



**ASSEMBLY AMENDMENT 115,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives KRUG, SHERMAN, COLON, COGGS, LASSA, BALOW, PLOUFF, RYBA, BOCK, BOYLE, POCAN, HEBL, RICHARDS, BERCEAU and MILLER.

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

2 **1.** Page 7, line 4: after that line insert:

3 **“SECTION 97c.** 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 that appropriate~~ money, ~~providing that provide~~ for revenue, or
6 ~~relating that relate~~ to taxation or that require a correctional fiscal estimate under
7 sub. (3) shall be referred to the joint committee on finance before being passed.

8 **SECTION 97e.** 13.093 (2) (c) of the statutes is repealed.

9 **SECTION 97g.** 13.093 (3) and (4) of the statutes are created to read:

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

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

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

1 fiscal bureau within 5 working days after the departments or agencies receive a copy
2 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 **7.** Page 351, line 11: after that line insert:

2 “**SECTION 682m.** 20.410 (1) (qd) of the statutes is created to read:

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

10 **SECTION 682t.** 20.410 (1) (qg) of the statutes is created to read:

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

14 **SECTION 682x.** 20.410 (1) (qr) of the statutes is created to read:

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

21 **8.** Page 351, line 16: after that line insert:

22 “**SECTION 684q.** 20.410 (3) (e) of the statutes is amended to read:

23 20.410 (3) (e) *Principal repayment and interest.* A sum sufficient to reimburse
24 s. 20.866 (1) (u) for the payment of principal and interest costs that are incurred in

1 financing the acquisition, construction, development, enlargement, or improvement
2 of the department's juvenile correctional facilities and that are not reimbursed under
3 par. (qg).”.

4 **9.** Page 351, line 24: after that line insert:

5 “**SECTION 687d.** 20.410 (3) (qg) of the statutes is created to read:

6 20.410 (3) (qg) *Principal repayment and interest costs.* 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 juvenile correctional
10 facilities.

11 **SECTION 687f.** 20.410 (3) (qr) of the statutes is created to read:

12 20.410 (3) (qr) *General operations costs.* From the corrections special reserve
13 fund, the amounts in the schedule to operate the department's juvenile correctional
14 institutions and to provide field services and administrative services.

15 **SECTION 687k.** 20.435 (3) (q) of the statutes is created to read:

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

22 **10.** Page 407, line 2: after that line insert:

23 “**SECTION 936e.** 20.855 (4) (em) of the statutes is created to read:

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

3 **11.** Page 414, line 7: delete that line and substitute “(eq), and (er), 20.395 (6)
4 (af), (aq), and (ar), 20.410 (1) (e), (ec) ~~and~~, (ko), and (qd) and (3) (e) and (qg).”.

5 **12.** Page 468, line 19: after that line insert:

6 “**SECTION 1104s.** 25.17 (1) (bm) of the statutes is created to read:

7 25.17 (1) (bm) *Corrections special reserve fund* (s. 25.71);”.

8 **13.** Page 475, line 23 after that line insert:

9 “**SECTION 1141d.** 25.71 of the statutes is created to read:

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

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

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

17 (c) Community corrections programs.

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

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

1 obligations incurred in financing such facilities. After all such costs have been paid,
2 the moneys may be used for operating costs of the department of corrections and
3 community corrections programs.

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

7 **(END)**