

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/28/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Shirley Krug (608) 266-5813

By/Representing: Daniel

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

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

Extra Copies: rac
rpn

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Correctional fiscal estimates and corrections reserve fund

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 06/28/2001	wjackson 06/28/2001		_____			
/1			pgreensl 06/28/2001	_____	lrb_docadmin 06/28/2001	lrb_docadmin 06/28/2001	

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/?	mdsida 06/28/2001	lrb_editor 1 WJ 6/28	6/28	6/28			
FE Sent For:			p8	PO/BENT			
				<END>			

2001

Date (time) needed _____

LRB b 1867, 1

BUDGET AMENDMENT

mgd: WLj: _____

See form AMENDMENTS — COMPONENTS & ITEMS.

D-Note

A & AMENDMENT TO ASA 1
TO 2001 AB 144 OR 2001 SB 55

Substitute amendment

At the locations indicated, amend the bill as follows:

↓ #. Page 7, line 4: after that line insert
Insert A →

↓ #. Page 198, line 2: after that line insert
Insert B →

↓ #. Page 198, line 3: after that line insert
INS C →

↓ #. Page 200, line 1: after that line insert
INS D →

↓ #. Page 280, line 6: after that line insert
INS E →

↓ #. Page 350, line 17: after that line insert:
INS F →

2001

Date (time) needed _____

LRB b _____ / _____

BUDGET AMENDMENT

_____ : _____ : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

A S AMENDMENT TO 2001 AB 144 OR 2001 SB 55

At the locations indicated, amend the bill as follows:

#. Page ⁴⁷⁵....., line ²³.....: *after that line insert* ↕

INS M

~~#. Page....., line.....:~~

~~#. Page....., line.....:~~

~~#. Page....., line.....:~~

~~#. Page....., line.....:~~

~~#. Page....., line.....:~~

BILL

voted on by either house of the legislature unless the provisions of the amendment that require a correctional fiscal estimate are identical to the provisions of an introduced bill for which a correctional fiscal estimate has been prepared.

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

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

97c

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

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

97c

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

97g

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

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

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BILL**SECTION 3**

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

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

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

INS A

BILL

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

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

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

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

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

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SECTION 3

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

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

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

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

	2001-02	2002-03
22		
23	20.410 Corrections, department of	
24	(1) ADULT CORRECTIONAL SERVICES	

BILL

~~2001-02~~ ~~2002-03~~

Insert B	1	↘(qd)	Principal repayment, interest					
	2		and rebates ✓	SEG	A	-0-	-0-	
	3	(qg)	General operations costs ✓	SEG	A	-0-	-0-	✓/0
Insert C	4	↘(qr)	Operating costs for community					
	5		corrections ✓	SEG	A	-0-	-0-	✓/0
	6	(8)	JUVENILE CORRECTIONAL SERVICES					
Insert D	7	↘(qg)	Principal repayment and inter-					
	8		est costs	SEG	A	-0-	-0-	
	9	(qr)	General operations costs	SEG	A	-0-	-0-	✓/0
	10		20.855 Miscellaneous appropriations					
	11	(4)	TAX ASSISTANCE AND TRANSFER PAYMENTS					
Insert E	12	↘(em)	Corrections special reserve fund					
	13		contribution ⑧	GPR	A	-0-	-0-	✓/0
Insert F	14	↘	SECTION 5 ^{677m} 20.410 (1) (e) of the statutes is amended to read:					
	15		20.410 (1) (e) <i>Principal repayment and interest.</i> A sum sufficient to reimburse					
	16		s. 20.866 (1) (u) for the payment of principal and interest costs <u>that are</u> incurred in					
	17		financing the acquisition, construction, development, enlargement, or improvement					
	18		of correctional facilities <u>and that are not reimbursed under par. (qd).</u> ✓/0					
INS G	19	↘	SECTION 6 ^{682m} 20.410 (1) (qd) of the statutes is created to read:					
	20		20.410 (1) (qd) <i>Principal repayment, interest, and rebates.</i> 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					

BILL

SECTION 6

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 ^{682t} SECTION 7. 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 ^{682x} SECTION 8. 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 ^{684g} ✓ SECTION 9. 20.410 (3) (e) of the statutes is amended to read:

16 20.410 (3) (e) *Principal repayment and interest.* A sum sufficient to reimburse
17 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in
18 financing the acquisition, construction, development, enlargement, or improvement
19 of the department's juvenile correctional facilities and that are not reimbursed under

20 par. (qg). ✓ ^{687d} ✓ SECTION 10. 20.410 (3) (qg) of the statutes is created to read:

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

3 SECTION ^{687A}11. 20.410 (3) (qr) of the statutes is created to read:

4 20.410 (3) (qr) *General operations costs.* From the corrections special reserve
5 fund, the amounts in the schedule to operate the department's juvenile correctional
6 institutions and to provide field services and administrative services.

7 SECTION ^{687k}12. 20.435 (3) (q) of the statutes is created to read:

8 20.435 (3) (q) *Child abuse prevention.* From the corrections special reserve
9 fund, a sum sufficient equal to the net earnings on the moneys in the corrections
10 special reserve fund, as determined under s. 25.14 (3), less any amounts assessed
11 against the fund under s. 25.187 (2), for the purpose of funding child abuse
12 prevention efforts. Moneys appropriated under this appropriation may not be used
13 to supplant or divert other sources of funding for child abuse prevention efforts. ✓

14 SECTION ^{936e}13. 20.855 (4) (em) of the statutes is created to read:

15 20.855 (4) (em) *Corrections special reserve fund contribution.* The amounts in
16 the schedule for transfer to the corrections special reserve fund under s. 25.71. ✓

17 SECTION 14. 20.866 (1) (u) of the statutes, ~~as affected by 1999 Wisconsin Act~~
18 ~~136,~~ is amended to read:

19 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
20 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
21 (c), (d), (i), and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e), and (5) (e), 20.250
22 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h), and (hb), 20.285 (1) (d), (db), (fh), (ih),
23 (kd), and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag),
24 (aq), (ar), (at), (ba), (ca), (cb), (ce), (cd), (ee), (cf), (ea), (eq), and (er), 20.395 (6) (af), (aq),
25 and (ar), 20.410 (1) (e), (ec) and (ko), and (qd) and (3) (e) and (gg), ~~20.435 (2) (ee) and~~

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SECTION 14

1 (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (g), (3) (t) and (4) (qm), 20.505 (5) (c), (g), and
2 (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i), and
3 (q) for the payment of principal and interest on public debt contracted under subchs.

4 ~~and IV of ch. 18.~~ ^{1104s}

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

6 25.17 (1) (bm) Corrections special reserve fund (s. 25.71); ^{1104d}

7 ~~SECTION 16.~~ 25.71 of the statutes is created to read:

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


- 12 (a) Debt payments for the department of corrections under s. 20.410 (1) (qd) and
- 13 (3) (qg).
- 14 (b) Operation costs for the department of corrections.
- 15 (c) Community corrections programs.
- 16 (d) Funding for child abuse prevention programs administered by the
- 17 department of health and family services.

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

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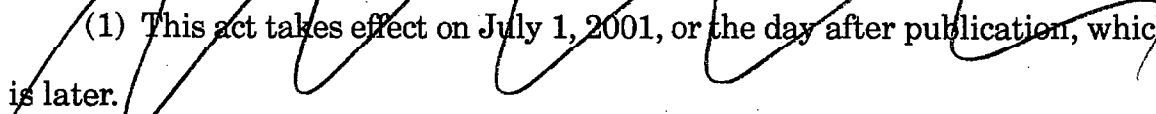
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(3) All net earnings on the money in the fund, as determined under s. 25.14 (3), less any amounts assessed against the fund under s. 25.187 (2), shall be used for the purpose of funding child abuse prevention efforts under s. 20.435 (3) (q). 

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SECTION 17. Effective date.

(1) This act takes effect on July 1, 2001, or the day after publication, whichever is later. 

(END) 

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

LBB-2167/1dn
RAC:wlj/6/1

February 19, 2001

M6D
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Representative Krug:

This bill creates a rule of procedure under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision, and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Also, please note that for this draft ^Iwe have included appropriations that specify "\$-0-" for expenditure in fiscal years 2001-02 and 2002-03. If you want to include dollar amounts in the proposal, please let ^{us} know, ~~and we will either redraft the proposal or draft an amendment, whichever is appropriate.~~

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1867/1dn
MGD:wlj:pg

June 28, 2001

Representative Krug:

This bill creates a rule of procedure under article IV, section 8, of the constitution. The Wisconsin supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363–369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision, and this provision does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Also, please note that for this draft I have included appropriations that specify “\$–0–” for expenditure in fiscal years 2001–02 and 2002–03. If you want to include dollar amounts in the proposal, please let me know.

Michael Dsida
Legislative Attorney
Phone: (608) 266–9867