

1999 DRAFTING REQUEST

Bill

Received: **01/11/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB :

For: **Scott Walker (608) 266-9180**

By/Representing: **Ed**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Reporting date for the criminal penalties study committee

Instructions:

See Attached

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>
/P1	olsenje 01/29/99	jgeller 01/29/99	lpaasch 01/29/99	_____	gretskl 01/29/99		State
/1	olsenje 03/5/99	jgeller 03/8/99	ismith 03/8/99	_____	lrb_docadmin 03/8/99	lrb_docadminState 03/9/99	

FE Sent For: **03/9/99** .

(/1)

<END>

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1 3/8 JG

IS
3/8/99

IS/HH
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/?	olsenje	PI 1/29 jlg	1-29LP	1-29LP FS	<u>Submitted</u>		

FE Sent For:

<END>

Submit "P" Drafts

JED



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1702/P1

JEO:.....

Very soon D. Nafe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT relating to: the date on which the criminal penalties study committee
2 is required to file a report of its findings and recommendations.

Analysis by the Legislative Reference Bureau

1997 Wisconsin Act 283, often referred to as the "truth in sentencing" act, created the criminal penalties study committee (committee)✓ and directed the committee to study the classification of criminal offenses in the criminal code, the penalties for all felonies and certain misdemeanors and issues relating to the implementation of the changes in sentencing made by the "truth in sentencing" act. The committee is also required to make recommendations on certain issues, such as the reclassification of felonies and certain misdemeanors and the creation of a sentencing guidelines commission. The committee must submit a report of its findings and recommendations to the legislature and the governor by April 30, 1999. This bill extends the deadline for the committee to submit its report to July 30, 1999.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read: ✓
4 [1997 Wisconsin Act 283] Section 454 (1) (f) No later than April July 30, 1999, ✓
5 the committee shall submit a report of its findings and recommendations to the

SECTION 1

1 legislature in the manner provided under section 13.172 (2) of the statutes and to the
2 governor. The report shall include any proposed legislation that is necessary to
3 implement the recommendations made by the committee in its report.

4 **SECTION 2.** 1997 Wisconsin Act 283, section 454 (2) [✓] is amended to read:

5 [1997 Wisconsin Act 283] Section 454 (2) **ATTORNEY PROJECT POSITION.** The
6 authorized FTE positions for the department of administration are increased by 1.0
7 GPR attorney project position, to be funded from the appropriation under section
8 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
9 penalties study committee established under subsection (1), for the period ending on
10 ~~April~~ [✓] July 30, 1999.

11 **(END)** [✓]



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1702/P1dn

JEO:.....

Jan

Ed:

I wanted to get a preliminary draft to you now because of the possible time crunch that this proposal faces.

As you know, the criminal penalty study committee's report is due by [✓]April 30th. That is the same day that the project position created for the staffing of the committee expires. Thus, to avoid any possible interruption of the committee's work, the extension of the reporting date and project position expiration date should probably be addressed soon.

Note that ~~the~~ project position could be extended by the joint committee on finance acting under s. 13.101, stats. Joint finance may also ~~supplement~~ the appropriation for the committee, at least for purposes of paying for the extension of the project position. I am not sure that joint finance can supplement the committee's appropriation apart from paying for the position extension, and even if it can the supplementation could only cover the period through the end of the fiscal year. (The appropriation may not even need supplementation; the act creating the committee also appropriated \$200,000 for the committee for use over the 1997-99 fiscal biennium.)

Also, as I think I mentioned to you, s. 16.47 (2), [✓]stats., provides that before passage of the budget bill neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the 'governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passage of the bill as an emergency appropriation bill. (Because s. 16.47 (2), stats., establishes a rule of legislative procedure, the legislature determines the extent to which the rule is enforced.)

Finally, the budget act will repeal and recreate the appropriation schedule under s. 20.005 (3), stats, and will affect the authorized positions of all state agencies. Thus, if this proposal is enacted before the budget, any changes made by this proposal in the committee's appropriation or in the position authorization will be superseded by the budget bill unless the changes are also incorporated into the budget bill.

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

11

DRAFTER ' S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1702P1dn
JEO;jlg:lp

January 29, 1999

Ed:

I wanted to get a preliminary draft to you now because of the possible time crunch that this proposal faces.

As you know, the criminal penalty study committee's report is due by April 30th. That is the same day that the project position created for the staffing of the committee expires. Thus, to avoid any possible interruption of the committee's work, the extension of the reporting date and project position expiration date should probably be addressed soon.

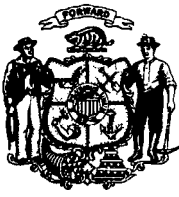
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Also, as I think I mentioned to you, s. 16.47 (2), stats., provides that before passage of the budget bill neither house may pass a bill that increases the cost of state government by more than \$10,000 annually unless the governor, the joint committee on finance or, in some cases, the committee on organization of either house recommends passage of the bill as an emergency appropriation bill. (Because s. 16.47 (2), stats., establishes a rule of legislative procedure, the legislature determines the extent to which the rule is enforced.)

Finally, the budget act will repeal and recreate the appropriation schedule under s. 20.005 (3), stats, and will affect the authorized positions of all state agencies. Thus, if this proposal is enacted before the budget, any changes made by this proposal in the committee's appropriation or in the position authorization will be superseded by the budget bill unless the changes are also incorporated into the budget bill.

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 26643906
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-17071

JEO:jlg:lp

Monday 3/8
by 9:00 am

redraft
make
num
Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

and making an appropriation ✓

Reger

1 **AN ACT** to *affect* 1997 Wisconsin Act 283, section 454 (1) (f) and 1997 Wisconsin
2 Act 283, section **454 (2)**; **relating to:** the date on which the criminal penalties
3 study committee is required to file a report of its findings and
4 recommendations.

Analysis by the Legislative Reference Bureau

1997 Wisconsin Act 283, often referred to as the "truth in sentencing" act, created the criminal penalties study committee (committee) and directed the committee to study the classification of criminal offenses in the criminal code, the penalties for all felonies and certain misdemeanors and issues relating to the implementation of the changes in sentencing made by the "truth in sentencing" act. The committee is also required to make recommendations on certain issues, such as the reclassification of felonies and certain misdemeanors and the creation of a sentencing guidelines commission. The committee must submit a report of its findings and recommendations to the legislature and the governor by April 30, 1999. This bill extends the deadline for the committee to submit its report to ~~July 30~~ 1999.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

✓
August 31

1 SECTION 1. 1997 Wisconsin Act 283, section 454 (1) (f) is amended to read:

✓ August 31

2 [1997 Wisconsin Act 283] Section 454 (1) (f) No later than ~~April 30~~ 1999,
3 the committee shall submit a report of its findings and recommendations to the
4 legislature in the manner provided under section 13.172 (2) of the statutes and to the
5 governor. The report shall include any proposed legislation that is necessary to
6 implement the recommendations made by the committee in its report.

7 SECTION 2. 1997 Wisconsin Act 283, section 454 (2) is amended to read:

8 [1997 Wisconsin Act 283] Section 454 (2) ATTORNEY PROJECT POSITION. The
9 authorized FTE positions for the department of administration are increased by 1.0
10 GPR attorney project position, to be funded from the appropriation under section
11 20.505 (3) (c) of the statutes, for the purpose of providing legal services to the criminal
12 penalties study committee established under subsection (1), for the period ending on

13 ~~April 30~~, 1999. August 31 ✓

14 (END)

14 →
SWS 2-14 ✓

1 **INSERT 2-14:**

2 **SECTION 1. Appropriation changes.** *auto ref A*

3 (1) **CRIMINAL PENALTIES STUDY COMMITTEE.** *auto ref B* In the schedule under section 20.005
4 (3) of the statutes for the appropriation to the department of administration under
5 section 20.505 (3) (c) of the statutes, as affected by the acts of 1999, the dollar amount
6 is increased by \$60,000 for fiscal year 1999-00 to fund the activities of the criminal
7 penalties study committee created under 1997 Wisconsin Act 283, section 454 (1).

8 **SECTION 2. Effective dates.** This act takes effect on the day after publication,
9 except as follows: *auto ref A*

10 (1) SECTION 2 of this act takes effect on the 2nd day after publication of the
11 1999-2001 biennial budget act. *WFO: autoref preceding & change section*
auto ref B

**#SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 3/8/99

To: Representative Walker

Relating to LRB drafting number: LRB- 1702

Topic

Reporting date for the criminal penalties study committee

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction Rep. Walker

in the **Senate** OR the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Yes

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 26643906