

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-AB211)**

Received: **10/28/2003**

Received By: **gmalaise**

Wanted: **10/29/2003**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Anne Sappenfield**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Child abuse and neglect prevention nonprofit corporation; membership of board; technical changes

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**Instructions:**

See Attached

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**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>
/?	gmalaise 10/28/2003	jdyer 10/29/2003 jdyer 10/29/2003		_____			
/1			rschluet 10/29/2003	_____	sbasford 10/29/2003	sbasford 10/29/2003	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	gmalaise 10/29/2003	kfollett 10/29/2003	rschlue 10/29/2003	_____	lemery 10/29/2003	lemery 10/29/2003	

FE Sent For:

<END>

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/1		1/2 10/29 jld	rschluet 10/29/2003		sbasford 10/29/2003	sbasford 10/29/2003	

*[Handwritten signature and date 10/29/03]*

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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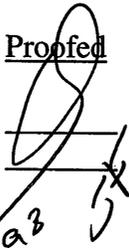
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FE Sent For:

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## Legislative Fiscal Bureau

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

July 17, 2003

TO: Members  
Assembly Committee on Children and Families

FROM: Yvonne Onsager, Fiscal Analyst

SUBJECT: Technical Changes to AB 211

This memorandum discusses the use of revenues from "Celebrate Children" license plate sales under Assembly Bill (AB) 211 and proposed technical changes to the bill.

### Use of License Plate Revenue

On January 1, 1999, the Department of Transportation (DOT) began issuing a special license plate with the words "Celebrate Children" on it for people interested in expressing support for the prevention of child abuse and neglect. Currently, a "Celebrate Children" license plate costs the buyer \$80 in the first year and \$65 each year thereafter, of which \$60 in the first year and \$45 in each year following is retained by DOT and the balance is deposited to the children's trust fund. (Enrolled Senate Bill 44, the 2003-05 biennial budget bill, would increase the fee by \$10, which would first apply to applications submitted for registration periods that begin on October 1, 2003. All of the additional revenue from this fee increase would be retained by DOT.)

Under current law, revenue from the sale of "Celebrate Children" license plates that is deposited into the children's trust fund cannot be spent by the Child Abuse and Neglect Prevention Board. The Board may only expend the interest from this revenue.

Under AB 211, a nonprofit corporation created by the Board may establish a fund. The corporation (the Celebrate Children Foundation) may deposit gifts, grants, contributions, or bequests into this new fund. In addition, the principal balance and any interest from license plate sales will be transferred from the children's trust fund to the corporation's fund. All future revenues from the sale of the "Celebrate Children" license plates and the interest earned on the revenues of those sales will also be deposited in the corporation's fund.

Section 23 of AB 211 states that, subject to the approval of the Board, all moneys received from the sale of the "Celebrate Children" license plates and all moneys transferred from the children's trust fund that was received from the sale of the license plate or is interest earned on that revenue, shall continue to accumulate indefinitely in the corporation's fund.

This provision is intended to allow the corporation to only use the interest earned from the sales of the license plates for child abuse and neglect prevention activities, which is consistent with current law. However, Section 23 of the bill seems to imply that the Board could approve the use of the principal funds (the sales revenue). Therefore, if the Committee would like to prohibit the use of the principal funds, the words "subject to the approval of the board under par. (b)1." could be deleted from Section 23 of AB 211.

### Technical Changes

Under AB 211, there are a few instances where changes to current law, specifically relating to appropriation language, are inconsistent with common budgeting practices or expand the use of funding beyond the original intent of the authors. Therefore, the following technical changes have been proposed.

AB 211 amends s. 20.433 (1)(g), the Board's PR general program operations appropriation, to allow the Board to use these funds to provide grants for statewide programs to the corporation. Funding for grants should be provided in local aids or assistance appropriations, not state operation appropriations. Therefore, the Committee could amend the bill to fund grants to the corporation from the Board's current grants appropriation.

AB 211 also amends s. 20.433 (1)(h) and s. 20.433 (1)(ma), the Board's PR and FED grants to organizations appropriations, to allow the Board to use the funds provided in that appropriation to support technical assistance activities. The Executive Director of the Board has indicated that the Board intends to provide technical assistance to grantees. The bill allows the Board to use the money specified for grants for technical assistance as well. Since the Board will either be directly providing technical assistance or would contract for the provision of these services, the funds that should be used for technical assistance are general operations funds and not grant funds. Therefore, the Committee could amend the bill to fund technical assistance services from the Board's operations appropriations. Additionally, to reflect that the Board would be providing the technical assistance, Section 13 of the bill, line 24, could be amended to include "providing" so that the plan that the Board submits biennially to the Governor and the Legislature would include a plan for awarding grants and providing technical assistance to organizations.

Finally, AB 211 adds "for the provision of child abuse and neglect information and services" to s. 20.433 (1)(h). This added language allows the Board to use the funding in this appropriation, specified for grants to organizations, for the provision of child abuse and neglect information and

delete " and for the provision of child abuse and neglect information and services

20.433(1)(h)

~~20.433(1)(m)~~

grants  
= Move to  
(1)(h)  
p10, p7  
15

= Move  
tech  
assistance  
to (1)(g)  
(1)(m)  
p13, p21  
p14, p2  
(5)(m)

services. This language expands the use of the funding provided for grants. This was not the intent of the Board and thus, the Committee could delete this new language from Section 6 of the bill.

I hope this information is helpful to you. Please feel free to contact me with additional questions or concerns.

YMO/bh

## Malaise, Gordon

---

**From:** Malaise, Gordon  
**Sent:** Wednesday, September 17, 2003 6:06 PM  
**To:** Matzen, David  
**Subject:** RE: question regarding AB 211

Dave:

I am not an expert in the nuances of the ethics law, so I will defer to the opinion of the Ethics Board. All I know is that the main idea of the ethics law is that public employees should not misuse their office to derive personal gain. In this scenario the fundraising is for the CANPB, not for the personal gain of the public employee, but I suppose a person being solicited by a public employee might feel that saying "no" could result in strained relations with the public employee when the person has future business before the public employee. Maybe that type of scenario is what the Ethics Board had in mind.

If you do not want any public officials, especially legislators, to serve on the board of the nonprofit corporation, SECTION 28 of the bill could be amended to 1) remove the requirement that a legislator or designee serve on the board; and 2) remove the requirement that no two members of the board may be from the same category of board members under s. 15.195 (4) (a) to (g). By removing the latter requirement, more than one public member of the CANPB under s. 15.195 (4) (g) could serve on the board of the nonprofit corporation. That way the chair and four public members of the CANPB could serve on the board of the nonprofit corporation, and the CANPB would still have majority control of the nonprofit corporation.

If you want an amendment drafted to this effect, please advise.

Gordon

-----Original Message-----

**From:** Matzen, David  
**Sent:** Wednesday, September 17, 2003 3:27 PM  
**To:** Malaise, Gordon  
**Subject:** question regarding AB 211

Hello Gordon-

Questions came up related to AB 211, dealing with the Children's Trust Fund. Specifically, questions were raised about the membership of the 9-member nonstock, nonprofit corporation that the bill authorizes the CANPB to organize. Ethics concerns were raised about the make-up of the board of directors. In the bill in section 28, it says it is made up of 9 members, including the chair of the CANPB and no more than four members of the Board, where one shall be a legislator.

The concern was that these 5 members of the CANPB, especially the legislator (or designee) are state employee's and should probably not be soliciting funds. I called the ethics Board and they essentially the same thing, "leave the fund raising to people who do it best, and those people are usually not state employees or legislators."

Any suggestions, perhaps leave the 5 CANPB members out?

Thanks, Dave in rep. Kestell's office

2003

Date (time) needed

Wed 10/29

LRBa 1574 11

AMENDMENT

10 AM

GMM : jld:

See form AMENDMENTS — COMPONENTS & ITEMS.

S/A [AMENDMENT]

~~TO S A AMENDMENT (LRBa / ),~~  
~~TO S A SUBSTITUTE AMENDMENT (LRBs / ),~~  
 TO 2003 SB ~~SJR SR~~ (AB) ~~AJR AR~~ 211 (LRB- / )

At the locations indicated, amend the bill as follows:  
(fill ONLY if "engrossed ..." or "as shown by .....")

#. Page 5, line 11: delete lines 11 to 25 ✓

#. Page 6, line 1: delete lines 1 to 4 ✓ and substitute:



~~#. Page ..., line ...:~~

~~#. Page ..., line ...:~~

~~#. Page ..., line ...:~~

number  
5d

Section # 20.433 (1) (g) of the statutes is amended to read:

20.433 (1) (g) *General program operations.* From all moneys received under s. 69.22 (1m), the amounts in the schedule to be used for the expenses of the child abuse and neglect prevention board under s. 48.982 (2) and (3), for the general program operations of the ~~early childhood family education center grant program under s. 48.982 (6) and the right from the start program under s. 48.982 (7) and for technical assistance to right from the start grant recipients under s. 48.982 (7) (a).~~

History: 1983 a. 27; 1985 a. 29; 1985 a. 315 s. 22; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437, 444, 491; 1995 a. 27; 1997 a. 78; 1999 a. 9; 2001 a. 16.

family resource ~~MAINTA~~

and for technical assistance  
to organizations under s.  
48.982 (4) and (6)

6d. ✓

Section #. 20.433 (1) (h) of the statutes is amended to read:

and ✓

20.433 (1) (h) *Grants to organizations.* All moneys received under s. 69.22 (1m), less the amounts appropriated under par. (g), to be used for grants to organizations under s. 48.982 (4) ~~(6) and (7)~~.

History: 1983 a. 27; 1985 a. 29; 1985 a. 315 s. 22; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437, 444, 491; 1995 a. 27; 1997 a. 78; 1999 a. 9; 2001 a. 16.

grants under s. 48.982 (2e) (am)  
to the corporation organized under  
s. 48.982 (2e)(a)1, ✓ and for

6v ✓

Section #. 20.433 (1) (m) of the statutes is amended to read:

20.433 (1) (m) *Federal project operations.* All moneys received from the federal government for the state administration of specific limited term projects to be expended for the purposes specified.

History: 1983 a. 27; 1985 a. 29; 1985 a. 315 s. 22; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437, 444, 491; 1995 a. 27; 1997 a. 78; 1999 a. 9; 2001 a. 16.

technical assistance under s. 48.982 (4) and (6) and for

7d ✓

Section #. 20.433 (1) (ma) ✓ of the statutes is amended to read:

Family resource

20.433 (1) (ma) *Federal project aids*. All moneys received from the federal government for ~~early childhood family education~~ center grants under s. 48.982 (6) (a), and for specific limited term projects, to be expended as aids to individuals or organizations for the purposes specified. ✓

History: 1983 a. 27; 1985 a. 29; 1985 a. 315 s. 22; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437, 444, 491; 1995 a. 27; 1997 a. 78; 1999 a. 9; 2001 a. 16.

~~whatever system finding most rules 201~~  
~~my spul 149~~

# Page 6, line 24: after "and" insert  
"providing" ✓

# Page 10, line 1: delete that line and substitute:  
" 48.922 <sup>(3)</sup>(2e)(a) 5. All "  
=

# Page 10, line 7: delete "(g)" and substitute "(h)" ✓

# Page 10, line 15: delete "(g)" and substitute "(h)" ✓

# Page 11, line 23: delete lines 23 to 25. ✓

# Page 12, line 1: delete lines 1 to 4 ✓ and substitute:



23d

Section 48.982 (2e) (e) of the statutes is amended to read:

48.982 (2e) (e) The board of directors of any corporation established under this subsection shall consist of 5 members, including the chairperson of the board and 4 members of the board, elected by the board, ~~of which one shall be a legislator. No 2 members of the board of directors may be from the same category of board members under s. 15.195 (4) (a) to (g).~~

History: 1983 a. 27; 1983 a. 109 s. 6; 1985 a. 29 ss. 930s, 3202 (8); 1987 a. 27, 184, 255; 1989 a. 31, 336; 1991 a. 32, 39; 1993 a. 16, 437, 444, 491; 1995 a. 27 ss. 2622 to 2623d, 9126 (19); 1995 a. 275; 1997 a. 27, 78, 252, 293; 1999 a. 9; 2001 a. 16.

# Page 12, line 21: alter "(i)" insert "(g)". ✓

# Page 14, line 8: delete "(h), (i), (k)," and  
substitute "(g), (h), (i), (k), (m)". ✓

~~# Page 14, line 22: after "services" insert  
", or both as determined by the board."~~

(End) ✓



State of Wisconsin  
2003 - 2004 LEGISLATURE

This week 10/31  
(p2, 223)

LRBa1574/A  
GMM:jld:rs

2  
RJR

ASSEMBLY AMENDMENT ,  
TO 2003 ASSEMBLY BILL 211

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

2 1. Page 5, line 11: delete lines 11 to 25.

3 2. Page 6, line 1: delete lines 1 to 4 and substitute:

4 "SECTION 5d. 20.433 (1) (g) of the statutes is amended to read:

5 20.433.(1) (g) *General program operations.* From all moneys received under s.  
6 69.22 (1m), the amounts in the schedule to be used for the expenses of the child abuse  
7 and neglect prevention board under s. 48.982 (2) and (3), for the general program  
8 operations of the ~~early childhood family education~~ family resource center grant  
9 program under s. 48.982 (6) and the right from the start program under s. 48.982 (7)  
10 and for technical assistance to right from the start grant recipients under s. 48.982  
11 (7)(a), and for technical assistance to organizations under s. 48.982 (4) and (6).

12 SECTION 6d. 20.433 (1) (h) of the statutes is amended to read:

1           20.433 (1) (h) *Grants to organizations*. All moneys received under s. 69.22 (1m),  
2           less the amounts appropriated under par. (g), to be used for grants under s. 48.982  
3           (2e) (am) to the corporation organized under s. 48.982 (2e) (a) 1. and for grants to  
4           organizations under s. 48.982 (4), and (6) and (7).

5           **SECTION 6v.** 20.433 (1) (m) of the statutes is amended to read:

6           20.433 (1) (m) *Federal project operations*. All moneys received from the federal  
7           government for technical assistance under s. 48.982 (4) and (6) and for the state  
8           administration of specific limited term projects, to be expended for the purposes  
9           specified.

10          **SECTION 7d.** 20.433 (1) (ma) of the statutes is amended to read:

11          20.433 (1) (ma) *Federal project aids*. All moneys received from the federal  
12          government for ~~early childhood family education~~ family resource center grants  
13          under s. 48.982 (6) (a), and for specific limited term projects, to be expended as aids  
14          to individuals or organizations for the purposes specified.”.

15          **3.** Page 6, line 24: after “and” insert “providing”.

16          **4.** Page 10, line 1: delete that line and substitute: “48.982 (2e) (a) 5. All”.

17          **5.** Page 10, line 7: delete “(g)” and substitute “(h)”.

18          **6.** Page 10, line 15: delete “(g)” and substitute “(h)”.

19          **7.** Page 11, line 23: delete lines 23 to 25.

20          **8.** Page 12, line 1: delete lines 1 to 4 and substitute:

21          “**SECTION 23d.** 48.982 (2e) (e) of the statutes is amended to read:

22          48.982 (2e) (e) The board of directors of any corporation established under this  
23          subsection shall consist of ~~5~~ members, including the chairperson of the board and 4  
24          members of the board, elected by the board, ~~of which one shall be a legislator. No 2~~

9 ✓

1 ~~members of the board of directors may be from the same category of board members~~  
2 ~~under s. 15.195 (4) (a) to (g).".~~

3 **9.** Page 12, line 21: after "(1)" insert "(g)".

4 **10.** Page 14, line 8: delete "(h), (i), (k)," and substitute "(g), (h), (i), (k), (m)".

5 (END)