PO Box 7882
Madison, WI 53707-7882

The Honorable Kitty Rhoades
State Representative
Wisconsin State Assembly
PO Box 7882
Madison, WI 53707-7882

Dear Senator Clausing and Representative Rhoades:

Thank you for your letter of March 2, 1999, regarding the situation that Pierce County is facing with it's new county jail. Department of Revenue staff have had recent discussions with Mr. Mark Schroeder about this matter.

After reviewing the 1998 County Tax Rate Levy Limit Worksheet filed by Pierce County, we have ascertained that there is a \$324,362 margin in the county's allowable operating levy and not the \$10,000 amount referenced. Over the past five years, Pierce County has experienced a 10.8 percent average annual growth rate in both its equalized value and operating levy. I have attached a copy of the trends.

If the five year average 10.8 percent growth in the allowable levy were again repeated, Pierce County could expect to experience an increase of approximately \$809,977 in its allowable operating levy. When added to the unexpended allowable levy sum of \$324,362, there could potentially be a sum of \$1.13 million to cover either an increase in existing county program costs or to defray costs associated with new county programs. We do acknowledge that these projections do not completely alleviate the current situation.

Under the current County Tax Rate Levy Limit (CTRL) Program, a county may increase its operating levy through an approved voter referendum that either temporarily or permanently authorizes an increase in its operating levy. A local government revenue option available to Pierce County would be the enactment of a countywide wheel tax. However revenues raised must be directed to transportation-related purposes. This source of revenue could be allocated to existing transportation expenses and thereby permit general levy revenues to be redirected to other essential program expenditures, like the jail. A note of caution however is that only four local municipalities have a current wheel tax fee. The only county that did enact this revenue option had it in place for only one year.

Department staff has discussed with Mr. Schroeder the transfer of service adjustment provision of the CTRL program that permits a transfer of service from one unit of government to another. However the factual circumstances of operating a new jail do not appear applicable to the Pierce County issue.

The Honorable Alice Clausing
The Honorable Kitty Rhoades
April 7, 1999
Page Two

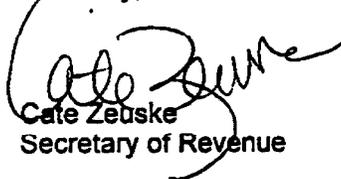
The legislature could adopt a provision within the current CTRL program that would specifically exempt the kinds of costs associated with a new jail but this kind of initiative could ultimately derail the intent behind the passage of the initial rate limit law by inviting other exceptions.

During the period of the CTRL enactment, the counties were provided, through the legislative process, an established pool of funds from the shared revenue appropriation. The State Legislature's decision to exclusively allocate \$189.1 million of a \$950 million local share revenue program to specifically benefit county governmental units recognized the hardship that would be imposed on county governments by the enactment of a CTRL program. The identified pool of \$189.1 million funds for counties remains in place and under current law can not be presently redistributed to other local units.

I realize that this information may not resolve the issue presented. However, the purpose of the County Tax Rate Levy Limit law was to impede the growth in the property tax burden on property owners by a county unit of government. I would welcome the opportunity to provide any further assistance this agency can provide.

Thank you for the opportunity to review this matter and your sincere interests in ensuring the executive branch of state government is responsive to local units of government and Wisconsin Taxpayers.

Sincerely,



Cate Zeiske
Secretary of Revenue



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1011/1
MES.....:....

WFO - Fix request
sheet
operating

limit

Jg

SDC:.....Walter - Caucus # 2134, County ~~tax~~ levy rate / exception ~~bill~~
mandated jail construction

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 806, line 20: after that line insert:

3 "SECTION 1638s. 66.77 (2) of the statutes is amended to read:

4 66.77 (2) LIMIT. Except as provided in ~~sub.~~ ^{subs.} (3) and ~~sub.~~ ^{sub.} (3m), no county may
5 impose an operating levy at an operating levy rate that exceeds .001 or the operating
6 levy rate in 1992, whichever is greater.

History: 1993 a. 16, 490.

7 SECTION 1638u. 66.77 (3m) of the statutes is created to read:

8 66.77 (3m) EXCEPTION. A county may exceed the operating levy rate limit
9 specified in sub. (2) if all of the following apply:

1 (a) The county's operating levy rate is less than the average operating levy rate
2 of all counties, as determined by the department of revenue.

3 (b) The county's board of supervisors adopts a resolution certifying that the
4 county needs to exceed the operating levy rate limit for at least one of the following
5 reasons:

6 1. The county has incurred significant increases in the cost of providing
7 services to county residents because of population growth in the county.

8 2. The county has, or will, incur significant costs to comply with a state or
9 federal law or administrative rule or regulation that requires the county to engage
10 in an additional activity or provide an additional service, or to increase the level of
11 its activities or services.

12 SECTION 1638w. 66.77 (5) [✓] of the statutes is amended to read:

13 66.77 (5) RATE COMPARISON. Annually, the department of revenue shall compare
14 the operating levy rate limit of each county under this section to the actual operating
15 levy rate imposed by the county, [✓] and shall determine the average operating levy rate
16 of all counties."

History: 1993 a. 16, 490.

17 (END) ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1011/1dn

MES...:.....

JLg

This amendment is based on the caucus motion as well as drafting instructions that Senator Clausing has previously provided to me. The amendment is drafted according to the motion and the instructions, but it seems to me that a county may be able to exceed the levy rate limit for only one year in some cases. For example, if in the year after the year in which the county increases its operating levy its "new" levy is equal to or greater than the average operating levy of all counties, the condition specified in created s. 66.77 (3m) (a) would no longer be met. Although the motion doesn't specify a solution to this potential problem, perhaps the problem could be avoided if the requirement in s. 66.77 (3m) (a) must only be met in the year in which the county board adopts the resolution specified in s. 66.77 (3m) (b). You may wish to have this amendment reviewed by the department of revenue.

*Other solutions certainly
= exist as well. In
addition,*

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1011/1dn
MES;jlg:ksh

June 26, 1999

This amendment is based on the caucus motion as well as drafting instructions that Senator Clausing has previously provided to me. The amendment is drafted according to the motion and the instructions, but it seems to me that a county may be able to exceed the levy rate limit for only one year in some cases. For example, if in the year after the year in which the county increases its operating levy its "new" levy is equal to or greater than the average operating levy of all counties, the condition specified in created s. 66.77 (3m) (a) would no longer be met. Although the motion doesn't specify a solution to this potential problem, perhaps the problem could be avoided if the requirement in s. 66.77 (3m) (a) must only be met in the year in which the county board adopts the resolution specified in s. 66.77 (3m) (b). Other solutions certainly exist as well. In addition, you may wish to have this amendment reviewed by the department of revenue.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

COUNTY TAX RATE LIMIT

Modify the definition of operating levy under the county tax rate limit program to exclude expenditures for the operation and maintenance of jails and other correctional facilities. Specify that the exclusion applies only to the levy of a county that was created in 1853 that borders the Saint Croix and Mississippi Rivers.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1011/1
MES:jlj:44

RMR

SDC:.....Walter - Caucus # 2134, County operating levy rate limit exception

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

D-NOTE

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 806, line 20: after that line insert:

3 "SECTION 1638s. 66.77 (2) of the statutes is amended to read:

4 66.77 (2) LIMIT. Except as provided in sub. subs. (3) and (3m), no county may
5 impose an operating levy at an operating levy rate that exceeds .001 or the operating
6 levy rate in 1992, whichever is greater.

7 SECTION 1638u. 66.77 (3m) of the statutes is created to read:

8 66.77 (3m) EXCEPTION. ^(INSI-8) A county may exceed the operating levy rate limit
9 specified in sub. (2) if all of the following apply

1 (a) The county's operating levy rate is less than the average operating levy rate
2 of all counties, as determined by the department of revenue.

3 (b) The county's board of supervisors adopts a resolution certifying that the
4 county needs to exceed the operating levy rate limit for at least one of the following
5 reasons:

6 1. The county has incurred significant increases in the cost of providing
7 services to county residents because of population growth in the county.

8 2. The county has, or will, incur significant costs to comply with a state or
9 federal law or administrative rule or regulation that requires the county to engage
10 in an additional activity or provide an additional service, or to increase the level of
11 its activities or services.

12 **SECTION 1638w. 66.77 (5) of the statutes is amended to read:**

13 **66.77 (5) RATE COMPARISON.** Annually, the department of revenue shall compare
14 the operating levy rate limit of each county under this section to the actual operating
15 levy rate imposed by the county, and shall determine the average operating levy rate
16 of all counties."

17 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1011/2ins
MES:jlg:ksh

INS. 1-8

1 (20) Notwithstanding sub. (1) (d), "operating levy" in a county that was created in
2 1853 that borders the ~~Saint~~ Croix and Mississippi ~~Rivers~~ means the county purpose
3 levy, less the debt levy, less any expenditures for the operation and maintenance of
4 jails and other correctional facilities. //

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

10/1/1
AMdn
MES:jl:g:ksh

This amendment is drafted as it is, instead of amending the definition of "operating levy" in s. 66.77 (1) (d), because definitions may not have substantive provisions. Is this OK?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1011/2dn
MES:jlj:mrc

June 29, 1999

This amendment is drafted as it is, instead of amending the definition of "operating levy" in s. 66.77 (1) (d), because definitions may not have substantive provisions. Is this OK?

Marc E. Shovers
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1011/2
MES:jlg:mrc

SDC:.....Walter - Caucus # 2134, County operating levy rate limit exception

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 806, line 20: after that line insert:

3 **“SECTION 1638s.** 66.77 (2) of the statutes is amended to read:

4 66.77 (2) LIMIT. Except as provided in ~~sub.~~ subs. (3) and (3m), no county may
5 impose an operating levy at an operating levy rate that exceeds .001 or the operating
6 levy rate in 1992, whichever is greater.

7 **SECTION 1638u.** 66.77 (3m) of the statutes is created to read:

8 66.77 (3m) EXCEPTION. Notwithstanding sub. (1) (d), “operating levy” in a
9 county that was created in 1853 that borders the St. Croix and Mississippi rivers

1 means the county purpose levy, less the debt levy, less any expenditures for the
2 operation and maintenance of jails and other correctional facilities.”

3 (END)