

1999 DRAFTING REQUEST

**Bill**

Received: 1 **1/15/1999**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Shirley Krug (608) 2664813**

By/Representing: **Helen**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Ah. Drafters: **olsenje  
champra  
dykmapj**

Subject: **Criminal Law - miscellaneous  
Legislature - miscellaneous  
Correctional System - misc**

Extra Copies: **JTK**

**Pre Topic:**

No specific pre topic given

**Topic:**

Correctional fiscal estimates and corrections reserve fund

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Tvved</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 1 1/15/1999 olsenje 1 1/18/1999	wjackson 1 1/22/1999		_____			State
/1			mclark 1 1/23/1999	_____	lrb-docadmin 1 1/23/1999		State
/2	olsenje	wjackson	martykr	_____	lrb-docadmin	lrb-docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaired</u>
	12/28/1999	12/28/1999	12/29/1999	_____	12/29/1999	01/20/2000	

FE Sent For:

<END>

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/1			mclark 1 1/23/1999 Km 12/29	_____	lrb_docadmin 11/23/1999 Km 12/29		

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FE Sent For:

<END>

Plms from Helen Foster - Shirley Krug

Wants § 1285 → bill

Prob. needs companion

Look to drafting file for



**ASSEMBLY AMENDMENT 14,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133**

June 29, 1999 - Offered by Representatives COLON, LA FAVE and LASSA.

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

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

3 “SECTION **ljs.** 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8 SECTION **ljt.** 13.093 (2) (c) of the statutes is repealed.

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

10 13.093 (3) (a) All bills introduced in either house of the legislature that create  
11 a criminal offense for which a sentence to a state prison or a disposition of placement  
12 in a juvenile correctional facility may be imposed, that increase the period of

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

14 1. The departments or agencies required to prepare the correctional estimate  
15 shall submit to the legislative fiscal bureau projections of the impact on statewide  
16 probationer, prisoner, parolee, extended supervision and juvenile corrections  
17 populations, an estimate of the fiscal impact of such population changes on state  
18 expenditures and a statement of the methodologies and assumptions used in making  
19 the population projections and estimates of fiscal impact. In preparing this  
20 information, a department or agency may request information from other  
21 departments or agencies. If a specific estimate cannot be determined, the  
22 departments or agencies shall provide an estimated cost range. The departments or  
23 agencies shall submit this information to the legislative fiscal bureau within 5  
24 working days after the departments or agencies receive a copy of the bill.

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

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

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

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

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

1 this subsection is introduced, the legislative reference bureau shall submit a copy of  
2 the bill to the legislative fiscal bureau and the department of administration.

3 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
4 joint committee on finance, before recommending the bill for passage, shall  
5 recommend adoption of an amendment to increase the appropriation under s. 20.855

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

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

22 (c) Neither house of the legislature may vote on an amendment to the executive  
23 budget bill or bills introduced under s. 16.47 if the amendment meets the criteria of  
24 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.”.

3 **2.** Page 185, line 3: decrease the dollar amount for fiscal year 1999-00 by  
4 \$2,250,000 and decrease the dollar amount for fiscal year 2000-01 by \$2,250,000 to  
5 decrease funding for the purposes for which the appropriation is made.

6 3. Page 188, line 1: after that line insert:

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

12 4. Page 190, line 5: after that line insert:

13	“(qg) Principal repayment and inter-				
14	est costs	SEG	A	- 0 -	- 0 -
15	“(qr) General operations costs	SEG	A	- 0 -	- 0 -”.

16 **5.** Page 191, line 12: after that line insert:

17	“(f) Grants for prevention programs	GPR	A	2,250,000	2,250,000”.
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18 **6.** Page 198, line 6: after that line insert:

19	“(q) Child abuse prevention	SEG	A	- 0 -	- 0 -”.
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20 **7.** Page 213, line 14: increase the dollar amount for fiscal year 1999-00 by  
21 \$1,910,000 and increase the dollar amount for fiscal year 2000-01 by \$1,910,000 to  
22 increase funding for transfers to the child abuse and neglect prevention board.

23 8. Page 268, line 13: after that line insert:

1 “(em) Corrections special reserve fund  
2 contribution GPR A -O- -0-”.

3 **9.** Page 334, line 18: after that line insert:

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

5 20.410 (1) (qd) *Principal repayment, interest and rebates.* From the corrections  
6 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
7 the payment of principal and interest costs incurred in financing the acquisition,  
8 construction, development, enlargement or improvement of adult correctional  
9 facilities, and to make full payment of the amounts determined by the building  
10 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
11 obligations incurred in financing such facilities.

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

13 20.410 (1) (qg) *General operations costs.* From the corrections special reserve  
14 fund, the amounts in the schedule for the operation of institutions and to provide  
15 field services and administrative services.

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

17 20.410 (1) (qr) *Operating costs for community corrections.* From the corrections  
18 special reserve fund, the amounts in the schedule to provide services related to  
19 probation, extended supervision and parole, the intensive sanctions program under  
20 s. 301.048, the community residential confinement program under s. 301.046,  
21 programs of intensive supervision of adult offenders and minimum security  
22 correctional institutions established under s. 301.13.“.

23 **10 .** Page 336, line 14: after that line insert:

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

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

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

7           20.410 (3) (qr) *General operations costs*. From the corrections special reserve  
8 fund, the amounts in the schedule to operate the department's juvenile correctional  
9 institutions and to provide field services and administrative services.“.

10          11. Page 336, line 24: after that line insert:

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

12          20.433 (1) (f) *Grants for prevention programs*. The amounts in the schedule to  
13 be used for grants to organizations under s. 48.982 (4), (6) and (7).”.

14          **12.** Page 345, line 4: after that line insert:

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

16          20.435 (3) (q) *Child abuse prevention*. From the corrections special reserve  
17 fund, a sum sufficient equal to the earnings on the moneys in the corrections special  
18 reserve fund, for the purpose of funding child abuse prevention efforts. Moneys  
19 appropriated from this appropriation may not be used to supplant or divert other  
20 sources of funding for child abuse prevention efforts.“.

21          **13.** Page 396, line 20: after that line insert:

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

23          20.855 (4) (em) *Corrections special reserve fund contribution*. The amounts in  
24 the schedule for transfer to the corrections special reserve fund under s. 25.71.“.

1           **14.** Page 399, line 23: delete “20.410 (1) (e), (ec) and (ko) and (3) (e),” and  
2 substitute “20.410 (1) (e), (ec) ~~and~~, (ko) ~~and~~ (qd) and (3) (e) and (qg).”

3           **15.** Page 464, line 2: after that line insert:

4           **“SECTION 696y. 25.17 (1) (bm) of the statutes is created to read:**  
5           **25.17 (1) (bm) Corrections special reserve fund (s. 25.71);“.**

6           **16.** Page 470, line 14: after that line insert:

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

8           **25.71 Corrections special reserve fund. (1)** There is established a  
9 corrections special reserve fund, consisting of moneys appropriated by the  
10 legislature from the general fund under s. 20.855 (4) (em) and earnings from this  
11 money. Moneys in the fund may only be used for the following purposes:

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

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

15           (c) Community corrections programs.

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

18           (2) All moneys in the fund, other than earnings on the money, shall first be used  
19 for the payment of principal and interest costs incurred in financing the acquisition,  
20 construction, development, enlargement or improvement of correctional facilities,  
21 and to make full payment of the amounts determined by the building commission  
22 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred  
23 in financing such facilities. After all such costs have been paid, the moneys may be



1 used for operating costs of the department of corrections and community corrections  
2 programs.

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

5 **17.** Page 655, line 14: after that line insert:

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

7 48,982 (4) (a) From the appropriations under s. 20.433 (1) (~~f~~), (h), (i), (k), (m)  
8 and (q), the board shall award grants to organizations in accordance with the plan  
9 developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are  
10 awarded, no organization may receive a grant or grants totaling more than \$30,000.

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

12 48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (~~f~~), (h), (i), (k),  
13 (ma) and (q), the board shall award grants to organizations in accordance with the  
14 request-for-proposal procedures developed under sub. (2) (a). No organization may  
15 receive a grant or grants under this subsection totaling more than \$150,000 in any  
16 year.

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

18 48.982 (7) (a) From the appropriations under s. 20.433 (1) (~~f~~), (h), (i), (k) and  
19 (q), the board shall award grants to organizations in accordance with the plan  
20 developed under sub. (2) (a).“.

21 **18 .** Page 687, line 13: delete “\$340,000” and substitute “2,250,000”.

22 **(END)**

AS:tl:jal:rv;wu;ksm

6/04/99

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 (I), 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 undersub. (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:

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





1           **SECTION 7.** 20.4 10 (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) *Childabuseprevention.* 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. 25.7 I.

**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), 20.4**10** (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. 25.7 1);

**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

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

( E N D )

D. Note  
Soon

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3961/1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

①

**AN ACT** to **repeal** 13.093 (2) (c); to **amend** 13.093 (1), 20.445 (3) (md), 20.866 (1) (u), 48.982 (4) (a), 48.982 (6) (a) and 48.982 (7) (a); and **to create** 13.093 (3) and (4), 20.410 (1) (qd), 20.410 (1) (qg), 20.410 (1) (qr), 20.410 (3) (qg), 20.410 (3) (qr), 20.433 (1) (f), 20.435 (3) (q), 20.855 (4) (em), 25.17 (1) (bm), 25.71 and 49.175 (1) (x) of the statutes; **relating to:** fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations.

**Analysis by the Legislative Reference Bureau**

~~This bill creates new procedural requirements relating to proposed legislation affecting certain penalties. The bill also makes appropriations for child abuse and neglect prevention. Specifically, current law and the changes made to current law are as follows:~~

**Correctional fiscal estimates**

Under current law, all bills introduced in either house of the legislature that appropriate money, provide for revenue or relate to taxation must be referred to the joint committee on finance (JCF) before being passed. In addition, current law requires that a fiscal estimate be prepared for any bill that makes an appropriation or that increases or decreases existing appropriations or general government fiscal liability or revenues. A fiscal estimate must incorporate a reliable estimate of the

State or

local

anticipated change in appropriation authority or fiscal liability or revenue and, to the extent possible, must project such changes in future fiscal years. Fiscal estimates are prepared by the state agencies administering the appropriation or fund or collecting the revenue or having information concerning the subject matter of the bill. A bill containing a penalty provision is exempt from the fiscal estimate requirement if it contains no other provisions that require a fiscal estimate.

This bill eliminates the current exemption from the fiscal estimate requirement for bills containing a penalty provision. In addition, the bill requires a correctional fiscal estimate to be prepared for any bill that does any of the following: 1) creates a criminal offense that is punishable by imprisonment in a state prison or placement in a juvenile correctional institution; 2) increases the period of imprisonment or the period of placement in a juvenile correctional institution that may be imposed for an offense; 3) requires a person to be sentenced to state prison or placed in a juvenile correctional institution; or 4) otherwise affects a penalty provision in a way that will increase the number of persons on probation, parole or extended supervision or in the juvenile correctional system.

→ To prepare a correctional fiscal estimate, the affected <sup>state</sup> agencies ~~and~~  
→ departments must make projections of the impact of the bill on the number of persons  
→ on probation, parole or extended supervision, the number of persons in prison and  
→ the number of persons in the juvenile correctional system. The agencies ~~and~~  
→ departments must also estimate the fiscal impact of any projected population  
→ changes. Finally, the agencies ~~and department~~ must specify the methodologies and  
→ assumptions that they used to make the population projections and the estimate of  
→ the fiscal impact. The agencies ~~and departments~~ then provide this information to the  
→ legislative fiscal bureau (LFB), which ~~then~~ has five working days to review the  
→ information and consult with the agencies ~~and departments~~ concerning the  
→ projections and estimates. in turn

After the LFB review period, the affected agencies ~~and departments~~ must submit a completed correctional fiscal estimate to the LFB and the legislative reference bureau (LRB) and the LFB must submit a statement of its review of the correctional fiscal estimate to the LRB. The completed correctional fiscal estimate must provide an estimate of 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 takes effect and the nine succeeding fiscal years.

If a bill requires a correctional fiscal estimate, the estimate must be incorporated into the bill before any public hearing on the bill in a standing committee, before any vote is taken in a standing committee if no public hearing is held, or before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee. In addition, a bill that requires a correctional fiscal estimate must be referred to JCF. Before it recommends the bill for passage, JCF must recommend adoption of an amendment that appropriates money to the corrections special reserve fund, unless the committee determines that such an amendment is unnecessary because the bill does not increase corrections capital and operating costs or if the bill already makes a sufficient appropriation to the corrections special reserve fund. Likewise, neither house of the legislature may



vote on the bill unless it has first adopted an amendment that appropriates money to the corrections special reserve fund, unless JCF has determined that such an amendment is unnecessary. The corrections special reserve fund is created by this bill for the purposes of making principal and interest payments on debt contracted to purchase, build or expand correctional institutions, paying for the operation of 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).

Finally, under this bill, if an amendment to the biennial budget bill meets the criteria of a bill requiring a correctional fiscal estimate, the amendment may not be voted on by either house of the legislature unless the provisions of the amendment that require a correctional fiscal estimate are identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared.

***Funding for child abuse and neglect prevention***

Under current law, the child abuse and neglect prevention board (board) makes grants to organizations to establish and operate child abuse and neglect prevention programs. ~~This bill provides \$4,160,000 annually to the board to use in making grants. Of this funding, \$1,910,000 is from federal block grant moneys received by DHFS for aids to individuals and organizations, while the remaining \$2,250,000 is from general purpose revenue. This bill directs DHFS to transfer \$1,910,000 in federal block grant moneys to the board in each year of the current fiscal biennium. The bill also reduces DOC's general program operations appropriation, which is funded with general purpose revenue, by \$2,250,000 in each year of the current fiscal biennium.~~

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

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

1           **SECTION 1.** 13.093 (1) of the statutes is amended to read:

2           13.093 (1) All bills introduced in either house of the legislature for the  
3           appropriation of money, providing for revenue or relating to taxation or that require  
4           a correctional fiscal estimate under sub. (3) shall be referred to the joint committee  
5           on finance before being passed.

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

7           **SECTION 3.** 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 extended supervision or juvenile corrections population shall incorporate a  
9 correctional fiscal estimate before any vote is taken thereon by either house of the  
10 legislature, if the bill is not referred to a standing committee, before any public  
11 hearing is held before a standing committee or, if no public hearing is held, before any  
12 vote is taken by the standing committee. The correctional fiscal estimate shall  
13 estimate the anticipated state fiscal liability for correctional capital and operational  
14 costs under the bill including a projection of such costs for the fiscal year in which  
15 the bill becomes effective and the 9 succeeding fiscal years. Correctional fiscal  
16 estimates shall be prepared as follows:

17           1. Upon receiving a copy of a bill under par. (c), the department of  
18 administration shall determine which departments or agencies are responsible for  
19 preparing the correctional fiscal estimate. The departments or agencies responsible  
20 for preparing the correctional fiscal estimate shall submit to the legislative fiscal  
21 bureau projections of the impact on statewide probationer, prisoner, parolee,  
22 extended supervision and juvenile corrections populations, an estimate of the fiscal  
23 impact of such population changes on state expenditures and a statement of the  
24 methodologies and assumptions used in making the population projections and  
25 estimates of fiscal impact. In preparing this information, a department or agency

1 may request information from other departments or agencies. If a specific estimate  
2 cannot be determined, the departments or agencies shall provide an estimated cost  
3 range. The departments or agencies shall submit this information to the legislative  
4 fiscal bureau within 5 working days after the departments or agencies receive a copy  
5 of the bill.

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

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

20 4. The legislative fiscal bureau shall prepare a statement of its review of the  
21 correctional fiscal estimate and submit it to the legislative reference bureau within  
22 2 working days after receiving the correctional fiscal estimate.

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

1 (c) The legislative reference bureau shall determine whether a bill draft  
2 requires a correctional fiscal estimate. A bill draft that requires a correctional fiscal  
3 estimate under this subsection shall have that requirement noted on its jacket when  
4 the jacket is prepared. When a bill that requires a correctional fiscal estimate under  
5 this subsection is introduced, the legislative reference bureau shall submit a copy of  
6 the bill to the legislative fiscal bureau and the department of administration.

7 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
8 joint committee on finance, before recommending the bill for passage, shall  
9 recommend adoption of an amendment to increase the appropriation under s. 20.855

10 (4) (em) in an amount equal to the amount of corrections capital and operational costs  
11 for the fiscal year in which those costs are estimated to be the highest multiplied by

12 <sup>5</sup> 2. This paragraph does not apply if the joint committee on finance determines that  
13 the bill does not increase state liability for corrections capital and operational costs  
14 or that the bill already contains a provision that increases the appropriation under  
15 s. 20.855 (4) (em) in an amount equal to the amount of corrections capital and  
16 operational costs for the fiscal year in which those costs are estimated to be the  
17 <sup>5</sup> highest multiplied by 2. **If** the joint committee on finance determines that this  
18 paragraph does not apply, the committee's recommendation shall be accompanied by  
19 a statement to that effect.

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

introduced in the same legislative session SECTION 3

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

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

1999-00      2000-01

20.410 Corrections, department of

(1) ADULT CORRECTIONAL SERVICES

(qd) Principal repayment, interest

and rebates      SEG    A      -0-      -0-

(qg) General operations costs      SEG    A      -0-      -0-

(qr) Operating costs for community corrections      SEG    A      -0-      -0-

(3) JUVENILE CORRECTIONAL SERVICES

(qg) Principal repayment and interest costs      SEG    A      -0-      -0-

(qr) General operations costs      SEG    A      -0-      -0-

20.433 Child abuse and neglect prevention

board

(1) PREVENTION OF CHILD ABUSE AND NEGLECT

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

1999-00 2000-01

1 20.855 Miscellaneous appropriations

2 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

3 (em) Corrections special reserve fund

4 contribution GPR A -0- -O-

INS  
8-4 ✓

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

6 20.410 (1) (qd) *Principal repayment, interest and rebates.* From the corrections  
7 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
8 the payment of principal and interest costs incurred in financing the acquisition,  
9 construction, development, enlargement or improvement of adult correctional  
10 facilities, and to make full payment of the amounts determined by the building  
11 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
12 obligations incurred in financing such facilities.

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

14 20.410 (1) (qg) *General operations costs.* From the corrections special reserve  
15 fund, the amounts in the schedule for the operation of institutions and to provide  
16 field services and administrative services.

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

18 20.410 (1) (qr) *Operating costs for community corrections.* From the corrections  
19 special reserve fund, the amounts in the schedule to provide services related to  
20 probation, extended supervision and parole, the intensive sanctions program under  
21 s. 301.048, the community residential confinement program under s. 301.046,  
22 programs of intensive supervision of adult offenders and minimum security  
23 correctional institutions established under s. 301.13.

INS  
9-1

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

2 20.410 (3) (qg) *Principal repayment and interest costs.* From the corrections  
3 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
4 the payment of principal and interest costs incurred in financing the acquisition,  
5 construction, development, enlargement or improvement of juvenile correctional  
6 facilities.

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

8 20.410 (3) (qr) *General operations costs.* From the corrections special reserve  
9 fund, the amounts in the schedule to operate the department's juvenile correctional  
10 institutions and to provide field services and administrative services.

~~11 **SECTION 10.** 20.433 (1) (f) of the statutes is created to read:  
12 20.433 (1) (f) *Grants for prevention programs.* The amounts in the schedule to  
13 be used for grants to organizations under s. 48.982 (4), (6) and (7).~~

14 **SECTION 11.** 20.435 (3) (q) of the statutes is created to read:

15 20.435 (3) (q) *Child abuse prevention.* From the corrections special reserve  
16 fund, a sum sufficient equal to the <sup>net</sup> earnings on the moneys in the corrections special  
17 reserve fund, <sup>under</sup> for the purpose of funding child abuse prevention efforts. Moneys  
18 appropriated ~~from~~ this appropriation may not be used to supplant or divert other  
19 sources of funding for child abuse prevention efforts.

~~20 **SECTION 12.** 20.445 (3) (md) of the statutes is amended to read:  
21 20.445 (3) (md) *Federal block grant aids.* All block grant moneys received from  
22 the federal government or any of its agencies to be expended as aids to individuals  
23 or organizations and to be transferred to the appropriation accounts under s. ss.  
24 20.433 (1) (k) and 20.435 (3) (kc) and (kd), (7) (kw) and (ky) and (8) (kx).~~

25 **SECTION 13.** 20.855 (4) (em) of the statutes is created to read:

as determined under s. 25.14 (3), less any amounts assessed against the fund under s. 25.187 (2),

1           20.855 (4) (em) *Corrections special reserve fund contribution.* The amounts in  
2 the schedule for transfer to the corrections special reserve fund under s. 25.71.

INS  
10-3 (3) ✓

3 **SECTION 14.** 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act  
4 27, section 727, is amended 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),  
7 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),  
8 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)  
9 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ad), (aq), (ar), (at), (ba),  
10 (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec)  
11 and (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485  
12 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc) and 20.867 (1) (a) and  
13 (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on  
14 ~~public debt contracted under subchs. I and IV of ch. 18.~~

15           **SECTION 15.** 25.17 (1) (bm) of the statutes is created to read:

16           25.17 (1) (bm) Corrections special reserve fund (s. 25.71);

17           **SECTION 16.** 25.71 of the statutes is created to read:

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

- 22           (a) Debt payments for the department of corrections under s. 20.410 (1) (qd) and
- 23           (3) (qg).
- 24           (b) Operation costs for the department of corrections.
- 25           (c) Community corrections programs.



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

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

11 (3) All <sup>net</sup> earnings on the money in the fund shall be used for the purpose of  
12 funding child abuse prevention efforts under s. 20.435 (3) (q).

~~13 SECTION 17. 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.~~

~~18 SECTION 18. 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  
22 receive a grant or grants under this subsection totaling more than \$150,000 in any  
23 year.~~

~~24 SECTION 19. 48.982 (7) (a) of the statutes is amended to read:~~

*as determined under s. 25.14(3), less any amounts assessed against the fund under s. 25.187 (2),*

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

4 **SECTION 20.** 49.175 (1) (x) of the statutes is created to read:

5 ~~49.175 (1) (x) *Child abuse and neglect prevention board.* For the transfer of~~  
6 ~~moneys to the child abuse and neglect prevention board, \$1,910,000 in each fiscal~~  
7 ~~year.~~

8 **SECTION 21. Appropriation changes.**

9 (1) DEPARTMENT OF CORRECTIONS. In the schedule under section 20.005 (3) of the  
10 statutes for the appropriation to the department of corrections under section 20.410  
11 (1) (a) of the statutes, as affected by the acts of 1999, the dollar amount is decreased  
12 by \$2,250,000 for fiscal year 1999-00 and the dollar amount is decreased by  
13 \$2,250,000 for fiscal year 2000-01 to decrease funding for the general program  
14 operations of the department of corrections.

15 **SECTION 22. Effective date.**

16 (1) This act takes effect on the 2nd day after publication of the 1999-2001  
17 biennial budget act.

18

(END)

INS  
12-18

1 **INSERT 8-4:**

2 SECTION ~~7.~~ 20.410 (1) (e) of the statutes is amended to read:

3 20.410 (1) (e) *Principal repayment and interest.* A sum sufficient to reimburse  
4 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in  
5 financing the acquisition, construction, development, enlargement or improvement  
6 of correctional facilities and that are not reimbursed under nar. (ad).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

7 **INSERT 9-1:**

8 SECTION ~~7.~~ 20.410 (3) (e) of the statutes is amended to read:

9 20.410 (3) (e) *Principal repayment and interest.* A sum sufficient to reimburse  
10 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in  
11 financing the acquisition, construction, development, enlargement or improvement  
12 of the department's juvenile correctional facilities and that are not reimbursed under  
13 par. (qg).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

14 **INSERT 10-3:**

15 SECTION ~~7.~~ 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act 9,  
16 section 628, is amended to read:

17 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
18 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
19 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250  
20 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),  
21 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
22 (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq)

1 and (ar), 20.410 (1) (e), (ec) ~~and~~, (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and  
 2 (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and  
 3 (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and  
 4 (q) for the payment of principal and interest on public debt contracted under subchs.  
 5 I and IV of ch. 18.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4, 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107.221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 4 t 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246.

6 ~~SECTION 20.866~~ (1) (u) of the statutes, as affected by 1999 Wisconsin Act 9,  
 7 section 628b<sup>✓</sup>, and 1999 Wisconsin Act . . . . (this act), is repealed and recreated to read:  
 8 *20.866 (1) (u) Principal repayment and interest.* A sum sufficient from moneys  
 9 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
 10 (c), (d), (i) and(j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and(j), (4) (e) and (5) (e), 20.250  
 11 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),  
 12 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
 13 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq) and  
 14 (ar), 20.410 (1) (e), (ec), (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and (6) (e),  
 15 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),  
 16 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)  
 17 for the payment of principal and interest on public debt contracted under subchs. I  
 18 and IV of ch. 18.

**INSERT 12-18:**

20 **SECTION 5. Effective dates.** This act takes effect on the day after publication,  
 21 except as follows:  
 22 (1) The repeal and recreation of section 20.866 (1) (u)<sup>✓</sup> of the statutes takes effect  
 23 on July 1, 2001.

(END of Inserts)

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

LRB-396 1/1dn  
JEO: /.....  
WLTJ

This draft is based on Assembly Amendment 14 to the joint finance substitute amendment to the budget bill (Assembly Substitute Amendment 1 to 1999 Assembly Bill 133). AA-14 was in turn based on Legislative Council draft WLCS: 0092/5. This draft makes a few minor language changes for greater clarity.

Note that the correctional fiscal estimate requirement created by this 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.

Also, note that under proposed s. 13.093 (4) (c) as originally written, a budget amendment could not be voted on if it contains provisions requiring a correctional fiscal estimate "unless *the only provisions in the amendment* are identical to the provisions of a bill introduced in the same legislative session for which [a correctional fiscal estimate has been prepared]". Under this language, if a caucus "super-amendment" to the budget contains 117 different items, only one of which is a felony penalty increase, the superamendment could not be voted on even if the felony penalty increase is identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared. Thus, this draft modifies proposed s. 13.093 (4) (c) to say that the amendment may be voted on if the provisions in the amendment that cause it to meet the criteria of a bill requiring a correctional fiscal estimate are identical to the provisions in an introduced bill for which an estimate has been prepared. Is this modification okay?

Finally, note that for this draft we have included appropriations that specify "\$-0-" for expenditure in fiscal years 1999-00 and 2000-01. If you want to include dollar amounts in the proposal, please let us know and we will either redraft the proposal or draft an amendment, whichever is appropriate.

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

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

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

LRB-3961/1dn  
JEO:wlj:mrc

November 23, 1999

This draft is based on Assembly Amendment 14 to the joint finance substitute amendment to the budget bill (Assembly Substitute Amendment 1 to 1999 Assembly Bill 133). AA-14 was in turn based on Legislative Council draft WLCS: 0092/5. This draft makes a few minor language changes for greater clarity.

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Finally, note that for this draft we have included appropriations that specify "\$-0-" for expenditure in fiscal years 1999-00 and 2000-01. If you want to include dollar amounts in the proposal, please let us know and we will either redraft the proposal or draft an amendment, whichever is appropriate.

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

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

**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:** 1/23/1999

**To:** Representative Krug

**Relating to LRB drafting number:** LRB-3961

**Topic**

Correctional fiscal estimates and corrections reserve fund

**Subject(s)**

Criminal Law - miscellaneous, Legislature - miscellaneous, Correctional System - misc

1. **JACKET** the draft for introduction \_\_\_\_\_

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 \_\_\_\_\_

*Change Multiplier 5 to 2  
p. 6 line 7 + line 7 etc.*

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

3. Obtain **FISCAL ESTIMATE** NOW, prior to introduction \_\_\_\_\_

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.

Michael Dsida, Legislative Attorney  
Telephone: (608) 266-9867

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

LRB-3961/1dn  
JEO:wlj:mrc

November 23, 1999

This draft is based on Assembly Amendment 14 to the joint finance substitute amendment to the budget bill (Assembly Substitute Amendment 1 to 1999 Assembly Bill 133). AA-14 was in turn based on Legislative Council draft WLCS: 0092/5. This draft makes a few minor language changes for greater clarity.

Note that the correctional fiscal estimate requirement created by this 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.

Also, note that under proposed s. 13.093 (4) (c) as originally written, a budget amendment could not be voted on if it contains provisions requiring a correctional fiscal estimate "unless *the only provisions in the amendment* are identical to the provisions of a bill introduced in the same legislative session for which [a correctional fiscal estimate has been prepared]". Under this language, if a caucus "superamendment" to the budget contains 117 different items, only one of which is a felony penalty increase, the superamendment could not be voted on even if the felony penalty increase is identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared. Thus, this draft modifies proposed s. 13.093 (4) (c) to say that the amendment may be voted on if the provisions in the amendment that cause it to meet the criteria of a bill requiring a correctional fiscal estimate are identical to the provisions in an introduced bill for which an estimate has been prepared. Is this modification okay?

Finally, note that for this draft we have included appropriations that specify "~~\$-0-~~ for expenditure in fiscal years 1999-00 and 2000-01. If you want to include dollar amounts in the proposal, please let us know and we will either redraft the proposal or draft an amendment, whichever is appropriate.

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

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





## 1999 BILL

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

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, all bills introduced in either house of the legislature that appropriate money, provide for revenue or relate to taxation must be referred to the joint committee on finance (JCF) before being passed. In addition, current law requires that a fiscal estimate 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. A fiscal estimate must incorporate a reliable estimate of the anticipated change in appropriation authority or fiscal liability or revenue and, to the extent possible, must project such changes in future fiscal years. Fiscal estimates are prepared by the state agencies administering the appropriation or fund or collecting the revenue or having information concerning the subject matter of the bill. A bill containing a penalty provision is exempt from the fiscal estimate requirement if it contains no other provisions that require a fiscal estimate.

**BILL**

This bill eliminates the current exemption from the fiscal estimate requirement for bills containing a penalty provision. In addition, the bill requires a correctional fiscal estimate to be prepared for any bill that does any of the following: 1) creates a criminal offense that is punishable by imprisonment in a state prison or placement in a juvenile correctional institution; 2) increases the period of imprisonment or the period of placement in a juvenile correctional institution that may be imposed for an offense; 3) requires a person to be sentenced to state prison or placed in a juvenile correctional institution; or 4) otherwise affects a penalty provision in a way that will increase the number of persons on probation, parole or extended supervision or in the juvenile correctional system.

To prepare a correctional fiscal estimate, the affected state agencies must make projections of the impact of the bill on the number of persons on probation, parole or extended supervision, the number of persons in prison and the number of persons in the juvenile correctional system. The agencies must also estimate the fiscal impact of any projected population changes. Finally, the agencies must specify the methodologies and assumptions that they used to make the population projections and the estimate of the fiscal impact. The agencies then provide this information to the legislative fiscal bureau (LFB), which in turn has five working days to review the information and consult with the agencies concerning the projections and estimates.

After the LFB review period, the **affected** agencies must submit a completed correctional fiscal estimate to the LFB and the legislative reference bureau (LRB) and the LFB must submit a statement of its review of the correctional fiscal estimate to the LRB. The completed correctional fiscal estimate must provide an estimate of 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 takes effect and the nine succeeding fiscal years.

If a bill requires a correctional fiscal estimate, the estimate must be incorporated into the bill before any public hearing on the bill in a standing committee, before any vote is taken in a standing committee if no public hearing is held, or before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee. In addition, a bill that requires a correctional fiscal estimate must be referred to JCF. Before it recommends the bill for passage, JCF must recommend adoption of an amendment that appropriates money to the corrections special reserve fund, unless the committee determines that such an amendment is unnecessary because the bill does not increase corrections capital and operating costs or if the bill already makes a sufficient appropriation to the corrections special reserve fund. Likewise, neither house of the legislature may vote on the bill unless it has first adopted an amendment that appropriates money to the corrections special reserve fund, unless JCF has determined that such an amendment is unnecessary. The corrections special reserve fund is created by this bill for the purposes of making principal and interest payments on debt contracted to purchase, build or expand correctional institutions, paying for the operation of 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).

## BILL

Finally, under this bill, if an amendment to the biennial budget bill meets the criteria of a bill requiring a correctional fiscal estimate, the amendment may not be voted on by either house of the legislature unless the provisions of the amendment that require a correctional fiscal estimate are identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared.

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:***

1           **SECTION 1.** 13.093 (1) of the statutes is amended to read:

2           13.093 (1) All bills introduced in either house of the legislature for the  
3 appropriation of money, providing for revenue or relating to taxation or that require  
4 a correctional fiscal estimate under sub. (3) shall be referred to the joint committee  
5 on finance before being passed.

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

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

8           13.093 (3) (a) All bills introduced in either house of the legislature that create  
9 a criminal offense for which a sentence to a state prison or a disposition of placement  
10 in a juvenile correctional facility may be imposed, that increase the period of  
11 imprisonment in a state prison or placement in a juvenile correctional facility for an  
12 existing criminal offense, that require a person to be sentenced to imprisonment in  
13 a state prison or a juvenile to be placed in a juvenile correctional facility, or that  
14 otherwise affect a penalty provision that increases the statewide probation, parole,  
15 extended supervision or juvenile corrections population shall incorporate a  
16 correctional fiscal estimate before any vote is taken thereon by either house of the  
17 legislature, if the bill is not referred to a standing committee, before any public  
18 hearing is held before a standing committee or, if no public hearing is held, before any

**BILL**

1 vote is taken by the standing committee. The correctional fiscal estimate shall  
2 estimate the anticipated state fiscal liability for correctional capital and operational  
3 costs under the bill including a projection of such costs for the fiscal year in which  
4 the bill becomes effective and the 9 succeeding fiscal years. Correctional fiscal  
'5 estimates shall be prepared as follows:

6 1. Upon receiving a copy of a bill under par. (c), the department of  
7 administration shall determine which departments or agencies are responsible for  
8 preparing the correctional fiscal estimate. The departments or agencies responsible  
9 for preparing the correctional fiscal estimate shall submit to the legislative fiscal  
10 bureau projections of the impact on statewide probationer, prisoner, parolee,  
11 extended supervision and juvenile corrections populations, an estimate of the fiscal  
12 impact of such population changes on state expenditures and a statement of the  
13 methodologies and assumptions used in making the population projections and  
14 estimates of fiscal impact. In preparing this information, a department or agency  
15 may request information from other departments or agencies. If a specific estimate  
16 cannot be determined, the departments or agencies shall provide an estimated cost  
17 range. The departments or agencies shall submit this information to the legislative  
18 fiscal bureau within 5 working days after the departments or agencies receive a copy  
19 of the bill.

20 2. The legislative fiscal bureau shall review the information received from the  
21 departments or agencies under subd. 1. The legislative fiscal bureau shall consult  
22 with the departments or agencies from which information was received under subd.  
23 1. and the departments or agencies shall provide information as requested by the  
24 legislative fiscal bureau as necessary to complete the review, Such review shall be

**BILL**

1 completed within 5 working days from the date the legislative fiscal bureau receives  
2 the information under subd. 1.

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

10 4. The legislative fiscal bureau shall prepare a statement of its review of the  
11 correctional fiscal estimate and submit it to the legislative reference bureau within  
12 2 working days after receiving the correctional fiscal estimate.

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

16 (c) The legislative reference bureau shall determine whether a bill draft  
17 requires a correctional fiscal estimate. A bill draft that requires a correctional fiscal  
18 estimate under this subsection shall have that requirement noted on its jacket when  
19 the jacket is prepared. When a bill that requires a correctional fiscal estimate under  
20 this subsection is introduced, the legislative reference bureau shall submit a copy of  
21 the bill to the legislative fiscal bureau and the department of administration.

22 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
23 joint committee on finance, before recommending the bill for passage, shall  
24 recommend adoption of an amendment to increase the appropriation under s. 20.855  
25 (4) (em) in an amount equal to the amount of corrections capital and operational costs

## BILL

1 for the fiscal year in which those costs are estimated to be the highest multiplied by  
2 5. This paragraph does not apply if the joint committee on finance determines that  
3 the bill does not increase state liability for corrections capital and operational costs  
4 or that the bill already contains a provision that increases the appropriation under  
5 s. 20.855 (4) (em) in an amount equal to the amount of corrections capital and  
6 operational costs for the fiscal year in which those costs are estimated to be the  
7 highest multiplied by 5. If the joint committee on finance determines that this  
8 paragraph does not apply, the committee's recommendation shall be accompanied by  
9 a statement to that effect.

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

16 (c) Neither house of the legislature may vote on an amendment to the executive  
17 budget bill or bills introduced under s. 16.47 if the amendment meets the criteria of  
18 a bill that requires a correctional fiscal estimate under sub. (3) unless the only  
19 provisions in the amendment that cause the amendment to meet the criteria are  
20 identical to the provisions of a bill introduced in the same legislative session for  
21 which the requirements under sub. (3) and par. (a) have been met.

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

**BILL**

				<b>1999-00</b>	<b>2000-01</b>
1					
2	20.410	<b>Corrections, department of</b>			
3	(1)	<b>ADULT CORRECTIONAL SERVICES</b>			
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)	<b>JWENILECORRECTIONALSERVICES</b>			
10	(qg)	Principal repayment and inter-			
11		est costs	SEG A	-0-	-0-
12	(qr)	General operations costs	SEG A	-0-	-0-
13	<b>20.855</b>	<b>Miscellaneous appropriations</b>			
14	(4)	<b>TAX, ASSISTANCE AND TRANSFER PAYMENTS</b>			
15	(em)	Corrections special reserve fund			
16		contribution	GPR A	-0-	-0-

17 **SECTION 5.** 20.410 (1) (e) of the statutes is amended to read:

18 20.410 **(1) (e) *Principal repayment and interest.*** A sum sufficient to reimburse  
19 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in  
20 financing the acquisition, construction, development, enlargement or improvement  
21 of correctional facilities and that are not reimbursed under nar. (ad).

22 **SECTION 6.** 20.410 (1) (qd) of the statutes is created to read:

**BILL**

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

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

9           20.410 (1) (qg) **General operations costs.** From the corrections special reserve  
10 fund, the amounts in the schedule for the operation of institutions and to provide  
11 field services and administrative services.

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

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

19           **SECTION 9.** 20.410 (3) (e) of the statutes is amended to read:

20           20.410 (3) (e) **Principal repayment and interest.** A sum sufficient to reimburse  
21 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in  
22 financing the acquisition, construction, development, enlargement or improvement  
23 of the department's juvenile correctional facilities and that are not reimbursed under  
24 par. (qg).

25           **SECTION 10.** 20.410 (3) (qg) of the statutes is created to read:



**BILL**

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

6           **SECTION 11.** 20.410 (3) (qr) of the statutes is created to read:

7           20.410 (3) (qr) **General operations costs.** From the corrections special reserve  
8 fund, the amounts in the schedule to operate the department's juvenile correctional  
9 institutions and to provide field services and administrative services.

10          **SECTION 12.** 20.435 (3) (q) of the statutes is created to read:

11          20.435 (3) (q) **Child abuse prevention.** From the corrections special reserve  
12 fund, a sum sufficient equal to the net earnings on the moneys in the corrections  
13 special reserve fund, as determined under s. 25.14 (3), less any amounts assessed  
14 against the fund under s. 25.187 (2), for the purpose of funding child abuse  
15 prevention efforts. Moneys appropriated under this appropriation may not be used  
16 to supplant or divert other sources of funding for child abuse prevention efforts.

17          **SECTION 13.** 20.855 (4) (em) of the statutes is created to read:

18          **20.855 (4) (em) Corrections special reserve fund contribution.** The amounts in  
19 the schedule for transfer to the corrections special reserve fund under s. 25.71.

20          **SECTION 14.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act  
21 9, section 628, is amended to read:

22          **20.866 (1) (u) Principal repayment and interest.** A sum sufficient from moneys  
23 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
24 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250  
25 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),

**BILL**

1 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
2 (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq)  
3 and (ar), 20.410 (1) (e), (ec) ~~and~~, (ko) ~~and (qd)~~ and (3) (e) ~~and (qg)~~, 20.435 (2) (ee) and  
4 (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and  
5 (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and  
6 (q) for the payment of principal and interest on public debt contracted under subchs.  
7 I and IV of ch. 18.

8 **SECTION 15.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act  
9 9, section 628b, and 1999 Wisconsin Act . . . . (this act), is repealed and recreated to  
10 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) (b) and (f), 20.190 (1)  
13 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250  
14 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),  
15 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
16 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq) and  
17 (ar), 20.410 (1) (e), (ec), (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and (6) (e),  
18 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),  
19 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)  
20 for the payment of principal and interest on public debt contracted under subchs. I  
21 and IV of ch. 18.

22 **SECTION 16.** 25.17 (1) (bm) of the statutes is created to read:

23 25.17 (1) (bm) Corrections special reserve fund (s. 25.71);

24 **SECTION 17.** 25.71 of the statutes is created to read:

**BILL**

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

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

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

8           (c) Community corrections programs.

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

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

19           (3) All net earnings on the money in the fund, as determined under s. 25.14 (3),  
20 less any amounts assessed against the fund under s. 25.187 (2), shall be used for the  
21 purpose of funding child abuse prevention efforts under s. 20.435 (3) (q).

22           **SECTION 18. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3961/1

JEO/MGD/RAC/PJD:kmg&wlj:mrc

Soon

1999 BILL

2  
r.m.v.

Regen

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

**Analysis by the Legislative Reference Bureau**

Under current law, all bills introduced in either house of the legislature that appropriate money, provide for revenue or relate to taxation must be referred to the joint committee on finance (JCF) before being passed. In addition, current law requires that a fiscal estimate 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. A fiscal estimate must incorporate a reliable estimate of the anticipated change in appropriation authority or fiscal liability or revenue and, to the extent possible, must project such changes in future fiscal years. Fiscal estimates are prepared by the state agencies administering the appropriation or fund or collecting the revenue or having information concerning the subject matter of the bill. A bill containing a penalty provision is exempt from the fiscal estimate requirement if it contains no other provisions that require a fiscal estimate.

**BILL**

This bill eliminates the current exemption from the fiscal estimate requirement for bills containing a penalty provision. In addition, the bill requires a correctional fiscal estimate to be prepared for any bill that does any of the following: 1) creates a criminal offense that is punishable by imprisonment in a state prison or placement in a juvenile correctional institution; 2) increases the period of imprisonment or the period of placement in a juvenile correctional institution that may be imposed for an offense; 3) requires a person to be sentenced to state prison or placed in a juvenile correctional institution; or 4) otherwise affects a penalty provision in a way that will increase the number of persons on probation, parole or extended supervision or in the juvenile correctional system.

To prepare a correctional fiscal estimate, the affected state agencies must make projections of the impact of the bill on the number of persons on probation, parole or extended supervision, the number of persons in prison and the number of persons in the juvenile correctional system. The agencies must also estimate the fiscal impact of any projected population changes. Finally, the agencies must specify the methodologies and assumptions that they used to make the population projections and the estimate of the fiscal impact. The agencies then provide this information to the legislative fiscal bureau (LFB), which in turn has five working days to review the information and consult with the agencies concerning the projections and estimates.

After the LFB review period, the affected agencies must submit a completed correctional fiscal estimate to the LFB and the legislative reference bureau (LRB) and the LFB must submit a statement of its review of the correctional fiscal estimate to the LRB. The completed correctional fiscal estimate must provide an estimate of 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 takes effect and the nine succeeding fiscal years.

If a bill requires a correctional fiscal estimate, the estimate must be incorporated into the bill before any public hearing on the bill in a standing committee, before any vote is taken in a standing committee if no public hearing is held, or before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee. In addition, a bill that requires a correctional fiscal estimate must be referred to JCF. Before it recommends the bill for passage, JCF must recommend adoption of an amendment that appropriates money to the corrections special reserve fund, unless the committee determines that such an amendment is unnecessary because the bill does not increase corrections capital and operating costs or if the bill already makes a sufficient appropriation to the corrections special reserve fund. Likewise, neither house of the legislature may vote on the bill unless it has first adopted an amendment that appropriates money to the corrections special reserve fund, unless JCF has determined that such an amendment is unnecessary. The corrections special reserve fund is created by this bill for the purposes of making principal and interest payments on debt contracted to purchase, build or expand correctional institutions, paying for the operation of 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).

**BILL**

Finally, under this bill, if an amendment to the biennial budget bill meets the criteria of a bill requiring a correctional fiscal estimate, the amendment may not be voted on by either house of the legislature unless the provisions of the amendment that require a correctional fiscal estimate are identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared.

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

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

1           **SECTION 1.** 13.093 (1) of the statutes is amended to read:

2           13.093 (1) All bills introduced in either house of the legislature for the  
3 appropriation of money, providing for revenue or relating to taxation or that require  
4 a correctional fiscal estimate under sub. (3) shall be referred to the joint committee  
5 on finance before being passed.

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

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

8           13.093 (3) (a) All bills introduced in either house of the legislature that create  
9 a criminal offense for which a sentence to a state prison or a disposition of placement  
10 in a juvenile correctional facility may be imposed, that increase the period of  
11 imprisonment in a state prison or placement in a juvenile correctional facility for an  
12 existing criminal offense, that require a person to be sentenced to imprisonment in  
13 a state prison or a juvenile to be placed in a juvenile correctional facility, or that  
14 otherwise affect a penalty provision that increases the statewide probation, parole,  
15 extended supervision or juvenile corrections population shall incorporate a  
16 correctional fiscal estimate before any vote is taken thereon by either house of the  
17 legislature, if the bill is not referred to a standing committee, before any public  
18 hearing is held before a standing committee or, if no public hearing is held, before any

## BILL

1 vote is taken by the standing committee. The correctional fiscal estimate shall  
2 estimate the anticipated state fiscal liability for correctional capital and operational  
3 costs under the bill including a projection of such costs for the fiscal year in which  
4 the bill becomes effective and the 9 succeeding fiscal years. Correctional fiscal  
5 estimates shall be prepared as follows:

6 1. Upon receiving a copy of a bill under par. (c), the department of  
7 administration shall determine which departments or agencies are responsible for  
8 preparing the correctional fiscal estimate. The departments or agencies responsible  
9 for preparing the correctional fiscal estimate shall submit to the legislative fiscal  
10 bureau projections of the impact on statewide probationer, prisoner, parolee,  
11 extended supervision and juvenile corrections populations, an estimate of the fiscal  
12 impact of such population changes on state expenditures and a statement of the  
13 methodologies and assumptions used in making the population projections and  
14 estimates of fiscal impact. In preparing this information, a department or agency  
15 may request information from other departments or agencies. If a specific estimate  
16 cannot be determined, the departments or agencies shall provide an estimated cost  
17 range. The departments or agencies shall submit this information to the legislative  
18 fiscal bureau within 5 working days after the departments or agencies receive a copy  
19 of the bill.

20 2. The legislative fiscal bureau shall review the information received from the  
21 departments or agencies under subd. 1. The legislative fiscal bureau shall consult  
22 with the departments or agencies from which information was received under subd.  
23 1. and the departments or agencies shall provide information as requested by the  
24 legislative fiscal bureau as necessary to complete the review. Such review shall be



## BILL

1 completed within 5 working days from the date the legislative fiscal bureau receives  
2 the information under subd. 1.

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

10 4. The legislative fiscal bureau shall prepare a statement of its review of the  
11 correctional fiscal estimate and submit it to the legislative reference bureau within  
12 2 working days after receiving the correctional fiscal estimate.

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

16 (c) The legislative reference bureau shall determine whether a bill draft  
17 requires a correctional fiscal estimate. A bill draft that requires a correctional fiscal  
18 estimate under this subsection shall have that requirement noted on its jacket when  
19 the jacket is prepared. When a bill that requires a correctional fiscal estimate under  
20 this subsection is introduced, the legislative reference bureau shall submit a copy of  
21 the bill to the legislative fiscal bureau and the department of administration.

22 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
23 joint committee on finance, before recommending the bill for passage, shall  
24 recommend adoption of an amendment to increase the appropriation under s. 20.855  
25 (4) (em) in an amount equal to the amount of corrections capital and operational costs

**BILL**

1 for the fiscal year in which those costs are estimated to be the highest multiplied by

2 5. This paragraph does not apply if the joint committee on finance determines that

3 the bill does not increase state liability for corrections capital and operational costs

4 or that the bill already contains a provision that increases the appropriation under

5 s. 20.855 (4) (em) in an amount equal to the amount of corrections capital and

6 operational costs for the fiscal year in which those costs are estimated to be the

7 highest multiplied by 5. If the joint committee on finance determines that this

8 paragraph does not apply, the committee's recommendation shall be accompanied by

9 a statement to that effect.

10 (b) Neither house of the legislature may vote on a bill that requires a

11 correctional fiscal estimate under sub. (3) unless it has adopted an amendment to

12 increase the appropriation under s. 20.855 (4) (em) as recommended by the joint

13 committee on finance under par. (a). This provision does not apply to a bill for which

14 the joint committee on finance has prepared a statement under par. (a) that the

15 requirement under that paragraph does not apply to the bill.

16 (c) Neither house of the legislature may vote on an amendment to the executive

17 budget bill or bills introduced under s. 16.47 if the amendment meets the criteria of

18 a bill that requires a correctional fiscal estimate under sub. (3) unless the only

19 provisions in the amendment that cause the amendment to meet the criteria are

20 identical to the provisions of a bill introduced in the same legislative session for

21 which the requirements under sub. (3) and par. (a) have been met.

22 **SECTION 4.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

23 the following amounts for the purposes indicated:

**BILL**

				<b>1999-00</b>	<b>2000-01</b>
1					
2	<b>20.410 Corrections, department of</b>				
3	(1) ADULT CORRECTIONAL SERVICES				
4	(qd) Principal repayment, interest				
5	and rebates	<b>SEG</b>	<b>A</b>	-0-	-0-
6	(qg) General operations costs	<b>SEG</b>	<b>A</b>	-0-	-0-
7	(qr) Operating costs for community				
8	corrections	<b>SEG</b>	<b>A</b>	-0-	-0-
9	(3) JWENILECORRECTIONALSERVICES				
10	(qg) Principal repayment and inter-				
11	est costs .	<b>SEG</b>	<b>A</b>	-0-	-0-
12	(qr) General operations costs	<b>SEG</b>	<b>A</b>	-0-	-0-
13	<b>20.855 Miscellaneous appropriations</b>				
14	(4) TAX, ASSISTANCEANDTRANSFERPAYMENTS				
15	(em) Corrections special reserve fund				
16	contribution	<b>GPR</b>	<b>A</b>	-0-	-0-

17           **SECTION 5.** 20.410 (1) (e) of the statutes is amended to read:

18           20.410 (1) (e) *Principal repayment and interest.* A sum sufficient to reimburse

19           s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in

20           financing the acquisition, construction, development, enlargement or improvement

21           of correctional facilities and that are not reimbursed under par. (ad).

22           **SECTION 6.** 20.410 (1) (qd) of the statutes is created to read:

**BILL**

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

8           SECTION 7. 20.410 (1) (qg) of the statutes is created to read:

9           20.410 (1) (qg) **General operations costs.** From the corrections special reserve  
10 fund, the amounts in the schedule for the operation of institutions and to provide  
11 field services and administrative services.

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

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

19           SECTION 9. 20.410 (3) (e) of the statutes is amended to read:

20           20.410 (3) (e) **Principal repayment and interest.** A sum sufficient to reimburse  
21 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in  
22 financing the acquisition, construction, development, enlargement or improvement  
23 of the department's juvenile correctional facilities and that are not reimbursed under  
24 par. (qg).

25           SECTION 10. 20.410 (3) (qg) of the statutes is created to read:

## BILL

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

6           **SECTION 11.** 20.410 (3) (qr) of the statutes is created to read:

7           **20.410 (3) (qr) General operations costs.** From the corrections special reserve  
8 fund, the amounts in the schedule to operate the department's juvenile correctional  
9 institutions and to provide field services and administrative services.

10          **SECTION 12.** 20.435 (3) (q) of the statutes is created to read:

11          **20.435 (3) (q) Child abuse prevention.** From the corrections special reserve  
12 fund, a sum sufficient equal to the net earnings on the moneys in the corrections  
13 special reserve fund, as determined under s. 25.14 (3), less any amounts assessed  
14 against the fund under s. 25.187 (2), for the purpose of funding child abuse  
15 prevention efforts. Moneys appropriated under this appropriation may not be used  
16 to supplant or divert other sources of funding for child abuse prevention efforts.

17          **SECTION 13.** 20.855 (4) (em) of the statutes is created to read:

18          **20.855 (4) (em) Corrections special reserve fund contribution.** The amounts in  
19 the schedule for transfer to the corrections special reserve fund under s. 25.71.

20          **SECTION 14.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act  
21 9, section 628, is amended to read:

22          20.866 (1) **(u) Principal repayment and interest.** A sum sufficient from moneys  
23 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)  
24 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250  
25 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),

## BILL

1 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
2 (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (aq)  
3 and (ar), 20.410 (1) (e), (ec) ~~and~~, (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and  
4 (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and  
5 (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and  
6 (q) for the payment of principal and interest on public debt contracted under subchs.  
7 I and IV of ch. 18.

8 **SECTION 15.** 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act  
9 9, section 628b, and 1999 Wisconsin Act . . . . (this act), is repealed and recreated to  
10 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) (b) and (f), 20.190 (1)  
13 (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250  
14 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih),  
15 (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),  
16 (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq) and (er), 20.395 (6) (as) and  
17 (ar), 20.410 (1) (e), (ec), (ko) and (qd) and (3) (e) and (qg), 20.435 (2) (ee) and (6) (e),  
18 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc),  
19 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q)  
20 for the payment of principal and interest on public debt contracted under subchs. I  
21 and IV of ch. 18.

22 **SECTION 16.** 25.17 (1) (bm) of the statutes is created to read:

23 25.17 (1) (bm) Corrections special reserve fund (s. 25.71);

24 **SECTION 17.** 25.71 of the statutes is created to read:

**BILL**

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

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

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

8           (c) Community corrections programs.

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

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

19           (3) All net earnings on the money in the fund, as determined under s. 25.14 (3),  
20 less any amounts assessed against the fund under s. 25.187 (2), shall be used for the  
21 purpose of funding child abuse prevention efforts under s. 20.435 (3) (q).

22           **SECTION 18. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:





**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: 12/29/1 999

To: Representative Krug

Relating to LRB drafting number: LRB-3961

**Topic**

Correctional fiscal estimates and corrections reserve fund

**Subject(s)**

Criminal Law - miscellaneous, Legislature - miscellaneous, Correctional System - misc

1. **JACKET** the draft for introduction \_\_\_\_\_

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 \_\_\_\_\_

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.

Michael Dsida, Legislative Attorney  
Telephone: (608) 266-9867