

1       **AN ACT** *to amend* 301.26 (4) (b); and *to create* 20.410 (3) (em) of the statutes;  
 2           **relating to:** excluding energy costs from daily rate.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council’s Special Committee on High–Risk Juvenile Offenders.

Under current law, counties are financially responsible for the costs of juvenile delinquency–related services except for certain juveniles, such as those placed in the serious juvenile offender program and juveniles who are convicted as adults in the adult system. The community youth and family aids program (“youth aids”) provides each county with an annual allocation of state and federal funds from which the county may pay for juvenile delinquency–related services, including out–of–home placements and non–residential, community based services for juveniles. For juveniles placed in a juvenile correctional facility, the state bills the county based upon a statutory daily rate. The current daily rate is \$268.

This draft creates a general purpose revenue annual appropriation of \$2,302,100 for the costs of juvenile correctional facilities’ utilities, fuel, heat, and air conditioning. The draft provides that these costs may not be included when billing counties for juvenile correctional facility costs.

3           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the  
 4           following amounts for the purposes indicated:

	<b>2009–10</b>	<b>2010–11</b>
6 <b>20.410</b>	<b>\$2,302,100</b>	<b>\$2,302,100</b>
7       (3)   ENERGY COSTS.		
8       (em)		

**NOTE:** Appropriates \$2,302,100 in general purpose revenue annually to the department of corrections to pay for energy costs in Type I juvenile correctional facilities.

**COMMENT:** The appropriation amount is based upon an estimate provided by the department of corrections for fiscal year 2009. If staffing costs for the power plant operations, building and grounds, and wastewater treatment were included, the estimate would be \$4,259,000 for fiscal year 2009.

1           **SECTION 2.** 20.410 (3) (em) of the statutes is created to read:

2           20.410 (3) (em) *Type I correctional facility energy costs.* The amounts in the schedule  
3 to be used at Type I juvenile correctional facilities to pay for utilities and for fuel, heat, and  
4 air conditioning.

**NOTE:** Creates an appropriation to be used at Type I juvenile correctional facilities to pay for utilities and for fuel, heat, and air conditioning.

5           **SECTION 3.** 301.26 (4) (b) of the statutes is amended to read:

6           301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on the basis  
7 of the per person per day cost estimate specified in par. (d) 2. and 3. Except as provided in  
8 pars. (bm), (c), and (cm), liability shall apply to county departments under s. 46.21, 46.22, or  
9 46.23 in the county of the court exercising jurisdiction under chs. 48 and 938 for each person  
10 receiving services from the department of corrections under s. 48.366, 938.183, or 938.34 or  
11 the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars.  
12 (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within the  
13 jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a)  
14 shall also be made according to the general placement type or level of care provided, as defined  
15 by the department, and prorated according to the ratio of the amount designated under sub. (3)  
16 (c) to the total applicable estimated costs of care, services, and supplies excluding energy costs  
17 in Type I juvenile correctional facilities provided by the department of corrections under ss.  
18 48.366, 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35  
19 (3).

**NOTE:** Excludes energy costs in Type I juvenile correctional facilities from the costs that the department of corrections may bill counties for juvenile correctional placements.

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(END)