

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **04/28/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**

By/Representing: **Stoller**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Stoller -

Topic:

Eliminate limitation on DHFS' responsibility for conducting competency examinations to defendants in a jail or locked facility

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> |
|--------------|------------------------|------------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /? | dkennedy 04/29/2003 | kfollett 04/29/2003 | | _____ | | | |
| /1 | dkennedy 05/19/2003 | | jfrantze 04/29/2003 | _____ | sbasford 04/29/2003 | | |

| <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 | dkennedy 06/04/2003 | kfollett 06/04/2003 | jfrantze 06/04/2003 | _____ | mbarman 06/04/2003 | | |

FE Sent For:

<END>

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| /? | dkennedy 04/29/2003 | kfollett 04/29/2003 | | _____ | | | |
| /1 | | 12 kjf 6/4 | jfrantze 04/29/2003 | _____ | sbasford 04/29/2003 | | |
| | | | | | | | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | dkennedy | 11 kjf 4/29 | 4/29 | Self 4/29 | | | |

FE Sent For:

<END>

Kennedy, Debora

From: Morgan, Charlie
Sent: Thursday, April 24, 2003 6:11 PM
To: Kennedy, Debora
Cc: Stoller, Jessica
Subject: FW: Drafting Request

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

From: Stoller, Jessica
Sent: Thursday, April 24, 2003 5:08 PM
To: Morgan, Charlie
Subject: Drafting Request

Debora,

I have a few drafting requests for you. JFC took up several Care and Treatment Facilities and Division of Supportive Living items today that will require statutory changes, including:

Paper #422: The JFC adopted alternative 2 and the following motion related to outpatient competency examinations. The motion deletes the Governor's provision that would limit DHFS' responsibility for conducting competency examinations to



jls outpatient comp
delete.doc...

defendants in a jail or locked facility.

and Item #8 (page 267 LFB Summary document): The JFC voted to delete the entire provision, but to support a motion that would require DHFS to reduce the number of nursing home surveyor positions it employs each year based on the percentage decrease in the total number of facilities from December 31 of the previous fiscal year as compared to December 31 of the year before that. I will FAX you a copy of the motion that was adopted by the JFC. Consequently, I would like two drafts -- one that deletes the Governor's draft (0203/3) and one that would implement motion #331 (FAXED to you)

Please let me know if you have any questions on these items.

*Jessica Stoller
Legislative Fiscal Bureau Analyst
Jessica.Stoller@legis.state.wi.us
(608)266-3847*

CARE AND TREATMENT FACILITIES

Outpatient Competency Examinations
(Paper #422)

Motion:

Move to delete the Governor's provision that would limit DHFS' responsibility for conducting inpatient examinations and outpatient examinations to defendants in jail or in a locked unit of a facility.

Note:

A competency examination may be conducted outside of a jail or locked facility in cases where an individual is out on bail, parole, or probation. Under current law, the state supports the costs of these examinations. The Governor's proposal would transfer responsibility for competency examinations conducted outside of a jail or locked facility to counties. This motion would delete this provision from the bill.

4/29/03: From Jessica Stoller: ^{The audit to} (s. 20.435 (2)(b)) in the bill is not affected by this motion.

03-0127



LFB:.....Stoller - Eliminate limitation on DHFS' responsibility for conducting competency examinations to defendants in a jail or locked facility

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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

2 1. Page 1032, line 16: delete the material beginning with that line and ending
3 with page 1033, line 6.

4 (END)

Kennedy, Debora

From: Morgan, Charlie
Sent: Monday, June 02, 2003 7:43 PM
To: Kennedy, Debora
Cc: Stoller, Jessica
Subject: Draft 0112/1 - Competency Examinations

Debora:

In reviewing draft 112/1, I noticed that the draft did not delete a statutory change in Section 445 of the bill, which makes references to examinations conducted in a jail or locked unit under s. 971.14(2) of the statutes. Should the draft also delete this change? The Governor's original draft was 127/1. Thank-you. Charlie Morgan



D-NOTE

LFB:.....Stoller - Eliminate limitation on DHFS' responsibility for conducting competency examinations to defendants in a jail or locked facility

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

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

2 ~~##~~ Page 1032, line 16: delete the material beginning with that line and ending
3 with page 1033, line 6.

4 (END)

#. Page 365, line 12: ~~mainly a~~ delete
"conducted in a jail or locked unit under s. 971.14 (2)

~~##~~ (.)

#. Page 365, line 13: delete "or locked unit under
s. 971.14 (2) (am)".

D-NOTE

OAK: kja

D-NOTE

Date

To Charlie Morgan:

After looking at the language again, I believe that you are correct; the language "conducted in a jail or locked unit under s. 971.14(2)(am)" in s. 20.435(2)(b) may limit the appropriation to competency examinations conducted by DHFS, because of the language in s. 971.14(2)(am).

Because it is my understanding that DHFS and conducts all inpatient examinations and that these are paid under another appropriation, I have retained the word "outpatient" to modify competency examinations in s. 20.435(2)(b).

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0112/2dn
DAK:kjf:jf

June 4, 2003

To Charlie Morgan:

After looking at the language again, I believe that you are correct; the language "conducted in jail or locked unit under s. 971.14 (2) (am)" in s. 20.435 (2) (bj) may limit the appropriation to competency examinations conducted by DHFS, because of the language in s. 971.14 (2) (am). Because it is my understanding that DHFS conducts all inpatient examinations and that these are paid under another appropriation, I have retained the word "outpatient" to modify competency examinations in s. 20.435 (2) (bj).

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debra.kennedy@legis.state.wi.us

