

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **05/22/2003**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Onsager (Paul)**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - district attys  
Criminal Law - miscellaneous**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

LFB:.....Onsager (Paul) -

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**Topic:**

District attorney positions; penalty assessment and Byrne funding

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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>
/?							
/1	rryan 05/29/2003	wjackson 05/29/2003	jfrantze 05/29/2003	_____	sbasford 05/29/2003		
/2	rryan 05/30/2003	wjackson 06/02/2003	chaskett 06/02/2003	_____	lemery 06/02/2003		

FE Sent For:

**<END>**

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12 WLj 6/2  
cph  
6/2

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1?	rryan	1 WLY 5/29	6/5/29	J/Ro 3/29			

FE Sent For:

<END>

Representative Kaufert  
Senator Welch

DISTRICT ATTORNEYS

Byrne & Penalty Assessment Funded Assistant District Attorneys  
[LFB Paper #270 - Revised Alternative]

Motion:

Move to modify alternative 1 as follows: (1) delete \$158,300 PR annually in penalty assessment matching funds for Office of Justice Assistance (OJA) administration; (2) reallocate \$15,600 PR annually in deleted penalty assessment matching funds for OJA administration to children's community grants to provide the full match for these grants; (3) allocate the remaining \$142,700 PR annually in deleted penalty assessment matching funds for OJA administration to District Attorneys to provide funding for 11.0 FTE assistant district attorneys deleted under the District Attorneys' base budget reduction; (4) direct OJA to reduce penalty assessment matching funds by \$22,300 PR annually from the following programs to provide the remaining match funding necessary to fully fund 11.0 FTE deleted assistant district attorney positions: anti-drug task forces; GLECC special projects; mentoring, truancy and supervision programs; Wisconsin Incident Based Reporting System program; and children's community grants; and (5) transfer \$165,000 PR in penalty assessment matching funds and the associated Byrne funding of \$495,000 FED annually to the District Attorneys' gifts and grants appropriation, and provide \$660,000 PR and 11.0 PR FTE annually to this appropriation to reflect the transfer.

Note:

The motion would partially restore assistant district attorney positions deleted under Senate Bill 44 and recreate the positions as PR positions supported by federal Byrne and state pena assessment funding.

[Change to Bill: \$1,320,000 PR and 11.0 PR FTE]

MO#		
Darling	X	N
Welch	X	N
Fitzgld	X	N
Lazich	X	N
Harsdorf	X	N
Kanavas	X	N
Decker	Y	N
Moore	Y	N
Kaufert	X	N
Huebsch	X	N
Ward	X	N
Stone	X	N
Rhoades	X	N
Meyer	X	N
Coons	X	N

14-2



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb02702

RLR:.....

WLj

RMR

LPS: Please  
Fix Request Sheet

LFB:.....Onsager (Paul) – District Attorney positions; penalty assessment  
and Byrne funding

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

D-Note

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

2 1. Page 119, line 14: delete lines 14 to 15 and substitute:

3 "16.964 (9) (intro.) From the appropriations under s. 20.505 (6) (kp) and (p), the  
4 office of justice assistance shall provide \$185,000 to the department of health and  
5 family services to distribute the following grants for children's community  
6 programs:".

7 2. Page 1060, line 24: after that line insert:

8 NonSTATS 13P  
9 "12P" ASSISTANT DISTRICT ATTORNEYS; BYRNE GRANT AND PENALTY ASSESSMENT  
10 EXPENDITURES. (a) The department of administration shall allocate \$165,000 from the  
11 appropriation account under section 20.505 (6) (kp) of the statutes, as affected by the  
acts of 2003, and \$495,000 from the appropriation account under section 20.505 (6)

1 (p) of the statutes, as affected by the acts of 2003, in each year of the 2003–05 fiscal  
2 biennium to fund 11.0 FTE assistant district attorney positions.

3 (b) The department of administration may not expend more than a total of  
4 \$409,600 from the appropriation account under section 20.505 (6) (kp) of the  
5 statutes, as affected by the acts of 2003, in each fiscal year of the 2003–05 biennium  
6 for the following programs:

7 1. The programs under section 16.964 (9) of the statutes, as affected by the acts  
8 of 2003.

9 2. Mentoring, truancy, and supervision programs.

10 3. Local anti–drug task forces grants.

11 4. Special projects under the Governor’s Commission on Law Enforcement and  
12 Crime.

13 5. Grants to local law enforcement agencies for the Wisconsin Incident Based  
14 Reporting System.

15 (c) Notwithstanding section 16.964 (9) of the statutes, as affected by the acts  
16 of 2003, the department of administration may reduce the amounts provided to the  
17 department of health and family services for children’s community programs under  
18 section 16.964 (9) of the statutes, as affected by the acts of 2003, for the purpose of  
19 funding the 11.0 FTE assistant district attorney positions under paragraph (a).  
20

(END)

Handwritten initials and a circled mark at the end of the text.

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

LRBb02707dn

RLR:.....

Wlj

Paul:

1. Rather than directing under proposed <sup>5.</sup>16.964 (9), stats<sup>✓</sup>, that OJA "provide" money to DHFS for the children's community grants, I think it would be better to handle the transfer of money between DOA and DHFS in appropriation language and to appropriate money for the grants from DHFS appropriation accounts.
2. I will delete paragraph (b)<sup>✓</sup> from the proposed nonstatutory provision in this draft if you prefer that I not include it.
3. As we discussed, the federal law that authorizes Byrne funding requires states to certify that the federal grant funding will not be used to supplant state or local funds. (See 42 USC 3753) Funding the children's community grants with Byrne money may violate the non-supplantation requirement.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us



Plc from Paul Onsager

Re # 4 describe it as

a total of \$22,300 PR annually

"local assistance programs receiving

\* New or increased funding penalty ass. matching funds  
2003-05 ## to

60270

P/c from Paul

1. Need technical correction: grants under 16964 (g) funded from 20.505 (c) (kp) & (p)

(depts 1559-1562)

2. Subgrantee has to be a gov. unit so have OSA grant funds to DHFS & direct DHFS to give money to private programs

Paul says he talked to OSA and they are satisfied this meets federal Byrne grant requirements

3. need \$22,300 more from 20.505 (c) (kp) for DAs - take it from prog that will get new or increased funding from 20.505 (c) (kp) under the budget  
- Paul doesn't want to name the programs

need to direct OSA to give total of 660,000 for DAs  
(165,000 from (kp) \$495,000 from (p))

Language Paul wants

Direct the office of justice assistance to reduce penalty assessment matching funds by \$22,300 PR annually from local assistance programs receiving new or increased penalty assessment match funding during 2003-05, including children's community grants notwithstanding s. 16.964(9). Direct the office of justice assistance to reallocate this \$22,300 PR annually to provide the remaining match funding necessary to fully fund 11.0 PR FTE assistant district attorney positions.

too vague - no  
reference point

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

LRBb0270/1dn  
RLR:wlj:jf

May 29, 2003

Paul:

1. Rather than directing under proposed s. 16.964 (9), stats., that OJA “provide” money to DHFS for the children’s community grants, I think it would be better to handle the transfer of money between DOA and DHFS in appropriation language and to appropriate money for the grants from DHFS appropriation accounts.
2. I will delete paragraph (b) from the proposed nonstatutory provision in this draft if you prefer that I not include it.
3. As we discussed, the federal law that authorizes Byrne funding requires states to certify that the federal grant funding will not be used to supplant state or local funds. (See 42 USC 3753.) Funding the children’s community grants with Byrne money may violate the non-supplantation requirement.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

60270/1

Phone Call from Paul 5/30/02

(1) p. 1, line 4 - specify annually

(2) p. 2, line 5 - total amt really  
1,146,900 - b/c is some base  
funding in some of the programs

if going to specify cap, Paul wants  
me to specify starting amounts  
for each of the programs

child's com. grants	46,300
mentoring	165,000
anti-drug	800,000
GLEC	71,700
WIBRS	63,900



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0270/1 ✓

RLR:wlj:jf

2

LFB:.....Onsager (Paul) – District attorney positions; penalty assessment and Byrne funding

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO 2003 SENATE BILL 44

RMR

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

2 1. Page 119, line 14: delete lines 14 to 15 and substitute:

3 "16.964 (9) (intro.) From the appropriations under s. 20.505 (6) (kp) and (p), the  
4 office of justice assistance shall provide \$185,000 to the department of health and  
5 family services to distribute the following grants for children's community  
6 programs:"

7 2. Page 1060, line 24: after that line insert:

8 "(13p) ASSISTANT DISTRICT ATTORNEYS; BYRNE GRANT AND PENALTY ASSESSMENT  
9 EXPENDITURES.

10 (a) The department of administration shall allocate \$165,000 from the  
11 appropriation account under section 20.505 (6) (kp) of the statutes, as affected by the

annually

1 acts of 2003, and \$495,000 from the appropriation account under section 20.505 (6)  
2 (p) of the statutes, as affected by the acts of 2003, in each year of the 2003–05 fiscal  
3 biennium to fund 11.0 FTE assistant district attorney positions.

4 (b) The department of administration may not expend more than a total of  
5 \$409,600 from the appropriation account under section 20.505 (6) (kp) of the  
6 statutes, as affected by the acts of 2003, in each year of the 2003–05 fiscal biennium  
7 for the following programs:

- 8 1. The programs under section 16.964 (9) of the statutes, as affected by the acts  
9 of 2003.
- 10 2. Mentoring, truancy, and supervision programs.
- 11 3. Local anti–drug task forces grants.
- 12 4. Special projects under the governor’s commission on law enforcement and  
13 crime.
- 14 5. Grants to local law enforcement agencies for the Wisconsin incident based  
15 reporting system.

16 (c) Notwithstanding section 16.964 (9) of the statutes, as affected by the acts  
17 of 2003, the department of administration may reduce the amounts provided to the  
18 department of health and family services for children’s community programs under  
19 section 16.964 (9) of the statutes, as affected by the acts of 2003, for the purpose of  
20 funding the 11.0 FTE assistant district attorney positions under paragraph (a).”.

21 (END)

INS →

**2003-2004 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0270/2ins  
RLR:.....

1           (b) From the appropriation account under section 20.505 (6) (kp) of the statutes,  
2 as affected by the acts of 2003, the department of administration shall allocate the  
3 following amounts for the following programs in each year of the 2003-05 fiscal  
4 biennium:

5           1. For the children's community programs under section 16.964 (9) <sup>✓</sup> of the  
6 statutes, as affected by the acts of 2003, \$46,300.

7           2. For mentoring, truancy, and supervision programs, \$165,000.

8           3. For local anti-drug task forces grants, \$800,000.

9           4. For special projects under the governor's commission on law enforcement  
10 and crime, \$71,700.

11           5. For grants to local law enforcement agencies for the Wisconsin incident  
12 based reporting system, \$63,900.

13           (c) Notwithstanding the amounts in paragraph (b) <sup>✓</sup> and section 16.964 (9) <sup>✓</sup> of the  
14 statutes, as affected by the acts of 2003, <sup>✓</sup> the department of administration shall  
15 reduce the total amount of money allocated from the appropriation account under  
16 <sup>section</sup> 20.505 (6) (kp) of the statutes, as affected by the acts of 2003, for programs under  
17 paragraph (b) by \$22,300 in each year of the 2003-05 fiscal biennium to fund the  
18 assistant district attorney positions under paragraph (a) <sup>✓</sup>."





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0270/2  
RLR:wlj:cph

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12 4. For special projects under the governor’s commission on law enforcement  
13 and crime, \$71,700.

14 5. For grants to local law enforcement agencies for the Wisconsin incident  
15 based reporting system, \$63,900.

16 (c) Notwithstanding the amounts in paragraph (b) and section 16.964 (9) of the  
17 statutes, as affected by the acts of 2003, the department of administration shall  
18 reduce the total amount of money allocated from the appropriation account under  
19 section 20.505 (6) (kp) of the statutes, as affected by the acts of 2003, for programs  
20 under paragraph (b) by \$22,300 in each year of the 2003–05 fiscal biennium to fund  
21 the assistant district attorney positions under paragraph (a).”

22 (END)