

Assembly Hearing Slip

(Please print plainly)

Date: 2/23/00

Bill No. AB 691

Or. Subject

Name: Sen. Mary Panzer

(Street Address or Route Number) 635 Tamworth Rd

(City & Zip Code) West Red, VT 55095

(Representing) 20th Senate District

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2/23/00

Bill No. AB 691

Or. Subject: Wilson May-05-you-60

Name: Bill Shirley King

(Street Address or Route Number) 105 W. Lake Ave.

(City & Zip Code) Milwaukie, OR 97136

(Representing) 20th Assembly District

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2/23/00

Bill No. AB 691

Or. Subject

Name: James Buchen

(Street Address or Route Number) 501 E. Washington

(City & Zip Code) Madison VT

(Representing) Wis. Manufacturers and Com

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2/23/00

Bill No. AB 691  
Or. Subject

Name: Joanna Richard

Street Address or Route Number: 123 W. Washington

(City & Zip Code) Madison, WI 53703

(Representing) Atty Gen. Jim Doyle

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1 Feb: 23 2000

Bill No. AB 691  
Or. Subject Pay as you go

Name: Churthy Eleson

Street Address or Route Number: 210 MLK Sr. Blvd 421

(City & Zip Code) Madison, WI 53709

(Representing) Dane Co. Executive

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2-23-00

Bill No. AB 691  
Or. Subject

Name: GERRY MOURRIS

Street Address or Route Number

(City & Zip Code) STATE BAR of WI

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# Assembly Hearing Slip

(Please print plainly)

Date: 2/23/2000

Bill No. AB 691

Of \_\_\_\_\_

Subject: \_\_\_\_\_

Anne Arnesen  
(Name)

6 N Cornell  
(Street Address or Route Number)

Wells 53703  
(City & Zip Code)

Wisconsin Council on Children  
(Representing) & Families

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, VT 53702

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

## AGENDA

Wednesday, Feb. 23, 2000

8:30 a.m.

Room 225 NW

- I. Call to Order
- II. Roll Call
- III. Executive Session
  - A. **AB 722 (Walker/George)**  
Relating to: probation, parole and extended supervision agent positions, purchase of services for persons on probation and parole and making an appropriation.
- IV. Public Hearing
  - A. **AB 743 (Walker/Darling)**  
Relating to: probation, parole and extended supervision agents responsible for locating absconders.
  - B. **LRB 4168/P1 (Coggs) - AB 795**  
Relating to: jail prisoner medical records.
  - C. **AB 691 (Krug/Panzer)**  
Relating to: fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations.
- V. Announcements
  - A. Joint meeting w/ Criminal Justice – March 1
  - B. Committee hearing w/ DOC – March 8
- VI. Adjournment

FISCAL ESTIMATE FORM

2000 Session

ORIGINAL

UPDATED

LRB # - 3961/2

CORRECTED

SUPPLEMENTAL

INTRODUCTION # AB 691

Admin. Rule #

Subject

Correctional Fiscal Estimates

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Decrease Costs

Create New Appropriation

Local:  No local government costs

1.  Increase Costs

Permissive  Mandatory

3.  Increase Revenues

Permissive  Mandatory

2.  Decrease Costs

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

This bill requires affected state agencies to submit to the Legislature correctional fiscal estimates for bills requiring a penalty provision that affects the number of persons placed in a state prison or juvenile correctional institution, or the number of persons on probation, parole, or extended supervision in the juvenile correctional system. The requirement for a correctional fiscal estimate will not have a fiscal effect on the Department of Health and Family Services (DHFS) or local government health and social services agencies.

The bill creates a GPR corrections special reserve fund under 20.855(4)(em). It also creates appropriation 20.435(3)(q) in DHFS to fund child abuse prevention efforts. The bill directs that net earnings from the appropriation under 20.855(4)(em) be used for the purpose of funding child abuse prevention efforts under 20.435(3)(q). Since the bill does not appropriate any funds to the corrections special reserve fund under 20.855(4)(em), this provision has no fiscal effect on the Department of Health and Family Services (DHFS) or local government health and social services agencies.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name

DHFS/OSF Sherwood Seigel, 267-7805

Authorized Signature / Telephone No.

John Kiesow, 266-9622

Date

February 8, 2000

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect

2000 Session

- ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

**LRB #3961/2**

Admin. Rule #

**INTRODUCTION # AB 691**

Subject

Correctional Fiscal Estimates

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	\$	\$ -
<b>B. State Costs by Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>State Revenues</b> Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	\$	\$ -

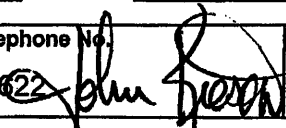

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS                      \$See Text                      \$ \_\_\_\_\_

NET CHANGE IN REVENUES                \$ \_\_\_\_\_                      \$ \_\_\_\_\_

Prepared By: / Phone # / Agency Name DHFS/OSF Sherwood Seigel, 267-7805	Authorized Signature/Telephone No. John Kiesow, 266-9622 	Date February 9, 2000 
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**FISCAL ESTIMATE FORM**

1999 Session

ORIGINAL

UPDATED

CORRECTED

SUPPLEMENTAL

**LRB # -3961/2**

**INTRODUCTION # AB691**

Admin. Rule #

**Subject**

Fiscal estimates for bills containing criminal penalties and corrections reserve fund

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Decrease Costs

Create New Appropriation

Local:  No local government costs

1.  Increase Costs

Permissive  Mandatory

3.  Increase Revenues

Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate:**

The State Budget Office estimates there might be over 100 bills that would require fiscal estimates under these provisions that do not now require such estimates. Such bills would be typically sent to four different agencies from Justice, Corrections, District Attorneys, and Public Defender plus the Courts. Thus over 500 fiscal estimates would be generated due to the bill. No estimate of the cost has been made but presumably existing staff would handle the workload.

The special corrections reserve fund will multiply accounting transactions for a number administrative functions. Since there is no data yet on the size of the fund resulting from legislative actions it is now not possible to speculate on the burden of the transactions as few or significant.

**Long-Range Fiscal Implications:**

Unknown at this time.

Prepared By: / Phone # / Agency Name

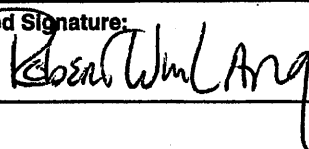
Richard Wagner /DOA  
608-266-0653

Authorized Signature / Telephone No.

Chuck McDowell 608-267-3836

Date

2/14/00

<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		<b>1999 Session</b>		LRB Number <b>LRB-3961/2</b>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> CORRECTED		<input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL		Bill Number <b>1999 AB 691</b>	
<b>Subject</b>  <b>Fiscal estimates for bills containing criminal penalty provisions.</b>				Amendment No. if Applicable  Administrative Rule Number	
<b>Fiscal Effect</b> State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.					
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs	
Local: <input checked="" type="checkbox"/> No local government costs					
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory			
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S			<b>Affected Chapter 20 Appropriations</b>		
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <b>Under provisions of 1999 AB 691 (LRB 3961/2), a correctional fiscal estimate process would be created as follows:</b>  <b>1. The departments or agencies required by the Legislative Reference Bureau (LRB) to prepare the correctional fiscal estimate would be required to submit the following information to the Legislative Fiscal Bureau (LFB) within five working days after the departments or agencies receive a copy of the bill: (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; and (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 would be required to provide an estimated cost range.</b>  <b>2. The LFB would be required to review the information submitted by the departments or agencies. The LFB would be required to consult with the departments or agencies and the departments or agencies would be required to provide the LFB with information necessary to complete its review, as requested by the LFB. This review would be completed within five working days from the date the LFB receives the information from the departments or agencies.</b>  <b>3. The departments or agencies are then required to prepare a correctional fiscal estimate and submit it to the LRB and the LFB within three working days after the date the LFB's review period ends. If the department or agency cannot make a specific estimate, the department or agency must establish assumptions, including population estimates, that allow a projection to be made and provide an estimated cost range.</b>					
Continued, next page					
<b>Long-Range Fiscal Implications</b> See assumption section above.					
Prepared by: <b>Jere Bauer, Jr.</b>		Telephone No. <b>266-3847</b>		Agency <b>LFB</b>	
Authorized Signature: 		Telephone No. <b>266-3847</b>		Date <b>2/7/2000</b>	



#### **Assumption Used in Arriving at Fiscal Estimate, Continued**

**4. The LFB would be required to prepare a statement of its review of the correctional fiscal estimate within two working days after receiving the correctional fiscal estimate.**

**Under AB 691, the Legislature would be required to reproduce and distribute correctional fiscal estimates and the statements prepared by the LFB in the same manner as amendments are reproduced and distributed.**

**While it is assumed that LFB's role in preparation of criminal penalty fiscal estimates would increase the Bureau's workload, there is no basis on which to estimate whether the staffing currently assigned to the Bureau would need to be increased. After some experience with the review of correctional fiscal estimates has been obtained, it is possible that some increase in staff levels could be required.**

**FISCAL ESTIMATE FORM**

1999 Session

- ORIGINAL                       UPDATED  
 CORRECTED                       SUPPLEMENTAL

**LRB # 99-3961/2**

**INTRODUCTION # 1999 AB-691**

Admin. Rule #

**Subject**

Fiscal estimate on bills containing penalty provisions and correctional fiscal estimates on bills containing criminal penalties

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget     Yes     No

- Increase Existing Appropriation                       Increase Existing Revenues  
 Decrease Existing Appropriation                       Decrease Existing Revenues  
 Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
      Permissive     Mandatory  
 2.  Decrease Costs  
      Permissive     Mandatory

3.  Increase Revenues  
      Permissive     Mandatory  
 4.  Decrease Revenues  
      Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns                       Villages                       Cities  
 Counties                       Others \_\_\_\_\_  
 School Districts                       WTCS Districts

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

20.765 (1) (d), (3) (b)

**Assumptions Used in Arriving at Fiscal Estimate:**

AB-691 would eliminate the exception from the fiscal estimate requirement for bills containing penalty provisions. The bill would also require an additional fiscal estimate (a correctional fiscal estimate) for bills that contain criminal penalty provisions. A sampling of the roughly 192 bills that contained the phrase "providing a penalty" or "providing penalties" indicates that roughly 40% required a fiscal estimate already for a reason other than the provision of a penalty; the remaining 60% did not. Also during the 1997-99 regular session it appears that roughly 40 bills provided a criminal penalty. As a result, we can expect that, over a biennium, roughly 115 introduced bills that do not currently require a fiscal estimate will require fiscal estimates if AB-691 is enacted and approximately 40 will require correctional fiscal estimates. In addition to introduced bills, in a small number of cases, fiscal estimates are requested for un-introduced bills. We estimate that an additional 60 to 70 bills annually will require fiscal estimates if AB-691 is enacted. The Legislative Reference Bureau is likely to incur two main types of additional costs for these additional bills: additional printing costs (from s. 20.765 (1) (d)) and additional costs in processing the fiscal estimates (from s. 20.765 (3) (d)).

**Printing.** DOA charges the LRB roughly \$.02 per side for printing. Although fiscal estimates vary in size, a two-page fiscal estimate is standard. We generally print 318 copies of each fiscal estimate (25 for the LRB, 43 for the Senate, 105 for the Assembly and 145 for the legislative documents room). For each additional fiscal estimate that is printed, we estimate our printing costs to be \$12.72 (318 x 2 x \$.02). While we are unable to predict exactly which agencies DOA will select to prepare fiscal estimates for "penalty bills", we expect that DOA may request fiscal estimates from the department of corrections, the courts, the district attorneys, the public defender board and the department of justice. We further assume that DOA may request these same agencies to prepare correctional fiscal estimates for bills containing criminal penalties. Assuming that a fiscal estimate requirement for a penalty bill will trigger five different fiscal estimates for each of an additional 65 "penalty bills" and five different correctional fiscal estimates for each of 20 criminal penalty bills, the annual printing costs for the bureau would be approximately \$5,406 (85 x 5 x \$12.72)

**Staff Processing.** For each additional fiscal estimate, a program assistant enters a range of tracking data about the fiscal estimate into the database. He or she also answers telephone calls regarding fiscal estimate status. Although the exact processing time varies for each fiscal estimate, our program assistants estimate that it generally takes about 20 minutes per fiscal estimate to complete all the required processing tasks. Assuming 425 additional fiscal estimates result from AB-691, an additional 142 hours of processing time can be expected. Assuming a salary of \$11.94 per hour for this processing time, the cost of the additional staff time would be \$2,096 (142 x \$11.94 x 1.236 fringe multiplier)

**Long-Range Fiscal Implications:**

If the number of bills introduced in a legislative session continues to grow over time, it could be expected that the costs of AB-691 would also increase gradually over time

Prepared By: / Phone # / Agency Name

Authorized Signature / Telephone No.

Date

Steve Miller, Chief / 267-2175 / LRB

*SR Miller*

267-2175

2-8-2000

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect

1999 Session

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

**LRB # 99-3961/2**

Admin. Rule #

**INTRODUCTION # 1999 AB-691**

**Subject**

Fiscal estimate on bills containing penalty provisions and correctional fiscal estimates on bills containing criminal penalties

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Costs:**

A. State Costs by Category	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 2,096	\$ -
(FTE Position Changes)	( FTE)	(- FTE)
State Operations - Other Costs	5,406	-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$ -</b>
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 7,502	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$ -</b>

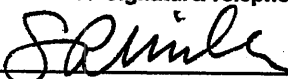
**NET ANNUALIZED FISCAL IMPACT**


STATE

LOCAL

NET CHANGE IN COSTS \$ 7.502 \$ \_\_\_\_\_

NET CHANGE IN REVENUES \$ \_\_\_\_\_ \$ \_\_\_\_\_

Prepared By: / Phone # / Agency Name	Authorized Signature/Telephone No.	Date
Steve Miller, Chief / 267-2175 / LRB	 267-2175	2-8-2000

1999 Session		LRB Number -3961/2						
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99) <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Bill Number <b>AB 691</b>						
<b>Subject</b> Fiscal estimates for bills containing criminal penalty provisions		Amendment No. if Applicable  Administrative Rule Number						
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> Increase Existing Appropriation      <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Appropriation      <input type="checkbox"/> Decrease Existing Revenues  <input type="checkbox"/> Create New Appropriation             </td> <td style="width: 50%; border: none;"> <input checked="" type="checkbox"/> Increase Costs – May be possible to Absorb Within Agency's Budget    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No   <input type="checkbox"/> Decrease Costs             </td> </tr> </table>			<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input checked="" type="checkbox"/> Increase Costs – May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Decrease Costs				
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input checked="" type="checkbox"/> Increase Costs – May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Decrease Costs							
Local: <input checked="" type="checkbox"/> No local government costs <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">           1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory         </td> <td style="width: 33%; border: none;">           3. <input type="checkbox"/> Increase Revenues  <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory         </td> <td style="width: 33%; border: none;">           5. Types of Local Governmental Units Affected:  <input type="checkbox"/> Towns    <input type="checkbox"/> Villages    <input type="checkbox"/> Cities  <input type="checkbox"/> Counties    <input type="checkbox"/> Others _____  <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts         </td> </tr> <tr> <td style="border: none;">           2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory         </td> <td style="border: none;">           4. <input type="checkbox"/> Decrease Revenues  <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory         </td> <td style="border: none;"></td> </tr> </table>			1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts						
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory							
<b>Fund Sources Affected</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b> 20.410(1)(a)						
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p>Under current law, the Department is not required to provide fiscal estimates for any bill containing penalty provisions if no other provision of the bill requires a fiscal estimate. This bill removes this exemption and requires the Department to prepare fiscal estimates for any bills that will increase the statewide probation, parole, or extended supervision population. The bill requires an estimate of both operating and capital costs over ten fiscal years. If a specific estimate cannot be made, an estimated cost range is required.</p> <p>It is difficult to estimate how many bills are introduced each session that would be affected by this provision. DOC does not have sufficient IT, research or analyst staff to prepare a fiscal note on every bill which includes penalty provisions within the time limits established. In order to develop costs on many of these notes, research involving other jurisdictions where the criminal penalty exists would be required. In addition, significant data runs will be needed to predict costs over a ten-year period. DOC currently does not have a sophisticated forecast system that would allow scenarios for various penalties. .</p> <p>It is estimated that in order to provide the information required in this bill, the Department would need 3.0 FTE, including 1.0 FTE Budget and Policy Analyst Senior, 1.0 FTE Research Analyst 6, and 1.0 IS Data Access Professional Senior (BTM). These 3.0 FTE would cost \$167,400 annually for salary, supplies and services and related costs. There would also be \$24,000 in one-time and start-up costs</p>								
<b>Long-Range Fiscal Implications</b>								
<b>Prepared by:</b> Robert Nikolay	<b>Telephone No.</b> 267-0930	<b>Agency</b> Corrections						
<b>Authorized Signature:</b>  Robert Margolies	<b>Telephone No.</b> 266-2931	<b>Date</b> 2/11/00						

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R06/99)

**1999 Session**

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB Number - 3961/2	Amendment No. If Applicable
Bill Number AB 691	Administrative Rule Number

**Subject**  
Fiscal Estimate for bills containing criminal penalty provisions

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:		Annualized Fiscal Impact on State funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$ 145,100	\$ -
(FTE Position Changes)		( 3.0 FTE)	(- FTE)
State Operations - Other Costs		22,300	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 167,400	\$ -
<b>B. State Costs by Source of Funds</b>		Increased Costs	Decreased Costs
GPR		\$ 167,400	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>State Revenues</b>	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$	\$ -

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 167,400	\$
NET CHANGE IN REVENUES	\$	\$

Prepared by: Robert Nikolay	Telephone No. 267-0930	Agency Corrections
Authorized Signature: <i>Robert Margolies</i> Robert Margolies	Telephone No. 266-2931	Date 2/11/00

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 3/15/00  
 Moved by: Goetsch      Seconded by: Hahn  
 AB: 691      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 1  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage             | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction        | <input type="checkbox"/> Tabling                 |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection           | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>11</u>	<u>0</u>	<u>1</u>	<u>0</u>

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 3/15/00  
 Moved by: Goetsch      Seconded by: Hahn  
 AB: 691      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
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 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>11</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried       Motion Failed



**Tommy G. Thompson**  
Governor

**Jon E. Litscher**  
Secretary

**State of Wisconsin**  
**Department of Corrections**

**FEB 24 2000**  
Mailing Address

149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471  
Fax (608) 267-3661

February 24, 2000

Representative Scott Walker, Chair  
Assembly Committee on Corrections and the Courts  
State Capitol, Room 308 North  
Madison, WI

Dear Representative Walker:

I am writing in reference to AB 691, relating to fiscal estimates for bills containing criminal penalty provisions.

I was a participant in the workgroup that was established by Rep. Krug to address this issue and appreciate the hard work that went into the development of AB 691. There is merit in enacting a truth-in-financing proposal that provides the legislature with information on the potential cost of criminal penalty changes on the criminal justice system, including the Department of Corrections.

This can be accomplished by AB 691 and also by Assembly Amendment 3 to AB 465. AB 465 contains the recommendations of the Criminal Penalties Study Committee and amendment 3 creates a Joint Review Committee on Criminal Penalties. I am generally supportive of any legislation that will provide the legislature with the tools it needs to make sound judgments on criminal penalty proposals.

As indicated in the Department's fiscal estimate of 2/11/00, we would require 3 positions at an annual cost of \$167,400 to meet the requirements of AB 691. It is expected that a substantial amount of research and analysis will be necessary to comply with the bill's provisions and the Department could not absorb the increased workload.

Thank you for the opportunity to provide comments on this important issue and please contact me if you need any additional information.

Sincerely,

Jon E. Litscher  
Secretary

cc: Representative Krug



**Testimony of State Representative Shirley Krug  
Assembly Committee on Corrections and the Courts  
Assembly Bill 691 – The Prison “Pay-As-You-Go” Bill  
February 23, 2000**

Thank you Chairman Walker and committee members for allowing me to testify in favor of Assembly Bill 691, which mandates fiscal estimates and appropriations, among other things, for new crime bills.

Wisconsin's prison population continues to soar and consequently so does the cost of our prison system. The Department of Corrections (DOC) demands and receives an ever-bigger portion of the state budget.

The state cost of our correctional system will soon outstrip that of the University of Wisconsin System. Our GPR contribution to the UW System went up 12.2% from the last biennium to this one; during that same period of time, GPR spending for Corrections rose 26.2%. Based on how resources are used, our state apparently has decided that locking up citizens is its most important function.

Let's be honest: One reason that prison spending has spun out of control is that legislators want to establish records for being tough on crime. When a particularly heinous or troubling crime occurs, we are assured that someone will offer a new bill enhancing the penalty. These bills have come to be called "crime du jour legislation."

Here are some facts about our prison system in the "crime du jour" era:

- Between 1990 and 1999, the Wisconsin prison population increased by 162 percent. Department of Corrections (DOC) costs have more than doubled in that time.
- Wisconsin's prison population grew by 19 percent from summer 1997 to summer 1998, while the national prison population grew by 4.8 percent.

Wisconsin has been enjoying an economic boom for several years, and tax revenues have grown steadily. Still, our state budgets remain tight, due in large part to the costs of running prisons and constructing new ones.

In Wisconsin, lawmakers have been free to enact stiffer penalties or create new crimes without paying any attention to the burgeoning correctional system costs. That is because crime bills are the only spending bills not required to have fiscal estimates or appropriations attached.

Unlike other programs, the costs of enhanced penalties continue even if the law enacting them is revoked. Anyone convicted when the enhanced penalty is in effect will remain in prison until the sentence is completed.

Some 70 percent of police chiefs in a survey said they thought prevention programs offer a more effective crime deterrent strategy than trying more juvenile offenders as adults. The chiefs also said that after-school and educational child care programs are more effective than hiring more police officers or putting surveillance cameras in schools.

The problem in Wisconsin continues to be that legislators use the wealth of the state disproportionately for bars and bricks. Local prevention programs like those preferred by the police chiefs get whatever is left, if anything. Strategies that might really take a bite out of crime in the long run apparently don't have the political appeal that "crime-du-jour" bills do.

We have offered a measure designed to inject fiscal reality into this atmosphere of prison expansion. Here are the main provisions of what I call the prison "pay-as-you-go" bill.

- That a fiscal estimate be required for any bill that would create a new crime, increase the period of imprisonment for an existing crime, or increase the period of probation or parole. Currently all bills that affect state or local costs must include such an estimate, with the exception of crime bills.
- That both houses of the Legislature are prohibited from voting on a crime bill unless an appropriation is attached.
- That the appropriation for each new crime or penalty enhancement law equal the amount of additional operational and capital costs for housing prisoners for two years.
- That the money would be set aside in a corrections special reserve fund that could only be used for debt payments on correctional facilities, operational costs for DOC, or community corrections programs.
- That any interest created by the reserve fund would be used for child abuse prevention efforts. Child abuse is a major factor in contributing to criminal behavior.

We forged this proposal with participation by staff from the Legislative Fiscal Bureau, Legislative Council, Department of Corrections and Dane County. Bipartisan supporters include Attorney General Jim Doyle; the American Federation of State, County and Municipal Employees; Wisconsin Manufacturers in Commerce; and the Wisconsin Education Association Council. Republican Senator Mary Panzer is a co-sponsor.

Recently, the Milwaukee Journal Sentinel reported that Governor Thompson said he will sign this bill if it gets to his desk.

"I think the legislators need to know that every time they pass a bill that's going to lock people up that there's a cost to it," the newspaper quoted the governor as saying. "I know from looking at all the budgets that I have to on prisons, and on opening up a prison, how expensive it is," the governor added.

It is imperative that we put crime bills on the same footing as every other piece of legislation that spends money. We need to determine the costs and find the dollars. If we don't, the operating expense of our prison system might put every other important goal of state government at risk.

In closing, I'd like to point out that this bill would not prevent the legislature from enacting crime bills. What it will do for the first time is put these proposals into direct competition with bills to cut taxes or enhance programs.

Along with my testimony, I am distributing a copy of a Legislative Council memorandum that describes the provisions of the bill in greater detail. I am happy to respond to your questions.

ADDENDUM

<b>UW GPR \$</b>		<b>Corrections GPR \$</b>	
97-98	876.8 million	97-98	572.5 million
98-99	903.6	98-99	634.2
99-00	966.6	99-00	718.7
00-01	1,031.5	00-01	804.4
<i>Biennium</i>		<i>Biennium</i>	
97-99	1,780.4 million	97-99	1,206.7 million
99-01	1,998.1	99-01	1,523.1
increase	217.7	increase	316.4
percentage	+12.2%	percentage	+26.2%



**MARY E. PANZER**  
20TH DISTRICT STATE SENATOR

State Capitol:  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone: 608-266-7513

E-mail: [Sen.Panzer@legis.state.wi.us](mailto:Sen.Panzer@legis.state.wi.us)  
Toll-free Legislative Hotline:  
1-800-362-9472

District Office:  
544 S. Main, West Bend, WI 53095  
414-335-5350 or 800-662-1227

**Assembly Bill 691 “Prison Pay as you Go”**  
**Corrections and the Courts Committee**  
**February 23, 2000**

**Bill’s effects:**

Current law requires fiscal estimate to be prepared for any bill that makes an appropriation or that increases or decreases existing appropriations or state or general local government fiscal liability or revenues.

Current law also requires any bill introduced in either house that appropriates money, provides for revenue or relates to taxation to be referred to the joint committee on finance before being passed.

However, a bill containing a penalty provision is exempt from the fiscal estimate requirement if it contains no other provision that requires one. So, pure penalty bills do not require a fiscal estimate even though these bills may have some of the greatest impacts on the state treasury through future correctional costs.

This bill eliminates a penalty bill’s exemption from the fiscal estimate requirement. The bill requires a correctional fiscal estimate to be prepared for any bill that does any of the following:

- creates a criminal offense that is punishable by imprisonment in a state prison or placement in a juvenile correctional institution

- increases the period of imprisonment or the period of placement in a juvenile correctional institution that may be imposed for an offense
- requires a person to be sentenced to a state prison or placed in a juvenile correctional institution
- affect a penalty provision in a way that will increase the number of people on probation, parole or extended supervision or in the juvenile correctional system

Agencies will then prepare fiscal estimates on the possible impacts of the bill. They will include their methodology with the fiscal estimate and provide the information to the Legislative Fiscal Bureau (LFB). The LFB will have five (5) working days to review the information and consult the agencies on the estimates. After this period, the agency will provide a completed correctional fiscal estimate to the LFB and the Legislative Reference Bureau (LRB). The fiscal estimate will include the anticipated state fiscal liability for the fiscal year in which the bill takes effect as well as the nine (9) successive fiscal years.

A bill requiring such fiscal estimates must have completed fiscal estimates included with it before a public hearing can be held in a standing committee, before any vote is taken in committee or before any vote is taken on the bill in either house of the legislature.

In addition, a bill that requires a correctional fiscal estimate must be referred to JFC. Before the committee recommends the bill for passage, JFC must

recommend adoption of an amendment that appropriates money to a special reserve fund. An amendment would not be necessary if the bill included an appropriation to the reserve fund already. No vote may be taken on the bill in either house if this appropriation is not included in either the bill or a JFC amendment.

The special reserve fund will be used to make principal and interest payments on debt contracted by the Department of Corrections (DOC) and for community corrections programs and funding child abuse and neglect prevention programs in the Department of Health and Family Services (DHFS).

The above provisions also apply to amendments to bills such as the biennial budget bill.

**Reasoning for the Bill:**

The last budget bill included significant increases in the correctional budget. These increases are not the product of any one law passed by the legislature, but a collection of laws that significantly increased the cost to the prison system. This is not to say that these laws are incorrect, in fact the laws that we have passed have made Wisconsin a safer place. However, as a fiscal agent of the state, the Government now has to react to a fiscal crisis in the area of correctional costs. This bill simply puts the state in a proactive position rather than a reactive one.

The Department of Corrections budget saw a nearly 10.6% increase in the current biennium, bringing the total biennial appropriation to nearly \$1.5

billion. We cannot afford another budget like this if we are to remain at the top in education and continue to provide tax relief to our citizens.

We are currently entering into a new era of criminal penalties with the introduction of "truth in sentencing" in Wisconsin. This new way of sentencing began with the new century, but will not truly be implemented until the legislature acts on the recommendations of Criminal Penalties Study Committee. I hope the two houses can hammer out their differences soon on this issue, because we need to give our judges the tools they need to make "truth in sentencing" successful.

What concerns me is that fact that we are not very clear on the fiscal effects of this new sentencing system. In fact, we may not know the true fiscal ramifications of "truth in sentencing" for years to come. While none of us can truly see into the future, we have a number of professionals who work pretty hard at predicting the future...unfortunately, they are not working on predicting the future costs of penalty provisions. This bill will require these professionals to predict the future costs of criminal penalties bills, and require the state to set resources aside to pay for these changes.

This may be one of the most important changes we can make this session to improve the budget process of the future.

The companion legislation, Senate Bill 362, passed the Senate Insurance, Tourism, Transportation and Corrections Committee by a unanimous vote of 7-0 vote on February 16.



**STATE BAR  
of WISCONSIN**

5302 Eastpark Blvd.  
P.O. Box 7158  
Madison, WI 53707-7158

**MEMORANDUM**

**To:** Assembly Committee on Corrections and the Courts  
**From:** State Bar of Wisconsin  
**Date:** February 23, 2000  
**Re:** AB 691 – Fiscal Estimates on Penalty Bills

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The State Bar of Wisconsin supports the requirement of fiscal estimates for legislation that contains penalty provision as provided for under Assembly Bill 691.

AB 691 is a prudent approach to state policy, specifically as it relates to the fiscal impact of issues affecting the administration of justice, criminal justice and prison systems.

**AB 691 Repeals Current Exemption Under §13.093(2)(c)**

The State Bar of Wisconsin specifically supports the provision in AB 691 that repeals §13.093(2)(c). Under §13.093(2)(c), legislation that contains a penalty provision is currently exempted from the requirement for a fiscal estimate. The State Bar supports the repeal of this statute under AB 691.

A full discussion of legislation is impossible without all relevant information, and the State Bar believes that requiring a fiscal estimate for such legislation is essential for legislators and the public as they evaluate proposed changes to the state's criminal justice and prison systems.

Requiring fiscal analysis for legislation is a commonsense idea and creates a comprehensive approach to the state's discussions of important criminal penalty legislation. For these and other reasons the State Bar of Wisconsin urges your support for the repeal of §13.093(2)(c) as provided for under AB 691.

*For additional information please contact Jenny Boese at the State Bar of Wisconsin at 608-250-6045 or email at 'jboese@wisbar.org'.*







# DANE COUNTY

**Kathleen M. Falk**  
County Executive

**Legislative Lobbyist**

Charity Eleson

February 23, 2000

To: Members of the Assembly Committee on Corrections and the Courts  
Representative Scott Walker, Chair

From: Charity Eleson

Re: Assembly Bill 691, Prison "Pay as You Go Bill"

Thank you members of the committee and Chairperson Walker for providing an opportunity to present testimony today on Assembly Bill 691. I am pleased to testify in favor of the bill on behalf of the Dane County Executive Kathleen Falk.

Historically, counties have not weighed in on the subject of state corrections and criminal justice. However, the exponential growth in corrections in the past decade has substantially reduced available funds for county governments to provide the very programs that can reduce the number of adults going into corrections, including the Youth Aids program and child abuse and neglect intervention and prevention. Counties are also greatly affected by changes in state laws that increase criminal penalties or increase probation and parole stays. These changes add pressure to already overcrowded jails and add costs to property taxpayers by forcing us to increase staffing in our jails.

The Dane County Executive is very appreciative of the efforts of the co-authors of this bill, Representative Shirley Krug and Senator Mary Panzer, to develop a fiscally responsible approach for enacting new legislation that will affect state or local correctional costs. It is a fiscally prudent measure that will assist the Legislature and the Governor in making decisions by providing information on what the costs of expanded criminal penalties and new crimes will be for state and local taxpayers in Wisconsin.

The Dane County Executive is also very appreciative of the inclusion of the special reserve fund that, among other things, would provide funding for child abuse and neglect prevention and community corrections. This forward-thinking provision addresses the very important link between childhood abuse and neglect and adult criminal activity. It is in this area that we can create hope for future generations and work with children now to ensure they become productive, contributing adults in the future.

It is for all these reasons that the Dane County Executive has joined a broad, bi-partisan coalition in supporting this important piece of legislation.

Again, thank you for the opportunity to provide public comment.



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

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DATE: February 14, 2000

TO: REPRESENTATIVE SHIRLEY KRUG

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Senate Bill 362, Relating to Fiscal Estimates for Bills Containing Criminal Penalty Provisions, Establishing a Corrections Special Reserve Fund and Making Appropriations

This memorandum, prepared at your request, describes 1999 Senate Bill 362 (hereinafter, "the bill"), relating to fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations.

Senate Bill 362 was introduced by Senator Panzer and others; cosponsored by you and others on February 3, 2000. The bill has been referred to the Senate Committee on Insurance, Tourism, Transportation and Corrections which is scheduled to hold a public hearing on the bill on February 16, 2000.

Senate Bill 362 is a companion bill to 1999 Assembly Bill 691 which has been referred to the Assembly Committee on Corrections and the Courts. The Assembly Committee on Corrections and the Courts has scheduled a public hearing on the bill for February 23, 2000.

### **A. PREPARATION OF FISCAL ESTIMATES FOR CRIMINAL PENALTY BILLS**

Under current law, any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues must incorporate a fiscal estimate. Specifically, such a bill must include a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability or revenues under the bill including, to the extent possible, projection of such changes in future biennia. Under the joint rules of the Legislature, fiscal estimates must be prepared by all state agencies receiving the appropriation, collecting the revenue, administering the program or having information concerning the subject matter of the bill. However, under current law, a bill containing penalty provisions is *exempt* from this requirement if the bill contains no other provisions requiring a fiscal estimate.

The bill repeals the exemption for bills that contain penalty provisions so that these bills would also be required to incorporate fiscal estimates.

### **B. CORRECTIONAL FISCAL ESTIMATES**

The bill 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 of placement in 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 a person to be sentenced to imprisonment in a state prison or a juvenile to be placed in a juvenile correctional facility.
4. Otherwise affect a penalty provision that increases the statewide probation, parole, extended supervision or juvenile corrections population.

The bill specifies that the correctional fiscal estimate must be incorporated into 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; 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 fiscal 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 nine succeeding fiscal years.

The bill requires the Legislative Reference Bureau (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 of the bill to the Legislative Fiscal Bureau (LFB) and to the Department of Administration (DOA). The DOA must then determine which departments or agencies are responsible for preparing the correctional fiscal estimate.

The bill 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 LFB within five working days after the departments or agencies receive a copy of the bill:
  - (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 bill requires the departments or agencies to provide an estimated cost range.

2. The LFB must review the information received from the departments or agencies. The bill provides that the LFB must consult with the departments or agencies from which information was received and that the departments or agencies must provide the LFB with information necessary to complete its review, as requested by the LFB. This review must be completed within five 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 fiscal estimate and submit it to the LRB and the LFB within three working days after the date the LFB's review period ends. The bill provides that if a department or agency cannot make a specific estimate, the department or agency must 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 and submit it to the LRB within two working days after receiving the correctional fiscal estimate.

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

### **C. REQUIRED APPROPRIATION**

The bill requires the Joint Committee on Finance, before recommending a bill that requires a correctional fiscal estimate for passage, to recommend adoption of an amendment to the bill to increase the appropriation to the corrections special reserve fund. The increase must be in an amount equal to the amount of the projected corrections capital and operating costs of the bill for the fiscal year in which those costs are estimated to be the highest, multiplied by two. This requirement does not apply if the Joint Committee on Finance determines that the bill does not increase state liability for corrections capital and operational costs or if the bill already increases the appropriation to the corrections special reserve fund in an amount equal to the costs for the fiscal year in which those costs are estimated to be the highest, multiplied by two. If the Joint Committee on Finance determines that the requirement does not apply, the Committee's recommendation must be accompanied by a statement to that effect.

The bill also provides that neither house of the Legislature may vote on a bill that requires a correctional fiscal estimate unless it has adopted an amendment that increases the appropriation to the corrections special reserve fund, as recommended by the Joint Committee on Finance. This requirement does not apply to a bill for which the Joint Committee on Finance has prepared a statement that the bill does not increase corrections capital or operational costs or already contains a sufficient appropriation to the corrections special reserve fund.

Finally, the bill provides that neither house of the Legislature may vote on an amendment to the executive budget bill that meets the criteria of a bill that requires a correctional fiscal estimate unless the only provisions in the amendment that cause the amendment to meet the criteria are identical to the provisions of a bill introduced in the same legislative session for which a corrections fiscal estimate has been prepared and in which an appropriation to the corrections special reserve fund has been made, as described above.

**D. CORRECTIONS SPECIAL RESERVE FUND**

The bill establishes a corrections special reserve fund, consisting of moneys appropriated by the Legislature in certain criminal penalty bills, as described above, and earnings from that money. The principal in the fund may only be used for the following purposes:

1. Debt payments relating to adult and juvenile correctional institutions for the Department of Corrections (DOC).
2. Operational costs for the DOC.
3. Community corrections programs.

The bill specifies that the principal in the fund must *first* be used for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of adult and juvenile correctional facilities and to make full payment of the amounts determined by the Building Commission that are attributable to the proceeds of obligations incurred in financing those facilities. After all those costs have been paid, the money may be used for operating costs of the DOC and community corrections programs.

The bill also specifies that all interest earnings on the money in the fund must be used for the purpose of funding child abuse prevention efforts. This money is appropriated to the Department of Health and Family Services, under the bill, and may not be used to supplant or divert other sources of funding for child abuse prevention efforts.

If you have any questions or would like further information, please contact me at the Legislative Council Staff offices.

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MAR 27 2000



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 27, 2000

TO: REPRESENTATIVE SCOTT WALKER

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Assembly Bill 691, Relating to Fiscal Estimates for Bills Containing Criminal Penalty Provisions, Establishing a Corrections Special Reserve Fund and Making Appropriations, and Assembly Substitute Amendment 1 to the Bill

This memorandum, prepared at your request, describes 1999 Assembly Bill 691 (hereinafter, "the bill"), relating to fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations, and Assembly Substitute Amendment 1 to the bill.

1999 Assembly Bill 691 was introduced by Representative Krug and others; cosponsored by Senator Panzer and others on February 1, 2000. The Assembly Committee on Corrections and the Courts unanimously recommended adoption of Assembly Substitute Amendment 1 and passage of the bill, as amended, on March 16, 2000.

1999 Assembly Bill 691 is a companion bill to 1999 Senate Bill 362. The Senate Committee on Insurance, Tourism, Transportation and Corrections unanimously recommended passage of Senate Bill 362 on February 23, 2000.

### A. ASSEMBLY BILL 691

#### 1. Referral to the Joint Committee on Finance

The bill amends current law to provide that all bills introduced in either house of the Legislature that require a correctional fiscal estimate, as described below, must be referred to the Joint Committee on Finance before being passed.

## 2. Preparation of Fiscal Estimates for Criminal Penalty Bills

Under current law, any bill making an appropriation and any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues must incorporate a fiscal estimate. Specifically, such a bill must include a reliable estimate of the anticipated change in appropriation authority or state or general local government fiscal liability or revenues under the bill including, to the extent possible, projection of such changes in future biennia. Under the joint rules of the Legislature, fiscal estimates must be prepared by all state agencies receiving the appropriation, collecting the revenue, administering the program or having information concerning the subject matter of the bill. However, under current law, a bill containing penalty provisions is *exempt* from this requirement if the bill contains no other provisions requiring a fiscal estimate.

The bill repeals the exemption for bills that contain penalty provisions so that these bills would also be required to incorporate fiscal estimates.

## 3. Correctional Fiscal Estimates

The bill requires the preparation of a *correctional fiscal estimate* for all bills introduced in either house of the Legislature that do any of the following:

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

The bill specifies that the correctional fiscal estimate must be incorporated into 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; 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 fiscal 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 nine succeeding fiscal years.

The bill requires the Legislative Reference Bureau (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 of the bill to the Legislative Fiscal Bureau (LFB) and to the Department of Administration (DOA). The DOA must then determine which departments or agencies are responsible for preparing the correctional fiscal estimate.

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

a. The departments or agencies required to prepare the correctional fiscal estimate must submit the following to the LFB within five working days after the departments or agencies receive a copy of the bill:

- (1) Projections of the impact on statewide probationer, prisoner, parolee, extended supervision and juvenile corrections populations.
- (2) An estimate of the fiscal impact of such population changes on state expenditures.
- (3) 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 bill requires the departments or agencies to provide an estimated cost range.

b. The LFB must review the information received from the departments or agencies. The bill provides that the LFB must consult with the departments or agencies from which information was received and that the departments or agencies must provide the LFB with information necessary to complete its review, as requested by the LFB. This review must be completed within five working days from the date the LFB receives the information from the departments or agencies.

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

d. The LFB must prepare a statement of its review of the correctional fiscal estimate and submit it to the LRB within two working days after receiving the correctional fiscal estimate.

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

#### **4. Required Appropriation**

The bill requires the Joint Committee on Finance, before recommending a bill that requires a correctional fiscal estimate for passage, to recommend adoption of an amendment to the bill to increase the appropriation to the corrections special reserve fund. The increase must be in an amount equal to the amount of the projected corrections capital and operating costs of the bill for the fiscal year in which those costs are estimated to be the highest, multiplied by two. This requirement does not apply if the Joint Committee on Finance determines that the bill does



not increase state liability for corrections capital and operational costs or if the bill already increases the appropriation to the corrections special reserve fund in an amount equal to the costs for the fiscal year in which those costs are estimated to be the highest, multiplied by two. If the Joint Committee on Finance determines that the requirement does not apply, the Committee's recommendation must be accompanied by a statement to that effect.

The bill also provides that neither house of the Legislature may vote on a bill that requires a correctional fiscal estimate unless it has adopted an amendment that increases the appropriation to the corrections special reserve fund, as recommended by the Joint Committee on Finance. This requirement does not apply to a bill for which the Joint Committee on Finance has prepared a statement that the bill does not increase corrections capital or operational costs or already contains a sufficient appropriation to the corrections special reserve fund.

Finally, the bill provides that neither house of the Legislature may vote on an amendment to the executive budget bill that meets the criteria of a bill that requires a correctional fiscal estimate unless the only provisions in the amendment that cause the amendment to meet the criteria are identical to the provisions of a bill introduced in the same legislative session for which a corrections fiscal estimate has been prepared and in which an appropriation to the corrections special reserve fund has been made, as described above.

#### **5. Corrections Special Reserve Fund**

The bill establishes a corrections special reserve fund, consisting of moneys appropriated by the Legislature in certain criminal penalty bills, as described above, and earnings from that money. The principal in the fund may only be used for the following purposes:

- a. Debt payments relating to adult and juvenile correctional institutions for the Department of Corrections (DOC).
- b. Operational costs for the DOC.
- c. Community corrections programs.

The bill specifies that the principal in the fund must *first* be used for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of adult and juvenile correctional facilities and to make full payment of the amounts determined by the Building Commission that are attributable to the proceeds of obligations incurred in financing those facilities. After all those costs have been paid, the money may be used for operating costs of the DOC and community corrections programs.

The bill also specifies that all interest earnings on the money in the fund must be used for the purpose of funding child abuse prevention efforts. This money is appropriated to the Department of Health and Family Services, under the bill, and may not be used to supplant or divert other sources of funding for child abuse prevention efforts.

**B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO THE BILL**

Assembly Substitute Amendment 1 replaces the provisions of the bill with the provisions contained in Assembly Amendment 3 to 1999 Assembly Bill 465, relating to criminal penalties (commonly referred to as the "Truth-in-Sentencing Bill"). Specifically, Assembly Substitute Amendment 1 creates the Joint Review Committee on Criminal Penalties. The committee is to be composed of 11 members, including four legislators, two reserve judges, two public members and the Attorney General, the Secretary of Corrections and the State Public Defender or their designees.

The substitute amendment provides that if any bill is introduced in the Legislature that proposes to create a new crime or revise a penalty for an existing crime and the bill is referred to a standing committee of the house in which it is introduced, the chairperson of that committee may request the Joint Review Committee to prepare a report on the bill. If the bill is not referred to a standing committee, the presiding officer of the house may request the Joint Review Committee report. If the Joint Review Committee receives a request for a report, the committee must report on all of the following matters:

1. The costs that are likely to be incurred or saved by DOC, the Department of Justice, the State Public Defender, the courts, district attorneys and other state and local government agencies if the bill is enacted.
2. The consistency of penalties proposed in the bill with existing criminal penalties.
3. Alternative language needed, if any, to conform penalties proposed in the bill to penalties in existing criminal statutes.
4. Whether acts prohibited under the bill are prohibited under existing criminal statutes.

Finally, the substitute amendment provides that a standing committee may not vote on whether to recommend a bill for passage, and a bill may not be passed by the house in which it is introduced, before the Joint Review Committee submits a report or before the 30th day after a report is requested, whichever is earlier.

If you have any questions or would like further information, please contact me at the Legislative Council Staff offices.

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