

Vote Record

Senate Committee on Economic Development, Housing and Government Operations

Date: 9-2-99
Moved by: Moore Seconded by: Wirch
AB: _____ Clearinghouse Rule: _____
AB: _____ SB: 112 Appointment: _____
AJR: _____ SJR: _____ Other: _____
A: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Robert Wirch, Chair
Sen. Gwendolynne Moore
Sen. Richard Grobschmidt
Sen. Gary Drzewiecki
Sen. David Zien

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Robert Wirch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gwendolynne Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gary Drzewiecki	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

Motion Carried

Motion Failed

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/2/99
BILL NO. SB112
OF
SUBJECT _____

Jenny Boese
(NAME)
Madison, WI
(Street Address or Route Number)
State Bar of WI
(City and Zip Code)
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2 September 1999
BILL NO. Senate Bill 112
OF
SUBJECT _____

Sen. Fred Risser
(NAME)
220 South, Capitol
(Street Address or Route Number)
(City and Zip Code)
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
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P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: _____
BILL NO. SB112
OF
SUBJECT _____

Sean Dilweg
(NAME)
7-South
(Street Address or Route Number)
State Capitol
(City and Zip Code)
Sen. Cowles
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Sept. 2, 1999

BILL NO. S.B. 112

OF
SUBJECT Penalty Bills

Fiscal Analysis

Rev. Sue Moline Fannon
(NAME)

322 E. Washington
(Street Address or Route Number)

Madison, 53703
(City and Zip Code)

Lutheran Office for Public
(Representing) Policy in WI

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 9/2/99

BILL NO. SB 112

OF
SUBJECT Fiscal estimates

Jon Peacock
(NAME)

30 N. 6th St.
(Street Address or Route Number)

Madison 53704
(City and Zip Code)

Wisconsin Budget Project - of
(Representing) the Wisconsin Council on
Children & Families

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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Pr
Tomorrow



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Telephone: (608) 266-1304
Fax: (608) 266-3830
Email: leg.council@legis.state.wi.us

DATE: August 30, 1999

TO: SENATOR ROBERT WIRCH, CHAIRPERSON, SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING AND GOVERNMENT OPERATIONS

FROM: Dan Fernbach, Senior Staff Attorney

SUBJECT: 1999 Senate Bill 112, Relating to Referral of Bills to the Joint Committee on Finance and Preparation of Fiscal Estimates on Penalty Bills

1999 Senate Bill 112 was introduced on April 7, 1999 by Senator Cowles. The Senate Committee on Economic Development, Housing and Government Operations will conduct a public hearing on the bill on September 2, 1999.

PROVISIONS OF 1999 SENATE BILL 112

Present s. 13.093 (2) (c), Stats., provides that all bills containing a penalty provision, but containing no other provision requiring a fiscal estimate, *are exempt* from the statutory fiscal estimate requirement. Senate Bill 112 would repeal this exemption.

In addition, Senate Bill 112 requires all bills to which a standing or joint committee has recommended the *adoption of an amendment "for the appropriation of money, providing for revenue or relating to taxation"* to be referred to the Joint Committee on Finance before being passed. Senate Bill 112 also requires *bills containing similar amendments adopted by either house* of the Legislature to be referred to the Joint Committee on Finance prior to passage. The bill provides, however, that a bill does not need to be referred to the Joint Committee on Finance following the adoption of such amendments if it has already been referred to that committee.

DF:tlujal



ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

Testimony Senate Bill 112

September 2, 1999

300 Southeast

Economic Development, Housing & Government Operations

I want to speak briefly on Senate Bill 112 relating to the referral of bills to the Joint Committee on Finance and preparation of fiscal estimates on penalty bills.

I have worked hard to hold the line on state spending as a member of the Joint Committee on Finance. However it is difficult to analyze how much a bill will cost when it doesn't receive analysis by the nonpartisan Legislative Fiscal Bureau.

Last session we saw a number of pieces of legislation crafted simply to avoid Joint Finance review. The most prominent bill that avoided the Committee all together was the Truth in Sentencing Bill. Some examples of other pieces of legislation that failed to receive fiscal analysis by the Committee included the Electric Reliability Bill, Rental Unit Energy Efficiency Bill and Increased Adoption Assistance Bill.

Current law requires that any legislation that creates an appropriation of money, generates revenue or effects taxation in any form must be reviewed by the Joint Committee on Finance. The Cowles legislation would expand the Committee's review to also include bills that have spending amendments attached to them or bills that have penalty provisions attached to them.

At the end of the legislative session bills move quickly and the members of the legislature need to have the complete fiscal analysis by the fiscal bureau and the agencies before them in order to make an informed vote on the legislation.

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Currently the legislature can be placed in the position of having to vote for legislation without all the cost estimates before them. The Legislative Fiscal Bureau does an excellent job of analyzing the costs and fiscal effects of legislation in a fair, non-partisan manner. We should not allow for legislation that circumvents the system and avoids detailed cost analysis. It is only the taxpayers of our state that are ultimately hurt by the hidden costs of legislation.

I hope the committee will support Senate Bill 112.

Thank you.



Corrections Spending from Three Perspectives

Most Wisconsinites are aware of the large increases in state corrections spending and prison populations. A decade of "tough on crime" legislation has seen both prison populations and overall corrections costs climb. What is often lost in this discussion, however, is some perspective on the real drivers of the system's growth, and how the system's costs stack up against those of other public needs. We look at these issues from three perspectives:

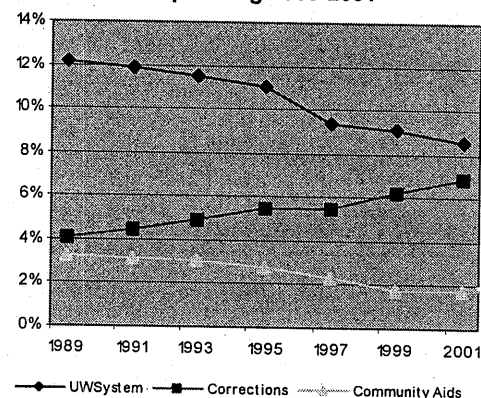
- the dominant role of parole/probation violations in prison growth
- a comparison of corrections' budget share to that of UW System and Community Aids
- the often forgotten capital construction and bonding piece of the budget puzzle.

Corrections' Share of GPR Spending Climbs as UW System's, Community Aids' Shares Fall

The state corrections budget stands at \$757 million in fiscal year 1999. Of that amount, general fund spending is \$624 million, an increase of nearly \$400 million from a decade earlier. This 9.6% average annual increase compares to average increases of 3.2% for the UW System and an average decline of 0.2% for Community Aids, the state block grant to counties for human services.

The chart at right shows the percentage shares of total general purpose revenue (GPR) spent for corrections, the UW System and Community Aids, for each biennium from 1988-1989 to 1998-99, and for 2000-01 under the proposed budget. The UW System and Community Aids have been falling steadily during that period, while the share of GPR consumed by corrections has nearly doubled. Under the Governor's proposed budget (including Joint Finance Committee reductions to reflect lower population estimates), corrections' share of GPR will climb another 16.4% in the 1999-2001 biennium.

Corrections, UW System and Community Aids Share of GPR Spending 1989-2001



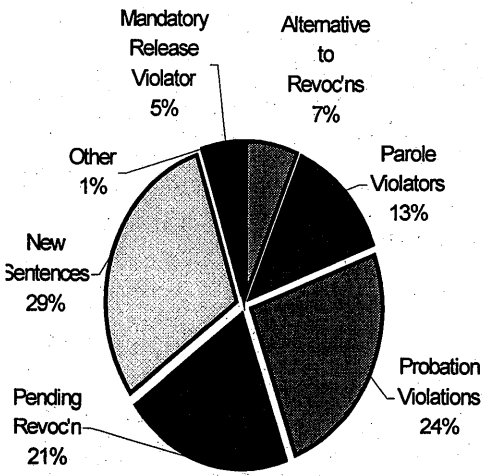
The Revolving Door Approach to Corrections

The average daily population in state custody increased by nearly 280% in the last decade, and now stands at over 18,000 inmates. Wisconsin is adding over 1,800 prison beds to increase institutional capacity by more than 17%. Even with this increase, Wisconsin will have more than 10,000 prisoners above the rated capacity of state facilities in 2001. Over 7,500 inmates will be housed in contract beds in Wisconsin or out of state, and the remainder placed in state facilities operating at 130% capacity. In 2001 the cost of contracted beds will be \$130 million, more than doubling these costs in just two years. Many observers predict that populations will grow even faster in a few years, after the new "Truth in Sentencing" law takes effect.

Where are all the inmates coming from, and what is the solution to this burgeoning growth? In short, the increased commitments come primarily from released prisoners who have "failed" their probation or parole. A solution that could reduce these costs and increase public safety is to improve the supervision of offenders on parole and probation.

Corrections Spending from Three Perspectives

Admissions to State Prisons 1998



As the chart at left shows, only 30% of admissions to prison in 1998 were for newly convicted inmates—the vast majority of prisoners were committed for parole and probation violations. Governor Thompson has said we should build no new prisons. Yet these stark numbers show that, unless high recidivism rates are addressed, prison populations will continue to climb.

Former DOC Director and now UW Law Professor Walter Dickey asserts that better community corrections would be cheaper than building more prison beds, but more importantly would improve public safety—which after all is a primary goal of the corrections system. Experiments in Dane and Racine counties have shown that intensive community supervision programs can reduce recidivism significantly. Preliminary statistics show program “drop-outs” (losing contact with probation officers) at one-tenth the normal rate.

This more intensive approach, better job training and other programs might initially require doubling the parole and probation (P&P)

budget to properly supervise offenders in a community setting. The number of individuals in P&P programs stands at over 65,000. Each state P&P officer has a caseload of nearly 60 offenders. The ratio of DOC spending on incarceration to P&P currently is roughly 4:1, or \$388 million to \$91 million. Reducing recidivism by 50% would pay for itself within about two years in reduced prison costs. The new P&P costs would fall in future years as the number of released offenders declines.

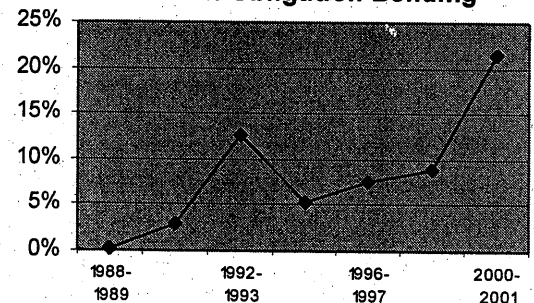
The Hidden Costs of Prison Construction and Bonding

While the public focuses on the biennial budget, one aspect of state spending normally is nearly invisible—the building program. The Joint Finance Committee amended the state building commission recommendations to approve \$744 million in new building projects in the next biennium. \$653 million of new bonding authority would finance the projects, of which \$563 million is new general obligation (G.O.) bonding.

Additions to corrections facilities constitute a large and growing part of the capital budget. The Finance Committee approved \$128 million in new corrections projects, and \$120 million in new general obligation bonding authority. The chart at right shows the growing share of G.O. bonding authority absorbed by corrections.

Even when public figures or the media discuss the building program, however, the annual financing costs of state bonding often are ignored. The budget calls for over \$100 million in debt repayment for DOC in the next biennium. This annual cost for principal and interest will only climb further as the newer corrections facilities come on the repayment schedule.

Corrections' Share of Total General Obligation Bonding



The Bottom Line: Doing it Better, Cheaper

Too often in the 1990s, the political climate has effectively silenced voices calling for fiscal restraint on corrections spending—even when spending less might mean greater public safety. Crime rates have fallen throughout the decade, but the ideology of crime fighting has kept Wisconsin taxpayers in the halter.

ECONOMIC DEVELOPMENT, HOUSING AND GOVERNMENT RELATIONS

State Senate Committee Hearing, September 2, 1999

Senator Robert Wirch, Chair

Senate Bill 112, Fiscal Notes for Penalty Enhancing Legislation

Dear Senator Wirch and Committee Members,

Thank you for receiving testimony on S. B. 112, concerning fiscal notes on penalty enhancing legislation. I am Rev. Sue Moline Larson, director of the Lutheran Office for Public Policy in Wisconsin, the legislative advocacy office of the six synods of the Evangelical Lutheran Church in America with congregations in Wisconsin. I speak in favor of S.B. 112.

This bill is very important in light of the current situation of corrections in Wisconsin. With the explosion in numbers of the incarcerated in the state, resulting in nearly a 20% increase in request for funding from the Department of Corrections, every piece of legislation that puts more people behind bars or keeps them there longer must be evaluated by a number of criteria, beginning with cost. That such bills are not subject to fiscal analysis is unusual and has the effect of creating bias in favor of measures that are both unproductive and punitive. This exception has encouraged legislators to create multiple new crimes, and to lengthen sentences for existing crimes without having to address underlying causes of crime or the consequences of failing to prepare prisoners for release back to their communities.

As a result, Wisconsin now sends more people to prison each month than any state in the nation. Since 1993, the state prison population has more than doubled, from 8,000 inmates to nearly 18,000, and the prison budget has increased ten-fold, from \$90 M to nearly \$900 M for the biennium. These numbers are overwhelming - a change in policy is critical to make them reverse. Overcrowding in the prison system has resulted in warehousing without rehabilitating, that has created a spiraling pattern of release, reoffense and reincarceration, wasting public dollars and squandering human lives.

The hidden facts behind locking people up is that most need other services. Penalty enhancers do not address the fact that 80% of inmates are affected by alcohol or drugs addiction, and many also need mental health services besides substance abuse treatment. The failure to provide fiscal evaluations for such legislation allows legislators to avoid the realities that at least 15 to 20% of the prison population needs psychiatric care. Releasing inmates without mental health supervision, or drug or alcohol treatment almost guarantees reoffense and it actually maintains the market for illegal drugs for addicts and those who self-medicate for untreated mental distress.

Increasingly, poor public policy decisions create added stress for local police and corrections staff, and fail to promote genuine measures for community safety. If finally requiring fiscal notes on penalty enhancing legislation will help stymie counterproductive and irresponsible initiatives, than it is a positive step for this committee and the entire legislature to take.

The Evangelical Lutheran Church in America's social statement on "Christian Faith and U.S. Life Today" states in its conclusion that:

"we need to remember that the partiality of our limited perspectives cloud all our judgments. That is why, in our pursuit of justice, we must continually question policies that are quick, easy, and therefore, probably inadequate.... That is also why we must continually scrutinize and seek reform of government policies and practices." "We are able to recognize short-term, politically expedient appeals, and are encouraged in what are necessarily long-term political struggles."

The ELCA social statement, "The Death Penalty," states that: "As a church organized for mission:

- we call for an ongoing reform of the criminal justice system, seeking means of incapacitation that protect citizens while limiting violence and holding open the possibilities for conversion and restoration, and for education for future responsible citizenship in society."

The public's concern about how to treat offenders and maintain public safety is not best addressed by tougher sentences and creation of new crimes. Better answers are community supervision, education and prevention programs for all ages, and adequate health and abuse treatment options. The stewardship of public dollars is also a stewardship of human lives, and must be included in this debate.

Thank you.

Rev. Sue Moline Larson, director
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608-255-7399, 608-255-7395, slarson@itis.com