

**1999 DRAFTING REQUEST**

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

Received: **06/23/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters: **champra**

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

Extra Copies: **MGD  
PJD**

**Pre Topic:**

SDC:.....Walter - Caucus # 1845,

**Topic:**

Correctional system fiscal estimates

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 06/24/99	wjackson 06/26/99	haugca 06/26/99	_____	lrb_docadmin 06/26/99		

FE Sent For:

**<END>**

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1?	olsenje	1 Wlj 6/26	CH LC eow. 6-24	CH 6-26 <del>5F</del>			

FE Sent For:

<END>

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

Detailed notes follow each SECTION of the bill draft.

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

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

12      **SECTION 2.** 13.093 (2) (c) of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           **SECTION 8.** 20.410 (3) (qg) of the statutes is created to read:  
9           20.410 (3) (qg) *Principal repayment and interest costs.* From the corrections special  
10          reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of  
11          principal and interest costs incurred in financing the acquisition, construction, development,  
12          enlargement or improvement of the department's juvenile correctional facilities.

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

13          **SECTION 9.** 20.410 (3) (qr) of the statutes is created to read:  
14          20.410 (3) (qr) *General operations costs.* From the corrections special reserve fund,  
15          the amounts in the schedule to operate the department's juvenile correctional institutions and  
16          to provide field services and administrative services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6/04/99

- 13 -

WLCS: 0092/5

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

1

(END)

yes

61126

SDC

**Agency: Corrections**

caucus number 1845

duplicate flag:  
duplicate with: 1730, 4208

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require fiscal estimates for bills that create a new offense or increase a penalty for an existing criminal offense and establish the Corrections Special Reserve Fund.

**other notes**

drafting instructions: See above and attached.

more instructions:

caucus number 2314

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Require Corrections to return 1,000 WI prisoners from out-of-state facilities in the first quarter of 2001 and place them in county facilities unless no county bid below the maximum daily rate of \$57 per inmate, per day would apply to transfers.

**other notes**

drafting instructions: See above.

more instructions:

caucus number 3630

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Prohibit Building Commission from releasing funding for the conversion of the Highview Building at the Northern WI Center to a geriatric prison facility for DOC inmates until a county-wide referendum approving the conversion has been approved.

**other notes**

drafting instructions: See above.

more instructions:

caucus number 4009

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 474 and 875	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: FM 474 - can the Stanley Prison. As fallback, include language from FM 875 item c which basically puts the Doyle opinion into the statutes.

**other notes**

drafting instructions: Freestanding motions 474 and 875. See above.

more instructions:

SEE: <sup>CA</sup> 2769 attached to get this done

Agency: Corrections

Number of Amendments: 4

+

## SENATE BUDGET AMENDMENT

**Agency name:** DOC

**Related Fiscal Bureau papers and motions:**

CN 1845

**Description:** Require fiscal estimates for bills that create a new offense or increase a penalty for an existing criminal offense and establish the Corrections Special Reserve Fund (Representative Shirley Krug)

**Fiscal effect:** none

**Attachments:** Leg. Council memo

# Amendment

## Prison "PAY AS YOU GO"

Require Fiscal Estimates for bills that create a new offense or increase a penalty for an existing criminal offense and establish the Corrections Special Reserve Fund.

1. The proposal requires the preparation of a **correctional fiscal estimate** for all bills introduced in either house of the Legislature that create a new criminal offense, increase the maximum period of imprisonment for an existing criminal offense, require that a person be sentenced to imprisonment in a state prison or that a juvenile be placed in a juvenile correctional facility, or otherwise affect a penalty provision that increases the statewide probation, parole or extended supervision population.
2. The proposal 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 or before any public hearing is held.
3. The correctional fiscal estimate must estimate the anticipated state fiscal liability for correctional capital and operational costs under the bill, including a projection of such costs for the fiscal year in which the bill becomes effective and the nine succeeding fiscal years.
4. The proposal requires the Joint Committee on Finance to amend the bill to increase the appropriation to the corrections special reserve fund in an amount equal to the amount of the corrections capital and operating costs for the fiscal year in which those costs are estimated to be the highest, multiplied by two.
5. The proposal provides that neither house of the Legislature may vote on a bill that requires a correctional fiscal estimate unless the bill includes an appropriation to the Correctional Special Reserve Fund. Furthermore, the proposal provides that any amendment to the executive budget bill that meets the criteria of a bill that requires a correctional fiscal estimate must include an appropriation to the Corrections Special Reserve Fund.
6. The proposal requires that the Corrections Special Reserve Fund may only be used for the following purposes:
  1. Debt payment relating to adult and juvenile correctional institutions for DOC;
  2. Operational costs for the DOC; and
  3. Community corrections programs.

The proposal also specifies that any interest earnings on the money in the fund must be used for the purpose of funding child abuse prevention efforts.

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The soaring cost of Wisconsin's criminal justice policies has compromised the state's ability to pay for its other important responsibilities and has endangered projected tax cuts.

The needs of the Department of Corrections (DOC) require an ever-bigger slice of the state's budgetary pie.

The DOC will consume 6.8 percent of general program revenues in the next biennium. The University of Wisconsin System cost taxpayers \$876 million in 1998. In 1999-2000, DOC is asking for \$900 million a year.

Wisconsin's prison population grew 19 percent from the summer of 1997 to the summer of 1998. During that same period, the national prison population grew by only 4.8 percent. Now the DOC has projected annual prison population growth of 17 to 21 percent for each of the next several years.

The Wisconsin Taxpayers Alliance points out that tax revenues have grown steadily but state budgets remain tight because of the costs of prisons and schools. Society gets a big return from having an educated citizenry, which justifies the costs of schools.

We need prisons, too, of course. But prison costs must be kept at a level that doesn't cripple our ability to accomplish other important goals.

DOC costs have risen in the last several years because the Legislature has made penalties for various crimes much tougher. And when truth-in-sentencing takes place on January 1, 2000, many criminal penalties will be significantly enhanced. Prison costs will continue to rise.

**The PROPOSAL:**

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

The working group which developed this "prison pay-as-you-go" legislation include: Wisconsin Manufacturers in Commerce; the American Federation of State, County and Municipal Employees; Wisconsin Education Association Council; Attorney General James Doyle; and Dane County.



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

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DATE: June 4, 1999

TO: REPRESENTATIVE SHIRLEY KRUG

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: WLCS: 0092/5, Relating to Fiscal Estimates for Bills That Create a New Offense or Increase a Penalty for an Existing Criminal Offense and Establishing the Corrections Special Reserve Fund

This memorandum, prepared at your request, describes WLCS: 0092/5 (hereinafter, "the bill draft"), relating to fiscal estimates for bills containing penalty provisions, correctional fiscal estimates for certain criminal penalty bills, establishing the corrections special reserve fund and making appropriations.

### **A. REFERRAL TO THE JOINT COMMITTEE ON FINANCE**

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

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

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

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

### **C. CORRECTIONAL FISCAL ESTIMATES**

The bill draft 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 disposition to a juvenile correctional institution may be imposed.
2. Increase the maximum 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 fiscal estimate must estimate the anticipated state fiscal liability for correctional capital and operational costs under the bill, including a projection of such costs for the fiscal year in which the bill becomes effective and the nine succeeding fiscal years.

The bill draft requires the Legislative Reference Bureau (LRB) to determine whether a bill draft requires a correctional fiscal estimate and to note that on the bill draft's jacket. When such a bill is introduced, the LRB must submit a copy to the Legislative Fiscal Bureau (LFB) and to the Department of Administration.

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 LFB within five working days after the departments or agencies receive a copy of the bill:
  - (a) Projections of the impact on statewide probationer, prisoner, parolee, extended supervision and juvenile corrections populations.
  - (b) An estimate of the fiscal impact of such population changes on state expenditures.
  - (c) A statement of the methodologies and assumptions used in making the population projections and estimates of fiscal impact.

If a specific estimate cannot be determined, the bill draft requires the departments or agencies to provide an estimated cost range.

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 necessary to complete its review, as requested by the LFB. This review must be completed within five working days from the date the LFB receives the information from the departments or agencies.

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

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

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

#### **D. REQUIRED APPROPRIATION**

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

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

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\*These appropriations must be made to an appropriation entitled "Corrections Special Reserve Fund Contribution." The amounts in this appropriation are transferred to the corrections special reserve fund.

Finally, the bill draft provides that neither house of the Legislature may vote on an amendment to the executive budget bill that meets the criteria of a bill that requires a correctional fiscal estimate unless the only provisions in the amendment 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, as described above.

**E. CORRECTIONS SPECIAL RESERVE FUND**

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

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

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

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

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

AS:ksm:flu:rv;ksm;wu

# INSIGHT

Volume 21, Number 10

May 11, 1999

## What's on Page Two

- Norman Nunnery to Head Job-Injury Program
- WMC 1999 Health Care Policy Conference
- Mark Your Calendar — May 25, 1999
- OSHA's "Cooperative" Compliance Program Struck Down
- Nigerian Bank Fraud Scheme Update

### Business World® Applications Up 30%

Eight hundred thirty-one high school sophomores and juniors have applied to attend Business World® this summer at either St. Norbert College (June 13-17) or Ripon College (July 18-22). Interest in this year's program is so heavy that applications have outstripped our scholarship donations from Wisconsin businesses, foundations and service groups. Nearly 100 students are currently on a waiting list to attend this summer's program.

The workplace readiness of tomorrow's workers is vitally important to the future of Wisconsin business. Business World®, sponsored by WMC for the past 18 years, is critical to our efforts to educate future employees about the importance of business and what it takes to be successful in an increasingly competitive marketplace.

Business World® supports the positive things students can do with their lives and detracts from the negativism that can consume them.

If you are interested in sponsoring a Business World® experience, please contact Peggy Daluge at 888/276-7953. You are also welcome to pay us a visit on one of the campuses this summer.



## Spring Potpourri

James S. Haney, President

There is a perplexing disharmony in the world. Wisconsin enjoys a beautiful spring season and a robust economy. But we are inundated with news of the tragedy in Colorado, storms devastating the prairies, unrelenting killing in the Balkans, and economic hardship in many parts of the world.

It is naïve to think that we are immune from such suffering, but at the same time, the problems facing Wisconsin pale in comparison to those afflicting so much of the world. Spring is a great time to reflect on the many advantages we have in Wisconsin, and to contemplate how we can make our state even better.

The WMC Board and staff are beginning a strategic planning process this spring that will culminate in a multi-year plan to guide us into the next millennium. Building on the basic mission that we be an organization of businesses working in the public interest, the new Strategic Plan will map out a fresh vision for both the Association and the State of Wisconsin. Here is a potpourri of just some of the priorities we will be addressing.

### Taxes and Spending

Obviously we will continue to make sure that government spending keeps in line with our ability to pay. The best social programs are jobs, and leaving more money in the pockets of working people and their families will keep our economy strong.

The enclosed speech by the President of the Wisconsin Taxpayers Alliance is an insightful analysis of why taxes are high, and what can be done about it. Business leaders and taxpayers who want to keep our business and personal tax climates competitive should read it.

### Energy

Wisconsin needs to move decisively to adopt market-based approaches to improving our electric infrastructure and increasing energy reliability. The long-term goal of retail choice and competition will best serve energy consumers, while allowing our Wisconsin energy industries to compete vigorously in the new world.

### Corrections

Our "get tough" crime policies may have helped reduce the crime rates. But the explosion in new prison construction and operating expenses are starting to surpass what we spend on higher education. Lawmakers must begin to pay closer attention to the fiscal ramifications of their "tough on crime" policies. And we will likely face a budget crisis if the new "Truth in Sentencing" law translates into longer sentences for every crime.

This will be an emotional and contentious issue, but Wisconsin has pioneered in many kinds of reform — welfare, education, health care — to name a few — and we will have to find better solutions for our burgeoning corrections dilemma.

These are just a few of the issues we hope to address. Stay tuned for the new WMC Strategic Plan — due out in October!

"The WMC Board and staff are beginning a strategic planning process this spring..."



MS 6113199

# Democrats set sights on Assembly, governorship

Party leaders tell faithful they'll regain majority by focusing on kids, not crime

By JOE WILLIAMS  
of the Journal Sentinel staff

With momentum from recent gains in the state Senate and Assembly, Wisconsin Democrats set their sights on what Assembly Minority Leader Shirley Krug on Saturday called "winning the trifecta."

"We will retain the Senate majority of 1998, capture the Assembly majority by 2000 and regain the governorship by 2002," Krug (D-Milwaukee) told delegates at the state Democratic Party convention. "With all of your help, we will do that."

Although party conventions are always a time for political optimism, several delegates said the enthusiasm for regaining control of state politics was real. One campaign consultant said: "The blood is in the water, and we're going for the kill."

Krug was credited with help-

ing to orchestrate the April election victory of Rep. Sarah Waukau of Antigo. The seat, which had been vacated by Thomas Ourada, had been held by Republicans for three decades.

One way for Democrats to clearly differentiate themselves from Republicans is to highlight the issue of prisons and unfunded crime bills, Krug said, unveiling a "Prison Pay as You Go" bill. It would require legislators to set aside money in the current budget to cover costs associated with any new crime law or changes to existing crime laws.

"There is finally a recognition in this state that no matter what your budget priorities are, they can't be accomplished until we control corrections spending," Krug said.

In the type of rhetorical questioning that voters can expect to hear a lot of in the next few years, Krug asked delegates whether they preferred more prisons or one of the following:

Please see DEMOCRATS page 2

From page 1

lower class sizes, lower university tuition, support for the Stewardship Fund to protect natural resources, support for senior citizens, or additional property tax relief.

Senate Majority Leader Chuck Chvala (D-Madison) touched on the same issues, which are likely to frame the party's campaigns.

"We will take that money that is being spent on prisons, and we'll invest it in our children," Chvala said.

The Wisconsin Education Association Council, the state's largest teachers union, held a breakfast for delegates Saturday morning.

The immediate task, party leaders said, is to win back the Assembly. Krug said the momentum from the Waukau victory was hard to overestimate.

A year ago, the bank account for the Assembly Democrats was virtually empty, few candidates were poised to run and the group lacked focus, Krug said. Since then, state Democrats have reinvigorated county parties and surprised the Legislature by bringing to Madison a Democratic freshman class of 12 in 1999.

"We slowed the bleeding, but this does not a majority make," Krug said.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1126/P1  
JEO:....ch

SDC:.....Walter - Caucus # 1845, Correctional system fiscal estimates  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
**CAUCUS AMENDMENT**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO 1999 ASSEMBLY BILL 133**

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

2 ~~AN ACT ...; relating to: fiscal estimates for bills containing penalty provisions,~~  
3 ~~correctional fiscal estimates for certain criminal penalty bills, establishing the~~  
4 ~~corrections special reserve fund and making appropriations.~~

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*Analysis by the Legislative Reference Bureau*

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

PREPATORY 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.

1 6/7 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.

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

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

NOTE: SECTION 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.

7 (jm) 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, <sup>that</sup> increase the period of  
11 imprisonment in a state prison or placement in a juvenile correctional facility for an  
12 existing criminal offense, <sup>that</sup> require that a person be sentenced to imprisonment in a  
13 state prison or <sup>that</sup> a juvenile be placed in a juvenile correctional facility or otherwise  
14 affect a penalty provision that increases the statewide probation, parole or extended  
15 supervision population shall <sup>that</sup> before any vote is taken thereon by either house of the  
16 legislature if the bill is not referred to a standing committee, or before any public  
17 hearing is held before a standing committee or, if no public hearing is held, before any  
18 vote is taken by the standing committee, incorporate a correctional fiscal estimate.  
19 The correctional fiscal estimate shall estimate the anticipated state fiscal liability

1 for correctional capital and operational costs under the bill including a projection of  
2 such costs for the fiscal year in which the bill becomes effective and the 9 succeeding  
3 fiscal years. Correctional fiscal estimates shall be prepared as follows:

4 1. The departments or agencies required to prepare the correctional estimate  
5 shall submit to the legislative fiscal bureau projections of the impact on statewide  
6 probationer, prisoner, parolee, extended supervision and juvenile corrections  
7 populations, an estimate of the fiscal impact of such population changes on state  
8 expenditures and a statement of the methodologies and assumptions used in making  
9 the population projections and estimates of fiscal impact. In preparing this  
10 information, a department or agency may request information from other  
11 departments or agencies. If a specific estimate cannot be determined, the  
12 departments or agencies shall provide an estimated cost range. The departments or  
13 agencies shall submit this information to the legislative fiscal bureau within 5  
14 working days after the departments or agencies receive a copy of the bill.

15 2. The legislative fiscal bureau shall review the information received from the  
16 departments or agencies under subd. 1. The legislative fiscal bureau shall consult  
17 with the departments or agencies from which information was received under subd.  
18 1. and the departments or agencies shall provide information as requested by the  
19 legislative fiscal bureau as necessary to complete the review. Such review shall be  
20 completed within 5 working days from the date the legislative fiscal bureau receives  
21 the information under subd. 1.

22 3. The departments or agencies preparing information under subd. 1. shall  
23 prepare a correctional fiscal estimate and submit it to the legislative reference  
24 bureau and the legislative fiscal bureau within 3 working days after the date the  
25 legislative fiscal bureau's review period under subd. 2. ends. If a department or

1 agency cannot make a specific estimate, the department or agency shall establish  
2 assumptions, including population estimates, that allow a projection to be made and  
3 provide an estimated cost range.

4 4. The legislative fiscal bureau shall prepare a statement of its review of the  
5 correctional fiscal estimate and submit it to the legislative reference bureau within  
6 2 working days after receiving the correctional fiscal estimate.

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

10 (c) The legislative reference bureau shall determine whether a bill draft  
11 requires a correctional fiscal estimate. A bill draft that requires a correctional fiscal  
12 estimate under this subsection shall have that requirement noted on its jacket when  
13 the jacket is prepared. When a bill that requires a correctional fiscal estimate under  
14 this subsection is introduced, the legislative reference bureau shall submit a copy of  
15 the bill to the legislative fiscal bureau and the department of administration.

16 (4) (a) In any bill that requires a correctional fiscal estimate under sub. (3), the  
17 joint committee on finance, before recommending the bill for passage, shall  
18 recommend adoption of an amendment to increase the appropriation under s. 20.855  
19 (4) (em) in an amount equal to the amount of corrections capital and operational costs  
20 for the fiscal year in which those costs are estimated to be the highest multiplied by  
21 2. This paragraph does not apply if the joint committee on finance determines that  
22 the bill does not increase state liability for corrections capital and operational costs  
23 ~~or increases the appropriation under s. 20.855 (4) (em) in an amount equal to the~~  
24 ~~amount of corrections capital and operational costs for the fiscal year in which those~~  
25 ~~costs are estimated to be the highest multiplied by 2. If the joint committee on~~  
*that the bill already contains a provision that*

1 finance determines that this paragraph does not apply, the committee's  
2 recommendation shall be accompanied by a statement to that effect.

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

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

~~NOTE: SECTION 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  
2 the following amounts for the purposes indicated:

3 1999-00 2000-01

4 20.410 Corrections, department of

5 (1) ADULT CORRECTIONAL SERVICES

198/11

6	(q) Principal repayment, interest			
7	and rebates	SEG-A	-0-	-0-
8	(qg) General operations costs	SEG-A	-0-	-0-
9	(qr) Operating costs for community			
10	corrections	SEG-A	-0-	-0-

11 (3) JUVENILE CORRECTIONAL SERVICES

198/5

12	(qg) Principal repayment and inter-			
13	est costs	SEG-A	-0-	-0-
14	(qr) General operations costs	SEG-A	-0-	-0-

15 20.435 Health and family services, department

16 of

198/6

17 (3) CHILDREN AND FAMILY SERVICES

18	(q) Child abuse prevention	SEG-A	-0-	-0-
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1999-00      2000-01

1      **20.855 Miscellaneous appropriations**

2      (4)    **TAX, ASSISTANCE AND TRANSFER PAYMENTS**

268/13	3	(em) Corrections special reserve fund			
	4	contribution	GPR-A	-0-	-0-

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

334/18

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

6      20.410 (1) (q) *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.

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

3624

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.

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

3624

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

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

NOTE: SECTION 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.

336/14 7           SECTION 8. 20.410 (3) (qg) of the statutes is created to read:

8           20.410 (3) (qg) *Principal repayment and interest costs*. From the corrections  
9 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
10 the payment of principal and interest costs incurred in financing the acquisition,  
11 construction, development, enlargement or improvement of the department's  
12 juvenile correctional facilities.

NOTE: SECTION 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.

367a 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  
15 fund, the amounts in the schedule to operate the department's juvenile correctional  
16 institutions and to provide field services and administrative services.

NOTE: SECTION 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.

345/14 17           SECTION 10. 20.435 (3) (q) of the statutes is created to read:

18           20.435 (3) (q) *Child abuse prevention*. From the corrections special reserve  
19 fund, a sum sufficient equal to the earnings on the moneys in the corrections special

1 reserve fund, for the purpose of funding child abuse prevention efforts. Moneys  
2 appropriated from this appropriation may not be used to supplant or divert other  
3 sources of funding for child abuse prevention efforts.

NOTE: SECTION 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.

396/20  
4 SECTION 11. 20.855 (4) (em) of the statutes is created to read:

5 20.855 (4) (em) *Corrections special reserve fund contribution.* The amounts in  
6 the schedule for transfer to the corrections special reserve fund under s. 25.71.

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

7 SECTION 12. 20.866 (1) (u) of the statutes is amended 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) (f), 20.190 (1) (c), (d),  
10 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e),  
11 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd)  
12 and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (au),  
13 (av), (ba), (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410  
14 (1) (e), (ec) and (ko) and (q) and (3) (e) and (gg), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
15 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc) and 20.867  
16 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and  
17 interest on public debt contracted under subchs. I and IV of ch. 18.

NOTE: SECTION 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.

18 SECTION 13. 20.866 (1) (u) of the statutes, as affected by 1997 Wisconsin Act  
19 27 and 1999 Wisconsin Act . . . (this act), is repealed and recreated to read:

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

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

469/2 10 (696Y) SECTION 1A. 25.17 (1) (bm) of the statutes is created to read:

11 25.17 (1) (bm) Corrections special reserve fund (s. 25.71);

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

470/14 12 (717V) SECTION 1B. 25.71 of the statutes is created to read:

13 **25.71 Corrections special reserve fund.** (1) There is established a  
14 corrections special reserve fund, consisting of moneys appropriated by the  
15 legislature from the general fund under s. 20.855 (4) (em) and earnings from this  
16 money. Moneys in the fund may only be used for the following purposes:

17 (a) Debt payments for the department of corrections under s. 20.410 (1) (q) and  
18 (3) (qg).

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

20 (c) Community corrections programs.

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





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1126/1  
JEO/RAC/PJD:/:ch  
WLJ

Due: Sat. a.m. 10/26  
D Note

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

THIS WILL BE  
CONVERTED TO  
AN ADC.

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

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

3 "SECTION 1j<sup>s</sup> 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 History: 1971 c. 17; 1977 c. 29, 317; 1979 c. 34, 283; 1981 c. 20 s. 2n; 1981 c. 27 s. 1; Stats. 1981 s. 13.093; 1983 a. 8, 27; 1987 a. 4; 1989 a. 31.

8 ✓ SECTION 1j<sup>s</sup> 13.093 (2) (c) of the statutes is repealed.

9 SECTION 1j<sup>s</sup> 13.093 (3) and (4) of the statutes are created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\$ SCHED

4	“(q) <sup>d</sup> <sub>k</sub> Principal repayment, interest				
5	and rebates	SEG	A	-0-	-0-
6	(qg) General operations costs	SEG	A	-0-	-0-
7	(qr) Operating costs for community				
8	corrections	SEG	A	-0-	-0-”.

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

\$ SCHED

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

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

14	“(q) Child abuse prevention	SEG	A	-0-	-0-”.
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15 √ 5. Page 268, line 13: after that line insert:

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

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

19 “SECTION 362x. 20.410 (1) (q)<sup>d</sup><sub>k</sub> of the statutes is created to read:

20 20.410 (1) (q)<sup>d</sup><sub>k</sub> *Principal repayment, interest and rebates.* From the corrections

21 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u)<sup>√</sup> for

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

23 construction, development, enlargement or improvement of adult correctional

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

4 **SECTION 362y.** 20.410 (1) (qg)<sup>✓</sup> of the statutes is created to read:

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

8 **SECTION 362z<sup>z</sup> 3** 20.410 (1) (qr) of the statutes is created to read:

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

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

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

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

22 **SECTION 367f.** 20.410 (3) (qr)<sup>✓</sup> of the statutes is created to read:

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

4           <sup>✓</sup>8. Page 345, line 4: after that line insert:

5           “SECTION 399m. 20.435 (3) (q)<sup>✓</sup> of the statutes is created to read:

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

11           <sup>✓</sup>9. Page 396, line 20: after that line insert:

12           “SECTION 613L. 20.855 (4) (em)<sup>✓</sup> of the statutes is created to read:

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

15           <sup>✓</sup>10. Page 399, line 23: delete “20.410 (1) (e), (ec) and (ko) and (3) (e),” and  
16 substitute “20.410 (1) (e), (ec) and, (ko) ~~and (q)~~ and (3) (e) and (qg).”.

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

18           “SECTION 696y. 25.17 (1) (bm)<sup>✓</sup> of the statutes is created to read:

19           25.17 (1) (bm) *Corrections special reserve fund* (s. 25.71)<sup>✓</sup>;

20           <sup>✓</sup>12. Page 470, line 14: after that line insert:

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

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

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

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

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

6 (c) Community corrections programs.

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

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

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

19

(END)

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

LRBb1126/1dn  
JEO/RAC/PJD/:ch  
y  
wlj

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

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

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

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

LRBb1126/1dn  
JEO:wlj:ch

June 26, 1999

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

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

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1126/1  
JEO/RAC/PJD:wlj:ch

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14	“(q) Child abuse prevention	SEG	A	-0-	-0-”.
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15 **5.** Page 268, line 13: after that line insert:

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

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

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

20 20.410 (1) (qd) *Principal repayment, interest and rebates.* From the corrections  
21 special reserve fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for  
22 the payment of principal and interest costs incurred in financing the acquisition,  
23 construction, development, enlargement or improvement of adult correctional

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (c) Community corrections programs.

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

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

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

19 (END)