



Legislative Fiscal Bureau

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January 25, 2006

TO: Members,
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 41: Interstate Compact for Juveniles

Enactment of Assembly Bill 41 (AB 41) would provide for Wisconsin's adoption of a new Interstate Compact for Juveniles, which would replace the current Interstate Compact for Juveniles, adopted in 1955. AB 41 was introduced on January 25, 2005, and was referred to the Assembly Committee on Corrections and the Courts. A public hearing on the bill was held on March 23, 2005, and the Committee on Corrections and the Courts recommended passage of AB 41 on January 19, 2006, by a vote of 7-2. On January 19, 2006, the bill was referred to the Joint Committee on Finance.

CURRENT LAW

The state's juvenile justice code contains the provisions of the current Interstate Compact for Juveniles agreement [ss. 938.991 to 938.998 of the statutes]. Under the current Compact, participating states cooperate to provide for the welfare and protection of juveniles and of the public with respect to: (1) the cooperative supervision of delinquent juveniles on probation, extended supervision or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively.

Separate Interstate Compact procedures are provided in statute for the return of runaway juveniles, the return of escapees and absconders, and the cooperative supervision of probationers, persons on extended supervision, and parolees. The current Interstate Compact also provides procedures for the voluntary return juveniles who abscond or escape from supervision. Provisions also specify, for each type of juvenile transfer between states, which party is responsible for the cost

of transporting such juveniles. Under the current Interstate Compact, no juvenile or delinquent juvenile may be placed or detained in any prison, jail or lockup, nor be detained or transported in association with criminal, vicious or dissolute persons. The juvenile court in Wisconsin has exclusive jurisdiction over proceedings under the current Interstate Compact.

Under current law, the duly constituted administrative authorities of a state party to the Interstate Compact may also enter into supplementary agreements with any other state or states for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever such agreements will improve the facilities or programs available for care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into a supplementary agreement. If the supplementary agreement requires or contemplates the use of any institution or facility in Wisconsin or the provision of any service by this state, the supplementary agreement has no effect until approved by the department or agency under whose jurisdiction the institution or facility is operated or which will be charged with the rendering of the service.

Any state party to the current Interstate Compact may also accept any and all donations, gifts, and grants of money, equipment and services from the federal government, any local government, and any person, firm or corporation, for purposes provided under the current Compact. Such resources must be used under the terms, conditions and regulations governing the donations, gifts, and grants.

The current Interstate Compact provisions also specify that the Governor of each party state must designate an officer to promulgate rules and regulations (in concert with similar officers in the other Compact states) to more effectively implement the terms and provisions of the Compact. The Governor is also authorized to designate an officer or employee of the Department of Corrections (DOC) to serve at the pleasure of the Governor as Wisconsin's Compact administrator. In the case of a vacancy in the office of Compact administrator, the functions of the position may be performed by the Secretary of DOC, or the Secretary's designee. The Compact administrator may cooperate with all departments, agencies and officers in the state and its political subdivisions to facilitate the proper administration of the current Compact (or of any supplementary agreements).

A state's Compact administrator must determine for the state whether to receive juvenile probationers, parolees and persons on extended supervision of other state. Where such individuals are received, the administrator must arrange for their supervision, either by DOC or by a person appointed to perform supervision service for the juvenile court in the county where the juvenile is to reside (whichever arrangement is more convenient). In all cases, periodic reports to the Compact administrator regarding the conduct and progress of the juveniles are required.

Under the current Interstate Compact, the courts, departments, agencies and officers of this state and its political subdivisions must enforce the Compact and to do all things appropriate within their respective jurisdictions to effectuation the purposes of the Compact.

Finally, the current Interstate Compact continues in force and remains binding until it is subsequently renounced by the state. Renunciation requires a state to provide six months notice in writing to the other members of the Compact of the state's intention to withdraw from the Compact. The duties and obligations of a renouncing state for the cooperative supervision of probationers, persons on extended supervision, and parolees continues at the time of withdrawal until the affected juveniles are returned to the other state involved with the particular juveniles or are finally discharged. Supplementary agreements entered into by the state are also subject to renunciation as provided in those agreements, however, the renunciation of a supplemental agreement is not subject to the six-month noticing requirement.

SUMMARY OF BILL

Assembly Bill 41 would codify in Wisconsin law a new Interstate Compact for Juveniles and would constitute the state's adoption of the agreement. The provisions of the current Interstate Compact would generally be retained until all of the following events have occurred: (1) the new Interstate Compact for Juveniles becomes effective; (2) both this state and the other state involved with a particular juvenile are parties to the new Interstate Compact; and (3) both this state and the other state involved with a particular juvenile have renounced the 1955 Interstate Compact.

The new Interstate Compact will become effective and binding upon its formal adoption by the Legislatures of 35 states. Once the new Compact enters into force, it would become effective and binding on a nonparty state upon that state's subsequent enactment of the new Compact into laws of that state.

Based on a state-by-state survey undertaken by the Council of State Governments, as of December 14, 2005, 28 of the requisite 35 states had adopted the new Compact. Of the 22 states that had not yet adopted the new Compact, legislation had been introduced and was pending during 2006 in four states [Massachusetts, Nebraska, Tennessee, and Wisconsin].

General Purposes of the New Compact

Under the proposed new Interstate Compact, the compacting states would recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states would also recognize that each state is responsible for the safe return of juveniles who have run away from home and in so doing have left their state of residence. Finally, the compacting states would also recognize that the U.S. Congress, by enacting the Crime Control Act [4 USC 112] has authorized and encouraged interstate compacts for cooperative efforts and mutual assistance in the prevention of crime.

The proposed new Compact provides that through joint and cooperative action, the compacting states would do the following:

- (1) Ensure that the adjudicated juveniles and status offenders who are subject to the Compact are provided with adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state.
- (2) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected.
- (3) Return juveniles who have run away, absconded, or escaped from supervision or control (or who have been accused of such an offense) to the state requesting their return.
- (4) Make contracts for the cooperative institutionalization in public facilities in member states of delinquent youth needing special services.
- (5) Provide for the effective tracking and supervision of juveniles.
- (6) Equitably allocate the costs, benefits, and obligations of the Compact among the compacting states
- (7) Establish procedures to manage the movement between states of juvenile offenders who are released to the community under the jurisdiction of courts, juvenile departments, or other criminal or juvenile justice agencies with jurisdiction over such offenders.
- (8) Ensure that immediate notice is given to jurisdictions where defined offenders are authorized to travel or to relocate across state lines.
- (9) Establish procedures to resolve pending charges or detainer actions against juvenile offenders before their transfer or release to the community.
- (10) Establish a system of uniform data collection of information pertaining to juveniles with access by authorized juvenile and criminal justice officials and with a system of regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and to juvenile and criminal justice administrators.
- (11) Monitor compliance with the rules governing the interstate movement of juveniles and intervene to address and correct any noncompliance with those rules.
- (12) Coordinate training and education regarding the regulation of the interstate movement of juveniles for officials who are involved in that activity.
- (13) Coordinate the implementation and operation of the new Compact with the Interstate Compact on the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles, particularly in those cases in which concurrent or overlapping supervision issues arise.

These general purposes would be accomplished through the establishment of an Interstate Commission for Juveniles and a State Board for Interstate Juvenile Supervision to advise and provide oversight and advocacy concerning that state's participation in Interstate Commission activities.

State Board for Interstate Juvenile Supervision

Under the new Compact, a State Board for Interstate Juvenile Supervision would be established in each state to work with the Interstate Commission. The Board would also exercise any other duties as determined by the state, including the development of policy concerning the operations and procedures of the new Compact within that state. Under AB 41, a new five-member Board would be created and attached administratively to DOC. Members would be appointed by the Governor to staggered, three-year terms. Although each compacting state would be authorized under the new Compact to determine the membership of its State Board, that membership must at least include the state's Compact administrator, the state's deputy Compact administrator (or a designee), at least one representative from the legislative, judicial, and executive branches of government, and one representative of victims groups. Each compacting state would retain the right to determine the qualifications of the Compact administrator and deputy Compact administrator. A nonstatutory provision under the bill would establish the terms of the initial appointees to the State Board, as follows: one of the initial members would be appointed for a term expiring on May 1, 2006, two of the initial members would be appointed for a term expiring on May 1, 2007, and two of the initial members would be appointed for a term expiring on May 1, 2008.

Interstate Commission for Juveniles.

As part of the new Compact that would be codified under AB 41, an Interstate Commission for Juveniles would be created as a corporate body and would function as the joint agency of all the compacting states. The Interstate Commission would have all of the responsibilities, powers, and duties specified below and such additional powers as conferred on it by any subsequent action of the respective legislatures of the compacting states under procedures established by the new Compact.

Membership and Operation. The Interstate Commission would consist of Commissioners appointed by the appropriate appointing authority in each compacting state and in consultation with the new State Board. A state's Commissioner would be the Compact administrator or the deputy Compact administrator (or designee) and would serve on the Commission in that capacity under the applicable law of the compacting state. Under AB 41, the actual and necessary expenses incurred by the state's Commissioner in the performance of his or her duties would be reimbursed from the GPR general program operations appropriation account in the Division of Juvenile Corrections in DOC.

In addition to the Commissioners who are the voting representatives of each compacting state, the Interstate Commission would be required to include as nonvoting members, those persons who are members of interested organizations, including the national organizations of governors,

legislators, state supreme court chief justices, attorneys general, juvenile justice and juvenile corrections officials, and crime victims and members of the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision. The Interstate Commission would also be authorized to provide in its bylaws for the inclusion of additional nonvoting members, including members of other national organizations, in such numbers as determined by the Interstate Commission. Finally, once the new Compact enters into force, the Governors (or their designees) from noncompacting states would be authorized to participate in the activities of the Interstate Commission on a nonvoting basis before adoption of the Compact by that state.

Each compacting state would be entitled to one vote on the Commission. A majority of the compacting states would constitute a quorum for the transaction of business, unless a larger quorum is required by the Commission's bylaws. The Commission would be required to meet at least once each year, with additional meetings at the call of the chairperson upon the request of a simple majority of the compacting states. Public notice would be required for all meetings. All meetings would be open to the public (except as specified in the rules or as otherwise provided in the Compact). The Commission and any of its committees would be authorized to close a meeting to the public if the Commission or committee determines by a two-thirds vote that an open meeting would be likely to include any one of several activities that normally require confidentiality and the Commission's legal counsel certifies as an activity for which a closed meeting is permissible.

The bylaws of the Interstate Commission would establish the conditions and procedures under which the Commission would make its information and official records available to the public for inspection or copying. The Interstate Commission would be authorized to exempt from disclosure any information or official records to the extent that the information or records would adversely affect personal privacy rights or proprietary interests.

The Interstate Commission would be required to establish an executive committee, which must include officers and members of the Interstate Commission and others as determined by the bylaws. The executive committee would be authorized to act on behalf of the Commission during periods when the body is not in session, with the exception of rule making and amending the Compact. The executive committee would: (1) oversee the day-to-day activities of the administration of the Compact that are managed by an executive director and Interstate Commission staff [described below]; (2) administer the enforcement of and compliance with the Compact, the bylaws, and the rules; and (3) perform such other duties as directed by the Interstate Commission or as specified in the bylaws.

Each Commissioner would be entitled to cast each state's vote and to participate in the business and affairs of the Interstate Commission. A Commissioner must vote in person and may not delegate a vote to another compacting state. However, a Commissioner, in consultation with the State Board of the Commissioner's state, may appoint another authorized representative, in the absence of the Commissioner, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws of the Commission may provide for members' participation in meetings by telephone or by other means of telecommunication or electronic communication.

The Compact language provides that the Interstate Commission must collect standardized data concerning the interstate movement of juveniles as directed by the rules of the Commission. The rules would be required to specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such data collection, exchange, and reporting methods must conform to up-to-date technology and coordinate the Interstate Commission's information functions with the appropriate repository of records, to the extent possible.

Powers and Duties of the Interstate Commission. Under the Compact agreement, the Interstate Commission would have all of the following powers and duties:

- (1) Provide for dispute resolution among compacting states.
- (2) Promulgate rules to effect the purposes and obligations enumerated in the new Compact. Such rules would have the effect of statutory law and would be binding in the compacting states to the extent and in the manner provided in the Compact.
- (3) Oversee, supervise, and coordinate the interstate movement of juveniles who are subject to the Compact, its bylaws, and rules.
- (4) Enforce compliance with the new Compact, its bylaws, and rules, using all necessary and proper means, including the use of judicial process.
- (5) Establish and maintain offices located within one or more of the compacting states.
- (6) Purchase and maintain insurance and bonds.
- (7) Borrow, accept, hire, or contract for the services of personnel.
- (8) Establish and appoint committees (including an executive committee) and hire staff that the Commission considers necessary for carrying out its functions.
- (9) Elect or appoint officers, employees, agents, or consultants; determine their compensation, duties, and qualifications; and establish the personnel policies and procedures, including establishing standards of ethical conduct.
- (10) Receive and manage donations and grants of all kinds.
- (11) Lease, purchase, or accept contributions or donations of property.
- (12) Dispose of property.
- (13) Establish a budget, make expenditures, and levy assessments on the compacting states.
- (14) Sue and be sued.

(15) Adopt a seal and bylaws governing the management and operation of the Commission.

(16) Perform such functions as may be necessary to achieve the purposes of the Compact.

(17) Report annually to the legislatures, governors, judiciary, and state boards of the compacting states concerning the activities of the Commission during the preceding year. Such reports must include any recommendations that have been adopted by the Commission.

(18) Coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials who are involved in that activity.

(19) Establish uniform standards for reporting, collecting, and exchanging data.

(20) Maintain the corporate books and records of the Commission in accordance with the bylaws.

Organization and Operation of the Interstate Commission. Within 12 months after the first meeting of the Interstate Commission, the language of the new Compact requires that the Commission adopt bylaws by a majority vote of those members present and voting. The bylaws would be required to establish the fiscal year of the Commission, establish an executive committee (or other committees deemed necessary), and provide for the establishment of committees governing any general or specific delegation of an authority or function of the Commission.

In addition, the bylaws must provide reasonable procedures for calling and conducting meetings of the Commission and for ensuring reasonable notice of each meeting. The bylaws must also establish the titles and responsibilities of the officers of the Commission, provide a mechanism for concluding the operations of the Commission, provide rules for the initial administration of the Compact, and establish standards and procedures for compliance and technical assistance in carrying out the Compact.

Annually, the Commission would elect by majority vote from among its members a chairperson and a vice chairperson, with the authority and duties of each as specified in the bylaws. The chairperson (or in his or her absence, the vice chairperson) must preside at all Commission meetings. These officers would serve without compensation but would be reimbursed for actual and necessary expenses.

The Commission's executive committee would be required to appoint an executive director. The executive director would serve as secretary to the Commission and would hire and supervise any Commission staff.

The executive director, employees, and representatives of the Commission would be immune from suit and liability, either personally or in their official capacity, for any claim arising

from any actual or alleged act, error, or omission occurring within the scope of their employment, other than for liability for any damage, loss, injury, or liability arising from intentional or willful and wanton misconduct of that person. The liability of any Commissioner or employee of the Commission, when acting within their official capacities, could not exceed the limits of liability applicable in that person's state. The Commission would be required to defend its executive director, staff and representatives in any civil action seeking to impose liability arising from acts that occurred within the scope of employment, The Commission would also indemnify such individuals in the amount of any settlement.

Rule-Making Function of the Interstate Commission. Under the new Interstate Compact, the Commission would be required to promulgate and publish rules to achieve the purposes of the Compact. Rule making would be required to substantially conform to the principles of the federal Model State Administrative Procedure Act (or any other administrative procedure act that the Commission considers appropriate). All rules and amendments would become binding on the date specified in the final rule or amendment.

The Commission would be required to publish the entire text of the proposed rule, state the reason for the proposed rule, allow public comment and submissions, and provide an opportunity for an informal hearing, if petitioned by 10 or more persons. Within 60 days of a rule's promulgation, any interested person would be authorized to file a petition in the U. S. District Court for the District of Columbia, (or in the federal district court where the Commission's principal office is located) for judicial review of that rule. If the court finds that the Commission's action is not supported by substantial evidence in the rule-making record, the court must void the rule and set it aside. Also, if a majority of the legislatures of the compacting states reject a rule by enactment of a statute or resolution, the rule would have no further effect in any compacting state.

In addition, provision is made for the Commission to promulgate emergency rules that would become effective immediately upon promulgation, except that the usual rule-making procedures under the Compact would be retroactively applied to the rule as soon as is reasonably possible, but no later than 90 days after the effective date of the emergency rule. Under AB 41, the rules governing the operation of the 1955 Interstate Compact for Juveniles would be void 12 months after the first meeting of the new Interstate Commission.

Oversight, Enforcement, and Dispute Resolution. The Interstate Commission would be required to oversee the administration and operations of the interstate movement of juveniles who are subject to the Compact in the compacting states and would monitor those activities in the noncompacting states that may significantly affect compacting states. Under the proposed Compact, the courts and executive agencies in each compacting state would be required to enforce the Compact and take all necessary actions to effectuate its purposes and intent. The Compact and related rules would be provided to all of the judges, and relevant public officers and departments of each compacting state. In any judicial or administrative proceeding in a compacting state relating to juveniles subject to the Compact that may affect the powers, responsibilities, or actions of the Commission, the Commission would be entitled to receive all service of process in the proceeding and to have standing to intervene in the proceeding for all purposes.

The compacting states would be required to report to the Commission on all issues and activities that: (1) are necessary for the administration of the Compact; and (2) pertain to compliance with the Compact, the Commission's bylaws, and the rules. Upon the request of a compacting state, the Commission would be required to attempt to resolve any dispute or other issue subject to the Compact and that may arise among compacting states or between compacting states and noncompacting states. The Commission would be required to promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Finances of the Interstate Commission. The proposed Interstate Compact would require the Interstate Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be authorized to assess from each compacting state an annual amount to cover the costs of the Commission and its staff. The total annual assessment must be sufficient to fund the Commission's annual approved budget. Allocation of the total amount among the compacting states would be based on a formula to be determined by the Commission. However, the formula must take into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state. The Commission would be required to promulgate a rule binding on all compacting states that governs the assessment.

Under the proposed new Compact, the Commission may not incur any obligations of any kind before securing funds adequate to meet those obligations, nor may it pledge the credit of any compacting state, except as authorized by the compacting state.

The Commission would be required to keep accurate accounts of all receipts and disbursements and would be subject to the audit and accounting procedures established under its bylaws. Annual audits of the Commission would be required by a certified or licensed public accountant, and the report of the audit would be included in and become part of the annual report of the Interstate Commission.

Funding Wisconsin's Assessment by the Interstate Commission. Assembly Bill 41 would create a GPR annual appropriation under DOC's Division of Juvenile Correction to fund the state's assessments levied by the Interstate Commission. Under the bill, no funds are actually appropriated for this purpose during either fiscal year of the 2005-07 biennium.

Withdrawal, Default, Judicial Enforcement, and Dissolution. Under the proposed new Interstate Compact, a compacting state may withdraw from the Compact by specifically repealing the statute that enacted the Compact into law in that state. The effective date of a withdrawal by a compacting state would be the effective date of the repeal of the statute that enacted the Compact into law in that state.

A withdrawing state would be required to immediately notify the Chairperson of the Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state. In turn, the Commission must notify all the other compacting states of the

withdrawing state's intent to withdraw within 60 days of receipt of the written notice of intent to withdraw. A withdrawing state would continue to be responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of the withdrawal. Reinstatement in the Compact following the withdrawal of a compacting state would not occur unless the withdrawing state reenacted the Compact or on a later date, as determined by the Commission.

If the Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this Compact, the bylaws, or the rules, the Commission may impose any or all of the following penalties on that compacting state: (1) remedial training and technical assistance as directed by the Commission; (2) alternate dispute resolution; (3) forfeitures, fees, and costs in such amounts as are considered to be reasonable and as are fixed by the Commission; (4) suspension *or* termination of membership in the Compact, which may be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Commission has determined that the offending state is in default.

If a state is suspended, immediate notice of suspension must be given by the Commission to the Governor, the chief justice of the supreme court or the chief judicial officer, the majority and minority leaders of the legislature, and the State Board of the defaulting state.

The proposed new Compact specifies that the grounds for default include the failure of a compacting state to perform any obligations or responsibilities imposed upon it by the Compact, the bylaws, or the rules and any other ground designated in the bylaws or rules. If the Commission determines that a compacting state has defaulted, the Commission must immediately notify the defaulting state in writing of the default and of the penalty imposed by the Commission pending a cure of the default. The Commission would be required to stipulate the conditions under which and the time period within which the defaulting state must cure its default.

If the defaulting state fails to cure the default within the time period specified by the Commission, the defaulting state would be terminated from the Compact upon an affirmative vote of a majority of the compacting states. All rights, privileges, and benefits conferred by the Compact would end, beginning on the effective date of termination. Within 60 days of that date, the Commission would be required to notify the governor, the chief justice of the supreme court or the chief judicial officer, the majority and minority leaders of the legislature, and the State Board of the defaulting state of the termination. A defaulting state would be responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations the performance of which extends beyond the effective date of termination.

The Commission would not be required to bear any costs relating to a defaulting state unless otherwise mutually agreed upon in writing between the Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission under the rules.

By a majority vote, the Commission would be authorized to initiate legal action in the U.S. District Court for the District of Columbia or, at the discretion of the Commission, in the federal

district court where the Commission has its offices to enforce compliance with the Compact, the bylaws, and the rules against any compacting state that is in default. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees.

Finally, the new Compact itself would dissolve effective upon the date of a withdrawal or default of a compacting state that reduces membership in the Compact to one compacting state. The Compact would become void upon its dissolution and would be of no further effect. The business and affairs of the Commission would be concluded, and any surplus funds would be distributed in accordance with the bylaws.

Binding Effect of Compact. Under the proposed Compact, all lawful actions of the Interstate Commission, including its bylaws and rules, are binding upon the compacting states. All agreements between the Commission and the compacting states would be binding in accordance with their terms. Upon the request of a party to a conflict over the meaning or interpretation of a Commission action, and upon a majority vote of the compacting states, the Commission would be authorized to issue an advisory opinion regarding that meaning or interpretation. Where a provision of the Compact might exceed the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by that provision upon the Commission would be deemed ineffective, and would remain in the compacting state.

FISCAL EFFECT

Once the Interstate Compact on Juveniles enters into force upon its adoption by 35 states, the primary fiscal effect from the enactment of AB 41 would result from the payment of annual assessments apportioned to Wisconsin by the Interstate Commission. As noted previously, the Commission would be authorized to assess annual amounts from each compact state sufficient to fund the budgeted operational cost of the Commission and its staff. Each state's portion of the annual assessment would be based on a formula determined by the Commission that would consider each compacting state's population and the volume of interstate movement of juveniles in each compacting state.

Assembly Bill 41 would create a GPR annual appropriation to fund the annual assessments levied by the Interstate Commission. However, no amounts are appropriated for this purpose during either fiscal year of the 2005-07 biennium. Since only 28 states have currently adopted the Interstate Compact (and it appears unlikely that 35 states will have adopted the Compact before 2007 at the earliest), the lack of funding in the appropriation at this time appears to be reasonable.

With no appropriation being made in 2006-07, no base level funding will be established for the 2007-09 biennium. The budgetary needs, if any, to fund the annual assessments in the next biennium could be requested by the Department as part of the 2007-09 biennial budget

process. The DOC estimates the likely initial amount of any assessment will be approximately \$17,000 GPR annually.

A second cost exposure under AB 41 relates to the reimbursement of actual and necessary expenses incurred by the Wisconsin representative on the Interstate Commission. The Interstate Commission would consist of Commissioners appointed by from each compacting state. This representative would be the Wisconsin Compact administrator, deputy Compact administrator, or a designee appointed by the Governor. The Commission would be required to meet at least once a year. However the number of meetings and the amount of actual and necessary expenses that may be incurred for each meeting are unknown at this time. It is likely that such expenses would not be significant. The bill does not provide any additional funding to DOC for this purpose. To the extent that these types of expenses would be incurred, they would have to be funded from currently budgeted resources available to the agency.

Finally, DOC notes that there could also be certain indeterminate costs associated with the enactment of AB 41. For example, if the frequency and pattern of the interstate movement of juveniles changes over time as a result of the new Interstate Commission's work, these associated costs for the state could be affected. The language of the new Interstate Compact of AB 41 also requires that the Interstate Commission collect standardized data concerning the interstate movement of juveniles and specify data exchange and reporting requirements. Those methods of data collection, exchange, and reporting must, insofar as is reasonably possible, conform to up-to-date technology and coordinate the Commission's information functions with the appropriate repository of records. These data collection and reporting requirements could, in time, affect state costs relating to the collection and dissemination of this information.

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