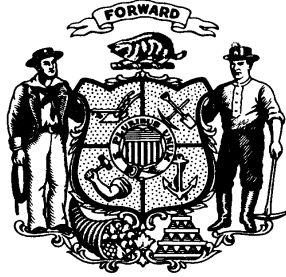


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November 23, 2010

Representative Jeff Fitzgerald
Assembly Speaker-Elect
Room 201 West
State Capitol
Madison, WI 53708

Senator Michael Ellis
Senate President-Elect
Room 7 South
State Capitol
Madison, WI 53708

Dear Representative Fitzgerald and Senator Ellis:

I am writing on behalf of the Joint Legislative Council's Special Committee on Criminal Justice Funding and Strategies to encourage the Legislature to amend its Joint Rules to conform to statutory changes requiring fiscal estimates for legislation involving criminal penalty provisions. The Special Committee is directed to study funding of the criminal justice system and strategies for implementation of effective court programs, collaboration between the components of the criminal justice system, and adequate and sustainable revenue sources.

Current law requires a fiscal estimate for any bill making an appropriation, any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues, or any bill modifying an existing surcharge or creating a surcharge imposed under ch. 814. [s. 13.093 (2) (a), Stats.] Prior to 2001, the statute exempted bills containing penalty provisions from the requirement for a fiscal estimate. The exemption was eliminated by 2001 Wisconsin Act 16, the executive budget act. However, the legislative rules were never modified to implement this change in the law, and Joint Rule 41 (2) (b) currently exempts bills containing a penalty provision from the requirement for a fiscal estimate.

We ask that you please consider amending Joint Rule 41 to eliminate the exemption for bills containing penalty provisions. Eliminating the exemption will make bills containing penalty provisions subject to the requirement for a fiscal estimate and will provide the Legislature with fiscal impact information valuable for legislative deliberations.

Thank you for your consideration of this request.

Sincerely,

Senator Lena Taylor, Chair
Special Committee on Criminal Justice
Funding and Strategies

LT:ty

cc: Representative Peter Barca, Assembly Minority Leader-Elect
Senator Scott Fitzgerald, Senate Majority Leader-Elect
Senator Mark Miller, Senate Minority Leader-Elect

DRAFT