

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/25/99**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Democratic Caucus 266-5289**

By/Representing: **Judge**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters: **mdsida**

Subject: **Correctional System - misc  
Correctional System - prisons  
Criminal Law - miscellaneous  
Children - abuse and neglect  
Legislature - miscellaneous**

Extra Copies: **GMM**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Reallocate 0.5% of corrections budget to DHFS for child abuse/neglect prevention; correctional fiscal impact

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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>
/?	olsenje 06/26/99 mdsida 06/27/99	wjackson 06/28/99		_____			
/1			jfrantze 06/28/99	_____	lrb_docadmin 06/28/99	lrb_docadmin 06/29/99	

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1?	olsenje	1 WLj 6/28	Jb 6/28	_____	_____		

FE Sent For:

<END>

ADC

Assembly Crime Budget Amendment Draft Requests:

Caucus Contact: Rich Judge, 266.5289 (If you have any questions, I will be checking the voicemail on this line frequently over the next few days)

All Amendments are to be drafted to the Republican substitute amendment to AB-133

One amendment which does the following:

Package

Rep. Krug—"Pay as you Go" Corrections Amendment: This motion will require that a fiscal estimate be required for any bill containing penalty provisions. This language for this amendment is identical to the attached memo from the Legislative Council.

Rep. Lassa—This amendment will direct the Dept. of Corrections to reallocate a sum equal to ½ of 1% of the total Dept of Corrections budget to be directed to child abuse and neglect prevention programs through the Dept of Health and Family Services.

97-  
LRB 5331/2

5.11

An additional amendment which does the following:

Rep. Ryba—Ad one FTE Assistant District Attorney position for Brown County. The Legislative Fiscal Bureau estimates that this position will cost \$36,100 in the first year of the biennium and \$48,100 in the second year of the biennium. This position would be funded with GPR.

1       **AN ACT** to repeal 13.093 (2) (c); to amend 13.093 (1) and 20.866 (1) (u); to repeal  
2       and recreate 20.866 (1) (u); and to create 13.093 (3) and (4), 20.410 (1) (q), 20.410  
3       (1) (qg), 20.410 (1) (qr), 20.410 (3) (qg), 20.410 (3) (qr), 20.435 (3) (q), 20.855 (4)  
4       (em), 25.17 (1) (bm) and 25.71 of the statutes; relating to: fiscal estimates for bills  
5       containing penalty provisions, correctional fiscal estimates for certain criminal  
6       penalty bills, establishing the corrections special reserve fund and making  
7       appropriations.

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

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** This bill draft repeals the current statutory provision under which a fiscal estimate is not required for a bill containing penalty provisions if no other provision of the bill requires a fiscal estimate. The bill draft also requires the preparation of a correctional fiscal estimate for certain bills that affect correctional costs to the state and requires that these bills include an appropriation to the corrections special reserve fund to cover the costs of the bills. Finally, the bill draft establishes the corrections special reserve fund and specifies the purposes for which the moneys in the fund must be used.

Detailed notes follow each SECTION of the bill draft.

8       **SECTION 1.** 13.093 (1) of the statutes is amended to read:  
9       13.093 (1) All bills introduced in either house of the legislature for the appropriation  
10      of money, providing for revenue or relating to taxation or that require a correctional fiscal  
11      estimate under sub. (3) shall be referred to the joint committee on finance before being passed.

**NOTE:** SECTION 1 amends current s. 13.093 (1), stats., to provide that all bills that require a correctional fiscal estimate, as described in SECTION 3 of the bill draft, must be referred to the joint committee on finance.

12      **SECTION 2.** 13.093 (2) (c) of the statutes is repealed.

NOTE: SECTION 2 repeals current s. 13.093 (2) (c), stats., under which a fiscal estimate is not required for a bill containing penalty provisions if no other provision of the bill requires a fiscal estimate.

1 SECTION 3. 13.093 (3) and (4) of the statutes are created to read:

2 13.093 (3) (a) All bills introduced in either house of the legislature that create a criminal  
3 offense for which a sentence to a state prison or a disposition of placement in a juvenile  
4 correctional facility may be imposed, increase the period of imprisonment in a state prison or  
5 placement in a juvenile correctional facility for an existing criminal offense, require that a  
6 person be sentenced to imprisonment in a state prison or that a juvenile be placed in a juvenile  
7 correctional facility or otherwise affect a penalty provision that increases the statewide  
8 probation, parole or extended supervision population shall, before any vote is taken thereon  
9 by either house of the legislature if the bill is not referred to a standing committee, or before  
10 any public hearing is held before a standing committee or, if no public hearing is held, before  
11 any vote is taken by the standing committee, incorporate a correctional fiscal estimate. The  
12 correctional fiscal estimate shall estimate the anticipated state fiscal liability for correctional  
13 capital and operational costs under the bill including a projection of such costs for the fiscal  
14 year in which the bill becomes effective and the 9 succeeding fiscal years. Correctional fiscal  
15 estimates shall be prepared as follows:

16 1. The departments or agencies required to prepare the correctional estimate shall  
17 submit to the legislative fiscal bureau projections of the impact on statewide probationer,  
18 prisoner, parolee, extended supervision and juvenile corrections populations, an estimate of  
19 the fiscal impact of such population changes on state expenditures and a statement of the  
20 methodologies and assumptions used in making the population projections and estimates of  
21 fiscal impact. In preparing this information, a department or agency may request information  
22 from other departments or agencies. If a specific estimate cannot be determined, the

1 departments or agencies shall provide an estimated cost range. The departments or agencies  
2 shall submit this information to the legislative fiscal bureau within 5 working days after the  
3 departments or agencies receive a copy of the bill.

4 2. The legislative fiscal bureau shall review the information received from the  
5 departments or agencies under subd. 1. The legislative fiscal bureau shall consult with the  
6 departments or agencies from which information was received under subd. 1. and the  
7 departments or agencies shall provide information as requested by the legislative fiscal bureau  
8 as necessary to complete the review. Such review shall be completed within 5 working days  
9 from the date the legislative fiscal bureau receives the information under subd. 1.

10 3. The departments or agencies preparing information under subd. 1. shall prepare a  
11 correctional fiscal estimate and submit it to the legislative reference bureau and the legislative  
12 fiscal bureau within 3 working days after the date the legislative fiscal bureau's review period  
13 under subd. 2. ends. If a department or agency cannot make a specific estimate, the department  
14 or agency shall establish assumptions, including population estimates, that allow a projection  
15 to be made and provide an estimated cost range.

16 4. The legislative fiscal bureau shall prepare a statement of its review of the correctional  
17 fiscal estimate and submit it to the legislative reference bureau within 2 working days after  
18 receiving the correctional fiscal estimate.

19 (b) The legislature shall reproduce and distribute correctional fiscal estimates under par.  
20 (a) 3. and statements under par. (a) 4. in the same manner as it reproduces and distributes  
21 amendments.

22 (c) The legislative reference bureau shall determine whether a bill draft requires a  
23 correctional fiscal estimate. A bill draft that requires a correctional fiscal estimate under this  
24 subsection shall have that requirement noted on its jacket when the jacket is prepared. When

1 a bill that requires a correctional fiscal estimate under this subsection is introduced, the  
2 legislative reference bureau shall submit a copy of the bill to the legislative fiscal bureau and  
3 the department of administration.

4 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the joint  
5 committee on finance, before recommending the bill for passage, shall recommend adoption  
6 of an amendment to increase the appropriation under s. 20.855 (4) (em) in an amount equal  
7 to the amount of corrections capital and operational costs for the fiscal year in which those  
8 costs are estimated to be the highest multiplied by 2. This paragraph does not apply if the joint  
9 committee on finance determines that the bill does not increase state liability for corrections  
10 capital and operational costs or increases the appropriation under s. 20.855 (4) (em) in an  
11 amount equal to the amount of corrections capital and operational costs for the fiscal year in  
12 which those costs are estimated to be the highest multiplied by 2. If the joint committee on  
13 finance determines that this paragraph does not apply, the committee's recommendation shall  
14 be accompanied by a statement to that effect.

15 (b) Neither house of the legislature may vote on a bill that requires a correctional fiscal  
16 estimate under sub. (3) unless it has adopted an amendment to increase the appropriation under  
17 s. 20.855 (4) (em) as recommended by the joint committee on finance under par. (a). This  
18 provision does not apply to a bill for which the joint committee on finance has prepared a  
19 statement under par. (a) that the requirement under that paragraph does not apply to the bill.

20 (c) Neither house of the legislature may vote on an amendment to the executive budget  
21 bill or bills introduced under s. 16.47 that meets the criteria of a bill that requires a correctional  
22 fiscal estimate under sub. (3) unless the only provisions in the amendment are identical to the  
23 provisions of an introduced bill for which the requirements under sub. (3) and par. (a) have  
24 been met.



**NOTE:** SECTION 3 creates s. 13.093 (3) and (4), stats. Section 13.093 (3), stats., requires the preparation of a correctional fiscal estimate for all bills introduced in either house of the legislature that do any of the following:

1. Create a criminal offense for which a sentence to a state prison or a disposition to a juvenile correctional institution may be imposed.
2. Increase the period of imprisonment in a state prison or placement in a juvenile correctional facility for an existing criminal offense.
3. Require that a person be sentenced to imprisonment in a state prison or that a juvenile be placed in a juvenile correctional facility.
4. Otherwise affect a penalty provision that increases the statewide probation, parole or extended supervision population.

The bill draft specifies that the correctional fiscal estimate must be incorporated into such a bill before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before a standing committee or, if no public hearing is held, before any vote is taken by the standing committee. The correctional estimate must estimate the anticipated state fiscal liability for correctional capital and operational costs under the bill including a projection of such costs for the fiscal year in which the bill becomes effective and the 9 succeeding fiscal years.

The bill draft provides that correctional fiscal estimates must be prepared as follows:

1. The departments or agencies required to prepare the correctional fiscal estimate must submit the following to the legislative fiscal bureau (LFB):
  - a. Projections of the impact on statewide probationer, prisoner, parolee, extended supervision and juvenile corrections populations.
  - b. An estimate of the fiscal impact of such population changes on state expenditures.
  - c. A statement of the methodologies and assumptions used in making the population projections and estimates of fiscal impact.

If a specific estimate cannot be determined, the departments or agencies must provide an estimated cost range. The bill draft requires that this information must be submitted to the LFB within 5 working days after the departments or agencies receive a copy of the bill.

2. The LFB must review the information submitted by the departments or agencies. The bill draft provides that the LFB must consult with the

departments or agencies and that the departments or agencies must provide the LFB with information as requested by the LFB as necessary to complete the review. This review must be completed within 5 working days from the date the LFB receives the information from the departments or agencies.

3. The departments or agencies must then prepare a correctional estimate and submit it to the legislative reference bureau (LRB) and the LFB within 3 working days after the date the LFB's review period ends. The bill draft provides that, if a department or agency cannot make a specific estimate, the department or agency shall establish assumptions, including population estimates, that allow a projection to be made and provide an estimated cost range.

4. The LFB must prepare a statement of its review of the correctional fiscal estimate within 2 working days after receiving the correctional fiscal estimate.

The bill draft requires the legislature to reproduce and distribute correctional estimates and the statements prepared by the LFB in the same manner as amendments are reproduced and distributed.

The bill draft also requires the LRB to determine whether a bill draft requires a correctional fiscal estimate and to note that on the bill draft's jacket. When such a bill is introduced, the LRB must submit a copy to the LFB and to the department of administration.

Finally, s. 13.093 (4), stats., as created by the bill draft, provides that in any bill that requires a correctional fiscal estimate, the joint committee on finance, before recommending the bill for passage, must recommend adoption of an amendment that makes an appropriation to the corrections special reserve fund in an amount equal to the amount of corrections capital and operating costs for the fiscal year in which costs are estimated to be the highest multiplied by 2. However, this requirement does not apply if the joint committee on finance determines that the bill does not increase corrections capital and operating costs or makes a sufficient appropriation to the corrections special reserve fund. If the committee makes this determination, it must prepare a statement to that effect.

Under the bill draft, neither house of the legislature may vote on a bill that requires a correctional fiscal estimate unless it has adopted an amendment to increase the appropriation to the corrections special reserve fund as recommended by the joint committee on finance.

Also, neither house may vote on an amendment to the budget bill that meets the criteria of a bill that requires a corrections fiscal estimate

unless the only provisions in the amendment are identical to the provisions of an introduced bill for which a corrections fiscal estimate has been prepared and in which an appropriation to the corrections special reserve fund has been made.

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

		1999-00	2000-01
3			
4	<b>20.410    Corrections, department of</b>		
5	(1)    ADULT CORRECTIONAL SERVICES		
6	(q)    Principal repayment, interest and		
7	rebates	SEG-A	-0-      -0-
8	(qg)   General operations costs	SEG-A	-0-      -0-
9	(qr)   Operating costs for community		
10	corrections	SEG-A	-0-      -0-
11	(3)    JUVENILE CORRECTIONAL SERVICES		
12	(qg)   Principal repayment and interest		
13	costs	SEG-A	-0-      -0-
14	(qr)   General operations costs	SEG-A	-0-      -0-
15	<b>20.435    Health and family services, department of</b>		
16	(3)    CHILDREN AND FAMILY SERVICES		
17	(q)    Child abuse prevention	SEG-A	-0-      -0-

		1999-00	2000-01
1	<b>20.855 Miscellaneous appropriations</b>		
2	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS		
3	(em) Corrections special reserve fund		
4	contribution	GPR-A	-0- -0-

NOTE: SECTION 4 creates the appropriation lines in the appropriation schedule for the appropriations created by the bill draft.

SECTION 5. 20.410 (1) (q) of the statutes is created to read:

20.410 (1) (q) *Principal repayment, interest and rebates.* From the corrections special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of adult correctional facilities, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

NOTE: SECTION 5 creates an appropriation in the department of corrections (DOC) consisting of funds appropriated from the corrections special reserve fund. The purpose of this appropriation is to pay debt the DOC has incurred in financing the acquisition, construction, development, enlargement or improvement of adult correctional facilities.

SECTION 6. 20.410 (1) (qg) of the statutes is created to read:

20.410 (1) (qg) *General operations costs.* From the corrections special reserve fund, the amounts in the schedule for the operation of institutions and to provide field services and administrative services.

NOTE: SECTION 6 creates an appropriation in the DOC consisting of funds appropriated from the corrections special reserve fund. The purpose of this appropriation is for the operation of adult correctional institutions and to provide field and administrative services.

1           **SECTION 7.** 20.410 (1) (qr) of the statutes is created to read:

2           20.410 (1) (qr) *Operating costs for community corrections.* From the corrections  
3 special reserve fund, the amounts in the schedule to provide services related to probation,  
4 extended supervision and parole, the intensive sanctions program under s. 301.048, the  
5 community residential confinement program under s. 301.046, programs of intensive  
6 supervision of adult offenders and minimum security correctional institutions established  
7 under s. 301.13.

**NOTE:** SECTION 7 creates an appropriation in the DOC consisting of  
funds appropriated from the corrections special reserve fund. The  
purpose of the appropriation is to provide services related to community  
corrections programs.

8           **SECTION 8.** 20.410 (3) (qg) of the statutes is created to read:

9           20.410 (3) (qg) *Principal repayment and interest costs.* From the corrections special  
10 reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of  
11 principal and interest costs incurred in financing the acquisition, construction, development,  
12 enlargement or improvement of the department's juvenile correctional facilities.

**NOTE:** SECTION 8 creates an appropriation in the DOC consisting of  
funds appropriated from the corrections special reserve fund. The  
purpose of this appropriation is to pay debt the DOC has incurred in  
financing the acquisition, construction, development, enlargement or  
improvement of juvenile correctional facilities.

13           **SECTION 9.** 20.410 (3) (qr) of the statutes is created to read:

14           20.410 (3) (qr) *General operations costs.* From the corrections special reserve fund,  
15 the amounts in the schedule to operate the department's juvenile correctional institutions and  
16 to provide field services and administrative services.

**NOTE:** SECTION 9 creates an appropriation in the DOC consisting of  
funds transferred from the corrections special reserve fund. The purpose  
of the appropriation is to operate juvenile correctional institutions and to  
provide field and administrative services.

1           **SECTION 10.** 20.435 (3) (q) of the statutes is created to read:

2           20.435 (3) (q) *Child abuse prevention.* From the corrections special reserve fund, a sum  
3 sufficient equal to the earnings on the moneys in the corrections special reserve fund, for the  
4 purpose of funding child abuse prevention efforts. Moneys appropriated from this  
5 appropriation may not be used to supplant or divert other sources of funding for child abuse  
6 prevention efforts.

**NOTE:** SECTION 10 creates an appropriation in the department of health and family services consisting of the interest on the moneys in the corrections special reserve fund. The purpose of this appropriation is to fund child abuse prevention efforts. The bill draft specifies that moneys appropriated from this appropriation may not be used to supplant or divert other sources of funding for child abuse prevention efforts.

7           **SECTION 11.** 20.855 (4) (em) of the statutes is created to read:

8           20.855 (4) (em) *Corrections special reserve fund contribution.* The amounts in the  
9 schedule for transfer to the corrections special reserve fund under s. 25.71.

**NOTE:** SECTION 11 creates an appropriation to transfer moneys to the corrections special reserve fund. Appropriations in the specified criminal penalty bills are made to this appropriation.

10           **SECTION 12.** 20.866 (1) (u) of the statutes is amended to read:

11           20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
12 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and  
13 (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1)  
14 (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320  
15 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (au), (av), (ba), (ca), (cb), (cc),  
16 (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) ~~and~~, (ko) and (q) and  
17 (3) (e) and (qg), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and  
18 (4) (qm), 20.505 (5) (c),(g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and

1 (q) for the payment of principal and interest on public debt contracted under subchs. I and IV  
2 of ch. 18.

NOTE: SECTION 12 amends current s. 20.866 (1) (u), stats., to provide that debt incurred by the DOC may be paid from the corrections special reserve fund.

3 SECTION 13. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act 27 and  
4 1999 Wisconsin Act . . . (this act), is repealed and recreated to read:

5 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
6 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and  
7 (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1)  
8 (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd) and (5) (i), 20.320  
9 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce)  
10 (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec), (ko) and (q) and (3) (e) and  
11 (qg), 20.435 (2) (ee) and (6) (e), 20.465 (1) (b) and (3) (a), (b), (g), (h), (i) and (q) for the  
12 payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

NOTE: SECTION 13 amends s. 20.866 (1) (u), stats., as affected by 1997 Wisconsin Act 27, as provided in SECTION 12.

13 SECTION 14. 25.17 (1) (bm) of the statutes is created to read:

14 25.17 (1) (bm) Corrections special reserve fund (s. 25.71);

NOTE: SECTION 14 requires the state investment board to invest the moneys in the corrections special reserve fund.

15 SECTION 15. 25.71 of the statutes is created to read:

16 **25.71 Corrections special reserve fund.** (1) There is established a corrections special  
17 reserve fund, consisting of moneys appropriated by the legislature from the general fund under  
18 s. 20.855 (4) (em) and earnings from this money. Moneys in the fund may only be used for  
19 the following purposes:

- 1 (a) Debt payments for the department of corrections under s. 20.410 (1) (q) and (3) (qg).  
2 (b) Operation costs for the department of corrections.  
3 (c) Community corrections programs.  
4 (d) Funding for child abuse prevention programs administered by the department of  
5 health and family services.
- 6 (2) All moneys in the fund, other than earnings on the money, shall first be used for the  
7 payment of principal and interest costs incurred in financing the acquisition, construction,  
8 development, enlargement or improvement of correctional facilities, and to make full  
9 payment of the amounts determined by the building commission under s. 13.488 (1) (m) that  
10 are attributable to the proceeds of obligations incurred in financing such facilities. After all  
11 such costs have been paid, the moneys may be used for operating costs of the department of  
12 corrections and community corrections programs.
- 13 (3) All earnings on the money in the fund shall be used for the purpose of funding child  
14 abuse prevention efforts under s. 20.435 (3) (q).

NOTE: SECTION 15 establishes the corrections special reserve fund. The bill draft provides that moneys in the fund, other than interest on the money must first be used for payment of the DOC's debt. After all such costs have been paid, the moneys may be used for operating costs of the DOC and community corrections programs.

The bill draft also provides that the interest on the money in the fund must be used to fund child abuse prevention efforts.

15 SECTION 16. **Effective dates.** This act takes effect on the day after publication, except  
16 as follows:

- 17 (1) The repeal and recreation of section 20.866 (1) (u) of the statutes takes effect on July  
18 1, 1999.

NOTE: SECTION 16 provides that the act created by the bill draft takes effect on the day after publication of the act, except that the repeal and



6/04/99

- 13 -

WLCS: 0092/5

recreation of s. 20.866 (1) (u), stats., under SECTION 13 takes effect on July 1, 1999 when the amendments to that paragraph under 1997 Wisconsin Act 27 take effect.

1

(END)

7/24/15  
Fed \$

p/c to



split

\$1.5 - TANF

~~and 340,~~  
1

\$1 - GPR

\$1 - DHFS

\$1 - Correction

Existing programming

~~2/24/15~~  
~~2/24/15~~  
2/24/15

3/24/15

Which approp items?

Plc to Helen Foster

She will get back to me

20.445 (3) (md)

β 1.5 M TANF

\$ 1.5 M DMES GPR

1.5 DOC GPR

to Ch. Ab. Negl. prevention bd.

Plc to Julie Lasa

ADC

D-Note

MGD/

1285/1

~~SDC.....Walter - Caucus # 1845, Correctional system fiscal estimates~~

~~FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION~~

**CAUCUS AMENDMENT**

ASSEMBLY

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

WPO: Inserts are out of order.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 6, line 7: after that line insert:

3 "SECTION 1js. 13.093 (1) of the statutes is amended to read:

4 13.093 (1) All bills introduced in either house of the legislature for the  
5 appropriation of money, providing for revenue or relating to taxation or that require  
6 a correctional fiscal estimate under sub. (3) shall be referred to the joint committee  
7 on finance before being passed.

8 SECTION 1jt. 13.093 (2) (c) of the statutes is repealed.

9 SECTION 1ju. 13.093 (3) and (4) of the statutes are created to read:

1           13.093 (3) (a) All bills introduced in either house of the legislature that create  
2 a criminal offense for which a sentence to a state prison or a disposition of placement  
3 in a juvenile correctional facility may be imposed, that increase the period of  
4 imprisonment in a state prison or placement in a juvenile correctional facility for an  
5 existing criminal offense, that require a person to be sentenced to imprisonment in  
6 a state prison or a juvenile to be placed in a juvenile correctional facility, or that  
7 otherwise affect a penalty provision that increases the statewide probation, parole  
8 or extended supervision population shall incorporate a correctional fiscal estimate  
9 before any vote is taken thereon by either house of the legislature, if the bill is not  
10 referred to a standing committee, before any public hearing is held before a standing  
11 committee or, if no public hearing is held, before any vote is taken by the standing  
12 committee. The correctional fiscal estimate shall estimate the anticipated state  
13 fiscal liability for correctional capital and operational costs under the bill including  
14 a projection of such costs for the fiscal year in which the bill becomes effective and  
15 the 9 succeeding fiscal years. Correctional fiscal estimates shall be prepared as  
16 follows:

17           1. The departments or agencies required to prepare the correctional estimate  
18 shall submit to the legislative fiscal bureau projections of the impact on statewide  
19 probationer, prisoner, parolee, extended supervision and juvenile corrections  
20 populations, an estimate of the fiscal impact of such population changes on state  
21 expenditures and a statement of the methodologies and assumptions used in making  
22 the population projections and estimates of fiscal impact. In preparing this  
23 information, a department or agency may request information from other  
24 departments or agencies. If a specific estimate cannot be determined, the  
25 departments or agencies shall provide an estimated cost range. The departments or

1 agencies shall submit this information to the legislative fiscal bureau within 5  
2 working days after the departments or agencies receive a copy of the bill.

3 2. The legislative fiscal bureau shall review the information received from the  
4 departments or agencies under subd. 1. The legislative fiscal bureau shall consult  
5 with the departments or agencies from which information was received under subd.  
6 1. and the departments or agencies shall provide information as requested by the  
7 legislative fiscal bureau as necessary to complete the review. Such review shall be  
8 completed within 5 working days from the date the legislative fiscal bureau receives  
9 the information under subd. 1.

10 3. The departments or agencies preparing information under subd. 1. shall  
11 prepare a correctional fiscal estimate and submit it to the legislative reference  
12 bureau and the legislative fiscal bureau within 3 working days after the date the  
13 legislative fiscal bureau's review period under subd. 2. ends. If a department or  
14 agency cannot make a specific estimate, the department or agency shall establish  
15 assumptions, including population estimates, that allow a projection to be made and  
16 provide an estimated cost range.

17 4. The legislative fiscal bureau shall prepare a statement of its review of the  
18 correctional fiscal estimate and submit it to the legislative reference bureau within  
19 2 working days after receiving the correctional fiscal estimate.

20 (b) The legislature shall reproduce and distribute correctional fiscal estimates  
21 under par. (a) 3. and statements under par. (a) 4. in the same manner as it reproduces  
22 and distributes amendments.

23 (c) The legislative reference bureau shall determine whether a bill draft  
24 requires a correctional fiscal estimate. A bill draft that requires a correctional fiscal  
25 estimate under this subsection shall have that requirement noted on its jacket when

1 the jacket is prepared. When a bill that requires a correctional fiscal estimate under  
2 this subsection is introduced, the legislative reference bureau shall submit a copy of  
3 the bill to the legislative fiscal bureau and the department of administration.

4 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
5 joint committee on finance, before recommending the bill for passage, shall  
6 recommend adoption of an amendment to increase the appropriation under s. 20.855  
7 (4)(em) in an amount equal to the amount of corrections capital and operational costs  
8 for the fiscal year in which those costs are estimated to be the highest multiplied by  
9 2. This paragraph does not apply if the joint committee on finance determines that  
10 the bill does not increase state liability for corrections capital and operational costs  
11 or that the bill already contains a provision that increases the appropriation under  
12 s. 20.855 (4) (em) in an amount equal to the amount of corrections capital and  
13 operational costs for the fiscal year in which those costs are estimated to be the  
14 highest multiplied by 2. If the joint committee on finance determines that this  
15 paragraph does not apply, the committee's recommendation shall be accompanied by  
16 a statement to that effect.

17 (b) Neither house of the legislature may vote on a bill that requires a  
18 correctional fiscal estimate under sub. (3) unless it has adopted an amendment to  
19 increase the appropriation under s. 20.855 (4) (em) as recommended by the joint  
20 committee on finance under par. (a). This provision does not apply to a bill for which  
21 the joint committee on finance has prepared a statement under par. (a) that the  
22 requirement under that paragraph does not apply to the bill.

23 (c) Neither house of the legislature may vote on an amendment to the executive  
24 budget bill or bills introduced under s. 16.47 if the amendment meets the criteria of  
25 a bill that requires a correctional fiscal estimate under sub. (3) unless the only

1 provisions in the amendment are identical to the provisions of an introduced bill for  
2 which the requirements under sub. (3) and par. (a) have been met.”.

INSECT  
5-2 ✓

3 **2.** Page 188, line 1: after that line insert:

4	“(qd) Principal repayment, interest				
5	and rebates	SEG	A	-0-	-0-
6	(qg) General operations costs	SEG	A	-0-	-0-
7	(qr) Operating costs for community				
8	corrections	SEG	A	-0-	-0-”.

9 **3.** Page 190, line 5: after that line insert:

10	“(qg) Principal repayment and inter-				
11	est costs	SEG	A	-0-	-0-
12	(qr) General operations costs	SEG	A	-0-	-0-”.

INSECT  
5-12 ✓

13 **4.** Page 198, line 6: after that line insert:

14	“(q) Child abuse prevention	SEG	A	-0-	-0-”.
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INSECT  
5-14 ✓

15 **5.** Page 268, line 13: after that line insert:

16	“(em) Corrections special reserve fund				
17	contribution	GPR	A	-0-	-0-”.

18 **6.** Page 334, line 18: after that line insert:

19 **“SECTION 362x.** 20.410 (1) (qd) of the statutes is created to read:

20 20.410 (1) (qd) *Principal repayment, interest and rebates.* From the corrections

21 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for

22 the payment of principal and interest costs incurred in financing the acquisition,

23 construction, development, enlargement or improvement of adult correctional



1 facilities, and to make full payment of the amounts determined by the building  
2 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
3 obligations incurred in financing such facilities.

4 **SECTION 362y.** 20.410 (1) (qg) of the statutes is created to read:

5 20.410 (1) (qg) *General operations costs.* From the corrections special reserve  
6 fund, the amounts in the schedule for the operation of institutions and to provide  
7 field services and administrative services.

8 **SECTION 362zz.** 20.410 (1) (qr) of the statutes is created to read:

9 20.410 (1) (qr) *Operating costs for community corrections.* From the corrections  
10 special reserve fund, the amounts in the schedule to provide services related to  
11 probation, extended supervision and parole, the intensive sanctions program under  
12 s. 301.048, the community residential confinement program under s. 301.046,  
13 programs of intensive supervision of adult offenders and minimum security  
14 correctional institutions established under s. 301.13.”.

15 **7.** Page 336, line 14: after that line insert:

16 “**SECTION 367e.** 20.410 (3) (qg) of the statutes is created to read:

17 20.410 (3) (qg) *Principal repayment and interest costs.* From the corrections  
18 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
19 the payment of principal and interest costs incurred in financing the acquisition,  
20 construction, development, enlargement or improvement of juvenile correctional  
21 facilities.

22 **SECTION 367f.** 20.410 (3) (qr) of the statutes is created to read:

Insert  
7-31

1           20.410 (3) (qr) *General operations costs.* From the corrections special reserve  
2 fund, the amounts in the schedule to operate the department’s juvenile correctional  
3 institutions and to provide field services and administrative services.”.

4           **8.** Page 345, line 4: after that line insert:

5           “**SECTION 399m.** 20.435 (3) (q) of the statutes is created to read:

6           20.435 (3) (q) *Child abuse prevention.* From the corrections special reserve  
7 fund, a sum sufficient equal to the earnings on the moneys in the corrections special  
8 reserve fund, for the purpose of funding child abuse prevention efforts. Moneys  
9 appropriated from this appropriation may not be used to supplant or divert other  
10 sources of funding for child abuse prevention efforts.”.

11          **9.** Page 396, line 20: after that line insert:

12          “**SECTION 613L.** 20.855 (4) (em) of the statutes is created to read:

13          20.855 (4) (em) *Corrections special reserve fund contribution.* The amounts in  
14 the schedule for transfer to the corrections special reserve fund under s. 25.71.”.

15          **10.** Page 399, line 23: delete “20.410 (1) (e), (ec) and (ko) and (3) (e),” and  
16 substitute “20.410 (1) (e), (ec) and, (ko) and (qd) and (3) (e) and (qg).”.

17          **11.** Page 464, line 2: after that line insert:

18          “**SECTION 696y.** 25.17 (1) (bm) of the statutes is created to read:

19          25.17 (1) (bm) *Corrections special reserve fund (s. 25.71);*”.

20          **12.** Page 470, line 14: after that line insert:

21          “**SECTION 717v.** 25.71 of the statutes is created to read:

22          **25.71 Corrections special reserve fund.** (1) There is established a  
23 corrections special reserve fund, consisting of moneys appropriated by the

1 legislature from the general fund under s. 20.855 (4) (em) and earnings from this  
2 money. Moneys in the fund may only be used for the following purposes:

3 (a) Debt payments for the department of corrections under s. 20.410 (1) (qd) and  
4 (3) (qg).

5 (b) Operation costs for the department of corrections.

6 (c) Community corrections programs.

7 (d) Funding for child abuse prevention programs administered by the  
8 department of health and family services.

9 (2) All moneys in the fund, other than earnings on the money, shall first be used  
10 for the payment of principal and interest costs incurred in financing the acquisition,  
11 construction, development, enlargement or improvement of correctional facilities,  
12 and to make full payment of the amounts determined by the building commission  
13 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred  
14 in financing such facilities. After all such costs have been paid, the moneys may be  
15 used for operating costs of the department of corrections and community corrections  
16 programs.

17 (3) All earnings on the money in the fund shall be used for the purpose of  
18 funding child abuse prevention efforts under s. 20.435 (3) (q).".

19 (END)

Insert 8-18  
→  
→

13  
# — Page 687, line 11: delete "\$340,000"  
and substitute "\$2,250,000".

1999

AMENDMENTS

LRB 1285 1

\_\_\_\_\_:\_\_\_\_\_:\_\_\_\_\_

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: ..... create -> item: -> m: -> \$inc-dec

Insert 5-2

#. Page 185, line 3: in(de)crease the dollar amount for fiscal year 1999-00 by \$ 2,250,000 and in(de)crease the dollar amount for fiscal year 2000-01 by \$ 2,250,000 to decrease funding for the [purpose] [purposes] for which the appropriation is made; to decrease funding for .....

#. Page ....., line ....., in(de)crease the dollar amount for fiscal year 1999-00 by \$ ....., and in(de)crease the dollar amount for fiscal year 2000-01 by \$ ..... [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for ..... ]\*.

In the component bar, for a "frozen" amendment item (used in amendments to amendments):

For the item text, execute: ..... create -> item: -> afterline [or the applicable item]

For the "frozen" item text, execute: . create -> item: -> frz: -> m: -> \$inc-dec

#. Page ....., line ..... Page ....., line ..... in(de)crease the dollar amount for fiscal year 1999-00 by \$ ....., and in(de)crease the dollar amount for fiscal year 2000-01 by \$ ..... [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for ..... ]\*.

\* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

1999

AMENDMENTS

LRB \_\_\_\_\_/\_\_\_\_

\_\_\_\_\_:\_\_\_\_\_:\_\_\_\_

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:  
For the item text, execute: ..... create -> item: -> m: -> \$inc-dec

INsent  
5-14

~~Insert~~  
~~Page~~  
~~2-14~~

#. Page <sup>213</sup>....., line <sup>14</sup>.....: in~~crease~~ increase the dollar amount for fiscal year 1999-00 by \$ ..... 1,910,000 ..... and in~~crease~~ increase the dollar amount for fiscal year 2000-01 by \$ ~~1,910,000~~ ..... ~~increase funding for the [purpose]~~ [purposes] for which the appropriation is made ~~to~~ to <sup>increase funding for transfers</sup> to the child abuse and neglect prevention boards

#. Page....., line.....: in(de)crease the dollar amount for fiscal year 1999-00 by \$ ..... and in(de)crease the dollar amount for fiscal year 2000-01 by \$ ..... [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for ..... ]\*.

In the component bar, for a "frozen" amendment item (used in amendments to amendments):  
For the item text, execute: ..... create -> item: -> afterline [or the applicable item]  
For the "frozen" item text, execute: . create -> item: -> frz: -> m: -> \$inc-dec

#. Page....., line.....: .....  
..... Page....., line.....: in(de)crease the dollar amount for fiscal year 1999-00 by \$ ..... and in(de)crease the dollar amount for fiscal year 2000-01 by \$ ..... [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for ..... ]\*.

\* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

changed  
online  
already

1285  
LRBb1285/lins  
MGD:.....

1 insert 5-12

2 #4. Page 191, line 12: after that line insert:

3 “ (f) Grants for prevention programs GPR A 2,250,000 2,250,000 ”

4  
5 insert 7-3

6 #12. Page 336, line 24: after that line insert:

7 “SECTION 368p. 20.433 (1) (f) of the statutes is created to read:

8 20.433 (1) (f) *Grants for prevention programs*. The amounts in the schedule to  
9 be used for grants to organizations under <sup>s.</sup> 48.982 (4), (6) and (7).”

10  
11 insert 8-18

12 #13. Page 655, line 14: after that line insert:

13 “SECTION 1200f. 48.982 (4) (a) of the statutes is amended to read:

14 48.982 (4) (a) From the appropriations under s. 20.433 (1) (f), (h), (i), (k), (m)  
15 and (q), the board shall award grants to organizations in accordance with the plan  
16 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are  
17 awarded, no organization may receive a grant or grants totaling more than \$30,000.

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.

18 SECTION 1200h. 48.982 (6) (a) of the statutes is amended to read:

19 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (f), (h), (i), (k),  
20 (ma) and (q), the board shall award grants to organizations in accordance with the  
21 request-for-proposal procedures developed under sub. (2) (a). No organization may

1 receive a grant or grants under this subsection totaling more than \$150,000 in any  
2 year.

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.

3 **SECTION 1200k. 48.982 (7) (a)** of the statutes is amended to read:

4 48.982 (7) (a) From the appropriations under s. 20.433 (1) (f), (h), (i), (k) and  
5 (q), the board shall award grants to organizations in accordance with the plan  
6 developed under sub. (2) (a).”

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.

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

LRBb126/1dn  
JEO:wlj:ch

~~June 26, 1998~~

1285/1dn

NO  
0-NOTE

Except for some minor wording changes and the fact that it has been converted to a budget amendment, this draft is identical to WLCS: 0092/5. Please review it carefully to make sure that it does what you want it to do.

Note that the correctional fiscal estimate requirement in the draft establishes a rule of legislative procedure. A proposal enacted by the legislature in violation of the correctional fiscal estimate requirement will still be valid.

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~~The ~~way~~ manner in which the draft~~  
~~the ~~way~~ appropriation changes relating to~~  
The manner by which the draft increases  
funding for the child abuse and neglect prevention  
board is based on instructions from Helen Forster.

mgd



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

LRBb1285/1dn  
JEO&MGD:wlj:jf

June 28, 1999

Except for some minor wording changes and the fact that it has been converted to a budget amendment, this draft is identical to WLCS: 0092/5. Please review it carefully to make sure that it does what you want it to do.

Note that the correctional fiscal estimate requirement in the draft establishes a rule of legislative procedure. A proposal enacted by the legislature in violation of the correctional fiscal estimate requirement will still be valid.

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The manner by which the draft increases funding for the child abuse and neglect prevention board is based on instructions from Helen Forster.

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