



## 1995 ASSEMBLY BILL 904

February 21, 1996 - Introduced by Representatives PLOMBON, L. YOUNG, R. YOUNG and BALDWIN. Referred to Committee on Assembly Organization.

1     **AN ACT to amend** 13.08 (2), 13.123 (1) (a) 1., 20.916 (8) (a), 20.917 (3) (a) 1. and  
2             20.923 (1) and (2) (a) and (b); and **to create** 20.923 (2) (k) of the statutes;  
3             **relating to:** the salary-setting procedure and the rates of expense allowances  
4             for members of the legislature.

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### *Analysis by the Legislative Reference Bureau*

Currently, the salaries of members of the legislature are fixed upon recommendation of the secretary of employment relations and approval of the joint committee on employment relations (JCOER) in the same manner that salaries for nonrepresented employes in the state classified service are established except that the salaries are fixed without reference to any salary range.

Under this bill, any proposal to adjust the salaries of members of the legislature to a level greater than the level in effect on the day the bill becomes law, multiplied by 1.0 plus the cumulative rate of increase in the state minimum wage since the day the bill becomes law, must be submitted by JCOER to the legislature in the form of a bill. For such an adjustment to become effective, the bill must be enacted. If at any time JCOER is permitted to approve a salary adjustment for members of the legislature and a bill providing for a salary adjustment to a level greater than the level permitted under the bill is submitted by JCOER and is not enacted, a salary adjustment to the maximum level permitted without enactment of the bill becomes effective for members of the legislature at the beginning of the next legislative session.

Currently, each member of the legislature is entitled to receive an allowance for transportation expenses incurred in going to and from the capitol once each week during the legislative session, which is paid at the same rate for each mile traveled as is provided for other state officers and nonrepresented employes. In addition, each member who must establish a temporary residence at the state capital for the period of any legislative session is entitled to receive an allowance for expenses incurred for

food and lodging for each day that he or she is in Madison on legislative business. A member who does not establish a temporary residence is entitled to receive 50% of the amount of the allowance otherwise payable. The amounts of the allowances are recommended by the secretary of employment relations and approved by JCOER.

The bill fixes the rate of the mileage allowance at 26 cents per mile and the rate of the allowance for food and lodging at \$75 per day for state senators and \$67.50 per day for representatives to the assembly (which are the current rates). Under the bill, any change in the amount of either of these allowances may only be made by an act of the legislature.

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

1           **SECTION 1.** 13.08 (2) of the statutes is amended to read:

2           13.08 (2) All members of the legislature shall be entitled to an allowance for  
3 transportation expenses incurred in going to and returning from the state capitol  
4 once every week during any legislative session, ~~at the same~~ to be paid at the rate of  
5 26 cents per mile for each mile traveled in going to and returning from the state  
6 capitol on the most usual route as is ~~provided for transportation for state officers and~~  
7 ~~employees under s. 20.916.~~ Such allowances shall be paid monthly upon presentation  
8 to the department of administration of a verified written statement containing such  
9 information as the department requires.

10           **SECTION 2.** 13.123 (1) (a) 1. of the statutes is amended to read:

11           13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit  
12 filed with the department of administration, the necessity of establishing a  
13 temporary residence at the state capital for the period of any regular or special  
14 legislative session shall be entitled to an allowance for expenses incurred for food and  
15 lodging for each day that he or she is in Madison on legislative business, but not  
16 including any Saturday or Sunday unless the legislator is in actual attendance on  
17 such day at a session of the legislature or a meeting of a standing committee of which

1 the legislator is a member. The amount of the allowance shall be established under  
2 ~~s. 20.916 (8) \$75 per day for state senators and \$67.50 per day for representatives to~~  
3 ~~the assembly.~~ Each legislator shall file an affidavit with the chief clerk of his or her  
4 house certifying the specific dollar amount within the authorized allowance the  
5 member wishes to receive. Such affidavit, when filed, shall remain in effect for the  
6 biennial session, ~~except that a new affidavit may be filed for any month following an~~  
7 ~~adjustment in the amount of the authorized allowance under s. 20.916 (8).~~

8 **SECTION 3.** 20.916 (8) (a) of the statutes, as affected by 1995 Wisconsin Act 37,  
9 is amended to read:

10 20.916 (8) (a) The secretary of employment relations shall recommend to the  
11 joint committee on employment relations uniform travel schedule amounts for travel  
12 by state officers and employes whose compensation is established under s. 20.923 or  
13 230.12. Such amounts shall include maximum permitted amounts for meal and  
14 lodging costs, special allowance expenses under sub. (9) (d) and portorage tips, except  
15 as authorized under s. 16.53 (12) (c). In lieu of the maximum permitted amounts for  
16 expenses under sub. (9) (b), (c) and (d), the secretary may recommend to the  
17 committee a per diem amount and method of reimbursement for any or all expenses  
18 under sub. (9) (b), (c) and (d). ~~The secretary shall also recommend to the committee~~  
19 ~~the amount of the allowance for legislative expenses under s. 13.123 (1) (a) 1.~~

20 **SECTION 4.** 20.917 (3) (a) 1. of the statutes is amended to read:

21 20.917 (3) (a) 1. Lodging allowances shall be in accordance with the schedule  
22 established by the secretary of employment relations, but may not exceed the rate  
23 ~~established under~~ specified in s. 13.123 (1) (a) 1.

24 **SECTION 5.** 20.923 (1) and (2) (a) and (b) of the statutes are amended to read:

1           20.923 (1) ESTABLISHMENT OF EXECUTIVE SALARY GROUPS. To this end, a  
2 compensation plan consisting of 10 executive salary groups is established in  
3 schedule one of the state compensation plan for the classified service from ranges 18  
4 through 27. No salary range established above salary range 23 may be utilized in  
5 the establishment and compensation of positions in the classified service without  
6 specific approval of the joint committee on employment relations. The dollar value  
7 of the salary range minimum and maximum for each executive salary group shall be  
8 reviewed and established in the same manner as that provided for positions in the  
9 classified service under s. 230.12 (3), except that any proposal that would result in  
10 an increase in the salaries of state senators or representatives to the assembly under  
11 sub. (2) exceeding the maximum amount permitted under sub. (2) (k) shall, in  
12 addition, be prepared in bill form by the joint committee on employment relations  
13 and submitted to a vote of the legislature. No such increase shall take effect until  
14 the bill is enacted. If the joint committee on employment relations is permitted to  
15 approve an increase in the salaries of state senators and representatives to the  
16 assembly under sub. (2) (k) and the committee submits a bill that would result in an  
17 increase in the salaries of state senators or representatives to the assembly  
18 exceeding the maximum amount permitted under sub. (2) (k), and the bill fails  
19 enactment, the salaries of state senators and representatives to the assembly shall  
20 be increased to the maximum amount permitted under sub. (2) (k) commencing with  
21 the beginning of the succeeding legislative session. The salary-setting authority of  
22 individual boards, commissions, elective and appointive officials elsewhere provided  
23 by law is subject to and limited by this section, and the salary rate for these positions  
24 upon appointment and subsequent thereto shall be set by the appointing authority

1 pursuant to this section, except as otherwise required by article IV, section 26, of the  
2 constitution.

3 **(2)** (a) The annual salary for each elected state official position shall be set at  
4 the dollar value for the point of the assigned salary range for its respective executive  
5 salary group specified in this subsection in effect at the time of taking the oath of  
6 office, except as provided in par. (b) and s. 978.12 (1) (a). No adjustment to the salary  
7 of an official enumerated in this subsection is effective until it is authorized under  
8 article IV, section 26, of the constitution and, in the case of a state senator or  
9 representative to the assembly, until it becomes effective under sub. (1).

10 (b) The annual salary of each state senator, representative to the assembly,  
11 justice of the supreme court, court of appeals judge and circuit judge shall be  
12 reviewed and established in the same manner as provided for positions in the  
13 classified service under s. 230.12 (3), except as otherwise provided in sub. (1). The  
14 salary established for the chief justice of the supreme court shall be different than  
15 the salaries established for the associate justices of the supreme court.

16 **SECTION 6.** 20.923 (2) (k) of the statutes is created to read:

17 20.923 **(2)** (k) 1. In this paragraph, “living wage” means the living wage  
18 prescribed under s. 104.02 for nonagricultural, nonprobationary adult employes,  
19 excluding seasonal employes, casual employes, employes performing companionship  
20 services, employes with disabilities or trainees, without deductions for meals,  
21 lodging or tips.

22 2. The maximum amount of the annual salary that may be established for any  
23 state senator or representative to the assembly is the amount of the annual salary  
24 on the effective date of this subdivision ... [revisor inserts date], multiplied by 1.0  
25 plus the cumulative percentage rate of increase in the living wage since the effective

1 date of this subdivision ... [revisor inserts date], or the amount established by any  
2 act of the legislature that is enacted after the effective date of this subdivision ...  
3 [revisor inserts date], whichever is higher.

4 **SECTION 7. Initial applicability.**

5 (1) The treatment of sections 13.08 (2), 13.123 (1) (a) 1., 20.916 (8) (a) and  
6 20.917 (3) (a) 1. of the statutes first applies with respect to allowances paid for the  
7 first month commencing after the effective date of this subsection.

8 (2) The treatment of section 20.923 (1) and (2) (a), (b) and (k) of the statutes  
9 first applies commencing with the changes made in the salary rate for senators or  
10 representatives to the assembly made under sections 20.923 (1) and 230.12 (3) of the  
11 statutes on the effective date of this subsection.

12 (END)